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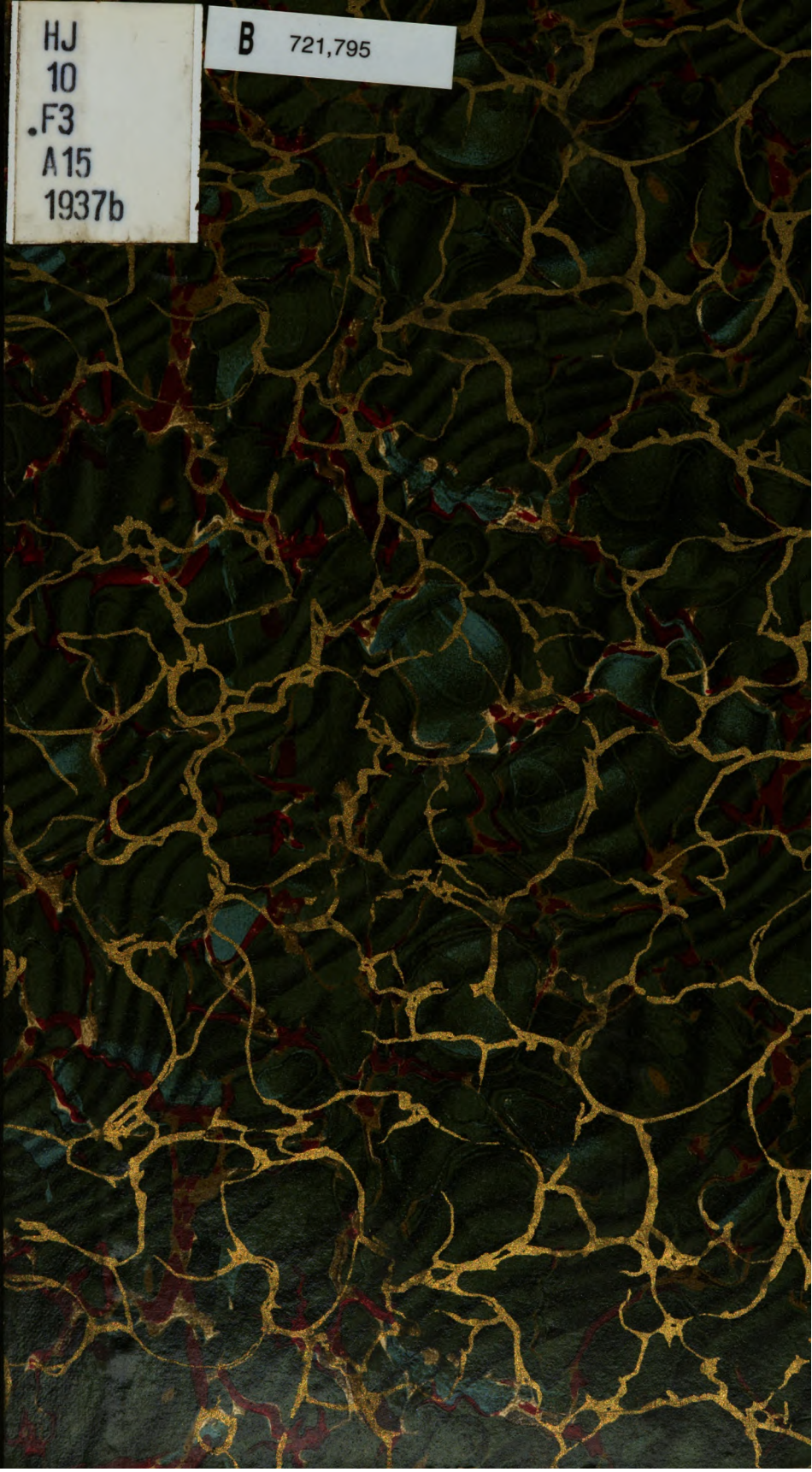
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TAXATION OF MARIHUANA

HEARINGS

BEFORE THE

U. S. Congress, House.

COMMITTEE ON WAYS AND MEANS

HOUSE OF REPRESENTATIVES

SEVENTY-FIFTH CONGRESS

FIRST SESSION

ON

H. R. 6385

APRIL 27, 28, 29, 30, AND MAY 4, 1937

UNITED STATES
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TAXATION OF MARIHUANA

TUESDAY, APRIL 27, 1937

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Robert L. Doughton (chairman) presiding.

The CHAIRMAN. The committee will come to order. The meeting this morning has been called for the purpose of considering H. R. 6385, introduced by me on April 14, 1937, a bill "to impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording."

(The bill referred to is as follows:)

[H. R. 6385, 75th Cong., 1st sess.]

A BILL To impose an occupational excise tax upon certain dealers in marihuana, to impose a transfer tax upon certain dealings in marihuana, and to safeguard the revenue therefrom by registry and recording

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act—

(a) The term "person", except as otherwise indicated, means a partnership, association, company, or corporation, as well as a natural person.

(b) The term "marihuana" includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, or any product or manufacture of such stalks, except the resin extracted therefrom and any compound, manufacture, salt, derivative, mixture, or preparation of such resin.

(c) The term "producer" includes any person who (1) plants, grows, cultivates, or in any way facilitates the natural growth of marihuana; (2) harvests and transfers or makes use of marihuana or (3) fails to destroy marihuana within ten days after notice that such marihuana is growing upon land under his control.

(d) The term "Secretary" means the Secretary of the Treasury and the term "collector" means a collector of internal revenue.

(e) The term "transfer" or "transferred" means any type of disposition resulting in a change of possession but shall not include a transfer to a common carrier.

SEC. 2. (a) Every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, prescribes, administers, or gives away marihuana shall (1) within fifteen days after the effective date of this Act, or (2) before engaging after the expiration of such fifteen-day period in any of the above-mentioned activities, and (3) thereafter, on or before July 1 of each year, pay the respective special taxes as hereinafter provided. Where the tax is payable on July 1 of any year it shall be computed for one year; where the tax is payable on any other day, except as hereinafter provided, it shall be computed proportionately from the first day of the month in which the liability for the tax accrued to the following July 1:

(1) Importers, manufacturers, and compounders of marihuana, $50 per year.

(2) Producers of marihuana, $25 per year.

(3) Physicians, dentists, veterinary surgeons, and other practitioners who distribute, dispense, give away, administer, or prescribe marihuana to patients upon whom they in the course of their professional practice are in attendance, $1 per year or fraction thereof during which they engage in any of such activities.

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(4) Any person not registered as an importer, manufacturer, producer, or compounder who obtains and uses marihuana in a laboratory for the purpose of research, instruction, or analysis, $1 per year, or fraction thereof, during which he engages in such activities.

(5) Any person who is not a physician, dentist, veterinary surgeon, or other practitioner and who deals in, dispenses, or gives away marihuana, $15 per year: *Provided*, That any person who has registered and paid the special tax as an importer, manufacturer, compounder, or producer, as required by subdivisions (1) and (2) of this subsection, may deal in, dispense, or give away marihuana imported, manufactured, compounded, or produced by him without further payment of the tax imposed by this section.

(b) In the event that any person subject to a tax imposed by this section engages in any of the activities enumerated in subsection (a) of this section at more than one place, such person shall pay the tax with respect to each such place.

(c) Except as otherwise provided, whenever more than one of the activities enumerated in subsection (a) of this section is carried on by the same person at the same time, such person shall pay the tax for each such activity, according to the respective rates prescribed.

(d) Any person subject to the tax imposed by this section shall, upon payment of such tax, register his name or style and his place or places of business with the collector of the district in which such place or places of business are located. At the time of such registry, or within thirty days thereafter, the registrant shall furnish the collector with an inventory showing the exact quantity and location of any marihuana owned by him or in his possession at such time and, in addition, in the event that such registrant is a producer, the number of acres of land or fraction thereof under his control upon which marihuana is growing, the location of such land, and the estimated yield of such acreage.

(e) Collectors are authorized to furnish, upon written request, to any person a certified copy of the names of any or all persons who may be listed in their respective collection districts as special taxpayers under this section, upon payment of a fee of $1 for each one hundred of such names or fraction thereof upon such copy so requested.

SEC. 3. (a) No employee of any person who has paid the special tax and registered, as required by section 2 of this Act, acting within the scope of his employment, shall be required to register and pay such special tax.

(b) An officer or employee of the United States, any State, county, municipality, Territory, the District of Columbia, or insular possession, who, in the exercise of his official duties, engages in any of the activities enumerated in section 2 of this Act shall not be required to register or pay the special tax, but his right to this exemption shall be evidenced in such manner as the Secretary may by regulations prescribe.

(c) Persons who sell, deal in, exchange, or give away paints or varnishes of which marihuana is an ingredient shall not be required to pay the special tax or register under section 2 in order to carry on any of such activities, but nothing contained in this subsection shall exempt manufacturers or compounders of such commodities of which marihuana is an ingredient from payment of the special tax and registry under section 2.

SEC. 4. (a) It shall be unlawful for any person required to register and pay the special tax under the provisions of section 2 to import, manufacture, produce, compound, sell, deal in, dispense, distribute, prescribe, administer, or give away marihuana without having so registered and paid such tax.

(b) In any suit or proceeding to enforce the liability imposed by this section or section 2, if proof is made that marihuana was at any time growing upon land under the control of the defendant, such proof shall be presumptive evidence that at such time the defendant was a producer and liable under this section as well as under section 2.

SEC. 5. It shall be unlawful for any person who shall not have paid the special tax and registered, as required by section 2, to send, ship, carry, or deliver any marihuana from any State, Territory, the District of Columbia, any insular possession of the United States, or the Canal Zone, into any other State, Territory, the District of Columbia, insular possession of the United States, or the Canal Zone: *Provided*, That nothing contained in this section shall apply to any common carrier engaged in transporting marihuana; or to any employee of any person who shall have registered and paid the special tax as required by section 2 while acting within the scope of his employment; or to any person who shall deliver marihuana which has been prescribed or dispensed by a physician, dentist, veterinary surgeon, or other practitioner registered under section 2, who has been employed to prescribe for the particular patient receiving such marihuana;

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or to any United States, State, county, municipal, District, Territorial, or insular officer or official acting within the scope of his official duties.

SEC. 6. (a) It shall be unlawful for any person, whether or not required to pay a special tax and register under section 2, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

(b) Subject to such regulations as the Secretary may prescribe, nothing contained in this section shall apply—

(1) To a transfer of marihuana to a patient by a physician, dentist, veterinary surgeon, or other practitioner registered under section 2, in the course of his professional practice only: *Provided*, That such physician, dentist, veterinary surgeon, or other practitioner shall keep a record of all such marihuana transferred, showing the amount transferred and the name and address of the patient to whom such marihuana is transferred, and such record shall be kept for a period of two years from the date of the transfer of such marihuana, and subject to inspection as provided in section 11.

(2) To a transfer of marihuana, made in good faith by a dealer to a consumer under and in pursuance of a written prescription issued by a physician, dentist, veterinary surgeon, or other practitioner registered under section 2: *Provided*, That such prescription shall be dated as of the day on which signed and shall be signed by the physician, dentist, veterinary surgeon, or other practitioner who issues the same: *Provided further*, That such dealer shall preserve such prescription for a period of two years from the day on which such prescription is filled so as to be readily accessible for inspection by the officers, agents, employees, and officials mentioned in section 11.

(3) To the sale, exportation, shipment, or delivery of marihuana by any person within the United States, any Territory, the District of Columbia, any of the insular possessions of the United States or the Canal Zone, to any person in any foreign country regulating the entry of marihuana, if such sale, shipment, or delivery of marihuana is made in accordance with such regulations for importation into such foreign country as are prescribed by such foreign country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

(4) To a transfer of marihuana to any officer or employee of the United States Government or of any State, Territorial, District, county, or municipal or insular government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, the Public Health Service, and for Government, State, Territorial, District, county, or municipal or insular hospitals or prisons.

(5) To a transfer of paints or varnishes of which marihuana is an ingredient.

(6) To a transfer of marihuana to any person registered under section 2 as a manufacturer or compounder for use by the vendee as a material in the manufacture or production of, or to be prepared by him as a component part of, paint or varinsh.

(7) To a transfer of any seeds of the plant Cannabis sativa L. to a person, registered as a producer under section 2, for use by such person for the further production of such plant, or to a person, registered under section 2 as a manufacturer, importer, or compounder, for use by such person for the manufacture of oil.

(c) The Secretary shall cause suitable forms to be prepared for the purposes before mentioned and shall cause them to be distributed to collectors for sale. The price at which such forms shall be sold by said collectors shall be fixed by the Secretary, but shall not exceed 2 cents each. Whenever any collector shall sell any of such forms he shall cause the date of sale, the name and business address of the proposed vendor, the name and business address of the purchaser, and the amount of marihuana ordered to be plainly written or stamped thereon before delivering the same.

(d) Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof. The original shall in turn be given by the purchaser thereof to any person who shall, in pursuance thereof, transfer marihuana to him and shall be preserved by such person for a period of two years so as to be readily accessible for inspection by any officer, agent, or employee mentioned in section 11. The copy given to the purchaser by the collector shall be retained by him and preserved for a period of two years so as to be readily accessible to inspection by any officer, agent, or employee mentioned in section 11. The second copy shall be preserved in the records of the collector.

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SEC. 7. (a) There shall be levied, collected, and paid upon all transfers of marihuana which are required by section 6 to be carried out in pursuance of written order forms taxes at the following rates:

(1) Upon each transfer to any person who has paid the special tax and registered under section 2 of this Act, $1 per ounce of marihuana or fraction thereof.

(2) Upon each transfer to any person who has not paid the special tax and registered under section 2 of this Act, $100 per ounce of marihuana or fraction thereof.

(b) Such tax shall be paid by the transferee at the time of securing each order form and shall be in addition to the price of such form. Such transferee shall be liable for the tax imposed by this section but in the event that the transfer is made in violation of section 6 without an order form and without payment of the transfer tax imposed by this section, the transferor shall also be liable for such tax.

(c) Payment of the tax herein provided shall be represented by appropriate stamps to be provided by the Secretary and said stamps shall be affixed by the collector or his representative to the original order form.

(d) All provisions of law relating to the engraving, issuance, sale, accountability, cancelation, and destruction of tax-paid stamps provided for in the internal-revenue laws shall, insofar as applicable and not inconsistent with this Act, be extended and made to apply to stamps provided in this section.

(e) All provisions of law (including penalties) applicable in respect of the taxes imposed by the Act of December 17, 1914 (38 Stat. 785; U. S. C., title 26, secs. 1040–1061, 1383–1391), as amended, shall, insofar as not inconsistent with this Act, be applicable in respect of the taxes imposed by this Act.

SEC. 8. (a) It shall be unlawful for any person who is a transferee required to pay the transfer tax imposed by section 7 to acquire or otherwise obtain any marihuana without having paid such tax; and proof that any person shall have had in his possession any marihauana and shall have failed, after reasonable notice and demand by the collector, to produce the order form required by section 6 to be retained by him, shall be presumptive evidence of guilt under this section and of liability for the tax imposed by section 7.

(b) No liability shall be imposed by virtue of this section upon any duly authorized officer of the Treasury Department engaged in the enforcement of this Act or upon any duly authorized officer of any State, or Territory, or of any organized municipality therein, or the District of Columbia, or of any insular possession of the United States, who shall be engaged in the enforcement of any law or municipal ordinance dealing with the production, sale, prescribing, dispensing, dealing in, or distributing of marihuana.

SEC. 9. (a) Any marihuana which has been imported, manufactured, compounded, transferred, or produced in violation of any of the provisions of this Act shall be subject to seizure and forfeiture and, except as inconsistent with the provisions of this Act, all the provisions of internal-revenue laws relating to searches, seizures, and forfeitures are extended to include marihuana.

(b) Any marihuana which may be seized by the United States Government from any person or persons charged with any violation of this Act shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States. Any marihuana seized or coming into the possession of the United States in the enforcement of this Act, the owner or owners of which are unknown, shall be confiscated by and forfeited to the United States. The Secretary is hereby authorized to order the destruction of any marihuana confiscated by and forfeited to the United States under this section or to deliver such marihuana to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as may be prescribed by the Secretary.

SEC. 10. (a) Every person liable to any tax imposed by this Act shall keep such books and records, render under oath such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe.

(b) Any person who shall be registered under the provisions of section 2 in any internal-revenue district shall, whenever required so to do by the collector of the district, render to the collector a true and correct statement or return, verified by affidavits, setting forth the quantity of marihuana received or harvested by him during such period immediately preceding the demand of the collector, not exceeding three months, as the said collector may fix and determine. If such person is

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not solely a producer, he shall set forth in such statement or return the names of the persons from whom said marihuana was received, the quantity in each instance received from such persons, and the date when received.

SEC. 11. The order forms and copies thereof and the prescriptions and records required to be preserved under the provisions of section 6, and the statements or returns filed in the office of the collector of the district under the provisions of section 10 (b) shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose, and such officers of any State, or Territory, or of any organized municipality therein, or the District of Columbia, or of any insular possessions of the United States as shall be charged with the enforcement of any law or municipal ordinance regulating the production, sale, prescribing, dispensing, dealing in, or distributing of marihuana. Each collector shall be authorized to furnish, upon written request, copies of any of the said statements or returns filed in his office to any of such officials of any State or Territory, or organized municipality therein, or the District of Columbia, or any insular possession of the United States as shall be entitled to inspect the said statements or returns filed in the office of the said collector, upon the payment of a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested.

SEC. 12. (a) Any person who is convicted of a violation of any provision of this Act shall be fined not more than $2,000 or imprisoned not more than five years, or both, in the discretion of the court.

(b) The term "person" as used in this section includes not only a natural person, a partnership, an association, a company, or a corporation, but also an officer or employee of a corporation, association, or company, or a member or employee of a partnership who, as such officer, employee, or member, is under a duty to perform the act in respect of which the violation occurs.

SEC. 13. It shall not be necessary to negative any exemptions set forth in this Act in any complaint, information, indictment, or other writ or proceeding laid or brought under this Act and the burden of proof of any such exemption shall be upon the defendant. The burden of proof as to registry under section 2, and, except as provided by section 8, as to recording under section 6, shall also be upon the defendant.

SEC. 14. The Secretary is authorized to make, prescribe, and publish all needful rules and regulations for carrying out the provisions of this Act and to confer or impose any of the rights, privileges, powers, and duties conferred or imposed upon him by this Act upon such officers or employees of the Treasury Department as he shall designate or appoint.

SEC. 15. The provisions of this Act shall apply to the United States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the Canal Zone, and the insular possessions of the United States, except the Philippine Islands. In Puerto Rico the administration of this Act, the collection of the special taxes and transfer taxes, and the issuance of the order forms provided for in section 6 shall be performed by the appropriate internal-revenue officers of that government, and all revenues collected under this Act in Puerto Rico shall accrue intact to the general government thereof. The President is hereby authorized and directed to issue such Executive orders as will carry into effect in the Canal Zone and the Virgin Islands the intent and purpose of this Act by providing for the registration with appropriate officers and the imposition of the special and transfer taxes upon all persons in the Canal Zone and the Virgin Islands who import, manufacture, produce, compound, sell, deal in, dispense, prescribe, administer, or give away marihuana.

SEC. 16. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 17. This Act shall take effect on the first day of the second month after the month during which it is enacted.

SEC. 18. This Act may be cited as the "Marihuana Tax Act of 1937."

The CHAIRMAN. This bill was introduced by me at the request of the Secretary of the Treasury. Representatives of the Treasury Department are here this morning to explain the bill.

Mr. Hester, assistant general counsel for the Treasury Department, will be the first witness to be heard in behalf of the proposed legislation.

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STATEMENT OF CLINTON M. HESTER, ASSISTANT GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY; AND S. G. TIPTON, OFFICE OF GENERAL COUNSEL

Mr. HESTER. Mr. Chairman and members of the Ways and Means Committee, for the past 2 years the Treasury Department has been making a study of the subject of marihuana, a drug which is found in the flowering tops, seeds, and leaves of Indian hemp, and is now being used extensively by high-school children in cigarettes. Its effect is deadly.

I would like to say at this point that we have with us this morning Commissioner Anslinger, of the Bureau of Narcotics, who has had charge of the enforcement of the Harrison Narcotic Act, and who will have charge of the enforcement of this act, if this bill is enacted into law. We also have with us a pharmocologist who is prepared to testify as to the effect of the drug on human beings. We also have an expert chemist, and one of the outstanding botanists in the country, who are prepared to testify with reference to the bill, if you desire to hear them.

The leading newspapers of the United States have recognized the seriousness of this problem and many of them have advocated Federal legislation to control the traffic in marihuana. In fact, several newspapers in the city of Washington have advocated such legislation. In a recent editorial, the Washington Times stated:

> The marihuana cigaret is one of the most insidious of all forms of dope, largely because of the failure of the public to understand its fatal qualities.
> The Nation is almost defenseless against it, having no Federal laws to cope with it and virtually no organized campaign for combatting it.
> The result is tragic.
> School children are the prey of peddlers who infest school neighborhoods.
> High-school boys and girls buy the destructive weed without knowledge of its capacity for harm, and conscienceless dealers sell it with impunity.
> This is a national problem, and it must have national attention.
> The fatal marihuana cigarette must be recognized as a deadly drug and American children must be protected against it.

As recently as the 17th of this month, there appeared in the editorial columns of the Washington Post an editorial on this subject, advocating the speedy enactment by Congress of the very bill introduced by Chairman Doughton, and now before this committee for consideration. In its concluding paragraph, that editorial stated:

> With a Federal law on the books a more ambitious attack can be launched. It is time to wipe out the evil before its potentialities for national degeneracy become more apparent. The legislation just introduced in Congress by Representative Doughton would further this end. Its speedy passage is desirable.

In an editorial on this subject appearing in its editorial columns of April 10, 1937, the Washington Herald quoted the Journal of the American Medical Association, in part, as follows:

> The problems of greatest menace in the United States seem to be the rise in use of Indian hemp (marihuana) with inadequate control laws.

A cartoon unusually illustrative of the insidiousness of the illicit traffic in marihuana appeared in the Washington Herald of April 15, under the title "Another Pied Piper." The cartoon pictured the Pied Piper in the form of a marihuana cigarette, marching down a road described as "The Dope Habit", playing his pipe and being followed by a group of children portrayed as "Our High School Youth."

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Apropos the seriousness of the problem which H. R. 6385 is designed to correct, is a statement made by Commissioner Anslinger of the Bureau of Narcotics, before a House judiciary subcommittee on Friday of last week. In the course of his testimony in support of two bills, which, like H. R. 6385, are designed to aid the Federal Government in its fight to stamp out the illicit traffic in narcotic drugs, Mr. Anslinger made the statement, supported by statistics of the Department of Justice, that the major criminal in the United States is the drug addict; that of all the offenses committed against the laws of this country, the narcotic addict is the most frequent offender.

The purpose of H. R. 6385 is to employ the Federal taxing power not only to raise revenue from the marihuana traffic, but also to discourage the current and widespread undesirable use of marihuana by smokers and drug addicts and thus drive the traffic into channels where the plant will be put to valuable industrial, medical, and scientific uses. In accomplishing this general purpose two objectives should dictate the form of the proposed legislation: First, the development of a scheme of taxation which would raise revenue and which would also render virtually impossible the acquisition of marihuana by persons who would put it to illicit uses without unduly interfering with the use of the plant for industrial, medical, and scientific purposes; and, second, the development of an adequate means of publicizing dealings in marihuana in order that the traffic may be effectively taxed and controlled.

The Harrison Narcotics Act (U. S. C., title 26, sec. 1040–1054, 1383–1391), was designed to accomplish these same general objectives with reference to opium and coca leaves and their derivatives. That act required all legitimate handlers of narcotics to register, pay an occupational tax, and file information returns setting forth the details surrounding their use of the drugs. It further provided that no transfer of narcotics (with a few exceptions, notably by practitioners in their bona-fide practice and druggists who dispense on prescription) could be made except upon written order forms. Since it was also provided that no one except registered persons could legally acquire these order forms and since illicit consumers were not eligible to register, the order-form requirement serves the double purpose of publicizing transfers of narcotics and restricting them to legitimate users.

The same objectives impelled Congress to enact the National Firearms Act (U. S. C., title 26, sec. 1132–1132q). In that act, in order to accomplish them, it was provided that all manufacturers, dealers and importers of firearms should register and pay special taxes ranging from $200 to $500 a year. It was further provided that firearms could not be transferred except in pursuance of a written order form and upon payment of a $200 tax for each transfer, transfers to law enforcement officers being excepted. Thus, provision was made for publicizing dealings in firearms and for restricting their use to those persons who would have legitimate use for them.

The proposed marihuana bill is something of a synthesis of both of these statutes. It provides that all manufacturers, compounders, importers, producers, dealers, laboratory users, and practitioners must register and pay a special occupational tax ranging from $1 for practitioners and scientific users to $50 for importers, compounders, and manufacturers. The filing of information returns is also required in order to publicize the dealings in the plant. As an additional means of

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bringing the marihuana traffic out into the open, the bill also makes it illegal, with certain exceptions, to transfer marihuana except in pursuance of a written order form setting forth the facts surrounding the transaction. Substantial criminal penalties are imposed for violating the order form or registry provisions of this bill.

In order to raise additional revenue and to stamp out transfers to persons who wou d use marihuana for undesirable purposes, it is further required that on any transfer which is required to be made in pursuance of an order form a transfer tax shall be imposed. This tax will be at the comparatively low rate of $1 per ounce, or fraction thereof, for transfers to registered persons, but at the rate of $100 per ounce, or fraction thereof, on transfers to persons who have not registered and paid the special occupational tax whether or not they are required to register and pay the tax. It is made a criminal offense to acquire marihuana without having paid the transfer tax, when payment of such tax is required. Since those who would consume marihuana are not eligible to register under the bill, and since the $100 tax on unregistered persons is designed to be prohibitive, such persons cou'd not acquire marihuana.

The form of the bill is such, however, as not to interfere materially with any industrial, medical, or scientific uses which the plant may have. Since hemp fiber and articles manufactured therefrom are obtained from the harmless mature stalk of the plant, all such products have been completely eliminated from the purview of the bill by defining the term "marihuana" in the bill, so as to exclude from its provisions the mature stalk and its compounds or manufacturers. There are also some dealings in marihuana seeds for planting purposes and for use in the manufacture of oil which is ultimately employed by the paint and varnish industry. As the seeds, unlike the mature stalk, contain the drug, the same complete exemption could not be applied in this instance. But this type of transaction, as well as any transfer of completed paint or varnish products, has been exempted from transfer tax. Any negligible medical use which marihuana may have will also be left largely unrestricted by this bill.

It is provided, as in the Harrison Act, that dispensations by registered practitioners in the course of their professional practice and transfers made in good faith by druggists in pursuant of a written prescription issued by a registered practitioner shall be exempt from the order-form provisions and from the transfer tax. Moreover, we are informed by authorities in the Public Health Service that there is no real medical use for the drug marihuana for the reason that its effect on human beings is so variable and also because there are better subst tutes.

The heart of this bill is contained in sections 2, 6, and 7. Section 2 imposes an occupational excise tax in the case of (1) importers, manufacturers, and compounders of marihuana, $50 per year; (2) producers of marihuana, $25 per year; (3) physicians, dentists, veterinary surgeons and other practitioners, $1 per year; (4) persons who use marihuana for research, instruction or analysis, $1 per year; (5) dealers, $15 per year.

Upon payment of the tax, the taxpayer is required to register with the collector. These occupational taxes and registration provisions are similar to those imposed by the Harrison Narcotic Act and the National Firearms Act. The constitutionality of such provisions in

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the Harrison Narcotic Act was sustained by the Supreme Court in *Doremus* v. *United States* (249 U. S. 86), and on the 29th of March of this year, the Supreme Court sustained the validity of the similar occupational taxes and registration provisions imposed by the National Firearms Act in the case of *Sonzinsky* v. *United States* (57 S. Ct. 554).

Section 6 of the bill makes it unlawful for anyone to transfer marihuana except in pursuance of a written order of the person to whom such marihuana is transferred on a form to be issued in blank, for that purpose by the Secretary of the Treasury. This order form requirement does not apply however, to a transfer of marihuana by a practitioner to his patient, or by a druggist to a consumer who presents to the druggist a prescription issued by a practitioner registered under the act. Nor does it apply to exportations of marihuana, transfers of marihuana to Government officials, transfers to paint or varnish of which marihuana is an ingredient, transfers of marihuana to registered persons for use in the manufacture of paint or varnish and transfers of seeds of the marihuana plant. This order form requirement is similar to that contained in the Harrison Narcotic Act and the National Firearms Act.

Section 7 imposes a tax of $1 per ounce upon all transfers of marihuana to persons who have paid the special occupational tax and registered under section 2 of the bill. It imposes a tax of $100 per ounce on transfers of marihuana to nonregistered persons. The types of transfers exempted from the order form requirements under section 6, such as those by practitioners and druggists, are likewise exempted from the payment of any tax under the provisions of this section.

At this point, this bill, like the National Firearms Act, departs from the plan of the Harrison Narcotic Act which limits the right to purchase narcotic drugs to those persons who are permitted to register under that act. This limitation was the focal point of attack against the constitutionality of the Harrison Narcotic Act in the case of *Doremus* v. *United States*, *supra*, and *Nigro* v. *United States* (1927) (276 U. S. 332). In the latter case, the minority of the court expressed the view that this provision in the Harrison Narcotic Act, which limited the persons entitled to purchase narcotic drugs, was unconstitutional on the ground that it manifested an intention on the part of the Congress to regulate a subject matter reserved to the States under the tenth amendment.

Thus, in order to obviate the possibility of a similar attack upon the constitutionality of this bill, it, like the National Firearms Act, permits the transfer of marihuana to nonregistered persons upon the payment of a heavy transfer tax. The bill would permit the transfer of marihuana to anyone, but would impose a $100 per ounce tax upon a transfer to a person who might use it for purposes which are dangerous and harmful to the public, just as the National Firearms Act permits a transfer of a machine gun to anyone but imposes a $200 tax upon a transfer to a person who would be likely to put it to an illegal use.

Although the $100 transfer tax in this bill is intended to be prohibitive, as is the $200 transfer tax in the National Firearms Act, it is submitted that it is constitutional as a revenue measure.

In the case of *Veazie Bank* v. *Fenno* (1869, 8 Wall. 533), the Supreme Court sustained as a proper exercise of the taxing power a 10-percent tax upon State-bank notes, notwithstanding the tax, as it was intended

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to be, was so heavy as to drive such notes out of circulation. The Court said that the fact that a tax was prohibitive would not invalidate it if, on its face, it appeared to be a revenue raising measure, and the fact that a tax is burdensome or tends to restrict or suppress the thing taxed, does not make it any the less a valid exercise of the taxing power. Where the taxing act appears on its face to be a revenue measure, the Court stated that it is not within the province of the judiciary to inquire into other motives that may have influenced the Congress in enacting the tax.

In 1913 the Ways and Means Committee reported out a bill which became the Smoking Opium Act of January 17, 1914 (38 Stat. 277). That act imposed a prohibitive tax of $300 per pound upon the manufacture of smoking opium. The act further required anyone desiring to engage in the business of manufacturing smoking opium to give to the United States a bond in the minimum amount of $100,000 to insure the collection of this tax. The constitutionality of this prohibitive tax was considered by the Circuit Court of Appeals for the Eighth Circuit in the case of *Lee Mow Lin* v. *United States* (1918, 250 Fed. 694). That court held that, although the tax was so high as to discourage anyone from engaging in the occupation which the act purported to tax, the act on its face was a revenue measure and, therefore, a proper exercise of the taxing power.

A case squarely in point upon the constitutionality of the taxing plan embodied in this bill is that of *McCray* v. *United States* (195 U. S. 27), in which the court considered the constitutionality of the Oleomargarine Act of 1902. That act imposed a tax of one-quarter cent per pound upon the manufacture of white oleomargarine and a tax of 10 cents per pound upon the manufacture of yellow oleomargarine. This latter tax was deliberately designed to discourage the manufacture of yellow oleomargarine. The constitutionality of the 10-cent tax on yellow oleomargarine was challenged on the grounds, first, that is was so heavy as to indicate an intention by Congress to regulate a subject-matter reserved to the States by the tenth amendment; and second, that it was an unreasonable classifictaion in that the 10-cent tax arbitrarily discriminated against yellow oleomargarine and in favor of white oleomargarine in violation of the due process clause of the fifth amendment.

The Supreme Court overruled both of these contentions. In answer to the first, it held that, although the 10-cent tax was prohibitive, it was nevertheless within the power of Congress to impose such a tax. The Court repeated the rule that so long as a statute appears upon its face to be a revenue measure, the Court cannot go behind the statute and inquire as to the motives which impelled Congress to enact it, although those motives may have been to regulate, rather than to raise revenue.

In answer to the second contention, namely, that the classification as between the two kinds of oleomargarine violated the due process clause of the fifth amendment, the Court stated that a classification need be based only on a reasonable difference between the subjects of the classification. Since yellow oleomargarine was likely to deceive the public into buying it as butter, the classification was held to be a reasonable one. Just as many of the States now prohibit the manufacture of marihuana, many of the States then prohibited the manufacture of yellow oleomargarine. Since there is obviously a material

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difference between a transfer of marihuana which may be used for purposes dangerous or harmful to the public, and a transfer of marihuana to a legitimate dealer who will put it to industrial, scientific, or medical uses, it is submitted that the imposition of the $1 tax upon transfers of marihuana to registered persons and the $100 tax upon transfers to nonregistered persons is a reasonable classification and, therefore, valid.

Finally these same principles were reiterated in the recent case of *Sonzinsky* v. *United States*, *supra*. In that case, the defendant was indicted and convicted for failing to pay the occupation tax and register under the National Firearms Act. He contended that the whole act was an unconstitutional, regulatory scheme, because the cumulative effect of the heavy occupational taxes, coupled with the transfer taxes, was to prohibit traffic in firearms. Although the court did not pass upon the validity of the transfer tax standing by itself, the court brushed aside this argument, remarking:

> It has long been established that an act of Congress which on its face purports to be an exercise of the taxing power is not any the less so because the tax is burdensome, or tends to restrict or suppress the thing taxed.

It is urged, therefore, that the $100 transfer tax imposed by H. R. 6385 is a valid taxing provision on the authority of the banknote, smoking opium, oleomargarine, and firearms cases, supra, which hold that if a statute is on its face a revenue measure, the court will not inquire as to other motives which may have impelled Congress to enact it. Of course if a purported taxing measure appears on its face to be regulatory, that is, contains regulatory provisions which are not reasonably necessary to protect or to aid in the collection of the revenue, but the tax is imposed to compel obedience to such regulatory provisions, the statute will be held unconstitutional as an attempt by Congress to regulate a subject-matter which is reserved to the States by the tenth amendment. The court so held in the *Child Labor Tax case* (1921) 259 U. S. 20 and *Hill* v. *Wallace* (1922 259 U. S. 44).

In the *Child Labor case*, the court considered a statute which levied a 10-percent tax upon the annual net earnings of employers who had at any time during the year employed child labor except where it was done in an honest mistake as to the employees' age. The statute was held unconstitutional as an attempt to regulate a subject matter reserved to the States by the tenth amendment, because the purported excise was not a tax, but a penalty to enforce the regulation of child labor.

As indicative of this fact, the court pointed out that the act provided a heavy exaction for departure from a detailed and specific course of conduct in business set out on the face of the law, without basing the amount of the so-called tax in any degree upon the extent or frequency of the departures. The element of intent involved in the act was also associated, the court thought, with criminal penalties rather than taxes. Finally, the court pointed to the fact that the Secretary of Labor was to participate in the administration of the act, and stated that this also indicated that the law was not a revenue measure, since revenue laws are administered by the Secretary of the Treasury.

The Grain Futures Trading Act which was held unconstitutional in *Hill* v. *Wallace*, imposed a tax of 20 cents a bushel on all contracts for the sale of grain for future delivery, but exempted contracts consum-

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mated on boards of trade designated as contract markets by the Secretary of Agriculture, the designation being reserved for those markets which had complied with a large number of stringent regulations set out in the act. The court found it impossible to escape the conclusion that the act under consideration was regulatory on its face, and that the tax was merely imposed as a penalty to compel boards of trade to comply with these regulations, many of which were not relevant to the collection of the tax.

The court pointed out that the elaborate mechanism set up in the statute for hearings by the Secretary of Agriculture to determine whether or not a particular board of trade had complied with the prescribed regulations, and the fact that the title of the act expressly recited that one of its purposes was that of regulating boards of trade were also strong evidence of the regulatory nature of the act.

It is submitted that the $100 tax imposed by H. R. 6385 could not be held unconstitutional under these cases, for the only regulation in that bill with which the taxpayer need comply is that which requires him to make a transfer of marihuana upon an order form. This order form requirement cannot be resorted to, however, as indicating that the $100 transfer tax is intended to regulate a subject-matter reserved to the States under the tenth amendment, for the reason that the much more drastic order form requirement in the Harrison Narcotic Act was upheld by the Supreme Court in *Doremus* v. *United States, supra,* as a regulation reasonably necessary to aid in the collection of the occupational taxes imposed by that act. In the course of its decision the Court stated:

> Congress, with full power over the subject, short of arbitrary and unreasonable action which is not to be assumed, inserted these provisions in an act specifically providing for the raising of revenue. Considered of themselves, we think they tend to keep the traffic aboveboard and subject to inspection by those authorized to collect the revenue. They tend to diminish the opportunity of unauthorized persons to obtain the drugs and sell them clandestinely without paying the tax imposed by the Federal law.

After the *Doremus case,* Congress amended the Harrison Narcotic Act, raising the occupational taxes and imposing a manufacturers' excise tax on narcotics. In *Nigro* v. *United States, supra,* the Supreme Court again sustained the order form requirement as reasonably necessary to aid in the collection of the occupational taxes, and in passing, stated that it was also reasonably necessary to aid the collection of the manufacturers' excise taxes. Furthermore, the Supreme Court sustained the additional and more stringent requirement, absent in the National Firearms Act and in this bill, which limits the persons to whom the order forms may be sold and, consequently, those to whom narcotics may be sold. In that decision the Court stated:

> It would seem to be admissible and wise, in a law seeking to impose taxes for the sale of an elusive subject, to require conformity to a prescribed method of sale and delivery calculated to disclose or make more difficult any escape from the tax. If this may be done, any departure from the steps enjoined may be punished, and added penalties may be fixed for successive omissions, but all for the one ultimate purpose of making it difficult to sell opium or other narcotics without registering or paying the tax.
>
> The reasonableness of such requirements is well illustrated in the many limitations which were imposed upon the ancient freedom in the making and sale of distilled spirits, to the end that the collection of the heavy tax on the subject matter might be successfully secured in spite of the temptation to avoid the tax. The provision of section 2 making it an offense to sell unless the purchaser gives

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a particular official form of order to the seller was enacted with a like object. The sale without such an order thus carries its illegality on its face. Its absence dispenses with the necessity of sending to examine the list of those registered to learn whether the seller is engaged in a legal sale. The requirement that the official forms can only be bought and obtained by one entitled to buy, whose name shall be stamped on the order form, and that after the sale the order form shall be recorded, effects a kind of registration of lawful purchasers, in addition to one of lawful sellers, and keeps selling and buying on a plane where evasion of the tax will be difficult.

Since the similar order-form requirement in the Harrison Act was sustained as a regulation reasonably necessary to aid in the collection of the occupational taxes imposed by that act, anyone challenging the constitutionality of the $100 transfer tax imposed by this bill will be unable to rely upon the order-form requirement as indicating that the $100 tax is regulatory in character, but will be compelled to rely solely upon the fact that the tax is too heavy. Thus, the $100 transfer tax is brought squarely within the bank-note, smoking-opium, and oleomargarine cases which establish the proposition that the prohibitive character of a tax does not make it any the less a valid revenue measure.

In the final analysis, after the committee has given full consideration to the subject of marihuana, it is not beyond the realm of possibility that the committee may conclude that the legitimate uses of marihuana are so negligible as compared to the injurious effect it has upon the public health and morals of the people of this country, that the committee will conclude to impose a prohibitive tax upon the production, manufacture, and sale of marihuana, and thus discourage its use in any form in this country.

Mr. LEWIS. The treatment of this subject as a matter of method, and so far as constitutional basis is concerned, is about the same as the Harrison Narcotic Act, is it not?

Mr. HESTER. With one exception.

Mr. LEWIS. I was thinking you might add this drug as an amendment to the Harrison Narcotic Act.

Mr. HESTER. No; there are three reasons why we think that would be a bad thing to do.

The first is that while the Harrison Narcotic Act would include producers, there are actually no producers in the United States of the plant from which opium and coco leaves are obtained. Therefore, we have never had a problem under the Harrison Narcotic Act with respect to products which are produced in this country but have only been concerned with products which are imported from abroad.

Here we have the reverse situation. Practically all of this marihuana is grown in the United States and for that reason, instead of being concerned only with importation and sale as under the Harrison Act, provision must also be made for regulation of production of marihuana.

There is the further point that opium and coco leaves, which are the subjects of the Harrison Act, are legitimately used almost exclusively as medicines, whereas there are many industrial uses for marihuana. That is another distinction between the Harrison Act and this bill.

The third is this, that the Harrison Narcotic Act has twice been sustained by the Supreme Court of the United States and lawyers are no longer challenging its constitutionality. If an entirely new and different subject matter were to be inserted in its provisions, the act might be subjected to further constitutional attacks.

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We feel, in view of the reasons I have cited, that this problem is one that should be dealt with under a separate act.

We have departed from the Harrison Narcotic Act in one major respect, and we have done that because the Ways and Means Committee departed from the plan of the Harrison Act in preparing the National Firearms Act.

Under the Harrison Narcotic Act no one can buy narcotics unless he has registered and paid the occupational tax. In the National Firearms Act the committee did not follow that plan. Anyone is permitted to buy a machine gun or a submachine gun, but he must pay a $200 transfer tax, and carry out the purchase on an official order form.

The focal point of attack on the Harrison Narcotic Act by the judges who dissented in the *Doremus case* and the *Nigro case*, was that the provision of the act which limited the persons to whom narcotics could be sold clearly indicated that the primary purpose of the act was not to raise revenue but to regulate matters which were reserved to the States under tenth amendment.

Mr. VINSON. How did the Court stand in those cases?

Mr. HESTER. In the first case the Court stood 5 to 4, and in the second case the Court stood 6 to 3.

Mr. MCCORMACK. What was the firearms case?

Mr. HESTER. The firearms case involved only the occupational tax under the Firearms Act.

Mr. MCCORMACK. Was that decision unanimous?

Mr. HESTER. Yes; that was a unanimous decision. That is the decision of March 29. In the Firearms Act you arranged it so that anybody can buy a machine gun but he must pay a transfer tax of $200 and would have to use an order form.

We have looked into the records in connection with the transfer tax in the Firearms Act, and we found that only one machine gun was purchased at $200 last year.

Mr. DINGELL. Legitimately?

Mr. HESTER. Yes. This bill would permit anyone to purchase marihuana, as was done in the National Firearms Act in permitting anyone to buy a machine gun, but he would have to pay a tax of $100 per ounce of marihuana and make his purchase on an official order form. A person who wants to buy marihuana would have to go to the collector and get an order form in duplicate, and buy the $100 tax stamp and put in on the original order form there. He would take the original to the vendor, and keep the duplicate. If the purchaser wants to transfer it, the person who purchases the marihuana from him has to do the same thing and pay the $100 tax. That is the scheme that has been adopted to stop high-school children from getting marihuana.

Mr. VINSON. What is the fair market value, per ounce, of marihuana?

Mr. HESTER. In its raw state it is about a dollar per ounce, as a drug.

Mr. VINSON. I notice in your statement—and I want to say it is a good statement; the gentleman does not have any other kind of a statement when he comes before our committee.

Mr. HESTER. I thank you.

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Mr. VINSON. You say in your statement that—

It is provided, as in the Harrison Act, that dispensations by registered practitioners in the course of their professional practice and transfers made in good faith by druggists in pursuance of a written prescription issued by registered practitioners shall be exempt from the order-form provisions and from the transfer tax.

I was wondering whether the good-faith requirement was in the Harrison Act.

Mr. TIPTON. The good-faith requirement is not in the Harrison Act.

Mr. VINSON. It seems to me that is a weakness of the Harrison Act. I think the good-faith provisions in this act will strengthen the law.

Mr. TIPTON. Exactly. That is the reason we put that in there. That provision is not in the Harrison Act.

Mr. VINSON. It is not included in the Harrison Act?

Mr. TIPTON. No.

Mr. HESTER. Mr. Tipton says they have had difficulty in enforcing the Harrison Act because of the absence of that requirement.

Mr. VINSON. I had the notion that this provision would really strengthen the law in regard to a menace of this kind.

Mr. HESTER. That is right.

Mr. VINSON. I would like to have some information as to where you get this plant.

Mr. HESTER. I have completed my statement, and I may say, Mr. Vinson, that we have here a pharmacologist, a chemist, and an outstanding botanist, who can give you information of that nature.

Mr. VINSON. I take it, Mr. Hester, from your citations of the decisions in the *Doremus case*, and in the *Firearms case*, together with the decision in the *Veazie case* and the *McCray*, or *Oleomargarine case*——

Mr. HESTER (interposing). We have cited five cases.

Mr. VINSON. What is the fifth one?

Mr. HESTER. That is a decision from the Circuit Court of Appeals of the Eighth Circuit which sustained the imposition of a tax of $300 per pound upon smoking opiun.

Mr. VINSON. In view of these cases you have no doubt as to the power of Congress to enact this character of legislation?

Mr. HESTER. My answer to that is, no; we have given it a great deal of consideration. In the final analysis we submit it to your judgment.

The Supreme Court, in the *Nigro case* and in the *Doremus case* held that the regulatory provisions of the act, which even limited the class of people who could buy narcotics, were constitutional, since they were regulations reasonably necessary to aid in collecting the revenue. Therefore in considering the constitutionality of H. R. 6385 we do not even have to consider the order-form provisions in that bill. Consequently there is nothing left in the bill to consider but the prohibitive tax, and the *McCray case*, which held constitutional a 10-percent tax on yellow oleomargarine, and the *Bank Note case*, and other cases which we have cited clearly hold that, although the tax may be prohibitive, if there are no regulatory provisions on the face of the act which the court may say are not reasonable and necessary to aid in the collection of the tax, the tax is constitutional.

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Mr. VINSON. Is it not true that the court has always classified this character of commodity subject to a tax in a distinctive line as that which is injurious and deleterious to public health?

Mr. HESTER. That is right.

Mr. VINSON. And in no instance that you can recall has the tax upon such a commodity fallen because of lack of jurisdiction over the regulatory provisions?

Mr. HESTER. That is right. In the *Oleomargarine case* the Supreme Court said—and there they challenged the 10-cent tax on yellow oleomargarine—the Court said that there were no regulatory provisions on the face of the act which were not necessary to aid in the enforcement and collection of the tax. The fact that yellow oleomargarine had a tendency to deceive the public was of great importance in sustaining that act.

In the *Nigro case* the Court spoke of narcotics as an elusive subject which should be brought out into the open and publicized.

Mr. VINSON. Did the Court pass upon the act putting a tax on phosphorous matches?

Mr. HESTER. No. They are no longer manufactured. The tax of 2 cents a hundred was placed on them and since they were selling for about 4 to 5 cents a thousand the manufacture of them was stopped.

Mr. REED. I assume that some witness who will appear before the committee will develop the whole character of this business.

Mr. HESTER. Yes, Commissioner Anslinger will do that.

Mr. JENKINS. It seems to me your only burden is to prove, chemically, that this is a narcotic.

Mr. HESTER. We have to show that it is a drug.

Mr. JENKINS. If you show that, you have no question as to its being constitutional?

Mr. HESTER. That is right.

Mr. MCCORMACK. In other words, it is a straight tax bill?

Mr. HESTER. That is right.

Mr. MCCORMACK. And the other testimony you will introduce as to the character of this drug and its effect upon human beings is to justify what appears to be a high tax.

Mr. HESTER. That is right.

Mr. MCCORMACK. Showing the justification for this from the tax angle. That is the theory upon which you are proceeding.

Mr. HESTER. That is the theory. Your statement is absolutely correct, and it is very helpful to us.

Mr. MCCORMACK. What the results might be is of no concern to the courts. If we have the power to tax, the manner in which it is exercised is of no concern to the courts.

Mr. HESTER. That is right.

Mr. DINGELL. I would like to ask the witness whether the Treasury has had any contact with the pharmaceutical trade, and whether we have any word from them as to their attitude on this proposed legislation. Take, for instance, such concerns as Frederick Stearns; Parke, Davis & Co.; Burroughs-Welcome, and a number of others; have you had any word from them as to whether they are opposed to this legislation or not?

Mr. HESTER. I have not personally communicated with any of those people, but Commissioner Anslinger is in touch with them constantly.

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I might say, though, that it clearly appears that this drug is rarely used by the medical profession and is not indispensable to that profession. I think that Commissioner Anslinger will predict in his statement that it will only be a few years until marihuana will entirely disappear as a drug.

I would like to emphasize this by referring to the concluding paragraph of my original statement:

> In the final analysis, after the committee has given full consideration to the subject of marihuana, it is not beyond the realm of possibility that the committee may conclude that the legitimate uses of marihuana are so negligible as compared to the injurious effect it has upon the public health and morals of the people of this country, that the committee will conclude to impose a prohibitive tax upon the production, manufacture and sale of marihuana, and thus discourage its use in any form in this country.

Mr. DINGELL. I have no intention of trying to place the commercial interests of the drug producers ahead of the general welfare or ahead of public health, but I wondered whether the Treasury had any word from the large drug manufacturers who are always, so far as I can ascertain, willing to cooperate with the Treasury.

Mr. HESTER. The drug manufacturers always cooperate with the Treasury Department in all these matters.

This bill has been pending for some time and we have not had any word from them.

The CHAIRMAN. Through what channel or agency is this drug in its deleterious form dispensed or distributed? Is it sold by druggists, or at grocery stores?

Mr. HESTER. I will answer your question, but I hope you will ask the same question of Mr. Anslinger, because he can speak more authoritatively on that phase of the subject.

The flowered tops, leaves, and seeds are smoked in cigarettes.

The CHAIRMAN. Is it carried generally by druggists?

Mr. HESTER. I do not think so, for this reason. It is very variable. It may affect you in one way and affect me in another way, and then, too, there are very many better substitutes.

The CHAIRMAN. And a deleterious use?

Mr. HESTER. The smoking of it, yes. You can take the leaves, tops, and seeds and fix them in a way somewhat similar to tobacco. It is just about the same as tobacco; you can smoke it like tobacco.

The CHAIRMAN. Just as an illustration, suppose I were in the market for some of this drug; where would I find it?

Mr. HESTER. There are about 10,000 acres under cultivation by legitimate producers.

The CHAIRMAN. I want to know where it could be bought; where is it being sold?

Mr. LEWIS. Where do the victims get it?

Mr. REED. I think what the chairman wants to know is how high-school children are able to get it. Is it not true that there are illicit peddlers who hang around the high-school buildings, and as soon as they find out that there is some boy to whom they think they can sell it, they make his acquaintance?

Mr. HESTER. Yes. I read in the newspapers not long ago that a place on Twelfth Street was raided, where a lady was selling marihuana.

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Mr. THOMPSON. Do legitimate companies make these cigarettes, or are they made in an illicit manner, like bootleg whiskey used to be made? Do reputable firms make these cigarettes?

Mr. HESTER. I would like to refer that question to Commissioner Anslinger.

Mr. REED. I would like to make a statement at this point in reference to this question. Some years ago the committee of the House of which I happened to be chairman held a hearing going into the narcotic problem. That was at the time when there was a great deal of talk about heroin, and we devoted a good deal of the time of that hearing to that subject.

We had experts there from New York and other parts of the country. At that time they were selling heroin through peddlers to high school students, particularly to athletes. The peddler was usually a man of some personality, and he would sell the heroin to these tired boys as they came off of the athletic training field. They would say to the boys, "Here is something that will put the pep in you." They soon had a lot of these boys in these schools developed into addicts. I assume you have the same thing here.

The CHAIRMAN. Mr. Anslinger, the committee will be glad to have a statement from you at this time. Will you state your full name and the position you occupy in the Treasury Department?

STATEMENT OF H. J. ANSLINGER, COMMISSIONER OF NARCOTICS, BUREAU OF NARCOTICS, DEPARTMENT OF THE TREASURY

Mr. ANSLINGER. Mr. Chairman, my name is H. J. Anslinger; I am Commissioner of Narcotics in the Bureau of Narcotics, in the Treasury Department.

Mr. Chairman and distinguished members of the Ways and Means Committee, this traffic in marihuana is increasing to such an extent that it has come to be the cause for the greatest national concern.

This drug is as old as civilization itself. Homer wrote about it, as a drug which made men forget their homes, and that turned them into swine. In Persia, a thousand years before Christ, there was a religious and military order founded which was called the Assassins, and they derived their name from the drug called hashish which is now known in this country as marihuana. They were noted for their acts of cruelty, and the word "assassin" very aptly describes the drug.

The plant from which the drugs comes is a hardy annual, growing from 3 to 16 feet in height.

Marihuana is the same as Indian hemp, hashish. It is sometimes cultivated in backyards. Over here in Maryland some of it has been found, and last fall we discovered 3 acres of it in the Southwest.

As I say, marihuana is the same as Indian hemp, and is sometimes found as a residual weed, and sometimes as the result of a dissemination of birdseed. It is known as cannabin, cannabis Americana, or cannabis Sativa. Marihuana is the Mexican term for cannabis Indica. We seem to have adopted the Mexican terminology, and we call it marihuana, which means good feeling. In the underworld it is referred to by such colorful, colloquial names as reefer, muggles, Indian hay, hot hay, and weed. It is known in various countries by a variety of names.

Mr. LEWIS. In literature it is known as hashish, is it not?

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Mr. ANSLINGER. Yes, sir. There is a great deal of use of it in Egypt, particularly. It was found years ago in Egypt. The traffic has grown so that something like 14 percent of the population are addicts. In India it is sold over the counter to the addicts, direct, and there it is known as bhang and ganja.

At the Geneva Convention in 1895 the term "cannabis" included only the dried flowering or fruiting top of the pistillate plant as the plant source of the dangerous resin, from which the resin had not been extracted. That designation was used in the uniform State act. But research that has been made during the past few months has shown that this definition is not sufficient, because it has been found by experiment that the leaves of the pistillate plant as well as the leaves of the staminate plant contain the active principle up to 50 percent of the strength prescribed by the United States Pharmacopoeia.

So we have urged the States to revise their definition so as to include all parts of the plant, as it now seems that the seeds and portions other than the dried flowering tops contain positively dangerous substances.

We were anticipating a challenge in one of the States of that old definition. There was a case in Florida recently in which a defendant appealed to the higher court on the ground that the prosecution had not proven that this was the dried flowered top of the pistillate plant.

The higher court, said:

> We are of opinion, therefore, that the information was insufficient to clearly apprise accused of the nature and cause of the accusation against him because of the sale of cigarettes containing cannabis from which the resin had not been abstracted may relate to the resin of the staminate plant, the resin of which appears to be harmless.

As a matter of fact the staminate leaves are about as harmless as a rattlesnake.

So in this act it was necessary to make the definition all inclusive.

In medical schools the physician-to-be is taught that without opium medicine would be like a one-armed man. That is true, because you cannot get along without opium.

But here we have a drug that is not like opium. Opium has all of the good of Dr. Jekyll and all the evil of Mr. Hyde. This drug is entirely the monster Hyde, the harmful effect of which cannot be measured.

I have here an excerpt from a report made to the League of Nations by the Council at its last session. It says:

EXCERPT OF LEAGUE OF NATIONS DOCUMENT O. C. 1542 (O) DATED GENEVA, FEBRUARY 17, 1937

ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS, SUB-COMMITTEE ON CANNABIA

(Report by Dr. J. Bouquet, hospital pharmacist, Tunis, inspector of pharmacies, Tunis, containing answers to questionnaire submitted to the experts)

VII (p. 39)

(7) (A) Do any preparations of Indian hemp exist possessing a therapeutic value such that nothing else can take their place for medical purposes?

No.

(*a*) Indian hemp extract has been recommended for the preparation of corn cures, products, that most often consist of a solution of salicylic acid in collodion; the action of the cannabis extract is nil.

At my request, experiments were made for several months in 1912 with different preparations of cannabis, without the addition of other synergetic substances

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(Professor Lannois' Service, Lyons Hospitals). The conclusion reached was that in a few rare cases Indian hemp gives good results, but that in general it is not superior to other medicaments which can be used in therapeutics for the treatment of the same affections.

To sum up, Indian hemp, like many other medicaments, has enjoyed for a time a vogue which is not justified by the results obtained. Therapeutics would not lose much if it were removed from the list of medicaments.

Mr. DINGELL. I want to be certain what this is. Is this the same weed that grows wild in some of our Western States which is sometimes called the loco weed?

Mr. ANSLINGER. No, sir; that is another family.

Mr. DINGELL. That is also a harmful drug-producing weed, is it not?

Mr. ANSLINGER. Not to my knowledge; it is not used by humans.

The CHAIRMAN. In what particular sections does this weed grow wild?

Mr. ANSLINGER. In almost every State in the Union today.

Mr. REED. What you are describing is a plant which has a rather large flower?

Mr. ANSLINGER. No, sir; a very small flower.

Mr. REED. It is not Indian hemp?

Mr. ANSLINGER. It is Indian hemp. We have some specimens here.

Mr. VINSON. When was this brought to your attention as being a menace among our own people?

Mr. ANSLINGER. About 10 years ago——

Mr. VINSON. Why did you wait until 1937 to bring in a recommendation of this kind?

Mr. ANSLINGER. Ten years ago we only heard about it throughout the Southwest. It is only in the last few years that it has become a national menace. It has grown like wildfire, but it has only become a national menace in the last 3 years. It is only in the last 2 years that we have had to send reports about it to the League of Nations.

Mr. VINSON. We did not have to have any convention adopted by the League of Nations in order to legislate on this subject?

Mr. ANSLINGER. No; but it was covered in one of the conventions.

Mr. VINSON. It seems to me you have been rather slow in getting to this legislation.

Mr. FULLER. I do not think that is any defense for this measure.

Mr. ANSLINGER. We have been urging uniform State legislation on the several States, and it was only last month that the last State legislature adopted such legislation.

Mr. VINSON. You have not urged the passage of any legislation upon Congress.

Mr. ANSLINGER. There is no law in the District. This uniform act has been urged upon the States for 4 or 5 years.

Mr. VINSON. But you have not urged Congress to pass this act or anything that looks like it until now.

Mr. ANSLINGER. No, sir.

Mr. FULLER. That is no defense, if it is a good measure.

Mr. VINSON. I am not talking about their defense. It seems to me it has taken a long time to get this before Congress.

Mr. FULLER. It took a hundred years to get the Harrison Narcotic Act.

Mr. ANSLINGER. It is only in the last 2 years that we had a report of seizures anywhere but in the Southwest. Last year New York

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State reported 195 tons seized, whereas before that I do not believe that New York could have reported 1 ton seized.

Let me quote from this report to the League of Nations:

The discussion disclosed that, from the medical point of view in some countries the use of Indian hemp in its various forms is regarded as in no way indispensable and that it is therefore possible that little objection would be raised to drafting limitations upon medical use of derivatives.

That is only last year.

Here is what Dr. J. Bouquet, hospital pharmacist at Tunis, and inspector of pharmacists at Tunis, says. He is the outstanding expert on cannabis in the world. He says:

To sum up, Indian hemp, like many other medicaments, had enjoyed for a time a vogue which is not justified by the results obtained. Therapeutics would not lose much if it were removed from the list of medicaments.

That comes from the greatest authority on cannabis in the world today.

Mr. McCormack. What are its first manifestations, a feeling of grandeur and self-exaltation, and things of that sort?

Mr. Anslinger. It affects different individuals in different ways. Some individuals have a complete loss of a sense of time or a sense of value. They lose the sense of place. They have an increased feeling of physical strength and power.

Some people will fly into a delirious rage, and they are temporarily irresponsible and may commit violent crimes. Other people will laugh uncontrollably. It is impossible to say what the effect will be on any individual. Those research men who have tried it have always been under control. They have always insisted upon that.

Mr. McCormack. Is it used by the criminal class?

Mr. Anslinger. Yes, it is. It is dangerous to the mind and body, and particularly dangerous to the criminal type, because it releases all of the inhibitions.

I have here statements by the foremost expert in the world talking on this subject, and by Dr. Cutter a noted and distinguished medical man in this country.

(The statements referred to are as follows:)

(From the report by Dr. J. Bouquet, Tunis, to League of Nations)

Does Indian hemp (Cannabis Sativa) in its various forms give rise to drug addiction?

The use of cannabis, whether smoked or ingested in its various forms, undoubtedly gives rise to a form of addiction, which has serious social consequences (abandonment of work, propensity to theft and crime, disappearance of reproductive power).

[From the Washington Post, Nov. 23, 1936]

TODAY'S HEALTH TALK

(By Dr. Irving S. Cutter)

A DANGEROUS INTOXICANT

Ever since the world began man has been searching for chemicals or charms that would relieve pain. Out of the East came Indian hemp, and it is surprising how rapidly its properties were recognized and how widespread became its use.

History relates that in the eleventh century a remarkable sect of Mohammedans established themselves as a powerful military unit under the leadership of a sheik who led his marauding band to victory while under the influence of hemp. In South Africa the Hottentots smoked the drug under the name of dagga.

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The plant was originally native in Persia and India, but because of the desirability of its fiber it is now cultivated in all parts of the world. For the last few years marihuana, as it is commonly called, has been sold in the United States and Canada, chiefly in the form of cigarettes, which are peddled frequently in dance halls. Much of the raw material comes from Mexico or the West Indies, and occasionally press dispatches will report that the weed has been grown even within prison walls.

As a stimulant to crime the drug is probably as important as cocaine, certainly far more so than opium or any of its derivatives, and narcotic-control agencies will be put to a severe test in rooting out the traffic.

As a rule the addict passes into a dreamy state in which judgment is lost and imagination runs riot. Fantasies arise which are limitless and extravagant. Scenes pass before the mind's eye in kaleidoscopic confusion and there is no sense of the passing of time.

Under relatively large doses consciousness does not leave entirely, even though actions and movements are out of control. As the influence of the drug persists there may be periods of stupor from which, however, the patient can be aroused. In most individuals there is no succeeding nausea and the thrill seeker finds inhibitions destroyed and, abandoning his normal sense of propriety, he may do and say things quite foreign to his make-up.

Cannabis indica is the medicinal preparation known to physicians. But the potent resin produced chiefly by the top of the female plant is as much sought after in certain quarters as is opium. Its legitimate use in the field of medicine is relatively limited, as other drugs more accurate and dependable as to effects have largely taken its place.

Cases of fatal poisoning rarely if ever occur. Nevertheless, it is one of those dangerous drugs that should be known only to be shunned—an intoxicant with the most vicious propensities.

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I will give you gentlemen just a few outstanding evidences of crimes that have been committed as a result of the use of marihuana.

Mr. REED. The testimony before the committee of which I was formerly chairman in reference to heroin said in reference to the effect of it that it made men feel fearless, and that a great majority of the crimes of great violence that were committed were committed by addicts, and one man stated that it would make a rabbit fight a bulldog. Does this drug have a similar effect?

Mr. ANSLINGER. Here is a gang of seven young men, all seven of them, young men under 21 years of age. They terrorized central Ohio for more than 2 months, and they were responsible for 38 stick-ups. They all boast they did those crimes while under the influence of marihuana.

Mr. LEWIS. Was that as an excuse, or a defense?

Mr. ANSLINGER No, sir.

Mr. LEWIS. Does it strengthen the criminal will; does it operate as whisky might, to provoke recklessness?

Mr. ANSLINGER. I think it makes them irresponsible. A man does not know what he is doing. It has not been recognized as a defense by the courts, although it has been used as a defense.

Mr. LEWIS. Probably the word "excuse" or "mitigation" would be better than defense, I think.

Mr. ANSLINGER. Here is one of the worst cases I have seen. The district attorney told me the defendant in this case pleaded that he was under the influence of marihuana when he committed that crime, but that has not been recognized.

We have several cases of that kind. There was one town in Ohio where a young man went into a hotel and held up the clerk and killed him, and his defense was that he had been affected by the use of marihuana.

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Mr. FULLER. The only question was whether or not he knew what he was doing, whether he was insane. That is always a defense, whether or not a man is in such a state of mind that he does not know good from evil. The question is whether or not his mind is right, whether he is responsible.

Mr. ANSLINGER. As to these young men I was telling you about, one of them said if he had killed somebody on the spot he would not have known it.

In Florida a 21-year-old boy under the influence of this drug killed his parents and his brothers and sister. The evidence showed that he had smoked marihuana.

In Chicago, recently two boys murdered a policeman while under the influence of marihuana. Not long ago we found a 15-year-old boy going insane because, the doctor told the enforcement officers, he thought the boy was smoking marihuana cigarettes. They traced the sale to some man who had been growing marihuana and selling it to these boys all under 15 years of age, on a playground there.

Mr. JENKINS. In my home town just recently two boys were sent to the penitentiary for life for killing a man, and their defense was built upon the fact that they had used a drug. I do not believe it was this drug.

Mr. ANSLINGER. There have been a number of cases in Ohio recently.

Mr. JENKINS. That defense was made for them by a very successful lawyer.

Mr. REED. Is there any cure for a person who becomes an addict?

Mr. ANSLINGER. I do not think there is such a thing as not being able to cure an addict. Marihuana addicts may go to a Federal narcotic farm. But I have not seen many addicts who could not be cured. An addict could drop it and he will not experience any ill effects.

One of these boys that I referred to went insane, and they stopped it.

Here in Colorado—and Colorado seems to have had a lot of cases of violence recently—in Alamosa County, and in Huerfano County the sheriff was killed as the result of the action of a man under the influence of marihuana. Recently, in Baltimore a young man was sent to the electric chair for having raped a girl while under the influence of marihuana.

I will show you how this traffic is increasing.

Mr. MCCORMACK. Have you completed your statement in reference to the criminal cases?

Mr. ANSLINGER. I have a number of cases here.

Mr. MCCORMACK. Are you acquainted with the report of the public prosecutor at New Orleans in 1931?

Mr. ANSLINGER. Yes, sir.

Mr. MCCORMACK. I think that would be valuable. That was a case where 125 out of 450 prisoners were found to be marihuana addicts, and slightly less than one-half of the murders were marihuana addicts, and about 20 percent of them were charged with being addicts of what they call "merry wonder."

Mr. ANSLINGER. That is the same thing.

Mr. MCCORMACK. You are acquainted with that?

Mr. ANSLINGER. Yes, I have that report.

Mr. MCCORMACK. There was a report from other cities also.

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Mr. ANSLINGER. That is one of the finest reports that has been written on marihuana by that district attorney. He had daily contact with the problem and saw its effect on crime in that city.

I might say in that connection, that he said this—and this is the report of Eugene Stanley—in which he said:

Inasmuch as the harmful effects of the use of the drug is becoming more widely known each day, and it has been classed as a narcotic by the statutory laws of 17 American States—

Since that time we have that in every State—

England and Mexico, and persons addicted to its use have been made eligible for treatment in the United States narcotic farms, the United States Government, unquestionably, will be compelled to adopt a consistent attitude toward this drug, and include it in the Harrison Anti-Narcotic Law, so as to give Federal aid to the States in their effort to suppress a traffic as deadly and as destructive to society as the traffic in the other forms of narcotics now prohibited by the Harrison Act.

This drug is not being used by those who have been using heroin and morphine. It is being used by a different class, by a much younger group of people. The age of the morphine and heroin addict is increasing all the time, whereas the marihuana smoker is quite young.

Mr. DINGELL. I am just wondering whether the marihuana addict graduates into a heroin, an opium, or a cocaine user.

Mr. ANSLINGER. No, sir; I have not heard of a case of that kind. I think it is an entirely different class. The marihuana addict does not go in that direction.

Mr. DINGELL. And the hardened narcotic user does not fall back on marihuana.

Mr. ANSLINGER. No, sir; he would not touch that. Dr. Walter Bromberger, a distinguished psychiatrist in New York, has made this statement:

Young men between the ages of 16 and 25 are frequent smokers of marihuana; even boys of 10 to 14 are initiated (frequently in school groups); to them as to others, marihuana holds out the thrill. Since the economic depression the number of marihuana smokers was increased by vagrant youths coming into intimate contact with older psycopaths.

Mr. LEWIS. Do they make their own cigarettes?

Mr. ANSLINGER. Yes, sir. The cigarette is usually rolled by the peddler. It is crudely rolled cigarette.

Mr. MCCORMACK. Is not Dr. Bromberger the senior psychiatrist at Bellevue Hospital?

Mr. ANSLINGER. Yes, sir.

Mr. MCCORMACK. What did he say in reference to crime?

Mr. ANSLINGER. He argued one way and then he argued another way. His conclusions were based on a study made of those men who had been sentenced to prison. But that is not a fair conclusion because at the present time we have so many in prison in the several States sent up as the result of using marihuana.

I think in some States today that study would show a fairer conclusion than he arrived at, although in one part of his article he did say he believed that this excited to crime a man who would be less likely to commit a crime.

Mr. MCCORMACK. He did admit that it was a drug?

Mr. ANSLINGER. Yes, sir. I think he realized, and his article indicated that he realized the danger of it.

Last year several States made 338 seizures of marihuana that we know of. In most of those we participated, because we are cooperat-

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ing with the States in carrying out the uniform State legislation. We have also assisted several States by sending chemists to the local police to show them how to identify this drug, and we have conducted chemical research here.

Most of the complaints about this drug have been coming to the Federal office, and because time is of the essence we would like to have this legislation enacted very much, so we can step into the situation where it is highly desirable that we do so.

I will refer you to the case of a man in one of the Southern States. One of our good friends gave us information to indicate that this man had about a ton of these high explosives stored in his barn. There was no Federal law and no State law. We took up the matter with the attorney general of that State, and we had to wait until the State had its act enacted, before we could take any action.

The CHAIRMAN. How many States have laws in reference to marihuana?

Mr. ANSLINGER. Every State, except the District of Columbia.

The CHAIRMAN. You said there was no State law.

Mr. ANSLINGER. In that particular State at that time there was no State law.

The CHAIRMAN. The States now all do cooperate?

Mr. ANSLINGER. Every one of them; yes, sir. But they do not all have central enforcement agencies.

Mr. MCCORMACK. You say every State has a law, and there are about 35 of the States that have the uniform State act?

Mr. ANSLINGER. Yes, sir. The uniform State act has been adopted by 35 States.

The CHAIRMAN. With this uniform State legislation, why can they not stamp this out? What progress are they making?

Mr. ANSLINGER. They are making some progress, as is indicated by the 338 seizures made last year. Last year the State of Pennsylvania destroyed 200,000 pounds.

Mr. LEWIS. Under the uniform State act the growth and distribution is prohibited; is that correct?

Mr. ANSLINGER. That is true in most of the States.

Mr. LEWIS. What would the effect be in this case of our imposing an act under which we would be collecting revenue, and making the growth and distribution legitimate from the standpoint of the Federal Government.

Mr. ANSLINGER. The State acts provide for that. They provide for legitimate distribution and for licensing of the grower under certain conditions.

Mr. LEWIS. Does this act require the licensing of the grower?

Mr. ANSLINGER. It requires registration.

Mr. LEWIS. What is the legitimate distribution of this drug? You spoke of the industries.

Mr. ANSLINGER. There is its use in medicine. Then the hemp product is used in some parts of Kentucky, Minnesota, and Wisconsin. It is grown for hemp purposes. It makes very fine cordage, and this legislation exempts the mature stalk when it is grown for hemp purposes.

Mr. MCCORMACK. There are other commercial purposes?

Mr. ANSLINGER. Yes.

Mr. MCCORMACK. There is the fiber out of which hats are made?

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Mr. ANSLINGER. That is not done so much in this country.
Mr. MCCORMACK. There is some of that.
Mr. ANSLINGER. Just a little.
Mr. MCCORMACK. Then is not the seed used for paints and oil?
Mr. ANSLINGER. They import all their seed from Manchuria.
Mr. MCCORMACK. And it is also used as a constituent of commercial bird seed?
Mr. ANSLINGER. Yes.
Mr. MCCORMACK. Mr. Lewis asked you a question about the commercial purposes.
Mr. ANSLINGER. Those are the only commercial purposes that I know of.
Mr. JENKINS. Mr. Hester said that he thought the commercial purposes were practically negligible. I understand you to say that most of the products that are made from the seed are made from imported seed.
Mr. ANSLINGER. That is for oil.
Mr. JENKINS. You say that 35 of the States have adopted uniform legislation. Where do they get the uniformity from?
Mr. ANSLINGER. That is from the commissioners on uniform State laws. They were adopted by the American Bar Association and approved by the American Medical Association and some of the drug trade.
Mr. JENKINS. If each State has a law on this subject I wonder why that does not reach it.
Mr. ANSLINGER. It does reach it, but in spite of the act, we get requests from public officials from different States, and I will name particularly the States of Colorado, Kansas, New Mexico, Louisiana, and Oklahoma that have urged Federal legislation for the purpose of enabling us to cooperate with the several States.
Mr. JENKINS. It seems to me if the States have taken such action on this subject so far, and if we are going to take any action at all, we ought to be able to stamp it out.
Mr. ANSLINGER. I think this bill will do that.
Mr. JENKINS. If you are going to temporize with them and say, as it seems you say here, "No, we will not stamp it out; we will encourage its growth; it is all right to grow it", I do not see how you will stamp it out.
Mr. ANSLINGER. We do not do that for hemp production, and we recognize the fact that it is grown, that the farmers in some of these States grow it for hemp purposes. I think about 10,000 acres cover that. Dr. Dewey can tell you all about that. He has been with this problem for 30 years, and I would defer to his judgment, particularly as to legitimate uses.
Mr. MCCORMACK. There are State laws in reference to other drugs?
Mr. ANSLINGER. The uniform State act covers opium and its derivatives, coca leaf and its derivatives, but there is a twilight zone there that the peddler breaks right through if the State has not taken action.
Mr. MCCORMACK. This is a tax measure and we might as well get the revenue out of it that enables the Federal Government to cooperate with the States in connection with the State activities.
Mr. ANSLINGER. And you get a certain uniformity. You also get to help the local police, and they always want it. You also get to help the State police, and they always ask for this help.

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Whenever they find marihuana the first place on which they call for help is the Federal narcotic office, so that they can take a man along who is a specialist on narcotic matters.

We have 35 States under the uniform act, and we have Federal legislation dealing with opium and coca leaves.

With this legislation we will make a drive on this traffic, and bend every effort to stamp it out, and it will not cost very much.

I say that advisedly because we have men throughout the country at the present time who are dealing with the narcotic problem.

But the use of marihuana is increasing.

I want to show you one more thing, and that is in reference to the international side of this problem.

Canada made some seizures over here last year and they pointed the finger of scorn at us and said, "Why do you not do something about this?" We had to admit that we do not have any legislation.

There is some evidence that this drug is being smuggled to China today. We have always pointed the finger of scorn at China, and now marihuana is being smuggled out to China, by sailors.

We are far ahead of any government when it comes to the 1912 Hague Convention and the 1931 convention, but we are behind on the 1925 convention. We are not signatories to it, but we cooperate with them.

We were in a curious position only a few months ago when an exporter sent a lot of cannabis to a British firm. It was a legitimate shipment, but the British law demanded an export certificate, and we had to tell the British Government that we did not have a law to compel that exporter to stop the shipment of cannabis. He will probably do so, as a matter of cooperation. But we had to warn him to stop violating British law, and that goes for practically every government on the face of the earth, except the United States. Over 50 nations have national legislation on this problem, and it is very humiliating to have to say to these people when they trace the matter right to your shore, to tell them that we have not legislation to deal with that problem.

Mr. LEWIS. You spoke about the District of Columbia having no law. How about the Territories?

Mr. ANSLINGER. Hawaii has a law. I cannot tell you about Alaska. Puerto Rico does have a law. The only place I am not sure about is Alaska.

Mr. LEWIS. You are sure about the District of Columbia?

Mr. ANSLINGER. Not having a law?

Mr. LEWIS. Yes.

Mr. ANSLINGER. Yes, sir; because last year there were 15 dealers arrested here for peddling marihuana, and they had to be prosecuted for practicing pharmacy without a license.

Mr. BUCK. Have you suggested the enactment of such a law to the Committee on the District of Columbia?

Mr. ANSLINGER. Yes, sir; they have had a proposed uniform State law for 3 or 4 years.

Mr. BUCK. Have they taken any action on it at all?

Mr. ANSLINGER. No, sir.

Mr. THOMPSON. What is the price of marihuana?

Mr. ANSLINGER. The addict pays anywhere from 10 to 25 cents per cigarette. It will be sold by the cigarette. In illicit traffic the bulk price would be around $20 per pound. Legitimately, the bulk is around $2 per pound.

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Mr. THOMPSON. How does that compare with the price of opium or morphine? Do the class of people who use this drug use it because it is cheaper than the other kinds?

Mr. ANSLINGER. That is one reason; yes, sir. To be a morphine or heroin addict it would cost you from $5 to $8 a day to maintain your supply. But if you want to smoke a cigarette you pay 10 cents.

Mr. BOEHNE. Just one of them will knock the socks off of you.

Mr. ANSLINGER. One of them can do it.

Mr. MCCORMACK. Some of those cigarettes are sold much cheaper than 10 cents, are they not? In other words, it is a low-priced cigarette, and that is one of the reasons for the tremendous increase in its use.

Mr. ANSLINGER. Yes; it is low enough in price for school children to buy it.

Mr. MCCORMACK. And they have parties in different parts of the country that they call "reefer parties."

Mr. ANSLINGER. Yes, sir; we have heard of them, and know of them.

Mr. FULLER. Another thing is that they will not be able to get other kinds of dope, but they do have an opportunity to get this marihuana, which causes it to be so much sought after and used in the community.

Mr. ANSLINGER. That is true, and the effect is just passed by word of mouth, and everybody wants to try it.

Mr. WOODRUFF. Have you put into the record a statement showing the names of the different States in which this drug plant is grown?

Mr. ANSLINGER. It is grown in practically all States. I have a statement in reference to the seizures, which I will put in the record.

Mr. THOMPSON. I would like to know whether or not these marihuana cigarettes move through legitimate channels. Are there manufacturing concerns that make them, or are they rolled in the kitchens and cellars like illicit liquor used to be made?

Mr. ANSLINGER. It is 100 percent illicit.

Mr. THOMPSON. No concerns make it legitimately?

Mr. ANSLINGER. No, sir.

Mr. MCCORMACK. As a matter of fact, I understand they found that some were grown in one of our Federal prisons.

Mr. ANSLINGER. They found some marihuana growing in one of the prisons. We heard of that.

There was a big seizure made in the Colorado State Reformatory for boys not long ago.

Mr. MCCORMACK. Was there not one made at San Quentin?

Mr. ANSLINGER. Yes, sir.

Mr. BUCK. Mr. Hester testified that there were about 11,000 acres in cultivation in the country. Is that legitimate cultivation?

Mr. ANSLINGER. That would be legitimate cultivation. Dr. Dewey of the Department of Agriculture, can give you that exact information.

Mr. REED. Mr. Anslinger, you have been interrupted in your statement from time to time, and I am wondering if you have not some statement that would give the general information to the committee on this subject which you might like to put in the record.

Mr. ANSLINGER. I would like to put in the record the statement of the district attorney that I referred to. I also have a statment showing the seizures of marihuana during the calendar year 1936 in the various States.

The CHAIRMAN. Without objection, you may extend your statement in the record by inserting such information as you think will be helpful to the committee.

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(The following statements were submitted by Mr. Anslinger:)

ADDITIONAL STATEMENT OF H. J. ANSLINGER, COMMISSIONER OF NARCOTICS

ORIGIN

The origin of this drug is very ancient. In the year 1090 A. D., the religious and military order or sect of the Assassins was founded in Persia, and the numerous acts of cruelty of this sect were known not only in Asia, but in Europe as well. This branch of the Shiite sect, known as Ismalites, was called Hashishan, derived from Hashish, or the confection of hemp leaves (marihuana). In fact, from the Arabic "Hashishan" we have the English word "assassin."

The plant was known to the Greeks as "nepenthe", and was lauded in the immortal Odyssey of Homer. It was known in ancient times to the Egyptians, and its use in Egypt at the present time is widespread. Its effect upon the Malays has been terrific, and the natives of the Malay Peninsula have been known, while under its influence, to rush out and engage in violent and bloody deeds, with complete disregard for their personal safety, or the odds arrayed against them. To run "amok" in the Malay Peninsula is synonymous with saying one is under the influence of this drug.

DESCRIPTION

Indian hemp is a rough, annual plant, and grows to varying heights, from about 3 to 16 feet. Its stem is erect, branching, and angular; the leaves are alternate or opposite and coarsely serrated. Marihuana is the same as Indian hemp, hashish, cannabin, cannabis Americana, or cannabis sativa. Marihuana is the Mexican term for cannabis indica. In the argot of the underworld it has colloquial, colorful names such as reefer, muggles, Indian hay, hot hay, and weed. The drug is known in many countries by a variety of names. In India it is known as bhang and ganja; as dagga in Africa.

The term "cannabis" in the Geneva Convention of 1925 and in the Uniform Narcotic Drug Act included only the dried flowering or fruiting tops of the pistillate plant as the plant source of the dangerous resin. Research during the past few months shows conclusively that this definition is insufficient, as we have found by experiment that the leaves of the pistillate plant as well as the leaves of the staminate plant contain the active principal up to 50 percent of the U. S. P. strength. Accordingly, we are urging the several States to revise their definition to include all parts of the plant, as it now appears that the seeds and portions other than the dried flowering tops contain positively dangerous substances. We have been anticipating a challenge of the old definition in the courts and only a few weeks ago a defendant in a case in Florida in appealing to the higher court of that State said:

"We are of the opinion therefore that the information was insufficient to clearly apprise accused of the nature and cause of the accusation against him because of the sale of cigarettes containing cannabis from which the resin had not been abstracted may relate to the resin of the staminate plant, the resin of which appears to be harmless."

This challenge demonstrates the advisability of making our definition all-inclusive, which has been done with respect to the bill under discussion, H. R. 6385.

EFFECTS

The toxic effects produced by "cannabin", the active narcotic principle of cannabis sativa, hemp, or marihuana, appear to be exclusively to the higher nerve centers. The drug produces first an exaltation with a feeling of well being; a happy, jovial mood, usually; an increased feeling of physical strength and power; and a general euphoria is experienced. Accompanying this exaltation is a stimulation of the imagination, followed by a more-or-less delirious state characterized by vivid kaleidoscopic visions, sometimes of a pleasing sensual kind, but occasionally of a gruesome nature. Accompanying this delirious state is a remarkable loss in spatial and time relations; persons and things in the environment look small; time is interminable; seconds seem like minutes and hours like days. Let us think, for instance, of what might happen if a person under its influence were driving a high-powered automobile.

Those who are habitually accustomed to the use of the drug are said to develop a delirious rage after its administration, during which they are temporarily, at least, irresponsible and liable to commit violent crimes. The prolonged use of

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this narcotic is said to produce mental deterioration. It apparently releases inhibitions of an antisocial nature which dwell within the individual.

It is said that the Mohammedan leaders, opposing the Crusaders, utilized the services of individuals addicted to the use of hashish for secret murders.

Despite the fact that medical men and scientists have disagreed upon the properties of marihuana, and some are inclined to minimize the harmfulness of this drug, the records offer ample evidence that it has a disastrous effect upon many of its users. Recently we have received many reports showing crimes of violence committed by persons while under the influence of marihuana.

The effect of the use of the drug depends largely upon the individual. Among some people the dreams produced are usually of an erotic character, but the principal effect is upon the mind which seems to lose the power of directing and controlling its thoughts. Then follow errors of sense, false convictions and the predominance of extravagant ideas where all sense of value seems to disappear.

The deleterious, even vicious, qualities of the drug render it highly dangerous to the mind and body upon which it operates to destroy the will, cause one to lose the power of connected thought, producing imaginary delectable situations and gradually weakening the physical powers. Its use frequently leads to insanity.

I have a statement here, giving an outline of cases reported to the Bureau or in the press, wherein the use of marihuana is connected with revolting crimes.

EXTENT OF TRAFFIC

The rapid development of a widespread traffic in marihuana during the past several years, particularly during 1935 and 1936 is a matter for grave national concern. About 10 years ago there was little traffic in marihuana except in parts of the Southwest. The weed now grows wild in almost every State in the Union, is easily obtainable, and has come to be widely abused in many States. The situation is especially fraught with danger because this drug is being carried as a new habit to circles which heretofore have not been contaminated. Incomplete reports that have come to my attention during the past year on marihuana seizures effected throughout the country by State authorities show the existence of a dangerous and rapidly increasing traffic in this drug in at least 29 States.

Seizures of marihuana in the United States, calendar year 1936, as reported by State and municipal enforcement officers

State	Number of seizures	Cigarettes	Bulk marihuana			Growing plants			
			Tons	Pounds	Ounces	Plants	Pounds	Acres	Quantity unknown
Alabama	1	12		2					
Arizona	1	10							
California	120	1,146		623	9.09	158			
Colorado	19	168		53	2	61			
Delaware	1			3					
District of Columbia	2	28		17					
Florida	6	98			10				
Georgia	1	24							
Hawaii	3	9							
Illinois	4	51		7				4	
Indiana	1			4					
Kentucky	1	50							
Louisiana	20	1,217		1,195	11	10,600	9,000		
Maryland	16	474		700	13.3	200			
Massachusetts	7	51		3	12.1				
Michigan	15	291		95	5.25		2,500	2	
Minnesota	2			52	8				
Mississippi	5	1	1	1,308	10				Large number.
Missouri	4	123		2					
New Jersey	8	60		61	8.2		131,500		
New Mexico	3	4		15	6				
New York	14	484			10.5		38,195		1 large crop.
Ohio	41	1,318		430	12				
Pennsylvania	11	118		4	13.25				
Texas	17	58		362	13	303	30		
Utah	6	39			.3				
Virginia	2	14			4				
Washington	6	44		6					
Wisconsin	1								Large quantity.
Total	338	5,892	3	951	3.99	11,322	181,225	6	3 large crops.

NOTE.—No seizures of marihuana were reported during 1936 for the States not shown in the above list.

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Three hundred and thirty-eight arrests for violations during 1936, but this by no means represents extent of traffic, because not many of the States have actually begun real enforcement as against marijuana—many of the States lack special enforcement facilities and require education of their enforcement officers in the detection and prevention of marihuana traffic, especially in identifying the drug.

STATE LAWS

All of the States now have some type of legislation directed against the traffic in marihuana for improper purposes. There is no legislation in effect with respect to the District of Columbia dealing directly with marihuana traffic. There is unfortunately a loophole in much of this State legislation because of a too narrow definition of the term. Few of the States have a special narcotic law enforcement agency and, speaking generally, considerable training of the regular peace officers of the States will be required together with increased enforcement facillites before a reasonable measure of effectiveness under the State laws can be achieved.

NEED FOR FEDERAL LEGISLATION

Even in States which have legislation controlling in some degree the marihuana traffic, public officials, private citizens, and the press have urged or suggested the need for national legislation dealing with this important problem. A partial list of States wherein officials or the press have urged the need for Federal legislation on the subject are Colorado, Kansas, New Mexico, Louisiana, and Oklahoma.

The uniform State narcotic law has now been adopted by some 35 States, many of these including cannabis or marihuana within the scope of control by that law. However, it has recently been learned that the legislative definition of cannabis in most of these laws is too narrow, and it will be necessary to have the definition amplified in amendatory legislation in most of the States, to accord with the definition in the pending Federal bill. As is the case at present with respect to opium, coca leaves, and their respective alkaloids, the uniform State law does not completely solve the enforcement problem with respect to marihuana but it will provide the necessary supplement to the Federal act and permit cooperation of State and Federal forces, each acting within its respective sphere, toward suppression of traffic for abusive use, no matter in what form the traffic is conducted. The Bureau of Narcotics, under the Marihuana Taxing Act, would continue to act as an informal coordinating agency in the enforcement of the uniform State law, exchanging information as between the respective State authorities in methods of procedure and attempting to secure true uniformity in the enforcement of the act in the various States which have adopted it.

INTERNATIONAL EFFECT

The United States is not a party to the Geneva Convention of 1925 which includes Indian hemp in the classes of drugs with respect to which the convention operates. It is a party to the Hague Convention of 1912 and the Manufacturing Limitation Convention of 1931, under both of which it submits complete reports of progress in enforcement to the League of Nations (insofar as opium, coca leaves, and their alkaloids are concerned). The United States goes beyond the letter of its obligations under the last-mentioned conventions in international cooperation with respect to opium and coca leaves and their alkaloids. It is only with respect to cannabis (marihuana) that it cannot afford complete cooperation with other countries, since it is obviously handicapped by the lack of national legislation which would permit a reasonable degree of control over this drug and afford a direct means of information concerning trend of the traffic. The United States has more than kept pace with other world powers in the united battle against the opium, morphine, and cocaine traffic; it continues to fall behind in the international movement directed against the abuse of marihuana. The importation and exportation of marihuana, with respect to the United States, is practically unrestricted, and on one occasion the attention of the Bureau was called to an excess exportation of cannabis, by one of our exporters, to England. When the British governmental agency called attention to this exportation of a quantity from the United States in excess of the British import certificate, we were in the humiliating position of informing it that our laws did not cover cannabis, and remedial action had to be limited to a warning to the exporter—not that he was violating a law of the United States, but an admonition that he would please refrain from violating the British control laws.

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ALAMOSA DAILY COURIER,
Alamosa, Colo., September 4, 1936.

UNITED STATES TREASURY DEPARTMENT,
Bureau of Narcotics.

GENTLEMEN: Two weeks ago a sex-mad degenerate, named Lee Fernandez, brutally attacked a young Alamosa girl. He was convicted of assault with intent to rape and sentenced to 10 to 14 years in the State penitentiary. Police officers here know definitely that Fernandez was under the influence of marihuana.

But this case is one in hundreds of murders, rapes, petty crimes, insanity that has occurred in southern Colorado in recent years.

The laws of this State make the first offense of using, growing, or selling marihuana a mere misdemeanor. The second offense constitutes a felony.

Indian hemp grows wild within the limits of this city. It is clandestinely planted in practically every county in this section. Its use amounts to a near traffic in drugs.

The people and officials here want to know why something can't be done about marihuana. The sheriff, district attorney, and city police are making every effort to destroy this menace. Our paper is carrying on an educational campaign to describe the weed and tell of its horrible effects.

Your bulletins on traffic in opium and other dangerous drugs state that the production and use of Indian hemp are not prohibited by Federal law. Why?

Is there any assistance your Bureau can give us in handling this drug? Can you suggest campaigns? Can you enlarge your Department to deal with marihuana? Can you do anything to help us?

I wish I could show you what a small marihuana cigaret can do to one of our degenerate Spanish-speaking residents. That's why our problem is so great; the greatest percentage of our population is composed of Spanish-speaking persons, most of whom are low mentally, because of social and racial conditions.

While marihuana has figured in the greater number of crimes in the past few years, officials fear it, not for what it has done, but for what it is capable of doing. They want to check it before an outbreak does occur. Did you read of the Drain murder case in Pueblo recently? Marihuana is believed to have been used by one of the bloody murderers.

Through representatives of civic leaders and law officers of the San Luis Valley, I have been asked to write you for help. Any help you can give us will be most heartily appreciated.

Very sincerely yours,

FLOYD K. BASKETTE,
City Editor, The Alamosa Daily Courier.

MARIHUANA—A MORE ALARMING MENACE TO SOCIETY THAN ALL OTHER HABIT-FORMING DRUGS

(By Dr. Frank R. Gomila, commissioner of public safety, and Miss Madeline C. Gomila, assistant city chemist)

Many papers have been written on the effects, physical and mental, of the marihuana weed. Some of the best descriptions that we have read can be found in Bromberg's (1) paper called Marihuana-Intoxication; Bragman's (2) Toxic Effects—Weed of Insanity; and Kingman's (3) Green Goddess. But talking and writing of the various results that ensue from constant use of this weed in no way impresses the reading public with the seriousness of the problem that faces it today.

To our knowledge, this is the first time that such a paper as this will be presented. After searching the literature thoroughly we could find no complete record of the situation in this country. We have not deluded ourselves into believing that the information compiled here is in any way a complete picture of the situation, but we do believe that it is the best that can be obtained. The difficulty encountered is that any drug addition is such a secretive affair that not even the authorities in charge know all the culprits. Also, we have encountered some rather unexpected reluctance on the part of some of the State authorities to furnish the information. The large gaps in the table that we compiled are due to this lack of information.

Referring to table I, we find that 46 out of 48 States, or 94 percent, have found it necessary to pass some legislation against the use, possession, and sale of this menacing weed. The urgent reason for all these laws was that in many States the discovery was made that scores of youngsters of high-school age had become

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victims of the weed. It was only last year that the St. Louis Star-Times, in a series of newspaper articles, led the people of Missouri in a stirring fight for the passage of a State law for the protection of their children. Quoting from the St. Louis Star-Times of February 4, 1935, we read: "Those acquainted with the traffic say there are more women smokers than men. If you are a 'right guy' a 'giggle smoke' is available in places of lenient morals and may be purchased from a 'bystander' in many of the cheaper downtown resorts.

"One gentleman of the byways explained, 'The worst thing about that loco weed is the way these kids go for them. Most of them, boys and girls, are just punks and when they get high on the stuff you can write your own ticket.'" (4)

The article goes on to tell how, when the number of muggle smokers increased, marihuana dives came into existence. Here is a description, "The windows were covered with blankets and a single electric bulb flickers through smoke so dense you can barely see across the room. A dozen persons around a penny-ante poker game. They range from boys of 16 to men in their late 20's, all in a state of dazed exhiliration.

"There are only a few rickety chairs and the table for furnishings and the gang lolls about the room, some chasing cheap whisky with long muggles drags, others content to smoke, laugh vacuously and 'walk on air.'" (5)

Still quoting from the St. Louis Star-Times of an earlier date we find the case of a young high-school student reported. "A case in point is that of a young man, an intelligent high-school student, now confined to an institution for the mentally diseased. His experience is entirely the result of acquiring the habit of smoking marihuana cigarettes.

"One of his friends said to a Star-Times reporter, calling the youth by name, 'He was a swell fellow until marihuana got him. Like the rest of us, he thought the weed wasn't habit-forming and had no idea of the possible consequences of smoking it. He smoked so many he couldn't quit. Finally he went crazy and his folks put him in a sanitarium.'" (6) From this same article we read: " 'Weed' smoking among young St. Louisians appears to be chiefly confined to boys. Girls who indulge do so largely as a result of association with boys who smoke the drug."

"A girl student, still in her teens told a reporter she had seen some of her friends under the influence and named a boy and a girl who lost their senses so completely after smoking marihuana that they eloped and were married.

" 'Another boy I know got the habit so bad he didn't have enough money to buy all the cigarettes he craved. To get the money he stole jewelry from his mother while under the influence of marihuana and pawned it. He was arrested, but when his mother found out who the thief was she naturally dropped her complaint.

" 'I know at least 20 boys, some of them in school, whom I have seen smoking marihuana cigarettes. Sometimes three or four of them crowd into a telephone booth and puff on a single cigarette.

" 'Several girls I know have smoked marihuana and I smoked with them, but I've decided its bad business and haven't smoked lately.

" 'Sometimes we would go to a beer tavern and smoke, the boys always supplying the muggles.' " (7)

Referring to table II, we find then that Colorado reports that the Mexican population there cultivates on an average of 2 to 3 tons of the weed annually. This the Mexicans make into cigarettes, which they sell at two for 25 cents, mostly to white schoo lstudents. Strangely enough, it has been noted that when this weed is grown at altitudes considerably higher than sea level, it is much more potent. Colorado, a State that has an average altitude than sea level, can therefore grow a plant that is much more powerful than one grown in Louisiana. (8).

From Massachusetts we learn that cigarettes sell for 25 cents apiece and that they are chiefly used among the younger people between the ages of 18 and 21. In Louisiana the age range is 18–37 years. Minnesota, like Missouri, has its difficulties with high-school addicts. Oklahoma is another of the afflicted States. Reports state that the weed is used widely among the high-school students there.

The tragic picture of all these youngsters coming under the influence of this drug certainly must have some significance. It means that more drastic action is necessary. All these States have passed laws concerning this drug but though the law has curbed the use of marihuana to a certain degree it has by no means eradicated it. This is still a very important problem. Why shouldn't our Federal Government, with its wheels of action already set in motion, take over the control of the use of this dangerous drug in the United States? We said "wheels of action, already set in motion", because in many large cities the Federal narcotic squads are cooperating with the local police in stamping out the danger threatened by this drug. The States, individually, are doing what they can, though in many

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instances they are sorely handicapped by lack of experience with this problem, insufficient funds and ignorance of the proper methods. Referring to table I, again, we find that the narcotic squad is even now helping curb this menace in Louisiana, Maryland, New York, New Jersey, and Wyoming.

In New Orleans we were called in a case in which Federal narcotic agents had made the wholesale arrests of 36 peddlers simultaneously. This is just one case out of many handled by the Federal men this year. These men are more thoroughly trained and much better equipped to handle the situation than the local police. Certainly our Government could help out in this deplorable situation by amending the Harrison Narcotic Act to include marihuana as a potent and dangerous drug. As long ago as 1931 our country was one among 57 other countries that met at Geneva, Switzerland, in order to draw up a treaty convention for restricting the manufacture and cultivation of narcotic drugs. Included among the narcotics listed by this treaty convention is marihuana. By the end of the year 1935, 55 nations had ratified this convention, the United States being the second nation to do so in 1932. Why then should our Government ratify this treaty convention and not include marihuana in our own Harrison Narcotic Act (11)?

The increasing prevalence of this menace is another matter for serious thought. From table I, we find that eight States enacted legislation against the use, sale, and possession of this weed in 1935 and 1936. By glancing over table II you'll find that New York State alone destroyed 187 tons of the weed in 1935. There seems to be no shortage there. In Louisiana, in recent months, the State police have destroyed more weed here than ever before. There are many States in a similar dilemma. This problem seems in no way to be solved but on the contrary is growing to be a more dangerous one every day.

From table II we ascertain that out of 450 persons arrested in New Orleans, La., in 1934, 125 were marihuana addicts; out of 37 murders, 17 were addicted to the use of marihuana, and out of 193 convicted of thefts, 34 were under the influence of this drug. Therefore, the ratio is that approximately 1 out of every 4 persons arrested in this city has become a victim of this dangerous drug (12).

In the State of New Mexico, 4 percent of the inmates of the penitentiary are confessed users of the weed. In New York we find that 10 percent of all the narcotic violators are marihuana cases. The warden of the State penitentiary in North Dakota reports that some of the prisoners are addicted to the drug but that there are none there at present. In Minnesota 10 out of 348 cases at the reformatory confessed to being addicts, while in Mississippi 6 confessed users were arrested. Illinois reports having arrested 30 marihuana addicts since 1933.

In the case of the city of New Orleans, if we refer to table III for the year 1936, we find that in the first 4 months of that year 36 arrests were made. This number does not include the arrests made by the Federal narcotic men which greatly exceeds this figure. If we consider this figure 36 as an average figure for that period we find that the total number of arrests for the year of 1936 will substantially exceed the total for any one of the preceding years. This is a significant fact and proves that the danger is growing instead of abating.

Practically every article written on the effects of the marihuana weed will tell of deeds committed without the knowledge of the culprit, while he was under the influence of this drug. There are many arguments for and against this statement, and many cases reported which uphold it, and still others which contradict it. Our opinion is that both arguments for and against are correct because of the inconsistency of the action of this drug on individual victims. The reactions resulting depend to a large extent on the innate characteristics of the individual. The person who is so unfortunate as to come under the influence of this drug, in many cases, becomes the unwilling offender of the law because the central nervous system has become affected, as is the case with other habit-forming drugs. As a representative case, note the tragic predicament of this Californian. "A man under the influence of marihuana actually decapitated his best friend; and then, coming out of the effects of the drug, was as horrified as anyone over what he had done" (9). Then we have the case of a young boy in Florida. The story runs as follows: "A young boy who had become addicted to smoking marihuana cigarettes, in a fit of frenzy because, as he stated while still under the marihuana influence, a number of people were trying to cut off his arms and legs, seized an axe and killed his father, mother, two brothers and a sister, wiping out the entire family except himself" (10).

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Those of us who are native New Or'eanians must well remember the tragic incident that happened in our city last year. In a downtown section a man under the influence of the weed became so frenzied and angered at his wife as to kill her out on the street in front of many witnesses.

These are only three cases of which there are hundreds. Each one is a blot on the history of the State where the crime was committed and so it is very difficult to unearth such information.

Is marihuana sufficiently like any other habit-forming drug that it should receive recognition as a real menace? For an answer we have only to glance over table IV, where we find that in comparison with other important habit-forming drugs, heroin, morphine, opium, and cocaine, marihuana has an established place. Like these drugs named, it, too, derives its effects chiefly from resultant changes to the central nervous system. It decreases pain and in certain instances dispenses it completely. Comparable to the other drugs mentioned, a certain amount of tolerance is set up rather easily with marihuana.

In its action of depression and stimulation it is very much like that noted under small doses of morphine. Habit-forming drugs in every case disturb the vision and heart. In this instance marihuana reacts like cocaine, in that the pupils become dilated and the pulse is accelerated. Habitual use of heroin weakens judgment, self-control, and attention. In thise sense, marihuana is like heroin as constant use results in loss of judgment and measurement of time and space. Marihuana makes the imagination run rampant and the dreams that result are as extravagant as those reported by opium eaters. Social dangers that ensue from the use of marihuana are comparable again to those that result from the use of heroin. The heroin habit produces an utter disregard for conventions and morals; similar results ensue from the smoking of the weed. Here, however, the skeptic has a point which he can dispute. The action of marihuana is much less constant than hereoin, as it depends to a certain extent on the disposition and intellectual activity of the victim. However, we must remind friend skeptic that the great majority of indulgers are ignorant and inexperienced youngsters and members of the lowest strata of humanity. When you think this fact over there should be no room for argument on that point.

After an exhaustive research on marihuana from its earliest history to the present time, this drug is in our judgment the one that must be eliminated entirely. After glancing at the accompanying map and noticing the large section of the country where marihuana is reported as growing at the present time, it is easy to see that the destruction of the plant is absolutely essential in all communities in this country. To this end we believe that the members of the Orleans Parish Medical Society should lend their wholehearted cooperation.

In conclusion we wish to state that we feel we have proved conclusively:

1. The seriousness of this problem as it concerns youngsters who are willing to take a chance at all times.
2. The increasing prevalence of this menace which results in a large percentage of criminal users.
3. The tragedy of persons who use the weed becoming unwilling offenders of the law because the central nervous system has been so affected.

TABLE III.—*Statistics of number of arrests, number of cigarettes confiscated, and pounds of weed destroyed in the city of New Orleans for the years of 1928 to April 1936*

Year	Number of arrests	Number of white arrests	Number of colored arrests	Number color not recorded	Number of cigarettes confiscated	Pounds of weed confiscated
1928-29	19	9	6	4	406	4.2 ounces.
1930	30	17	4	9	527	27 pounds 10 ounces; 7 stalks of freshly cut herb.
1931	18	6	1	11	405	2 pounds 6 ounces.
1932	20	11	5	4	94	1 pound 2 ounces.
1933	13	6	3	4	62	1 ounce.
1934	20	9	7	4	236	3 pounds 6.4 ounces; 2¾ pounds seeds and fragments of leaves.
1935	82	22	32	28	2,752	3 pounds 14 ounces.
1936 (January through April).	36	18	15	3	149	3.01 ounces.

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TABLE IV.—*An interesting comparison of the action of heroin, morphine, opium, cocaine, and marihuana*

Heroin	Morphine and opium	Cocaine	Marihuana
Action on cerebrum and medulla seems to be stronger than morphine.	Decided action on cerebrum and medula.	Most important effect is that on central nervous system.	Effects due chiefly to changes in central nervous system.
Senses dulled	Depression of sensibility.	Applied locally, paralyses sensory nerve terminations; injections anaesthetize all area where drug penetrates; spinal cord injection, complete loss of sensation in lower part of body but movements unimpaired.	Sensation of pain decreased or entirely absent; sense of touch dulled.
Tolerance set up rapidly	Tolerance easily attained for large doses.	Tolerance can be attained by habitual use.	Some tolerance is rapidly acquired.
Has little effect in intestines.	Movement of bowels irregular.	Movement of intestines are augmented.	Causes diarrhea.
	Depression and stimulation follow each other in rapid fashion.	Depression succeeds stimulation in some order; 2 stages not divided and often overlap.	Depression and stimulation that results is comparable to that noted under small doses of morphine.
Vision disturbed	Pupils contracted	Pupils dilated	Pupils dilated.
Slow small pulse	Heart irregular	Pulse accelerated	Pulse accelerated.
	Appetite bad	Loss of appetite	Appetite increased.
Judgment, self-control attention weakened; resembles morphine in its general effects.	Results in nervousness, weak character and lack of energy; utterly unfit for work unless supplied with drug; tremors and unsteadiness in walking may be apparent.	Reflexes more easily excited; tremors or slight convulsive movements often occur; has surprising power of removing fatigue; small doses, mental powers increased; large doses stimulant effect spreads to lower areas and produces a great increase of movement.	Results in loss of judgment; imagination runs rampant; measurement of time and space lost; dream state followed by unconsciousness and then by restful sleep; action less constant than any other drug; depends greatly on disposition and intellectual activity of victim; large doses result in loud disturbances and violence.
Social dangers greater than in the case of morphine as it produces marked changes in personality, utter disregard for conventions and morals; degenerative changes in individual progress more rapidly than in the case of any other drug; addict quickly becomes a mental and moral degenerate.	No evidence of physical deterioration or unfitness aside from addiction to drug; melancholia and dementia follow continued use of drug.	Sleeplessness, tremors, occasional convulsions and hallucinations often occur, also delirium, indefinite disturbances of sensation and motion; mental, moral, and physical deterioration more rapid than in the case of morphinism.	Often produces disregard for conventions and morals.
Habit most difficult to cure.	Habit difficult to cure; relapses after withdrawal are exceedingly common.	View of some doctors is that habit can be broken as easily as smoker's habit, as there seems to be no after effects upon withdrawal.	Habit can be easily broken as there are no withdrawal effects, but as is the case with all drugs the increased desire due to abstenence causes continued relapses.

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Marihuana as a Developer of Criminals

(By Eugene Stanley, district attorney, parish of Orleans, New Orleans, La.)

Many prosecuting attorneys in the South and Southwest have been confronted with the defense that, at the time of the commission of the criminal act, the defendant was irresponsible, because he was under the influence of marihuana to such a degree he was unable to appreciate the difference between right and wrong, and was legally insane. A great deal of difficulty has been experienced in rebutting this defense by the testimony of psychiatrists, for, while some of these experts are conversant with the nature and effect of this drug, it has been the experience of the author that many psychiatrists know nothing whatsoever of the effect of the drug.

This may be due to the fact that this drug has come into wide use in certain parts of the South only within the last 10 years.

It is the purpose of this article to give a brief outline of the nature and origin of this drug, the legislation enacted which prohibits its sale and use, to recommend that this drug be placed within the provisions of the Harrison Anti-Narcotic Act, and to give a list of some of the works which may be consulted by any persons interested in making a thorough study of the drug.

Marihuana is the Mexican Term for Cannabis Indica

The plant or drug known as Cannabis indica, or marihuana, has as its parent the plant known as Cannabis sativa.

It is popularly known in India as Cannabis indica; in America, as Cannabis americana; in Mexico as Cannabis mexicana, or marihuana.

It is all the same drug, and is known in different countries by different names. It is scientifically known as Cannabis sativa, and is popularly called Cannabis americana, Cannabis indica, or Cannabis mexicana, in accordance with the geographical origin of the particular plant.

In the East it is known as charras, as gunga, as hasheesh, as bhang, or siddi, and it is known by a variety of names in the countries of continental Europe.

Sannabis sativa is an annual herb from the "hemp" plant; it has angular, rough stems and deeply lobed leaves.

It is derived from the flowering tops of the female plant of hemp grown in semi-tropical and temperate countries. It was once thought that only the plant grown in India was active, but it has been scientifically determined that the American specimen termed "marihuana" or "muggles" is equal in potency to the best weed of India. The plant is a moraceous herb.

In the South, amongst the Negroes, it is termed "mooter."

In India, where the plant is scientifically cultivated on a wide scale for the drug obtained from it, the plants, when small, are separated, the female plant being used exlusively for the purpose of obtaining the drug.

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In Mexico and in America, the plants are permitted to grow together indiscriminately, without separating the male and female plants, so that the potency of the female plant is lessened by the admixture of the male element.

In semitropical climates, because of the fertility of the soil and the ease with which hemp seed may be procured, the plant can be easily cultivated, and prohibition of the actual cultivation is rendered practically impossible. It resembles a weed, and has been found growing in some of the back yards and lots of cities. The traffic in the plant, and the drug derived therefrom, has been found to be considerable, particularly in the South and Southwestern States.

CULTIVATION OF HEMP

Hemp is cultivated all over the world; its culture probably originated in China, from whence it spread. It is cultivated for three purposes; For the fiber, out of which rope, twine, cloth and hats are made; for the seed, from which a rapidly drying oil is obtained that is used in the arts and as a commercial substitute for linseed oil; and for the narcotic contained in the resin of the dried, flowering tops of the pistillate plant. The seed is also sold as a constituent of commercial bird seed.

Hemp was grown in the New England Colonies for fibre used in the making of homespun. It was also grown in the Virginia and Pennsylvania Colonies and cultivated at a very early date in the settlements of Kentucky, from whence the industry spread to Missouri. Hemp has been grown at various times in Illinois, near Champagne; in the Kankakee River Valley, in Indiana; in southeastern Pennsylvania, and in Nebraska, Iowa, and California. It is now abundant as a wild plant in many localities in Western Missouri, Iowa, Southern Minnesota, and in the southwestern and western States, where it is often found as a roadside weed. It is not known when the plant was introduced into Mexico, and the southwest, but probably along with the early Spanish settlements. It was introduced into Chile in the 16th century.

The early cultivation of hemp in the United States was of the small European variety, but this has been replaced since 1857 by the larger Chinese hemp. Practically all the seed for present-day American hemp culture is grown in the Kentucky River Valley.

CANNABIS INDICA OR SATIVA

Cannabis sativa is designated as a "narcotic" in a number of State laws. It is sometimes mentioned in the law as "loco weed" because of its inebriate effect upon men and cattle; in others as "marihuana", "hemp", or "hashish"; in fact, the drug is known by a wide variety of names.

It is one of several drugs included under the antinarcotic laws of 17 States, namely, Texas, Arkansas, Louisiana, New Mexico, Nevada, California, Oregon, Idaho, Washington, Utah, Maine, Vermont, Massachusetts, New York, Indiana, Wisconsin, and Iowa. It is also prohibited under the laws of Mexico and England.

In a great many of the States where this legislation was enacted, so widespread was the use of marihuana, and so terrific the result, that grave emergencieswere declared to exist which justified the legislation taking effect immediately.

The restrictions respecting the smoking of "hemp" are mentioned along with those restricting opium smoking.

Although the different forms of the plant have been described under different botanical names, there are no essential differences in any of the specific characteristics, and all cultivated or wild hemp is now recognized as belonging to one species—Cannabis sativa.

THE ORIGIN OF THE DRUG

The origin of the drug is very ancient.

In the year 1090 A. D. the religious and military order or sect of the Assassins was founded in Persia, and the numerous acts of cruelty of this sect was known not only in Asia, but in Europe as well. This branch of the Shiite sect, known as Ismalites, was called Hashishan, derived from Hashish, or the confection of hemp leaves (Cannabis indica).

In fact, from the Arabic "Hashishan" we have the English word "Assassin." It is mentioned in the Arabian Knights, and was known at the time of the Crusaders. It was known to the Greeks as "Nepenthe", and was lauded in the immortal Odyssey of Homer as a drug to lull all pain and anger, and to bring forgetfulness of all sorrow.

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It was known in ancient times to the Egyptians, and its use in Egypt, at the present time, is widespread.

In fact, it is presently as widely used amongst the Egyptians, and in the East, as opium is used by the Chinese, and alcohol by the Americans and Europeans.

Its effect upon the Malays has been terrific, and the natives of the Malayan Peninsula have been known, while under its influence, to rush out and engage in violent or bloody deeds, with complete disregard for their personal safety, or the odds arrayed against them. To run "amok" in the Malayan Peninsula is synonymous with saying one is under the influence of this drug.

In America, particularly in the South and Southwestern portions of the United States, it is called marihuana. It is popularly known amongst the criminal element as "muggles", or "mooter" and addicts are commonly termed "muggle heads."

THE EFFECT OF THE USE OF THE DRUG

The flowering tops of the female plant are the source from which the drug is obtained, and in America these flowering tops are gathered and rolled into cigarettes and smoked, the smoke being inhaled.

A favorite method of smoking these cigarettes is for a person to draw into the mouth the smoke from one of these cigarettes and to blow the smoke from the mouth against the cupped hands, and then inhale the smoke.

In India, marihuana or "muggles" is mostly used in "ganja" form, which is the Indian name for a mixture of the stems, leaves, and flowering tops of the cultivated female plants. It is smoked, as in America, in the form of cigarettes, or in the pipe; its smell is typically offensive, and is easily recognized by the initiated.

In India, bhang, or siddi, are the Indian names for the mixture of these dry leaves and capsules without stems, whether male or female, cultivated, or in its wild state. It is the cheapest and the weakest of all the preparations of hashish, and is taken as tea.

In India, the resinous substance which exudes from the flowering head of the female plant is called "chcarris", and is either smoked or taken in pills or in confections, or mixed with sugar or honey, and is commonly sold amongst the bazaars of Egypt and the Far East.

In many respects, the action of cannabis sativa is similar to that of alcohol or morphine. Its toxic effects are ecstacy, merriment, uncontrollable laughter, self-satisfaction, bizarre ideas lacking in continuity, and its results are extreme hyperacidity, with occasional attacks of nausea and vomiting. It has also been described as producing, in moderate doses, from a mild intoxication to a dead drunk, a drowsy and semicomatose condition, lapsing into a dreamy state, with a rapid flow of ideas of a sexual nature and ending in a deep sleep, interrupted by dreams. On awakening, there is a feeling of great dejection and prostration.

Large doses produce excitement, delusions, hallucinations, rapid flow of ideas, a high state of ecstacy, psychomotor activity with a tendency to willful damage and violence, and a temporary amnesia of all that has transpired. In cases of prolonged addiction, especially in the Malays, the somnolent action of Cannabis indica is replaced with complete loss of judgment and of restraint, the same effect so frequently observed in alcoholic intoxication.

It is commonly used as an aphrodisiac, and its continued use leads to impotency. This has been observed amongst the natives of India.

It is an ideal drug to quickly cut off inhibitions.

At the time of the founding of the religious sect or order of "Assassins" in Persia, by Hassan Ben Sabbat, young men whom the sheik desired to subjugate were given this drug, and when under its influence, were taken, blindfolded, into the garden of the sheik, where every pleasure which appealed to the senses awaited them.

When complete indulgence in these pleasures were had, they were taken from this garden, and so eager were they for a further opportunity to use this drug and a repetition of these pleasures, that they were under the complete domination of the sheik, who alone knew the secret of this drug, and gladly followed his will, even to the extent of sacrificing their lives if he commanded them to do so, in order to further experience the pleasures to which they had been initiated.

At the present time, the underworld has been quick to realize the value of this drug in subjugating the will of human derelicts to that of the master mind. Its use sweeps away all restraint, and to its influence may be attributed many of our present day crimes.

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It has been the experience of the police and prosecuting officials in the South that immediately before the commission of many crimes the use of marihuana cigarettes has been indulged in by criminals, so as to relieve themselves from a sense of natural restraint which might deter them from the commission of these criminal acts, and to give them the false courage necessary to commit the contemplated crime.

THE GOVERNMENT'S ATTITUDE TOWARD MARIHUANA

Indian hemp (marihuana) addicts were made eligible for treatment in recent legislation enacted by the Seventieth Congress, approved January 19, 1929, establishing narcotic farms for the confinement and treatment of persons addicted to the use of habit-forming narcotic drugs.

This legislation is somewhat unique in congressional legislation, since Indian hemp is not classified as a habit-forming drug or narcotic in other Federal narcotic laws.

Inasmuch as the harmful effects of the use of the drug is becoming more widely known each day, and it has been classed as a narcotic by the statutory laws of 17 American States, England, and Mexico, and persons addicted to its use have been made eligible for treatment in the United States narcotic farms, the United States Government unquestionably, will be compelled to adopt a consistent attitude toward this drug, and include it in the Harrison antinarcotic law, so as to give Federal aid to the States in their effort to supress a traffic as deadly and as destructive to society as the traffic in the other forms of narcotics now prohibited by the Harrison Act.

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[1] This reference may be 3; 143-15: the copy is indistinct.

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England.—George V (1925), Statutes 15 and 16 amending.
California.—Code of California, statutes and amendments (1929), page 381, chapter 216.
Indiana.—A. Burns' Annotated Indiana Statutes, volume 1, section 2494, page 1228, act 1911, page 45.
Iowa.—1924 acts of Iowa, chapter 156, page 427.
Louisiana.—Act 41 of 1924.
Maine.—Revised statutes of Maine (1930, sec. 25, ch. 23, p. 477).
Nevada.—Compiled laws of Nevada (1929) Hillyer, volume 2, section 5084.
New Mexico.—The laws of New Mexico (1923), chapter 42, page 58.
Oregon.—General Laws of Oregon (1923), chapter 27.
Texas.—Vernon's Annotated Criminal Statutes of the State of Texas (Penal Code) volume 2, 1926, chapter 3, article 720.
Utah.—Compiled Laws of Utah, section 4432 (1917 edition), page 902.
Vermont.—General Laws of Vermont (1919), section 6285, page 1081.
Washington.—Remington's Compiled Statutes of Washington (1923), supplementing chapter 7, sections 2509–2511, 2509–2512.
Wisconsin.—Wisconsin Statutes (1929), tenth edition, section 146.02, formerly section 1419 of the Old Wisconsin Statutes, paragraph 16.
Wyoming.—Wyoming's Compiled Statutes (1920), section 3570, page 693.

(See descriptive word index and table of cases affirmed. Revised or modified, covering "Current Digest", vols. 1 to 5 (1926–30) (West Publishing Co.), "Marijuana", p. 327.)
Criminal law: 507 (1), 730 (2), 569, 338 (7), 1170 1–2 (2), 1153 (6), 814 (8, 9), 459, 741 (1).
Poisons. 9.

(Thereupon the committee adjourned to meet tomorrow, Wednesday, Apr. 28, 1937, at 10:30 a. m.)

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TAXATION OF MARIHUANA

WEDNESDAY, APRIL 28, 1937

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS.
Washington, D. C.

The committee met at 10:30 a. m., Hon. Thomas H. Cullen presiding.

Mr. CULLEN. The committee will come to order. On yesterday when the committee adjourned we had heard several witnesses in favor of the pending bill, H. R. 6385. Are there any more witnesses to be heard in favor of the bill?

Mr. HESTER. We have three more witnesses, Mr. Chairman.

Mr. CULLEN. We shall be glad to hear them this morning.

I have in my hand a letter addressed to the chairman of the committee from the Armstrong Cork Products Co., which suggests an amendment to the bill. I will ask the clerk of the committee to read the letter, which will be inserted in the record.

(The clerk read the letter referred to, as follows:)

ARMSTRONG CORK PRODUCTS CO.,
Washington, D. C., April 27, 1937.

Hon. ROBERT L. DOUGHTON,
Chairman, Ways and Means Committee, Washington, D. C.

DEAR MR. CHAIRMAN: The undersigned company, one of the principal manufacturers of linoleum in the United States, has consumed substantial quantities of hempseed oil in the past, in the manufacture of hard-surface floor coverings. At present none of this oil is being used by us, but conditions in the drying-oil market may change in the future and again find us among the ranks of consumers.

We are in thorough sympathy with the object which is sought to be accomplished by H. R. 6385—to control the growing traffic in marihuana. We believe, however, that the definition of "marihuana" contained in section 1 (b) is needlessly too broad. We suggest at the end of line 6, page 2, the period should be changed to a semicolon and the words "and provided further, shall not include the oil derived from the seeds" be added to this paragraph. Hempseed oil, so far as we have been able to discover, presents no dangers in connection with the control of marihuana. It should therefore be excluded from the bill.

The bill section 1 (b) specifically exempts the mature stalks of the plant, for the benefit of the manufacturers of hemp fiber. We earnestly request that a like exemption be made for the benefit of industrial consumers of hempseed oil.

Very truly yours,

ARMSTRONG CORK CO.,
By JESSE R. SMITH.

Mr. CULLEN. I have several other letters addressed to the chairman in reference to the bill which, without objection, will be inserted in the record at this point.

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(The letters referred to are as follows:)

WM. G. SCARLETT & CO.,
Baltimore, Md., April 26, 1937.

Hon. ROBERT L. DOUGHTON,
Chairman, Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been directed to H. R. 6385, introduced by you on April 14, as being a bill to impose an occupational excise tax upon certain dealers in marihuana and for other purposes.

This company handles hempseed in considerable quantities for use in pigeon feeds and bird seed mixtures. We have never considered hempseed as a drug or source of a drug. The United States Tariff Commission has reported that somewhat over 4,000,000 pounds of hempseed are sold annually in the preparation of bird-seed mixtures. We would consider this figure somewhat conservative.

In view of the commercial uses of hemp seed and the fact that we are unaware that it either is or is not a source of the narcotic drug marihuana, we believe that the committee should be very careful to be fully assured that the seed is a source of the drug before it includes this seed in the definition of marihuana.

Inasmuch as the title of the bill refers only to marihuana, a term unfamiliar to most of the members of the public handling hemp seed and its products, it is unlikely that the scope and effect of the bill now before the committee is fully realized by those who use hemp seed commercially. We do not in any way oppose any feature of the bill that is designed to control traffic in the drug marihuana. If, as a result of the hearing, it is clearly shown that the seed is a source of the drug, we have no objection to the inclusion of the seed in the definition; but if such facts are lacking, we are opposed to the inclusion of the seed, at least until such time in the future as the committee may be more fully advised.

Very truly yours,

WM. G. SCARLETT & CO.

UNITED STATES SENATE,
COMMITTEE ON PUBLIC LANDS AND SURVEYS,
April 26, 1937.

Hon. ROBERT L. DOUGHTON,
Chairman, Ways and Means Committee,
House of Representatives.

DEAR MR. CHAIRMAN: Sometime ago I received a communication from Miss Mabel Holdaway, of Helena, Mont., relative to the enactment of legislation to control the distribution of marihuana in this country.

I took the matter up with the Treasury Department and received a reply from the Assistant to the Secretary, Mr. McReynolds.

I am enclosing herewith Miss Holdaway's letter, together with a copy of Mr. McReynold's reply; and if you will give the matter consideration and advise me what action your committee contemplates taking relative thereto, I will appreciate it.

Please return the enclosures with your reply.

Very sincerely yours,

JAMES E. MURRAY.

APRIL 24, 1937.

Hon. JAMES E. MURRAY,
United States Senate.

MY DEAR SENATOR: Reference is made to your letter of March 29, 1937, to Commissioner Anslinger, enclosing a letter to you by Miss Mabel Holdaway, in which she suggested the need for Federal legislation regulating the traffic in marihuana. You requested the views of this Department with reference to the matter.

This Department is heartily in favor of Federal legislation to regulate the traffic in marihuana, and realizing the necessity for such regulation the Secretary of the Treasury has recommended, and Chairman Doughton of the House Ways and Means Committee has introduced, a bill to provide for the imposition of certain taxes upon marihuana. By this means the Federal Gov-

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ernment can take action to stamp out the illicit traffic in marihuana, not only through its own efforts but through cooperation with the various States, all of which now have statutes regulating the marihuana traffic.

Very truly yours,

(Signed) WM. H. MCREYNOLDS,
Administrative Assistant to the Secretary.

THE NATIONAL EMERGENCY COUNCIL,
OFFICE OF THE STATE DIRECTOR FOR MONTANA,
Helena, Mont., March 24, 1937.

Hon. JAMES E. MURRAY,
United States Senator for Montana, Washington, D. C.

DEAR SENATOR MURRAY: We were successful in having enacted at the recent session of the Montana State Legislature the Uniform Narcotic Drug Law as proposed by the Bureau of Narcotics, a Division of the Department of the Treasury. This law marks a long step forward in the fight against illicit traffic in narcotic drugs and will coordinate enforcement machinery through mandatory cooperation of State with Federal officers.

The thing that we are now especially interested in is the fact that there is no Federal law to prosecute offenders involved in the traffic of Cannabis. This weed is possibly the greatest menace which confronts us today. It is also called hashish, Indian hemp, or better known as marihuana, and can be grown almost anywhere. It is used in the form of cigarettes, made from the flowering tops and leaves of this plant, and they are known as reefers, muggles, hay butts, and weeds. The Mexican laborers have brought seeds of this plant into Montana and it is fast becoming a terrible menace, particularly in the counties where sugarbeets are grown. We have had numerous reports of school children and young people using cigarettes made from this weed. As you probably know, this weed affects the nervous system and many of its victims die or must be confined to institutions for the insane.

If legislation has not already been introduced for a Federal law providing a penalty for the growth, possession, sale, and distribution of marihuana, would it not be possible for you to do so? By doing this you would earn the gratitude not only of the people of Montana but of the entire United States.

Sincerely yours,

MABEL HOLDAWAY,
Research Assistant.

NATIONAL CONGRESS OF PARENTS AND TEACHERS,
Washington, D. C., April 28, 1937.

Hon. ROBERT L. DOUGHTON,
Chairman, Committee on Ways and Means,
United States House of Representatives, Washington, D. C.

MY DEAR MR. DOUGHTON: The National Congress of Parents and Teachers, an organization having a paid membership of more than 2,056,000, comprised of 26,000 local associations in 48 States, Hawaii, Alaska, and the District of Columbia, is deeply concerned with the increasing use of marihuana by children and youth. We are fully informed of its devastating and crime-producing effects.

It is understood that H. R. 6385, now under consideration by the Ways and Means Committee, is designed to control the cultivation, production, and distribution of this plant. While we have not given serious study to this specific bill, we do strongly favor the enactment of legislation which will insure the protection of children and youth from the use of this drug.

Very truly yours,

Mrs. MARY T. BANNERMAN,
National Chairman of Committee on Legislation.

ADDITIONAL STATEMENT OF CLINTON M. HESTER, ASSISTANT GENERAL COUNSEL, OFFICE OF GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY

Mr. HESTER. Mr. Chairman, I prepared last evening a brief summary of the effect of the marihuana bill upon legitimate industry which I thought perhaps would be of interest to the committee.

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Mr. CULLEN. If there is no objection, the statement referred to will be inserted in the record.

Mr. HESTER. The statement I have referred to is as follows:

All legitimate users of marihuana are exempted from the provisions of this bill which imposes taxes upon transfers of marihuana and require such transfers to be made on order forms obtained from the collector of internal revenue, except purchasers of marihuana seeds for use in the making of bird seed, or marihuana seeds as bird seed, and purchasers of the flowering tops and leaves of marihuana for use in the making of the refined drug product.

Those legitimate users of marihuana who are exempted from these transfer taxes and order form requirements, are purchasers of the mature stalk of marihuana for use in the making of fiber products such as twine, purchasers of marihuana seeds for the further planting of marihuana and the manufacture of oil, and purchasers of such oil for use in the manufacture of paints and varnishes.

Although all of the above manufacturers or dealers who use marihuana are exempted from the transfer tax and order form provisions of the bill (with the exceptions noted), they are, nevertheless, required to pay occupational taxes and register with the collector of internal revenue, with two exceptions: Dealers in paint and varnish which contains marihuana; and manufacturers of and dealers in fiber products manufactured from the mature stock of marihuana. Likewise, all producers of marihuana, whether they grow marihuana for hemp fiber, for seeds, or for the drug, must register as producers and pay the occupational tax.

I. *Hemp.*—Since the definition of marihuana in the bill excludes the mature stalk of the plant and any product or manufacture of such stalk such as twine, all hemp, fiber, or cordage manufacturers and dealers would not be subject to any provision of the bill. It is possible to safely exclude all such persons from the purview of the bill because the mature stalk does not contain any of the harmful drug ingredient. However, any person who grows marihuana, even if for the sole purpose of sale to a hemp manufacturer, would have to pay an occupational tax as a producer. The reason for this is that such production cannot be limited to the mature stalks of such plant since the stalk cannot be grown without also producing the flowering tops and leaves. Unless the legitimate producer transfers the tops and leaves to a drug manufacturer, his product will not be subject to a transfer tax for the flowering tops and leaves are removed from the mature stalk and left on the field.

II. *Marihuana seed for planting purposes.*—All persons who produce marihuana for seeds must pay the occupational tax as producers, but all transfers of marihuana seeds to persons registered as producers for use by such persons for the further production of marihuana are exempted from the transfer tax and order form provisions of the bill.

III. *Marihuana as used in the paint and varnish industry.*—It appears that there is some use of marihuana seeds for the production of oil which is sold to paint and varnish manufacturers, to be used as a constituent part of their products. The bill requires manufacturers and importers of oil, paint, and varnish dealers in oil, to pay occupational taxes but exempts from occupational taxes dealers in paints or varnishes.

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The reason why manufacturers and importers must pay the occupational tax and register is that they will have raw marihuana in their possession, and the reason why their products are exempt is because the drug cannot be extracted from the products. However, paint and varnish and the oil to be used in paint and varnish would be exempted from the transfer tax. Thus, a transfer of seed from a marihuana producer to a registered oil manufacturer would be exempted as would a transfer of the manufactured oil to a registered paint manufacturer and a transfer of the completed paint or varnish product to a dealer or by the dealer to the consumer.

IV. *Marihuana for medicinal use.*—All persons who produce, manufacture, import, or deal in marihuana or its byproducts for medical use, as well as practitioners, would be compelled by the bill to pay occupational taxes. All transfers to manufacturing chemists, druggists, and practitioners would be subject to the transfer tax and order form requirement but, such persons all being entitled to registry, the transfer tax would amount only to $1 per ounce. The final dispensation by a practitioner to a patient in the course of his professional practice or by druggists to the patients of such practitioners in pursuance of a written prescription would, however, be exempted from the transfer tax and order form provisions. Incidentally, it appears that the marihuana drug is not indispensable to the medical profession.

V. *Bird seed.*—Since marihuana bird seed contains the drug and is capable of being used by human beings for smoking purposes, and since, if negligently disposed of, it propagates new marihuana very rapidly, all occupational and transfer taxes imposed by the bill are applicable with respect to bird seed containing marihuana. Since the ultimate purchaser of bird seed could not register under the bill, a transfer to him would be subject to the prohibitive $100 tax. Thus, the effect of the bill is to prevent the use of marihuana seed in bird seed.

Mr. CULLEN. Who is your next witness, Mr. Hester?

Mr. HESTER. Mr. Chairman, I would like the committee now to hear Dr. Munch, a pharmacologist, from Temple University, Philadelphia.

Mr. CULLEN. Will you give the reporter your full name and the position you occupy?

STATEMENT OF DR. JAMES C. MUNCH, PHARMACOLOGIST, TEMPLE UNIVERSITY, PHILADELPHIA, PA.

Dr. MUNCH. Mr. Chairman, my name is James C. Munch; I am a pharmacologist at Temple University, Philadelphia.

Mr. MCCORMACK. Will you tell us your education and professional background?

Dr. MUNCH. I am a doctor of philosophy. I have majored in toxicology (the action of poisons) and in pharmacology (the action of drugs on animals and on man).

I was for 10 years connected with the Food and Drug Administration, during part of which time I was in charge of the pharmacology laboratory there. I am still a consulting pharmacologist for the Bureau of Biological Survey of the United States Department of

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Agriculture. I am also professor of physiology and pharmacology in the School of Pharmacy, Temple University, Philadelphia. I was the director of pharmacological research for Sharp and Dohme; at present I am in charge of tests and standards, John Wyeth & Bro., Philadelphia, Pa.

Mr. McCormack. You are a graduate of what college?

Dr. Munch. Of George Washington University.

Mr. McCormack. When?

Dr. Munch. In 1924.

Mr. McCormack. Are you connected with the Government in any way?

Dr. Munch. I am consulting pharmacologist for the Bureau of Biological Survey in the Department of Agriculture. I have also been interested in the work of the Narcotics Bureau, particularly in the detection of the doping of racehorses, and in subjects of that type.

Mr. McCormack. That is a rather interesting study by itself.

Dr. Munch. I find it so.

Mr. Cullen. You may proceed with your statement.

Mr. Munch. In connection with my studies of Cannabis, or marihuana, I have followed its effects on animals and also, so far as possible, its effect upon humans. I find that the doses which are capable of producing effects must be very nearly poisonous doses; that is to say, small doses have little effect.

The effect is directed first at the hind brain, or the cerebellum, leading to a disturbance of the equilibrium, so that a man will go temporarily into a state resembling acloholism. Larger doses tend to depress the heart.

Continuous use will tend to cause the degeneration of one part of the brain, that part that is useful for higher or physic reasoning, or the memory. Functions of that type are localized in the cerebral cortex of the brain. Those are the disturbing and harmful effects that follow continued exposure to marihuana.

I have found the active material lodged in male plants as well as female plants.

There are no chemical methods of standardization of this variable drug.

In 1910, 1920, and 1930 the United States Pharmacopœia revision committee, the committee that is charged with drafting standards for drugs, considered those methods of standardization in great detail.

In 1910, the method of standardization by producing an effect upon dogs was introduced as the official method of standardization in an attempt to get a more uniform drug to use in medicine.

First, small doses of the material to be standardized are given the dogs and then larger doses until we find the dose that produces an effect. I have found in studying the action on dogs that only about 1 dog in 300 is very sensitive to the test. The effects on dogs are extremely variable, although they vary little in their susceptibility. The same thing is true for other animals and for humans.

Mr. Reed. Will you explain to the committee whether this drug affects the nerves, or does it go directly into the blood stream?

Dr. Munch. It does not matter whether it is absorbed by smoking or swallowing; it goes into the blood stream; it is carried to the brain by the blood and produces its effects in the brain.

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Animals which show a particular susceptibility, that is, which show a response to a given dose, when they begin to show it will acquire a tolerance. We have to give larger doses as the animals are used over a period of 6 months or a year. This means that the animal is becoming habituated, and finally the animal must be discarded because it is no longer serviceable.

Mr. McCormack. We are more concerned with human beings than with animals. Of course, I realize that those experiments are necessary and valuable, because so far as the effect is concerned, they have a significance also. But we would like to have whatever evidence you have as to the conditions existing in the country, as to what the effect is upon human beings. Not that we are not concerned about the animals, but the important matter before us concern the use of this drug by human beings.

Dr. Munch. I was making the point to show that in 1910 and in 1920 the Pharmacopoeia accepted cannabis as one drug for use in human medicine, and that that is the method of standardization, because there was no other method by which this could be standardized.

When we considered the material for the Pharmacopoeia in 1930 we found that this method of standardization was not useful. We found that the International Committee on Standardization of Drugs of the League of Nations had not admitted cannabis because it is not used throughout the world.

Therefore, that method of standardization was discarded, and so at this time the product which may be used is used without being standardized.

But the use of it is definitely decreasing, as is shown by production statistics and surveys of prescription ingredients.

Mr. Reed. You say the use is receding?

Dr. Munch. It is disappearing; that is, its use in human medicine is decreasing.

Mr. Reed. You do not wish us to infer that it is decreasing in use as a narcotic, do you?

Dr. Munch. Not at all. I am discussing the medicinal use.

Mr. Vinson. For what was it used?

Dr. Munch. I can only give you the literature. No physician with whom I am immediately acquainted uses it at this time.

In the early days it was used in cases of sleeplessness and to make your last moments on earth less painful when you were dying from tetanus or rabies. There may be other uses, but I have not found them.

Mr. Vinson. Is it ever used now for those purposes? I take it there are several substitutes.

Dr. Munch. Yes; there are. So far as human beings are concerned, we have different types of treatment, such as the Pasteur treatment.

Mr. Vinson. But you had the Pasteur treatment when you had marihuana, did you not?

Dr. Munch. Not in human medicine.

Mr. Vinson. Not the Pasteur treatment?

Dr. Munch. No, sir.

Mr. Vinson. How long have you had it?

Dr. Munch. Cannabis or marihuana was introduced into human medicine by O'Shaughnessey in 1838.

Mr. Vinson. When did Pasteur come on the scene?

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Dr. MUNCH. The Pasteur treatment was developed about 1875.

Mr. VINSON. Then you had the Pasteur treatment between the period from 1875 until 1920?

Dr. MUNCH. Yes, sir.

Mr. VINSON. Did they use marihuana in that period for rabies?

Dr. MUNCH. Its use had been decreasing during that period.

Mr. VINSON. As I understood you, the use of marihuana was to ease the last hours of a person in distress from excruciating pain.

Dr. MUNCH. Yes, sir.

Mr. VINSON. I feel certain there are many substitutes that could have been used before and can be used now for the purpose for which marihuana, to some extent, was used.

Dr. MUNCH. Yes; that is true. Most of the modern drugs for the annulment of pain have been developed since about 1880 or 1890.

Mr. CULLEN. Is it used in dentistry?

Dr. MUNCH. It is one component of a prescription which has been used from time to time in dentistry in assuaging pain, but there again we have better drugs. At the time——

Mr. CULLEN (interposing). So it is not used very much today in dentistry?

Dr. MUNCH. That is my understanding. With the development of drugs like novocaine, its use in dentistry has been decreasing.

Its other use is in corn salves and corn plasters. Everyone knows that they must be green and negative. Marihuana contains a green component called chlorophyl. We have made experiments on men as well as upon animals in which we have applied the material directly through the skin, either normal skin or skin containing a corn, and we find that it has no value whatever in preventing pain. Cannabis or marihuana itself will not decrease the pain of a corn. Salicylic acid causes the destruction of the corn tissue.

Cannabis is used because it has a green color, but other green dyes will be just as effective as marihuana for this purpose.

On last Saturday a paper was presented before the Pharmacological Society in Memphis, Tenn., by Dr. Walton, who has been making a special study of cannabis at this time. He said that the cannabis grown in the neighborhood of New Orleans for pharmaceutical purposes was similar in chemical ingredients to that which has been bought in India and elsewhere.

Mr. MCCORMACK. I take it that the effect is different upon different persons.

Dr. MUNCH. Yes, sir.

Mr. MCCORMACK. There is no question but what this is a drug, is there?

Dr. MUNCH. None at all.

Mr. MCCORMACK. There is no dispute about that?

Dr. MUNCH. No.

Mr. MCCORMACK. Is it a harmful drug?

Dr. MUNCH. Any drug that produces the degeneration of the brain is harmful. Yes; it is.

Mr. MCCORMACK. I agree with you on that, but I want to ask you these questions and have your answers for the record, because they will assist us in passing upon this legislation.

Dr. MUNCH. I have said it is a harmful drug.

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Mr. McCormack. In some cases does it not bring about extreme inertia?

Dr. Munch. Yes; it does.

Mr. McCormack. And in other cases it causes violent irritability?

Dr. Munch. Yes, sir.

Mr. McCormack. And those results lead to a disintegration of personality, do they not?

Dr. Munch. Yes, sir.

Mr. McCormack. That is really the net result of the use of that drug, no matter what other effects there may be; its continued use means the disintegration of the personality of the person who uses it?

Dr. Munch. Yes; that is true.

Mr. McCormack. Can you give us any idea as to the period of continued use that occurs before this disintegration takes place?

Dr. Munch. I can only speak from my knowledge of animals. In some animals we see the effect after about 3 months, while in others it requires more than a year, when they are given the same dose.

Mr. McCormack. Are there not some animals on which it reacted, as I understand it, in a manner similar to its reaction on human beings? Is that right?

Dr. Munch. Yes, sir.

Mr. McCormack. Have you experimented upon any animals whose reaction to this drug would be similar to that of human beings?

Dr. Munch. The reason we use dogs is because the reaction of dogs to this drug closely resembles the reaction of human beings.

Mr. McCormack. And the continued use of it, as you have observed the reaction on dogs, has resulted in the disintegration of personality?

Dr. Munch. Yes. So far as I can tell, not being a dog psychologist, the effects will develop in from 3 months to a year.

Mr. McCormack. The recognition of the effects of the use of this drug is only of comparatively recent origin, is it not?

Dr. Munch. Yes; comparatively recent.

Mr. McCormack. I suppose one reason was that it was not used very much.

Dr. Munch. That is right,

Mr. McCormack. I understand this drug came in from, or was originally grown in, Mexico and Latin American countries.

Dr. Munch. "Marihuana" is the name for Cannabis in the Mexican Pharmacopœia. It was originally grown in Asia.

Mr. McCormack. That was way back in the oriental days. The word "assassin" is derived from an oriental word or name by which the drug was called; is not that true?

Dr. Munch. Yes, sir.

Mr. McCormack. So it goes way back to those years when hashish was just a species of the same class which is identified by the English translation of an oriental word; that is, the word "assassin"; is that right?

Dr. Munch. That is my understanding.

Mr. McCormack. Is there any knowledge or information as to the growth of the use of marihuana cigarettes, or any other form of the drug by human beings for drug purposes, in recent years?

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Dr. MUNCH. Mr. Young was formerly connected with the Bureau of Plant Industry of the United States Department of Agriculture. He left the Bureau several years ago and started a plantation in the neighborhood of Florence, S. C., for the growth of marihuana for medicinal purposes. It is my understanding that because of the lack of commercial demand he has discontinued that project after 2 years. I am not certain, but I think he stopped that in 1928 or 1929 because of the lack of demand.

If I may amplify that a little bit, let me say this: In 1932 and 1933 an ingredient survey was made, a study of the components of 122,000 prescriptions. It was found that cannabis was prescribed only four or five times per 10,000.

Mr. MCCORMACK. Can you give us any information about the growth in recent years of the use of it as a drug, in connection with the purposes that this bill was introduced to meet?

Dr. MUNCH. You mean the illicit use rather than the medicinal use?

Mr. MCCORMACK. Exactly.

Dr. MUNCH. The knowledge I have in that connection is based on contacts with police officers as they collected material, even in Philadelphia. They tell me that until 10 years ago they had no knowledge of it, but now it is growing wild in a number of different places.

I was in Colorado about 3 years ago, going there as a witness in a prosecution brought under the Colorado act in connection with the use of marihuana. The police officers there told me its use developed there only within the last 3 or 4 years, starting about 1932 or 1933.

Mr. MCCORMACK. Has there been a rapid increase in the use of marihuana for illicit purposes—and I use the word "illicit" to describe the situation we have in mind?

Dr. MUNCH. It is my understanding that there has been.

Mr. MCCORMACK. There is no question about that, is there?

Dr. MUNCH. No, sir; there is not.

Mr. CULLEN. We thank you for the statement you have given to the committee.

Who is your next witness, Mr. Hester?

Mr. HESTER. I would like the committee now to hear Mr. Wollner, a consulting chemist in the office of the Secretary of the Treasury, who will speak on the chemical phase of this question.

Mr. CULLEN. Will you give your full name and the position you occupy to the reporter?

STATEMENT OF HERBERT J. WOLLNER, CONSULTING CHEMIST, OFFICE OF THE SECRETARY OF THE TREASURY

Mr. WOLLNER. Mr. Chairman, my name is Herbert J. Wollner; I am consulting chemist in the office of the Secretary of the Treasury.

Mr. CULLEN. You may proceed.

Mr. WOLLNER. The active principle in marihuana appears to be associated with an element which is located or found in the flowering tops and on the under side of the leaves of the plant. Until relatively recently the lack of refined chemical tests has built up the

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traditional conception that it was only found in the so-called female plant. But that is untrue. We have discovered that it is present both in the male and female plant.

To illuminate the matter I have brought with me some slides, if you care to look at them through lenses, which I will be glad to submit for your examination.

(The slides referred to were examined by members of the committee.)

Those are the flowering tops, and the plant is covered with a tremendous number of very fine hairs. You will notice that at the base of these hairs there are little pockets, like apertures, where little sacks of resin are located. This resin contains an ingredient which the chemical technologist refers to as cannabinone or cannabinol, alternately. It is the invariant experience that this material contains the active principle which does the job.

Mr. VINSON. How do they get this into commercial use? I am talking about the flowering plant. Do they have to take it in its natural state?

Mr. WOLLNER. There are a variety of ways. In the early days, when they used hashish, they would jounce the flowering tops up and down in bags and then the resin would collect on the surface of the cloth and was scraped off and mixed with sweets and eaten. At the present time in reefers and muggles there is no separation. They smoke the stuff in toto, the leaves, the flowering tops, and everything.

Mr. VINSON. They use the whole thing?

Mr. WOLLNER. Yes. In the laboratory we extract this resin and then identify it.

Mr. MCCORMACK. After that it is dried quicker?

Mr. WOLLNER. Yes. It goes through a process which is similar to the process through which tobacco goes. They are similar in that respect.

Mr. REED. As to this ingredient at the root of this hairlike substance, is that in the nature of oil?

Mr. WOLLNER. Yes and no; this active substance will be extractible from the resin. It is on the border line between resin and oil. If you raise the temperature slightly, it becomes fluid.

The identification problems have been worked out very clearly from the botanical and from the purely laboratory approach, and that is in such shape right now that the transmission of that information to police officers throughout the country would be perfectly possible.

Mr. CROWTHER. Is that the oil that the manufacturers used to produce in considerable quantities?

Mr. WOLLNER. That is a different oil. That oil derives its source from the seed of the marihuana plant. The seed of the plant contains a drying oil which is in a general way similar to that of linseed. Those seeds contain a small amount of that resin, apparently on their outer surface according to quite a number of investigators, depending upon the age of that seed.

The oil in the seed or the seed itself only contains the active principle, apparently, where derived from an immature plant. However,

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certain investigators have found active principles in smaller amounts even in mature seeds.

Mr. VINSON. It has been testified that the common manner of use is through cigarettes. Is anyone manufacturing those cigarettes for sale, or do you just roll them?

Mr. WOLLNER. As I understand it from our law-enforcement officers, both procedures are in common usage.

It is also sold in the form of loose tobacco, either mixed or straight.

Mr. VINSON. Do you know of any concern that is manufacturing cigarettes with the marihuana content?

Mr. WOLLNER. I would not know of such a concern in the course of my own experience.

Mr. VINSON. The addicts can roll their own?

Mr. WOLLNER. It would be a very simple thing to do.

Mr. BUCK. Does the oil from the seed contain any of this deleterious matter?

Mr. WOLLNER. That would in a large measure depend upon the condition of the seed and the condition of manufacture, but I would say in any event the oil would not contain a large amount of this resin.

It may be that that quantity of active principle which is in the oil was derived through contact with other parts of the plant.

Mr. BUCK. Would it contain enough to have any harmful effect on anyone, if taken internally?

Mr. WOLLNER. I would say no; it would not contain such an amount.

Mr. FULLER. As I understand it, you say the oil does not contain much, if any, of the drug?

Mr. WOLLNER. It does contain some of the drug, but not much. It would appear, offhand, to be rather difficult to separate, but processes might possibly be developed for that purpose.

Mr. FULLER. It would not be useful for the purpose for which they are using this marihuana.

Mr. WOLLNER. No.

Mr. FULLER. So, so far as the oil from the seed is concerned, it is harmless, as far as human use is concerned.

Mr. WOLLNER. That is right.

Mr. CULLEN. We thank you for your statement.

Mr. Hester, who is your next witness?

Mr. HESTER. Mr. Chairman, we have one other witness, Dr. Dewey, who was formerly chief of the fiber investigation of the Bureau of Plant Industry in the Department of Agriculture. He is a botanist, and while he is now in retirement, officials of the Department of Agriculture have referred us to him as the foremost expert on the botanical aspect of this plant.

Mr. CULLEN. Is he now connected with the Department of Agriculture?

Mr. HESTER. No, he is not; he is now in retirement.

Mr. CULLEN. We will be glad to hear Dr. Dewey. Will you give your full name to the reporter?

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STATEMENT OF DR. LYSTER H. DEWEY, WASHINGTON, D. C.

Dr. DEWEY. My name is Lyster H. Dewey. Mr. Chairman, when I was in the Department of Agriculture I was in charge of fibers other than cotton, from 1898 to 1935, when I retired for age.

The plant cannabis sativa, so-called by Linnaeus in 1753, constitutes one species of hemp that has been known longer than any other fiber plant in the world. It was cultivated in China at least three centuries before Christ.

Mr. COOPER. Did I understand you to say that you had charge of fibers?

Dr. DEWEY. The cultivation of fiber plants, flax, hemp, jute, and all other fiber plants except cotton.

Mr. COOPER. That was while you were connected with the Department of Agriculture?

Dr. DEWEY. Yes.

Mr. COOPER. You are now retired?

Dr. DEWEY. Yes, sir. There are different botanists who have seen the different forms of the plant and have given it different names, so far as its identity is concerned.

For instance, the plant in India was very excellently described by Lamarck in 1788 under the name of "cannabis sativa." That was the name they gave to India hemp in the primitive days and down to comparatively recent time.

Until I got some seed from India and grew them I had supposed that was a very different species. I grew them in comparison with the Kentucky hemp with which many of your are familiar, but in a year or two they were just alike. There was no specific difference. So it is with the other forms that have been described as different species. So there is only one species known as hemp.

The term "hemp" is better known than marihuana because the name marihuana has been used only for the drug, while hemp is used in connection with the production of fiber. I was working with the fiber and not with the drug; that was incidental.

Hemp has been grown in nearly all countries in the North Temperate Zone and to some extent in the South.

Mr. CULLEN. There is a great deal of it that comes from Manila, is there not?

Dr. DEWEY. No; not a bit of it. That is another plant entirely. That plant belongs to another family, but that is called hemp. Hemp has not gone into rope in this country for more than half a century.

Mr. VINSON. I want to make a distinction between those two, the hemp plant and the plant that provides the fiber for rope making.

Dr. DEWEY. There is no connection whatever.

Mr. VINSON. There is no fiber in this at all, is there?

Dr. DEWEY. All of our studies were of hard fibers and have been ever since we started. Those fibers are produced only in the tropics, while the plant that produces the soft fiber, that produces marihuana, grows only in the temperate climate that is fit for that fiber production.

Mr. DINGELL. Doctor, I want to draw a distinction between this hemp plant and the other. This is not a plant that produces fiber for rope making, is it?

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Dr. DEWEY. There is no connection whatever between them. All of our ropes are made from hard fibers, and have been ever since the sixties. Those fibers are produced only in the Tropics; while the hemp plant that produces soft fiber, or the marihuana, occurs only in temperate climates for fiber production.

Mr. DINGELL. They cannot make any rope from marihuana?

Dr. DEWEY. No, sir. You could make rope, or it would make rope. The species that would make rope would be grown in a temperate climate.

Mr. DINGELL. What kind of fiber is marihuana hemp, or the plant we have under discussion? What is it used for?

Dr. DEWEY. It is used for commercial twines, such as bookbinder's twine, hatters' twine for sewing hats, and it was formerly used for what was called express twine, or heavy twine.

Mr. DINGELL. In other words, lightweight twines are being made from the hemp that we have under discussion here today.

Dr. DEWEY. Yes, sir.

Mr. MCCORMACK. What is it used for in connection with its other properties, or how is it used in connection with paints and oils?

Dr. DEWEY. I do not know anything about the oils. It is only the fiber that I am familiar with.

Mr. MCCORMACK. This hemp contains oil.

Dr. DEWEY. Yes, sir; hemp oil.

Mr. MCCORMACK. Is marihuana used in connection with the manufacture of paints in any way that you know of?

Dr. DEWEY. The oil is used in the manufacture of paints, and has been used in China for many centuries. It began to be used as hemp.

Mr. MCCORMACK. Will you tell us for what commercial purposes the marihuana plant is produced, and what it is being used for?

Dr. DEWEY. The fiber is used for commercial twine.

Mr. MCCORMACK. To what extent?

Dr. DEWEY. In this past year, in this country, there were about 7,000 acres grown, or more than that. There were nearly 10,000 acres.

Mr. MCCORMACK. Grown for commercial purposes?

Dr. DEWEY. Yes, sir; for the production of fiber.

Mr. MCCORMACK. Outside of that, what is it used for commercially?

Dr. DEWEY. The seeds are used for oil.

Mr. MCCORMACK. Is it used extensively for that purpose?

Dr. DEWEY. Yes, sir.

Mr. MCCORMACK. Is it used for any other purpose? Is it used for birdseed?

Dr. DEWEY. Yes, sir; it is used for birdseed; but most of the birdseed is imported.

Mr. BUCK. I would like to know the distribution of that production. I want to know where the 7,000 acres, or the 11,000 acres, are located.

Dr. DEWEY. The largest areas are in Wisconsin and Illinois—especially around Danville in Illinois. It is also grown in northeastern Nebraska, in Cedar County, and in southern Minnesota. There it is chiefly grown around Blue Earth and Mankato. It is grown at one point further in the Northwest. It is grown in Wisconsin around Beaver Dam, Juneau, and Brandon, north of Waupun.

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Mr. DINGELL. Are those the only States where it is commercially grown?

Dr. DEWEY. Yes, sir. At the present time, the largest producing States are Wisconsin, Illinois, and Kentucky. It has been grown in other States. Efforts are being made to grow it in other States for fiber purposes. Before I was connected with the matter of hemps, it was never brought to my attention in any case that marihuana was produced, or was even thought of being grown, to make hemp for fiber purposes.

Mr. CULLEN. If that is all, we thank you for your testimony.

I want to direct the attention of the committee to the fact that I have a card before me here from Dr. Buckingham. Dr. Buckingham is the District of Columbia veterinarian, and he has requested to be heard for about 2 minutes. He is not on the list, but, if there is no objection, we will be glad to hear him at this time.

STATEMENT OF DR. D. E. BUCKINGHAM, DISTRICT VETERINARIAN, WASHINGTON, D. C.

Dr. BUCKINGHAM. Mr. Chairman and gentlemen of the committee, I am veterinarian for the government of the District of Columbia, and I also represent the Board of Examiners of Veterinary Medicine of the District of Columbia. I was formerly the dean and a professor of veterinary materia medica and therapeutics at the George Washington University.

I come here in favor of the bill. I would like to outlaw Cannabis sativa as a drug to be used by veterinarians in their practice, for the reason that a survey of the veterinarians of the District of Columbia, especially those in large animal practice, in which I am engaged, shows that they use very little of it, preferring the use of chloral hydrate in a milk solution, which is far more efficacious in the colics of horses and other large animals. I might also say, in this connection, that I am veterinarian to the Zoological Gardens here, and I have never given Cannabis to any large animals, either domestic or wild animals.

Because of the immense amount of damage that this drug does, I would like to go on record as voting against the use of it by veterinarians in the District of Columbia.

Unfortunately, I have not read the bill, but with reference to its use by veterinarians, I believe that the entire profession in the District would be behind me in vetoing its use in veterinary practice.

Mr. MCCORMACK. As you may know, this is a bill that is applicable throughout the entire country, and I take it that any legislation specifically applying to the District of Columbia would come before the legislative committee on the District of Columbia.

Dr. BUCKINGHAM. Yes, sir.

Mr. MCCORMACK. I understand that several years ago there was a bill pending here, or a uniform bill that has been endorsed by 34 or 35 States of the Union. That bill was pending before the committee several years ago, perhaps for 3 or 4 years. I specifically call this to your attention, because this committee cannot legislate or recommend legislation especially for the District of Columbia. However, your testimony is very valuable in support of the bill, and

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I do not want you to think, because of my observation, that I do not regard your testimony here this morning as of great value.

Mr. BOEHNE. Section 15, line 12, includes the District of Columbia.

Mr. MCCORMACK. That includes the District of Columbia, but this bill covers the entire United States, including the District of Columbia. We cannot legislate especially for the District of Columbia.

Mr. BOEHNE. The section I referred to includes the District of Columbia under the terms of the act.

Mr. MCCORMACK. We have included the District of Columbia. If we did not include the District of Columbia, it would have to be specifically excluded. The point I make is that this bill has general application to the entire United States.

Dr. BUCKINGHAM. I am certainly in favor of having the District of Columbia included.

Mr. MCCORMACK. Naturally, it would include the District of Columbia, but the bill applies, also, to all of the 48 States of the Union. It is a tax measure, and it will, of course, apply to the District of Columbia, just as it applies to all of the States. You want to outlaw the use of this drug by veterinarians in the District of Columbia.

Dr. BUCKINGHAM. Yes, sir.

Mr. CULLEN. I think the doctor is appearing before the committee to express his opinion in regard to this drug, and the effect it has on animals. He is not asking that the District of Columbia be exempted from the provisions of the bill, but you want the District included.

Dr. BUCKINGHAM. Yes, sir.

Mr. VINSON. Your activities are confined more or less to the District of Columbia.

Dr. BUCKINGHAM. Yes, sir.

Mr. VINSON. Is there anything, in connection with the profession of veterinary, that would cause a veterinarian who resided elsewhere than in the District of Columbia to have a different viewpoint from that you have expressed?

Dr. BUCKINGHAM. Where they may possibly have no large animals practice they may use this drug but if you are practicing veterinary medicine, you would find that there were better drugs for the purpose. For instance, they could use morphine or atropine hypodermically with better results.

Mr. VINSON. So far as you are concerned, you think it would have the same effect over the line in Maryland that it would have in the District of Columbia.

Dr. BUCKINGHAM. Yes, sir.

Mr. VINSON. You think it is a harmful drug, and that your profession in the District should be recorded in support of this measure.

Dr. BUCKINGHAM. That is right. Perhaps my thought on the subject has been accentuated because of the fact that I attend at the Lorton Penitentiary, as well as at the reformatory, and I understand that this drug is mainly used by that type of gentlemen who climb in second-story windows, break into banks, and so forth.

Mr. VINSON. And it reaches children in school, also.

Dr. BUCKINGHAM. Yes, sir.

Mr. FULLER. Doctor, regulations on this subject that would apply to the District of Columbia would be applicable to the entire United States, would they not?

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Dr. BUCKINGHAM. Yes, sir.

Mr. FULLER. Therefore, you are not only opposed to the use of this drug here, but you would eliminate it by regulations not only here, but all over the United States.

Dr. BUCKINGHAM. I answered that same question somewhat differently, and I would like to answer it now by saying "Yes."

Mr. BOEHNE. Is there any evidence to show that this plant is used by larger animals in nature? Will animals, whether wild or domestic, use it in their native state, as a forage plant, or do they reject it?

Dr. BUCKINGHAM. This is a foreign drug, but I am not aware of animals using it like they do loco weed on the western range. Would that be a parallel?

Mr. BOEHNE. Yes. Where it is scattered around through its use as bird seed, and grows along the fences, would a grazing cow eat it?

Dr. BUCKINGHAM. No, sir. They might by mistake.

Mr. BOEHNE. Would they reject it?

Dr. BUCKINGHAM. I believe they would.

Mr. BOEHNE. Naturally, they would prefer not to eat it.

Dr. BUCKINGHAM. Yes, sir. Of course, animals eat a number of plants that are of no benefit to them. As they graze, animals will leave aside noxious weeds which might possibly be put in this same category.

Mr. DINGELL. Has this weed or plant, marihuana, any relationship to or affinity with the loco weed? Is there any comparable objection there?

Dr. BUCKINGHAM. I think the chemical set-up there is considerably different.

Mr. CULLEN. This completes the list of witnesses who want to speak in favor of the bill, and we will now hear the opposition. There are four witnesses in opposition, and we will be glad to hear Mr. Lozier at this time.

STATEMENT OF HON. RALPH F. LOZIER, CARROLLTON, MO., GENERAL COUNSEL OF THE NATIONAL INSTITUTE OF OILSEED PRODUCTS

Mr. CULLEN. Mr. Lozier, you may state for the record whom you represent.

Mr. LOZIER. For the record and for the information of those present who do not know me, I will say I am Ralph F. Lozier; my home is in Carrollton, Mo., where I have for many years been engaged in the practice of law. I appear before this committee as general counsel for the National Institute of Oilseed Products, an association composed of about 15 or 20 concerns dealing in and crushing vegetable oil-bearing seed. I have a list of the organizations composing this association, and will hand it to the reporter for the purpose of the record.

(Said list is as follows:)

NATIONAL INSTITUTE OF OILSEED PRODUCTS

Member companies of San Francisco, Calif.: Pacific Vegetable Oil Corporation, R. J. Ruesling & Co., C. B. Jennings & Co., S. L. Jones & Co., and El Dorado Oil Works.

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Member companies of Berkeley, Calif.: Durkie Famous Foods, Inc., and Berkeley Oil & Meal Co.

Member company of Oakland, Calif.: Western Vegetable Oil Corporation.

Member companies of Los Angeles, Calif.: Snow Brokerage Co., California Flax Seed Products Co., Copra Oil & Meal Co., Pacific Nut Oil Co., Globe Grain & Milling Co., Pacific Oil & Meal Co., Vegetable Oil Products Co., California Cotton Oil Corporation, and Producers Cotton Oil Co., Fresno, Calif.

Spencer Kellogg & Sons, Inc., Buffalo, N. Y.; Edgewater, N. J.; Chicago, Ill.; Des Moines, Iowa; St. Paul, Minneapolis, and Duluth, Minn.; and Kansas City, Mo.

Mr. LOZIER. May I say to this committee that, in my opinion, the measure before you is one which should not be hastily considered or hastily acted upon. It is of that type of legislation which conceals within its four corners activities, agencies, and results that this committee, without a thorough investigation, would never think were embodied in its measure.

In the first place, I want it distinctly understood that the organizations for which I speak want to go on record as favoring absolutely and unconditionally that portion of this bill which seeks to limit and suppress the use of marihuana as a drug, or for any other injurious purpose. That portion of the bill, it seems to me, can merit the opposition of no right-thinking or right-acting man. I agree with the witnesses for the Government that the use of the drug marihuana is a vicious habit that should be suppressed.

I understand that the first use of this drug is lost in the mists of antiquity. It is as old as history, as ancient as civilization; but no chemists have ever yet been able to very satisfactorily isolate or definitely determine and classify the deleterious principle, element, or radical which is the base of this drug. But we do know that the objectionable principle is not to be found in the seed or oil but in the flowering tops of the female plants or in the resins therefrom. Every country has a little different name for marihuana. Respectable authorities tell us that in the Orient at least 200,000,000 people use this drug; and when we take into consideration that for hundreds, yes, thousands of years, practically that number of people have been using this drug, it is significant that in Asia and elsewhere in the Orient, where poverty stalks abroad on every hand and where they draw on all the plant resources which a bountiful nature has given that domain—it is a significant fact that none of those 200,000,000 people has ever, since the dawn of civilization, been found using the seed of this plant or using the oil as a drug. Now, if there were any deleterious properties or principles in the seed or oil, it is reasonable to suppose that these orientals who have been reaching out in their poverty for something that would satisfy their morbid appetite, would have discovered it; and the mere fact that for more than 2,000 years the orientals have found this drug only in flowering tops of the female plants and not in the seeds and oils, affords convincing proof that the drug principle does not exist in the plant except in the flowering tops.

For thousands of years they have been handling the seed from this plant, and have been handling the oil extracted from the seed, but down to this good day no medical authority and no respectable writer on materia medica has ever claimed that this deleterious principle is found in the seed or oil. Neither has any reputable botanist ever found that the male plant of this species carries this deleterious substance. This drug, element, principle, radical, or

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whatever you want to call it, is defined as the glutinous flowering portion of the female plant. In Bengal, the male plant is weeded out or pulled out in the cultivation of the plants, because they recognize that this principle is not present in the male plants, and by preventing fertilization the yield and quality of the drug in the tops are increased. I think that the Government attorneys will not be able to present to this committee a single respectable botanical authority or a single respectable authority on materia medica, or a single respectable authority on narcotics or toxicology, who will contend for a moment that the deleterious element or principle which we find in the resinous, glutinous portion of the flowering tops of the female plants, is found in the seeds or in the male plants. No one will contend, or no respectable authority will assert, that this deleterious principle is found in either the seed or the oil. If you will refer to the Pharmacopoeia or to the United States Dispensatory, you will find it stated that this objectionable principle does not exist in the seed, and is not to be found in either the seed or oil.

If the committee please, the hemp seed, or the seed of the cannibas sativa, L. is used in all the Oriental nations and also in a part of Russia as food. It is grown in their fields and used as oatmeal. Millions of people every day are using hemp seed in the Orient as food. They have been doing that for many generations, especially in periods of famines.

I do not have time to read now from the Pharmacopoeia nor from the United States Dispensatory, but both authorities say that the narcotic principle is absolutely absent from the seed and absent from the oil in this plant.

Mr. FULLER. I do not think that the gentlemen who have presented the case on behalf of the committee, or the Government, have claimed that it was present in the oil.

Mr. LOZIER. They have said it was in the seed.

Mr. FULLER. He said there was very little in the seed. He said there would be no injurious effect from the little there was in the seed.

Mr. LOZIER. The point I make is this, that this bill is too all-inclusive. This bill is a world-encircling measure. This bill brings the activities, the crushing of this great industry under the supervision of a bureau, which may mean its suppression. Last year there was imported into the United States 62,813,000 pounds of hemp seed; in 1935 there were imported 116,000,000 pounds, and in 1934 there were imported 12,000,000 pounds. In the last 3 years there have been 193,000,000 pounds of hemp seed imported into this country, or an average of 64,000,000 pounds a year. Then, in addition to that, in the 3 years, 1934, 1935, and 1936, 752,000 pounds of hemp oil have been imported. Considering that the seed yields 24 percent oil, the importations of oil and seed in the last 3 years amount to 46,946,000 pounds.

Mr. WOODRUFF. What is the oil used for?

Mr. LOZIER. It is a drying oil, and its use is comparable to that of linseed oil or a perilla oil. It has a high iodine principle or strength. It is a rapidly drying oil to use in paints. It is also used in soap and in linoleum.

Mr. COOPER. Just what do you object to in this bill?

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Mr. LOZIER. This bill brings the crushers and importers of hemp seed under its provisions, and requires not only a license fee, which is nominal, but it provides for Government supervision, and it provides for reports.

Mr. COOPER. It provides for the supervision of what?

Mr. LOZIER. Of the industry.

Mr. VINSON. Where do you find that in the bill?

Mr. LOZIER. It is included in the definition.

Mr. DINGELL. How could you control the drug aspect of it without a reasonable and proper regulation of the entire industry?

Mr. LOZIER. The point I make is this: There is no respectable authority, and I measure my words, because I want to be a fair man talking to a fair-minded committee—there is no respectable authority to be found for the statement that this deleterious element is present either in the seed or in the oil of this plant, even in an infinitesimal quantity.

Mr. DINGELL. You will grant that in order to produce the seed and oil, you must permit the growth of the marihuana plant.

Mr. LOZIER. Not in this country.

Mr. DINGELL. Where do you get the seed?

Mr. LOZIER. Nearly all of the seeds come from the Orient. It is a well-known fact that the seeds imported from the Orient will not germinate readily, and practically all of the hemp grown in this country is grown from domestic grown seed, because of the low germination in foreign seeds.

Mr. MCCORMACK. As I understand it, there is nothing in the bill that would prevent the importation of seed by crushers.

Mr. LOZIER. No.

Mr. MCCORMACK. If the crushers import seed to produce oil, it is only logical that they might produce it from seeds grown in this country, and, therefore, they might have to be under some supervision.

Mr. LOZIER. The point I make is that if you turn all of the hempseed grown in this cuntry over to the persons who have the marihuana habit, they would not be able to satisfy that habit or appetite, and neither could the chemist or compounders of the drug divide that element in either the seed or oil in such form as to satisfy even the slightest passion or appetite for this drug. In other words, the point I make is that it is not necessary——

Mr. VINSON. Mr. Lozier, we know you, we love you, and we respect your ability as an advocate. We know that you are a real lawyer.

Mr. LOZIER. I thank you for that, but I think you are over-appraising my abilities.

Mr. VINSON. Anybody who has you representing him will be well represented. Now, you spoke of the suppression of this crushing industry for which you are speaking: Suppose you put your finger on the language in the bill that would bring about the supervision to which you object.

Mr. LOZIER. Section 6, page 7, of the bill provides that—

It shall be unlawful for any person, whether or not required to pay a special tax and register under section 2, to transfer marihuana, except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

Subject to such regulations as the Secretary may prescribe.

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Then, on page 9, subsection 5, there is a reference—

to a transfer of paints or varnishes of which marihuana is an ingredient.

Mr. VINSON. That excepts it from the operation of the bill.

Mr. LOZIER. Yes, sir.

Mr. VINSON. You are not objecting to that.

Mr. LOZIER. Not the exception——

Mr. VINSON. You favor that.

Mr. LOZIER. Yes, sir.

Mr. BUCK. Is it your objection that this exception must be subject to regulation by the Secretary?

Mr. LOZIER. Yes; that is one reason.

Mr. VINSON. I have gotten down to the point of finding out what you are objecting to. The exception you refer to is an exception in your favor. Now, what supervisory functions are you objecting to?

Mr. LOZIER. I am objecting to, first, with reference to the supervision——

Mr. VINSON (interposing). The supervision of what?

Mr. LOZIER. Of the industry by requiring reports, and by a system of espionage.

Mr. VINSON. Where is that in the bill?

Mr. LOZIER. They are required to make reports. The books of the crushers would be subject to inspection, which includes authority to oversee the activities of the industry. Under this bill, the Government has a right to go into the factories and offices, and make investigations.

Mr. VINSON. It seems to me that you are so certain that the activities of your people are not connected, directly or indirectly, with the use of this marihuana as a drug, that you would not hesitate to permit an investigation, if an investigation is called for under this bill, in order to kill this traffic. I know that your people are not knowingly a part or parcel of the traffic. I know that from what you say. If that is not the case, of course, they ought to come under the law, and if that is the case, they will not be hurt.

Mr. LOZIER. I will answer that in this way, that there is no more reason for the supervision of the hemp-seed crushing industry under this bill than there is for the supervision of the milling of rye, wheat, or other grain from which alcohol may be extracted.

Mr. VINSON. Cannot marihuana be grown from seeds that come into the possession of your crushers?

Mr. LOZIER. Yes, sir; it might be, but the germination of those seeds is practically nil.

Mr. VINSON. But you admit that this plant can be grown from seed coming into the possession of your people, and, that being true, do you not think it proper to provide for the exercise of the Government's function to do that which will prevent the further propagation of this plant in this country?

Mr. LOZIER. I might answer that in this way, by saying that these people buy these cargoes. They buy this product by shiploads, by trainloads, and by carloads. They manufacture this oil and sell it in tank cars. They have been engaged in this business for years, and never until the last 3 weeks was any suggestion made that they were handling a commodity that was carrying a deleterious principle that was contributing to the delinquency of the people of the United States.

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Mr. VINSON. Perhaps the committee in a way might be subjected to criticism for not acting on the matter before; but it is fair to state it was not called to our attention; if you admit that this marihuana is a menace to the youth as well as to the adult citizenship of this country, do you not recognize the power of the Federal Government to operate upon that drug?

Mr. LOZIER. Yes.

Mr. VINSON. If you recognize that, do you not also recognize in the Government the power and the right to prevent the illicit growth of that plant?

Mr. LOZIER. I am objecting to the method.

Mr. VINSON. Do you not recognize the power of Congress to do that?

Mr. LOZIER. Yes; the Government has that absolute power, but the question is whether or not the Government should exercise it in this way.

Mr. VINSON. I think that your people ought to hasten to join hands with the Federal Government to prevent the condition obtaining in this country that my good friend has depicted as existing in oriental countries.

Mr. LOZIER. If it will bring about that result, well and good, but, as you know, it has been admitted here, and the books show it, that this plant exists all over this Nation, and the question is how far this bill shall go. If it be true that cannibas sativa is one species, and that there are other species, or plants of a different genus or family, containing this deleterious principle, then, by the limitation in section 1, you have made it impossible to regulate or supervise the deleterious products that come from those other species. I am not very familiar with botany, but there is the family, the genus, and the species. This bill is directed only to one species, and the botanists or authorities are not agreed as to whether the cannibas sativa Americana is the same species as the canibas sativa L—the L referring to Linne, the Swedish botanist who identified and described this plant and its products.

Mr. COOPER. While this is all very interesting, and while I appreciate your exhaustive discussion of the subject, yet, in order to be helpful to me, I would like for you to go back to the bill itself. I would be glad to have you analyze the bill we have under consideration. In your splendid statement you have referred to section 6, and have, also, discussed paragraph 5 on page 9. Paragraph 5 is an exception that is included in section 6.

Mr. LOZIER. Yes.

Mr. COOPER. Now, from that point, will you be kind enough to proceed and point out to the committee the exact language in the bill which you think would make the operation of it unfair to your industry?

Mr. CULLEN. If you will suspend a moment, let me say the House is now in session. We have dispensed with Calendar Wednesday, and will take up the second deficiency bill, in which many Members are interested. I am wondering if we should not adjourn at this point to meet again tomorrow morning.

Mr. COOPER. I agree to that suggestion.

Mr. LOZIER. If you will allow me one moment before adjournment, I will call your attention to paragraph 6, page 9, which is an exception that permits the crusher to sell marihuana to the manu-

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facturer or compounder for use by the vendee as a material in the manufacture of, or to be prepared by him as a component of, paint or varnish. Now, under that provision, you could not sell the cake or meal to farmers or the oil to makers of soap or linoleum.

Mr. CULLEN. The committee will now stand adjourned until 10:30 tomorrow morning, at which time we will continue hearing the testimony of the witnesses in opposition to the bill.

(Thereupon, at 12 noon, the committee adjourned to meet tomorrow, Thursday, Apr. 29, 1937, at 10:30 a. m.)

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TAXATION OF MARIHUANA

THURSDAY, APRIL 29, 1937

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Robert L. Doughton (chairman) presiding.

The CHAIRMAN. The committee will be in order.

This is a continuation of the hearing on the bill H. R. 6385. After the adjournment of the committee on yesterday, I suggested to Mr. Hester, who has been representing the Treasury Department in the presentation of this bill, that he have a conference with some of those who have appeared in opposition to certain provisions of the bill to see if it were possible to iron out the differences and reach an agreement as to the points on which they were in disagreement.

If Mr. Hester is present we will receive his report.

Do you have something to report Mr. Hester?

FURTHER STATEMENT OF CLINTON M. HESTER, ASSISTANT GENERAL COUNSEL, TREASURY DEPARTMENT

Mr. HESTER. Yes, Mr. Chairman; I have. Pursuant to your request yesterday afternoon we conferred with Judge Lozier and Mr. Williamson, and, also with Mr. MacDonald, Mr. Gordon, and Mr. Conners, and, as a result of our conference, those gentlemen, who represent importers of the seeds and those who crush the seeds for the purpose of making oil and using the residue of the seeds for making meal and cake, have expressed the view that they are willing to pay the occupational tax which is provided in this bill if the definition of marihuana in this bill is amended so as to eliminate oil made from the seeds, and the meal and cake which are made from the seeds, as well as any compounds or manufactures of either oil, meal, or cake.

The position they take is that under the bill at the present time those who sell oil for the manufacture of varnish and paints would have to pay the occupational tax, even though they would not have to pay the transfer tax or make the transfers on the order forms. They also take the position that under the bill, as now drawn, they could not sell this residue from the seeds, or the meal and cake, to cattlemen, because of the fact that the cattlemen could not register under the bill, and that, therefore, they would have to pay a prohibitive tax.

I will say this, that I have never come up here in connection with any legislation where the Ways and Means Committee has not found

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it necessary to make some changes. We always expect that when we appear before the Ways and Means Committee, because of the fine consideration the committee gives to all legislation. If the committee should ask the Secretary of the Treasury for his recommendation with respect to the proposals made by these gentlemen representing this legitimate industry, I will say very frankly to the Secretary that I see no objection to amending the definition of marihuana so as to eliminate oil, meal, cake, and the manufactured compounds of those materials.

The CHAIRMAN. Why not make that request now, and later on we can have the report of the Secretary?

Mr. HESTER. That is agreeable to us.

The CHAIRMAN. That will save time.

Mr. REED. Are these the only objections that have been raised so far, or are these the only requests that have been made to amend the bill?

The CHAIRMAN. The chairman was not here yesterday, but I understand there is one more witness to appear in opposition to the bill.

Mr. REED. I was wondering whether this agreement would clear the atmosphere so we could go ahead, or whether there are other witnesses who may raise other points in opposition to the bill. Has there been any indication of that?

The CHAIRMAN. My understanding is that this clears the atmosphere so far as this provision of the bill is concerned. There may be opposition to other provisions in the bill. However, this agreement will clear the atmosphere considerably.

Mr. REED. Have you had notice of any other opposition to the bill?

The CHAIRMAN. I am informed that the American Medical Association has a representative here to make some statement in regard to the bill, and, perhaps, in opposition to certain features of it. I am not informed as to the particulars of their position.

Mr. BUCK. I was going to ask Mr. Hester whether he has prepared any suggested amendments to the bill.

Mr. HESTER. Yes, sir. There was one other point raised that I omitted to state. I refer you to page 4 of the bill, line 19. These gentlemen point out that marihuana is shipped in railroad cars at times, and that under the language of the bill, commencing in line 19, page 4, the Secretary of the Treasury would require an exact inventory. They say that even on account of wind a bushel or two might be removed from a railroad car. We have considered the matter overnight, and we feel that their objection is meritorious. Therefore, it is agreeable to us to strike out that entire sentence, commencing in line 19, page 4, with the words, "At the time of such registry." It will be agreeable to us to strike out that entire sentence.

Mr. REED. You would strike out the whole sentence.

Mr. HESTER. Yes, sir.

Section 10 (a), page 13, gives us ample authority to prescribe regulations requiring reasonable inventories. That section reads as follows:

> Every person liable to any tax imposed by this act shall keep such books and records, render under oath such statements, make such returns, and comply with such rules and regulations as the Secretary may from time to time prescribe.

That will give us ample authority.

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I have a copy of the amendments here, which are agreeable to these gentlemen. Do you want me to read them?

Mr. COOPER. Of course, we will take up the question of amendments in executive session.

Mr. HESTER. Then, I will insert them in the record.

The CHAIRMAN. You may hand them to the reporter for insertion in the record.

(Said amendments are as follows:)

AMENDMENTS TO H. R. 6358

I

Hempseed oil, hempseed cake, hempseed meal, and all products manufactured from the above may be eliminated from the purview of the bill by amending section 1 (b), which contains the denition of marihuana, to read as follows:

The term "marihuana" includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, oil or cake made from seeds, and any compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, oil or cake.

II

In order to render the remainder of the bill consistent with this amendment, section 3 (c) should be eliminated from the bill. This section provides that the occupational excise tax and registry provisions of the bill shall not apply to dealers in paints and varnishes. Since the definition of marihuana, as above amended, would not include paints and varnishes, this section is no longer necessary.

III

Section 6 (b) (5) and (6) may be eliminated from the bill because they merely except from the transfer tax and order-form provisions of the bill a transfer of paints or varnishes, of which marihuana is an ingredient, and a transfer of seeds or oil to a manufacturer of paint. Since paints, varnishes, and hempseed oil, under the definition as amended, will not be included within the term "marihuana", it is no longer necessary to exempt these products from the transfer tax.

IV

Since hempseeds will, even under the amended definition, be subject to the provisions of the bill, it is necessary to amend section 6 (b) (6), which exempts from the transfer tax and order-form provisions a transfer of seeds for the further production of the plant or for use in the manufacture of oil, so as to permit a transfer of seeds for the manufacture of hempseed cake and meal. That section is, therefore, amended to read as follows:

"To a transfer of any seeds of the plant *Cannabis sativa* to a person, registered as a producer under section 2, for use by such person for the further production of such plant, or to a person registered under section 2 as a manufacturer, importer, or compounder, for use by such person for the manufacture of seed oil, seed cake, or any compound, manufacture, salt, derivative, mixture, or preparation of such oil or meal."

V

Section 2 (d) provides at the time of registry and payment of the occupational tax a taxpayer must file an inventory of the exact amount of marihuana on hand. Manufacturers of hempseed oil, cake, and meal will be occupational taxpayers, and, as such, would have to file an inventory of the exact amount of seeds on hand at the time of registry. Representatives of industry state that it would be very difficult for them to file such an inventory due to the required exactness. This difficulty might be eliminated without jeopardizing the enforcement of the measure by striking out the second sentence of section 2 (d) which requires the inventory. With that sentence eliminated the Secretary

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of the Treasury could make such inventory requirements as are appropriate to the particular case under section 10 (a) of the bill which gives the Secretary authority to require taxpayers under the act to render under oath statements, make returns, and comply with rules and regulations.

Mr. LAMNECK. Are there any harmful ingredients in the so-called meal?

Mr. HESTER. I would rather have Dr. Wollner answer that.

Dr. WOLLNER. There are not.

Mr. HESTER. Dr. Wollner, the consulting chemist in the Office of the Secretary of the Treasury, says there are not.

Mr. LAMNECK. I would like to inquire whether all importations of hempseed are of this variety, or whether there are other varieties that are not harmful.

Mr. HESTER. My understanding is that all hempseeds contain marihuana unless the liquid has been completely dried out of the seed.

Mr. LAMNECK. The testimony the other day showed that there was a great amount of these seeds imported, and that all of them contained these harmful ingredients we are talking about.

Mr. HESTER. Yes, sir; that is right. I want to make this clear: Am I correct, Mr. Wollner, in saying that when the seeds are dry marihuana is not contained in them?

Dr. WOLLNER. That is right.

Mr. HESTER. As I see it, the enforcement problem is to see that the seeds cannot get out of the hands of the importers for use in growing marihuana in this country.

Mr. BUCK. Your proposed amendments, as I understand it, will only permit the use of hulls or the seeds after they have been cracked or crushed so they cannot be used for germination purposes?

Mr. HESTER. That is right.

The CHAIRMAN. Judge Lozier, do you wish to make a further statement?

ADDITIONAL STATEMENT OF HON. RALPH F. LOZIER, GENERAL COUNSEL OF THE NATIONAL INSTITUTE OF OILSEED PRODUCTS

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, I will state, in corroboration of the statement made by Mr. Hester, that we had a conference last evening, and at that time we agreed upon some of these changes. At that time the visitorial powers of the Department with reference to oil had not been removed from the bill, and it was our contention that if any supervision or visitorial powers were given the Department over oil and cake after the crushing process, it would taint and place under suspicion all oil and cake products, subject them to possible seizure, and the manufacturers or dealers to prosecution, and no linoleum, soap, or paint manufacturer would buy the oil and no farmer would buy the cake for fear it might be found that a few twigs, leaves, or portions of the flowering tops were not removed from the seeds before crushing.

Mr. Hester, representing the Department, exercising the good judgment that he always shows, has agreed to amend the definition of marihuana so as to eliminate the oil, oil cake, and oil meal entirely. That will prevent any seizures of tank cars and the imposition of a tax on paint, soap, and linoleum manufacturers, should anyone raise any question as to the seed containing parts of the tops, twigs, or leaves of the plant. The definition as drawn by Mr. Hester is satis-

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factory to us, and the other amendments are also satisfactory to the crushers or the mills engaged in the production of hempseed oil.

As I said in my statement yesterday, my clients recognize the wisdom of very severe and stringent regulatory control over marihuana, insofar as it may be used for deleterious purposes. The only point we want to bring before the committee is that the legislation be made reasonable, and that it may not travel into unexplored regions and embody provisions inimical to a great industry and which would not promote the real object of the bill.

Speaking for the 15 or 20 companies engaged in crushing hempseed oil, represented by the National Institute of Oilseed Products, I will say to the committee that the amendments are satisfactory. We recognize the fact that you will pass upon the amendments without regard to any agreements or understanding we may have; but if the amendments are satisfactory to the committee, they are entirely satisfactory to the crushers. Judge Williamson, who is the vice president and general counsel of the El Dorado Oil Works, which is the oldest oil-crushing establishment on the Pacific coast, is present, and I will say that we see no objection to the passage of the measure in its substantive essence with the amendments that Mr. Hester has approved.

The CHAIRMAN. The Chair would like to state that he is very much gratified to know that an understanding has been reached between the interests that Judge Lozier represents and the Treasury Department. I regret that I was unable to be here yesterday because of another pressing appointment with General Hines. We are glad to have had a statement by Judge Lozier, a former able and diligent Member of the House, and I believe I voice the sentiment of each member of the committee who has served with Judge Lozier when I say that he would not appear before this or any other committee on behalf of any client on any proposition that he could not conscientiously and fully justify.

Mr. LOZIER. I thank you very much, Mr. Chairman.

Mr. FULLER. I would like to ask Judge Lozier a question, because I was not here when the other gentleman made his statement. As I understand this agreement, you have agreed upon an amendment whereby you exempt from the operation of the bill all dealers who handle oil from the seed.

Mr. LOZIER. The definition includes every particle of the marihuana plant, or the Cannibas sativa L. plant, including the mature fruitage of the seed, up to the time the seeds are pressed and the oil or cake is extracted. At that point the definition ends, and the Government would have no supervision whatsoever over the oil, cake, or meal in the channels of trade and commerce.

Mr. FULLER. The other point I want to reach is this: Would Mr. Williamson, for instance, who imports these seeds for the purpose of obtaining oil by crushing them, be exempted entirely from all regulations under these amendments?

Mr. LOZIER. No; this bill as originally framed, and in the form to which we have agreed, brings the importer, the manufacturer, the processor, and the compounder under the regulatory provisions of the bill up to the point where the seed ceases to be seed and become either cake or oil. The crushers must register, they must pay the occupation tax, and make their reports from time to time, as required by the Treasury Department.

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Mr. FULLER. In order that they may know where the seed goes.

Mr. LOZIER. Yes.

Now, may I say this, that the gentlemen whom I represent developed the hempseed-oil industry at a time when there was a great need for drying oils. We only produced from one-third to one-half of the drying oils used in this country, and the need for drying oils became more acute because of the constantly declining production of flax in this country. The linoleum industry, the paint industry, and the varnish and lacquer industry, as well as the soap industry, and the building industry are looking for means which will enable them to have more generous supplies of these drying oils. They have no objection whatever to any regulation which Congress sees fit to make which will have for its object, or will accomplish, the ultimate and paramount proposal embodied in this bill; but we do think that the bill originally went entirely too far.

I want to say in justice to Mr. Hester that we found him to be very reasonable. We found that he had an open mind, and we found his attitude receptive, and with a disposition to be fair.

So far as my clients are concerned, I am very much gratified that this major objection has been eliminated, or will be provided the suggested compromise meets the approval of the Ways and Means Committee.

I thank you.

The CHAIRMAN. The House is meeting at 11 o'clock today, and we will have to adjourn shortly. Are there any witnesses who desire to be heard tomorrow?

Mr. MCDONALD. My name is M. Q. MacDonald, and I am general counsel of the National Paint, Varnish, and Lacquer Association.

We concur in what Judge Lozier has said, and the agreement, or tentative agreement, is entirely satisfactory to us. I would like to submit a statement for the record, if that is agreeable to the committee.

The CHAIRMAN. That will be entirely agreeable.

Dr. WOODWARD. Mr. Chairman, I am the legislative counsel of the American Medical Association, and would like very much to be heard. If the committee prefers, I will file a brief if I am given reasonable time for that purpose.

Mr. COOPER. Would you prefer to be heard by the committee, Doctor?

Dr. WOODWARD. I would prefer to be heard by the committee.

The CHAIRMAN. In view of the organization he represents, I think he should be heard by the committee.

Mr. SCARLETT. Mr. Chairman, my name is Raymond G. Scarlett, representing William G. Scarlett & Co., seed merchants of Baltimore. We represent the interest of the feed manufacturers on this subject, which is a little different angle from that which has been presented heretofore. We would like to be heard at some time.

The CHAIRMAN. We will ask you to be here tomorrow morning.

Mr. SCARLETT. I will be present.

The CHAIRMAN. We will now adjourn to meet tomorrow morning at 10 o'clock.

(Thereupon the committee adjourned, to meet tomorrow, Friday, Apr. 30, 1937, at 10 a. m.)

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TAXATION OF MARIHUANA

FRIDAY, APRIL 30, 1937

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

The committee met at 10 a. m., Hon Robert L. Doughton (chairman) presiding.

The CHAIRMAN. The committee will be in order. Yesterday the chairman was informed there was some disagreement in connection with some of the provisions of the bill, by the people engaged in the processing of seed or some objection to parts of the bill we have under consideration.

The chairman suggested to Mr. Hester that he have a conference with the people representing that industry to see if it was possible to reach an agreement and remove the objection they had by some change or modification of the bill, but which would warrant them in withdrawing their objection.

Mr. Hester, has there been any development in that direction or any progress made?

ADDITIONAL STATEMENT OF CLINTON M. HESTER, ASSISTANT GENERAL COUNSEL, OFFICE OF GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY

Mr. HESTER. Yes, sir. We had an extended conference with these gentlemen yesterday, and they are both here this morning, and I think they would like to be heard for a moment.

The CHAIRMAN. If they will come forward, we will be glad to hear any statement they care to make.

STATEMENT OF RAYMOND G. SCARLETT, REPRESENTING WILLIAM G. SCARLETT & CO., BALTIMORE, MD.

Mr. SCARLETT. Mr. Chairman, I might say there are only two representatives of the seed industry here today, because it so happens that our trade association, which represents 90 percent of the seed dealers in the country, is now in session in Chicago, and one of the things in which they are engaged is the drafting of suggestions for provisions for the Federal regulation of seed, and our counsel could not be here for that reason.

We handle a considerable quantity of hempseed annually for use in pigeon feeds. That is a necessary ingredient in pigeon feed because it contains an oil substance that is a valuable ingredient of pigeon

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feed, and we have not been able to find any seed that will take its place.

If you substitute anything for the hemp, it has a tendency to change the character of the squabs produced; and if we were deprived of the use of hempseed, it would affect all of the pigeon producers in the United States, of which I understand there are upwards of 40,000.

The CHAIRMAN. Does that seed have the same effect on pigeons as the drug has on individuals?

Mr. SCARLETT. I have never noticed it. It has a tendency to bring back the feathers and improve the birds.

We are not interested in spreading marihuana, or anything like that. We do not want to be drug peddlers.

But it has occurred to us that if we could sterilize the seed there would be no possibility of the plant being produced from the seeds that the pigeons might throw on the ground.

The CHAIRMAN. If you were permitted to use this seed for that purpose, and it was sterilized, would that eliminate your objection?

Mr. SCARLETT. Yes, sir, that is the agreement we have reached with the Treasury representatives or with Mr. Hester's committee.

Mr. THOMPSON. What is the process of sterilization?

Mr. SCARLETT. The germination in the seed can be killed by the application of heat and moisture.

Mr. THOMPSON. By the use of steam?

Mr. SCARLETT. They have regular bins in which they put it and they run the temperatures up to a certain number of degrees and leave the seed there for a certain period, and that kills all of the germinative powers in the seed.

The CHAIRMAN. By heating it?

Mr. SCARLETT. Yes, sir. There has been an amendment proposed to section 1 (b) by excluding from the definition of marihuana sterilized seed which is incapable of germination, so that section 1 (b), as so amended, would read as follows:

> The term "marihuana" includes all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, oil, or cake made from the seeds of such plant, any compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, oil, or cake, and the sterilized seed of such plant which is incapable of germination.

To that exception we agree.

The CHAIRMAN. Suppose it should develop that in your efforts to sterilize the seed you should not be successful, and that the same conditions existed in the seed as exist in its present form, and that those conditions would continue, then would you object to legislation necessary to protect the people from the deleterious effects of this drug?

Mr. SCARLETT. No, sir; but that could be very easily accomplished, because at the present time the seed industry is under the jurisdiction of the Department of Agriculture. When we import any seed, such as clover, for instance, the Federal law provides that the imported seed must be in such a condition that it will keep out injurious weeds, so we will not get any seed that will produce this plant.

The CHAIRMAN. Did you discuss with Mr. Hester the question as to what would be the procedure in the event that experience should

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demonstrate that you could not be successful in what you propose to do?

Mr. SCARLETT. If we cannot prove that the seed is sterilized, after the Treasury representatives have taken tests of the seed, they do not have to release it.

We are willing to leave the seed under their jurisdiction until it can be proved to their satisfaction that it has been sterilized.

Mr. COOPER. I am sure you appreciate the fact that this is a highly technical phase of the question that you are discussing; that is true, is it not? The treatment of seed and the elimination of injurious elements that may appear there is rather technical in its nature, is it not?

Mr. SCARLETT. We do not consider it very technical, because it is an accepted fact that that germination quality would be destroyed by heat.

Mr. COOPER. It is technical in that it requires expert treatment in handling, does it not?

Mr. SCARLETT. If you take a sample seed and put it on your window sill or over your radiator and leave it there for any length of time, the germinative qualities will be killed.

Mr. COOPER. That is all right, but it takes somebody who knows his business to know that, does it not? I would not know how to do it.

Mr. SCARLETT. All you have to do is to put a container with a seed in it on the radiator and leave it there for a while and the germinative qualities will be killed.

Mr. COOPER. It requires some technical knowledge and experience to give it proper treatment, does it not?

Mr. SCARLETT. It requires the application of heat. It does not require any technical knowledge to apply the heat.

Mr. COOPER. But it takes somebody who knows his business, and who knows something about seed and plants to know what treatment is required, does it not?

Mr. SCARLETT. Yes, sir.

Mr. COOPER. That is what I am getting at.

In view of the fact that there is a technical element involved, do you not think it would be helpful if you would advise with the officials of the Government who have training and knowledge in reference to this subject to see whether a proposal such as you have made can be worked out?

Mr. SCARLETT. I have done so. I talked with Mr. Edgar Brown, of the Bureau of Plant Industry, and he informed me that it can be done.

Mr. COOPER. Have you conferred with Mr. Hester and other representatives of the Treasury Department here?

Mr. SCARLETT. We have, sir.

The CHAIRMAN. Before you came in, Mr. Cooper, I stated that I had requested Mr. Hester yesterday to have a conference with these other gentlemen representing the industry, to see whether or not they could reach an agreement, and he advised me that they had done so. This gentleman is explaining the proposed amendment, and Mr. Hester will later explain the nature of the agreement that they reached and the amendment that is proposed.

Mr. DISNEY. What is the relation between hempseed and marihuana?

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Mr. SCARLETT. Until Monday of this week we did not know there was any connection between the two. When this bill came out and we saw that it was called a bill to impose an occupational excise tax upon dealers in marihuana we paid no attention to it. Nobody in the seed trade refers to hempseed as marihuana.

Hempseed is a harmless ingredient used for many years in the seed trade. They say that hemp and marihuana are one and the same thing, but it was not until Monday that we knew they were.

Mr. DISNEY. That is as far as the trade is concerned?

Mr. SCARLETT. Yes, sir. The trade at large do not know that this bill that is under consideration contains any provision affecting them, because the title of the bill would give them no knowledge that it was hempseed that was under discussion.

Mr. REED. I want to get it clearly in my mind that this marihuana and the ordinary hemp that we hear about are the same thing. The plant is the same?

Mr. SCARLETT. Yes, sir.

Mr. REED. There is no difference?

Mr. SCARLETT. No, sir; that is, to my knowledge.

Mr. REED. Can anybody answer that question?

Mr. HESTER. That is right.

Mr. DISNEY. Do you mean field hemp?

Mr. REED. Yes; I am talking about field hemp. I want to get that clear.

The CHAIRMAN. Is not one a manufactured product and the other the substance from which it is made? The hempseed is the substance from which the marihuana is produced, is it not?

Mr. SCARLETT. No, sir; marihuana is produced from the resin of the female flowers or blossoms.

The CHAIRMAN. It comes from the hempseed?

Mr. SCARLETT. Yes, sir; but in India when they produce marihuana, they are very careful to go through the fields and pick out the male plant so that they will not fertilize the female plant.

The CHAIRMAN. If you had no hemp weed, you would have no marihuana, would you?

Mr. SCARLETT. That is correct; that is the reason I said we would sterilize the seed.

Mr. REED. Several people have talked to me about marihuana and they have impressed me with the fact, that they are different plants. I think that ought to be cleared up in the public mind, so that we may know we are dealing with hemp. It appears that it is grown in back yards, but I suppose a good many people have the idea that it is some sort of a new species of plant in this country.

Mr. DISNEY. Down in our part of the country I understand marihuana grows everywhere, just as an ordinary weed. I would like to get a clear understanding on that.

Mr. REED. In other words, it is hemp growing wild, is it not?

Mr. DISNEY. I do not know.

Mr. REED. There seems to be quite a good deal of confusion about it, and the newspapers are publishing stories about it, and we might as well clear up that situation and say that we are not dealing with the ordinary hemp plant, wild or cultivated, if that is right.

Mr. HESTER. That is right.

The CHAIRMAN. Is there any one else who desires to be heard?

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STATEMENT OF JOSEPH B. HERTZFELD, MANAGER, FEED DEPARTMENT, THE PHILADELPHIA SEED CO., PHILADELPHIA, PA.

Mr. HERTSFELD. Mr. Chairman, I would like to be heard briefly.

The CHAIRMAN. Will you give your full name to the reporter and state whom you represent?

Mr. HERTZFELD. My name is Joseph B. Hertzfeld; I am manager of the feed department of the Philadelphia Seed Co., of Philadelphia, Pa.

I want to say at the outset, Mr. Chairman, that our firm is heartily in sympathy with the aims and purposes of this bill, and we have no desire to become parties in spreading this drug around the country.

We have been manufacturers of feeds and mixed birdseeds for many years, and in those mixtures hempseed is a very important item.

Hempseed is very beneficial because it adds the proper oil to the mixture of and promotes the growth of feathers, and it is also a general vitalizer. Birds lose their feathers and hempseed aids considerably in restoring the bird's vitality quickly. Otherwise there is a delay of 2 or 3 months before the bird gets back into condition, and the use of hempseed helps to accomplish that purpose.

I want to second what Mr. Scarlett has just said, and to express our willingness to have the seed sterilized so that it cannot be grown and thus cause any harm.

This agreement which has been referred to, that we reached yesterday with Mr. Hester, is very satisfactory to us, and I would like to ask favorable consideration of the committee for that agreement.

Mr. CROWTHER. Would the sterilization which would prevent the germination remove such of the drug as exists in the cull or the outside cover of the seed which is now sometimes used?

Mr. HERTZFELD. I cannot answer that. We have seen evidence by eminent authorities that there is not any of the drug in the seed.

Mr. CROWTHER. Someone testified that there are some particles of the resin on the outside shell of the seed.

Mr. HERTZFELD. Is that when the seed is mature?

Mr. CROWTHER. I understand so.

Mr. HERTZFELD. I have never heard of anybody smoking the seed.

Mr. CROWTHER. I thought if there were some particles of resin on the outside of the seed it might have the same effect as smoking.

Mr. HERTZFELD. In one of these exhibits you have here there is some seed that has formed but is not matured, and that is possible. The type of seed that we use is this seed here [indicating exhibit]. That is this brown seed dried and matured.

Mr. CROWTHER. You think there is no likelihood of it being anything of that kind?

Mr. HERTZFELD. I doubt it.

The CHAIRMAN. When it comes to your possession is the shell removed?

Mr. HERTZFELD. It is just like that brown seed. That is the way we use it. That is matured and dry seed.

The CHAIRMAN. Is there any of the residue on that seed when it comes into your possession?

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Mr. HERTZFELD. No; that is gone. When this seed is matured and dry we grind the shell off in the threshing operation.

I had occasion to write to the Bureau of Plant Industry in the Department of Agriculture about this in 1935, and under date of October 4, 1935, I had a communication from F. D. Richey in which he said:

> The female inflorescence of the plant possesses physiological properties that are the basis of abuse as a potent drug. The seed is considered to be devoid of such properties.

It has been used for such purposes for years, and I have never heard of any ill effects. On the contrary, it seems to be extremely beneficial.

We would like to have the privilege of having the use of that seed until it is definitely proven that the sterilized hempseed should not be used.

Mr. DISNEY. As I stated a while ago, out in our country marihuana is known as an ordinary weed that grows in back yards, and in any place where plants will grow.

It is not the ordinary field hemp that is used for fibers?

Mr. HESTER. It is the ordinary field hemp growing wild, or at least without the extensive cultivation necessary to provide good fiber. The committee may have been confused because we have used the term marihuana in this bill.

The reason for that is this. This is the hemp drug, commonly known in Mexico and in the United States as marihuana. It is just a colloquial term in Mexico, as I understand it, and means the flowered tops and leaves of the hemp plant, which may be eaten or smoked. We could not make Cannabis Sativa L., the hemp plant, the subject of the taxes contained in this bill because it was not intended to tax the whole plant, but merely the parts of the plant which contain the drug. The parts of the plant which contain the drug are commonly known as marihuana, so the taxes were imposed upon "marihuana."

In addition I might say that some people say that the marihuana seed should be called fruit, because, botanically speaking, it is a fruit, not a seed. However, it is known commercially and commonly as a seed, and that is the reason we have used the term.

Mr. DISNEY. I notice that in section 1, at the beginning of the bill, in subdivision (c) it says that the producer is one—

> who (1) plants, grows, cultivates, or in any way facilitates the natural growth of marihauna; (2) harvests and transfers or makes use of marihauna; or (3) fails to destroy marihuana within 10 days after notice that such marihuana is growing upon land under his control.

To what extent do you expect to go along that line, where it is an ordinary weed?

Mr. HESTER. The person on whose land the plant was growing wild would be notified by the Treasury Department that he has this plant growing on his land, and if he did not destroy the weed, he would become a producer under the bill and subject to the tax. He would not be committing a crime if he failed to cut it and would merely have to pay a tax.

Mr. LEWIS. Suppose he is not raising it for the market.

Mr. HESTER. If a person cultivates it, he would be producing it; he would become a producer under the bill.

Mr. LEWIS. Without raising it for the market?

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Mr. HESTER. That is right. That is the only way it can be handled, I believe. Since this plant will grow wild, a person might evade the occupational tax on producers by stating to the internal revenue agent that the plant was growing wild.

Mr. LEWIS. You mean if he goes out and digs it up as a weed?

Mr. HESTER. No; if you have a farm and it is growing on your farm wild, and the Government agent sees it growing there, and they notify you what it is, then you are required to destroy that. If you do not do it, then you become a producer and subject to the occupational tax.

Mr. LEWIS. How widely distributed is it as a weed?

Mr. HESTER. Mr. Anslinger said it will grow in practically all the States wild.

The CHAIRMAN. I would like to know about the process of destroying it, if it grows wild on a man's farm. I have had considerable experience in trying to destroy weeds, and it requires a lot of expense. Who would defray the expense required in fighting and destroying that weed.

Mr. HESTER. This is the thing to remember, that if he did not destroy he would simply become a producer under this bill and have to pay a small occupational tax, and the Government would know it is there. He does not have to destroy it if he does not want to, but if he does not, he pays a small occupational tax.

Mr. LEWIS. How much?

Mr. HESTER. $25 a year.

Mr. REED. I know something about farming, although I am not familiar with the manner in which this plant spreads. I know that we have tried on our farms to keept out certain weeds, but we could not do it because the expense is too great.

You will have a revolution on your hands if, as you say, this plant grows generally throughout the country and you try to charge the farmers a tax of $25, as you said.

Mr. HESTER. Suppose the poppy from which you extract opium grew wild; you would have exactly the same situation. That is the only way in which it can be controlled.

Mr. REED. I think that is the most serious question that has come up in connection with this bill.

Take, for instance, wild carrots. I defy any farmer to eliminate them unless and until he summer-fallows the ground.

Mr. HESTER. The purpose of this is not to put the producer to any expense where it grows wild, but to require him to notify the Government he has marihuana growing on his place. The way we do that is by putting on the occupational tax. Do you think farmers would not be willing to cooperate with the Government in stamping out this marihuana by paying a small tax?

Mr. REED. Do you imagine that all through our country where a farmer has, say, 25 acres, they are going to pay an occupational tax of $25?

Mr. HESTER. You gentlemen in Congress, of course, can fix the occupational tax at any amount that you see fit. That is merely a suggestion.

Mr. DISNEY. I would like to know this: When I see these weeds growing as they do in our part of the country, I imagine there is

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enough marihuana growing in one back yard to enable a man to get on several hilarious drunks. I would like to know what happens when that weed is growing there.

Mr. HESTER. The Government has to notify you under the bill.

Mr. DISNEY. I am trying to think of it and get some information in a practical way. Of course, I am in favor of the main purpose of the bill—to stamp out the use of the drug.

Mr. REED. I would go the limit to accomplish that purpose also; but you have a very serious problem here, if this grows wild as many weeds do.

Mr. HESTER. Here is the situation. Most of you gentlemen are lawyers, and you know you have to have an occupational tax to have a revenue bill. You would have to impose some kind of an occupational tax on a farmer. What the amount of the occupational tax will be is entirely a matter for the committee to decide.

We only require them to notify the Government.

Mr. DISNEY. This is just a start, and it ought to be a good start. But are you not going pretty far when you make a man a producer when he innocently grows wild marihuana on his land?

Mr. HESTER. If you do not take wild marihuana into consideration, you cannot control this at all. That is all this does.

If I were an inspector and I came to you, and I knew where the marihuana was, and I told you you had it growing on your place, you might say, "I am not going to destroy it; that is very expensive. But I will pay a small occupational tax." That is when the Government knows it is growing on your place.

Mr. REED. Then will they destroy it?

Mr. HESTER. Congress has made appropriations to the Department of Agriculture to permit the inspectors of that Department to go out throughout the country and destroy plants which are dangerous to the farmers because they produce plant diseases. If you can suggest some substitute, we will be very glad to have it.

Mr. DISNEY. I do not know about that.

Mr. REED. I do not want to weaken this bill; I want to help you to carry out its purpose in every possible way.

Mr. DISNEY. I do not want to weaken it, either.

Mr. REED. But I can see a lot of trouble unless this is properly worked out, because if you are going to start on a program of exterminating some weed, a weed that grows generally throughout the United States, you are undertaking a program that will be difficult and expensive.

Mr. HESTER. In 1914 the Harrison Narcotic Act provided for doing the same thing, which included the word "producer", and the only thing is that it so happens poppies cannot be grown in the United States.

Mr. REED. That is quite different.

Mr. HESTER. It does not seem to me to be an undue hardship to put a small occupational tax on a person who has this growing wild on his land. The Government could get no information whatsoever from him otherwise. It is the only way the Government could get any information as to where this is growing wild.

Mr. REED. But the next step is to destroy this weed?

Mr. HESTER. Not necessarily to destroy it, but so that the Government will know where it is. There is no provision in the bill that

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requires them to destroy it. It says to the farmer, if you do not destroy it within 10 days, you will have to qualify as a producer and pay a small occupational tax.

Mr. REED. What is the Government going to do then; put a man there to watch it?

Mr. HESTER. No.

Mr. REED. How will it stamp it out?

Mr. HESTER. In the final analysis, if the man, the farmer, does not want to pay the small occupational tax, he will have to destroy it himself, or Congress will have to make an appropriation for the Department of Agriculture which will permit them to send people throughout the country to stamp it out.

Mr. CROWTHER. They could make them cut it down before it reaches the flowering stage, and that would do it, would it not?

Mr. HESTER. Yes; that is right. We are proceeding with a new thing, and it is a serious menace. They would probably do it voluntarily; we cannot require them to do it unless we have them pay a small occupational tax.

Mr. REED. You are looking at it from the Government-bureau point of view, and I am looking at it from the practical farmer's side, with this weed spreading all over creation.

If this weed has spread so that it has become a menace, the farmer will have to hire men to go through his meadows and cut out this weed, and the expense will be greater than you realize.

Does this hemp spread as other weeds do?

Mr. HESTER. Dr. Dewey is the botanist, and I would like to have him make a statement in reference to that.

Mr. REED. I want to get at the bottom of this thing before we get into a lot of trouble.

Mr. FULLER. Do you know whether or not just cutting out this weed will kill it?

Dr. DEWEY. I think it can be killed easily. It is, in fact, a plant growing only from seeds, and can be exterminated once and for all by merely cutting it down before it goes to seed.

Mr. FULLER. If the seed is on the ground, it may be covered up and may keep covered up for years.

Dr. DEWEY. Of course, it is all introduced from the type that is distributed from the birds, and the birdseed does come up year after year from self-sown seed, but the type that is grown for fiber production does not.

For more than 35 of the years that I was working on these things I was working on the fibers.

Mr. FULLER. You do not mean to convey the idea that one cutting with a sickle would eliminate it, do you, because, as I understand it, it grows in proximity to river banks and creeks.

Dr. DEWEY. Ordinarily one cutting would eliminate it. There might be some seeds that would remain the next year. I have seen it growing year after year in the same place when it was not cut because no stock would eat it.

Mr. FULLER. Does it grow in wild land?

Dr. DEWEY. No; it grows in open land, sometimes at the edge of the woods, but not in the woods.

Mr. FULLER. It grows around creeks and river banks?

Dr. DEWEY. Yes; on open land and waste land.

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Mr. FULLER. That would mean as a general rule that you could not cut it with a mowing machine.

Dr. DEWEY. Ordinarily it is rarely in areas large enough where you could use a mowing machine to cut it.

The largest area that I ever saw it growing in was at the Twin Cities in Minnesota, where it grew year after year, near a railroad, and I think there was a quarter of an acre of ground there.

Mr. LEWIS. Mr. Hester, have you fully canvassed the proficiency of a scheme that will limit the penalties to instances where it is grown for the market, or where it is picked for the market?

Mr. HESTER. You mean distinguishing between a producer so-called under the act as a man on whose land it grows wild, and one who cultivates it?

Mr. LEWIS. Yes.

Mr. HESTER. No; we have not made a distinction, but we will be glad to consider that.

Mr. LEWIS. I wish you would because it seems to me you might draw a distinction like that. This plant might grow wild and some man might want to pick it for the market, and then a farmer would be on notice, and he would probably be asked to pay for it. In that instances the law applies. It is the marketing of it at last that determines it.

Mr. VINSON. But would you not have to inject the question of intent?

Mr. HESTER. Here is the situation.

Mr. VINSON. The gravamen of the offense would be knowledge of the growth?

Mr. HESTER. That is right.

Mr. VINSON. That is, if there are penalties, you generally use the word "willfully", and in many instances "knowingly", because it is the intent with which the thing is done that governs, it seems to me.

I am in thorough accord with any effort to clean the thing out, but I do not think it is as significant as it would seem.

Mr. HESTER. The question of intent is not involved here.

Mr. VINSON. I am speaking of the situation when you go to convict somebody, where the question of intentionally producing a thing would be involved.

Mr. HESTER. That is right. Here is the situation.

Mr. BUCK. There is nothing in this bill that provides a penalty even for knowingly producing anything.

Mr. HESTER. No.

Mr. BUCK. There is merely the failure to register that is involved.

Mr. HESTER. Under this bill, if you grow this wild, it is the duty of the Government to notify you; and if you do not destroy it within a certain length of time after you are notified, then you are required to qualify as a producer and pay some small occupational tax. And the only reason for that is that that is the only way the Government can acquire information and know where it is going wild.

Mr. VINSON. A person would have to have knowledge that he is growing it before he can be convicted of any crime or misdemeanor.

Mr. HESTER. That is right. The bill requires the Government to notify him. Until he has such notice he is not subject to the producers' tax and, of course, couldn't be prosecuted for evading the tax.

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Mr. LEWIS. Does it seem to you gentlemen who have studied the subject with a view to eliminating the evil that the growth of this plant must be completely eliminated?

Mr. HESTER. It will have to be under control in order to prevent evasion of the producer's tax.

Mr. DINGELL. Mr. Hester, do you not believe that the average farmer would be willing to use a mowing machine or a scythe if he thought that in that way or any way at all after a year or 2 years he could exterminate and kill the weed which kills people?

Mr. HESTER. I would be amazed if they would not, but as Mr. Reed points out, the preponderant consideration there is not of money.

Mr. DINGELL. I think that, perhaps, only a fractional part of the farmers would be unwilling to cooperate in this.

Mr. HESTER. I think so.

Mr. DINGELL. Wherever they assume a different attitude, and are unwilling to do this in the public interest, they should be forced to eliminate the weeds.

Mr. HESTER. We do not even compel them to eliminate the weeds under this provision. If they fail to do that, they would have to pay this occupational tax, make reports and returns, and we would know from that where the weeds were.

Mr. DINGELL. Of course, there are some people who rebel against the payment of just taxes, some who rebel against any law. There was a cow war out in Iowa where they had to call out the militia and force the farmers to submit their cattle to the tuberculin test. They were willing to sell infected milk to people in the cities and cared not about the danger to their customers.

The CHAIRMAN. You must know how difficult this work of extermination would be. Some people talk about taking mowing machines and destroying these weeds, but on some farms you could not use mowing machines for any such purpose because of the roughness of the ground and rocks. If they undertook to do it with scythes, on some large farms it would take hunderds of men. It would be an almost impossible undertaking to remove these weeds to the extent of exterminating them.

Dr. DEWEY. I was in the Department of Agriculture from 1890 to 1935. During the first 10 years, my work was chiefly on weeds and how to kill them. The last 30 years I had charge of the work with fiber-producing plants like hemp. This work required travel in all parts of the country, and I learned to look for weeds from the car windows or wherever I found them.

Thousands of letters came to me asking about weeds and, so far as I can recall, there were only four asking about hemp as a weed and in these instances it was not a troublesome weed but merely a new plant that looked like a weed to the farmer who asked the question. Although I was looking for weeds and all plants that might be troublesome as weeds, I never found the hemp plant to be really a troublesome weed.

In one instance, it appeared in a crop of oats that had followed a hemp crop the previous season and the hemp had been permitted to become overripe so that the seeds fell off before the hemp was harvested. The plants were scattered through the oat field of about 5 or 6 acres, but one man could easily have pulled them all out in less than a half day. They did not come up the following year.

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Hemp is an annual plant, growing only from the seeds. It does not have a perennial root or root stalks like Canada thistle or Johnson grass and, therefore, it may be easily exterminated by cutting it before the seeds are produced. Furthermore, if the stalks are cut off, they do not send up branches from the stubble. Cutting but once, therefore, kills the plant.

When it grows as a weed, it does not produce many seeds, and it does not spread rapidly as do wild carrots, which Mr. Reed mentioned, and other really troublesome weeds. It grows as a weed along roadsides, railways, in waste lands, on overflowed lands along rivers and where seed from bird cages has been thrown out in backyards. It is almost invariably in good fertile soil and in the open—never in woods or swamps. This weed type often reseeds itself and persists in the same place year after year provided it is not cut down or the plants disturbed. Stock do not eat the plants. As a weed, the plants are usually only a few in a place or at most a few square rods.

The largest plant of hemp known to me as a weed was in waste land along the railway between St. Paul and Minneapolis. I watched this plant every year or two for a period of at least 10 or 15 years and it did not increase materially in size. There were possible about 15 square rods growing where the seeds could easily have scattered out, but there seemed to be no stragglers. These plants could have been easily cut down by one man in less than 2 hours.

If the plants are cut before they produce seeds, they would be easily exterminated. A few dormant seeds may come up the following season or even the second season, but the plants are usually so conspicuous as to be easily found and they are not abundant so as to require excessive work in cutting them. Hemp never persists as a weed in cultivated land. The weed type has nearly solid stalks, different from the hollow stalk of the fiber-producing type. Seeds of the fiber type do not produce persistent weeds.

It is believed that if bird seeds are treated so that they will not germinate, the source of hemp as weeds will be eliminated. The extermination of hemp as a weed would be very much less difficult than the extermination of the common barberry, which has been done to safeguard farmers against wheat rust or the extermination of wild currants to save the white-pine trees from the white-pine blister rust. Both of those plants were widely distributed and, having perennial roots, they had to be dug out, while hemp has merely to be cut off. In each case, the efforts have been successful and the rust on wheat and on the white pines has decreased.

Mr. CROWTHER. Has there been any increase in the use of this marihuana drug during the last year or two, in cigarettes, or otherwise?

Mr. HESTER. I will have to refer that question to Commissioner Anslinger.

Mr. ANSLINGER. There has been.

Mr. CROWTHER. According to a brief that has been submitted, as a rule the addict passes into a dreamy state, in which judgment is lost, the imagination runs rampant; he is subject to bizarre ideas, lacking in continuity, and losing all sense of the measurement of time and space. I was wondering if there was a very marked in-

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crease in the smoking of this drug in cigarettes last year, following the period of September and October.

Mr. ANSLINGER. It has been on the increase.

Mr. CROWTHER. Has it increased lately?

Mr. ANSLINGER. There has been a decided increase in the number of seizures, or the number of seizures in 1936 over the number in 1935.

Mr. VINSON. Would you say that a prolonged period of suffering over a period of several years would have anything to do with the forming of the habit?

Mr. ANSLINGER. No, sir. I might say, with respect to the question of the farmers destroying the weeds that we have found a number of instances where the weed was growing on property, and when we have called it to the attention of the property owners, we have found that they have not only gladly cooperated in destroying the weed but they have destroyed them by burning with a view to getting rid of them entirely. We have never found a case where a property owner has not cooperated with us in getting rid of this destructive weed.

Mr. HESTER. Just a moment ago some question was raised with reference to the sterilization of seed, and this is the situation there: There are two reasons for including seed—first, because of their use in growing the weed, and second, because of the smoking of the seed. Mr. Dewey, who is the expert of the Department of Agriculture, does say that the sterilization of the seed would make it impossible to use them for growing purposes, but these gentlemen are not in a position to say that the sterilization of seed will likewise remove any marihuana from them. On the other hand, we are not in a position to say that sterilization will not remove the marihuana. It seems to us that the burden of proof is on the Government there, when we might injure a legitimate industry, to submit evidence to this committee that sterilization will not remove marihuana from the seed.

Mr. LEWIS. How is the sterilization of the seed effected—by heat?

Mr. HESTER. Yes, sir; by the application of heat. Under the circumstances, we feel that we should submit to the Secretary of the Treasury the question as to whether the Treasury Department would object to the proposed amendment which will except from the defininition of the term marihuana sterilized seeds, which have been made incapable of germination. If the Secretary has no objection, we will advise the committee. Then, if at some later date it develops from experience or chemical analysis that marihuana is still in the seeds after sterilization and that they are being smoked throughout the country, we might have to come before the committee again and propose an amendment which would strike out this language, and revert to the situation at the present time under the bill as it stands. We have discussed the matter with these gentlemen, and they are agreeable to that proposition if the Secretary has no objection and the committee approves.

The CHAIRMAN. In other words, you would test the practicability of that method.

Mr. HESTER. Yes, sir.

Mr. CROWTHER. It would be like treating fats to make them inedible.

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Mr. HESTER. Yes, sir. The amendment reads—

Sterilized seed of such plant which is incapable of germination.

We think that takes care of the situation.

The CHAIRMAN. We thank you for your statement.

(Thereupon the committee adjourned subject to the call of the Chair.)

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TAXATION OF MARIHUANA

TUESDAY, MAY 4, 1937

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

The committee met at 10:30 a. m., Hon. Robert L. Doughton (chairman) presiding.

The CHAIRMAN. The committee will be in order. The meeting this morning is for the purpose of continuing hearings on H. R. 6385.

When we adjourned last week, Dr. William C. Woodward, legislative counsel of the American Medical Association, was here and ready to testify; but I understood that it would be satisfactory for him to come back this morning.

Dr. Woodward, if you will come forward and give your name and address and the capacity in which you appear, we shall be glad to hear you at this time.

STATEMENT OF DR. WILLIAM C. WOODWARD, LEGISLATIVE COUNSEL, AMERICAN MEDICAL ASSOCIATION, CHICAGO, ILL.

Dr. WOODWARD. Mr. Chairman and gentlemen, my name is Dr. William C. Woodward, representing the American Medical Association. The address is 535 North Dearborn Street, Chicago, Ill.

The CHAIRMAN. Doctor, would you prefer to make your formal statement uninterrupted, or do you mind interruptions as you go along?

Dr. WOODWARD. I should prefer to make a connected statement, but I submit very gladly to the pleasure of the committee in that respect, if I do not have the time charged against me that is taken up with interruptions.

Mr. CROWTHER. I move the gentleman be allowed to continue without interruption until he has completed his main statement.

The CHAIRMAN. Without objection, the gentleman will so proceed, after which it is understood he will submit to questions by members of the committee.

Dr. WOODWARD. Mr. Chairman and gentlemen. It is with great regret that I find myself in opposition to any measure that is proposed by the Government, and particularly in opposition to any measure that has been proposed by the Secretary of the Treasury for the purpose of suppressing traffic in narcotics.

I cooperated with Hamilton Wright in drafting the Harrison Narcotics Act. I have been more or less in touch with the narcotic situation since that time. During the past 2 years I have visited the Bureau of Narcotics probably 10 or more times.

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Unfortunately, I had no knowledge that such a bill as this was proposed until after it had been introduced.

Before proceeding further, I would like to call your attention to a matter in the record wherein the American Medical Association is apparently quoted as being in favor of legislation of this character.

On page 6 of the hearings before this commitee, section no. 1, we find the following:

In an editorial on this subject appearing in its editorial columns of April 10, 1937, the Washington Herald quoted the Journal of the American Medical Association in part, as follows:

"The problems of greatest menace in the United States seem to be the rise in the use of Indian hemp (marihuana) with inadequate control laws."

I have here a copy of the editorial refererd to and clearly the quotation from that editorial and from the editorial in the Journal of the American Medical Association do not correctly represent the views of the association. The Herald is not discussing marihuana alone, but is discussing the narcotic invasion of America. It says:

"This industry has spread its tentacles throughout the Far East and has direct connections with the narcotic rings in Europe and the Americas."

It continues:

To the extent these charges are true the effect is to "weaken and debauch" not the Chinese but the American race.

The evidence that they are largely true is contained in this recent statement in the Journal of the American Medical Association:

"The problems of greatest menace in the United States seem to be the rise in the use of Indian hemp (marihuana) with inadequate control laws, and the oversupply of narcotic drugs available in the Far East threatens to inundate the western world."

Mr. VINSON. Whose article is that? That was in the American Medical Association Journal?

Dr. WOODWARD. That is from an editorial that appeared in the issue of the Journal of the American Medical Association for January 23, 1937, on page 3, in the nature of a review of the report on Traffic in Opium and Other Dangerous Drugs in the United States of America for the year ending December 31, 1935, and published by the Bureau of Narcotics of the Treasury Department.

Mr. VINSON. Are you going to put that in the record?

Dr. WOODWARD. I shall be glad to. The quotation has reference to the seeming situation that results from the statement of the Commissioner of Narcotics and not from any evidence that is in possession of the American Medical Association.

I shall be very glad to submit that.

(The editorials referred to are as follows:)

[Washington Herald, Apr. 10, 1937]

THE NARCOTIC INVASION OF AMERICA

Americans will pay close attention to the charge by the Council of International Affairs at Nanking that the Japanese concession in Tientsin is world headquarters for the narcotic industry.

Narcotics are reaching the United States in alarming volume.

We are deeply interested in their source.

America is only indirectly concerned in the council's belief that "narcotics are being employed by Japan as an instrument of national policy designed to weaken and debauch the Chinese race."

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But America is vitally concerned in the further charge that the dope syndicates are engaged chiefly in exporting narcotics to the United States and that:

"The United States is the big-money market, and happy is the syndicate that can perfect its lines to that country."

The council's bulletin alleges:

"This industry has spread its tentacles throughout the Far East and has direct connections with the narcotic rings in Europe and the Americas."

To the extent these charges are true, the effect is to "weaken and debauch" not the Chinese but the American race.

The evidence that they are largely true is contained in this recent statement in the Journal of the American Medical Association:

"The problems of greatest menace in the United States seem to be the rise in use of Indian hemp (marihuana) with inadequate control laws, and the oversupply of narcotic drugs available in the Far East which threatens to inundate the western world."

It is not America's business to protect China against the purported plots of the Japanese. But when any foreign plotting results in a narcotics invasion of the United States, that is America's business.

American laws, Federal and State, to control and prevent traffic in narcotics must be adequate.

Such laws, properly enforced, will remove America as the "big-money market" of the world-wide narcotics industry, and will prevent the debauchment of the American people.

[Journal of the American Medical Association, Jan. 23, 1937]

Opium Traffic in the United States

As part of the international policy of controlling traffic in opium and other dangerous drugs, each nation signatory to the International Drug Conventions is supposed to prepare an annual report. The report of the United States of America for the year ended December 31, 1935, has been prepared and published by the Bureau of Narcotics of the Treasury Department.[1] The number of nonmedical drug addicts in the United States is difficult to determine accurately, but, while formerly believed to approximate one person in every thousand of the population, recent surveys indicate that this figure no longer obtains in many sections of the country. In the nature of a further inquiry into the problem of addiction, the Bureau of Narcotics examined the records of 1,397 of the persons investigated in connection with violation of the narcotic laws as to their personal use of drugs. Of these, 946 were found to be addicted to some form of opium or coca derivative, the other 451 giving no evidence of addiction. Of the addicts, 757 were male and 159 female. The average age of the men was 41 and the women 35. Seven hundred and seventy-five were white, 88 oriental, 78 colored, and 3 American Indian, while in two instances the race was not reported. A striking feature was the educational background of these addicted violators. Five hundred and twenty had attended only grade school, 211 had reached high school but not college, and 153 had received some college or university training. These figures indicate a considerably higher percentage of moderately educated people than that existing among the general public.

The reasons given for drug addiction were of interest. In 486 instances "associations" were blamed; in 337, illness or injury was named as the responsible factor; other causes mentioned less frequently were indulgence or drink in 50, mental strain or nerves in 14, curiosity or experiment in 10, physical strain or overwork in 6, and deliberate addiction in 1. The previous criminal records of the 946 addicts included 545 charges of felony, 468 misdemeanors, and 1,887 violations of either Federal or State narcotic laws. This is an extremely high criminal record; higher, in fact, than that found in any other group of lawbreakers.

The heaviest arrivals of raw opium in 1935 were in the Atlantic-coast area. There were 14 seizures, 3 of which concerned fairly large quantities: 23, 19, and 17 kilograms. The largest seizures of prepared opium were effected in the Pacific-coast area, almost all of which came from China and appeared to be mostly a blend of Chinese and Persian opium. More than twice as much

[1] Anslinger, H. J.: Traffic in Opium and Other Dangerous Drugs for the Year Ended Dec. 31, 1935, U. S. Treasury Department, Bureau of Narcotics, U. S. Government Printing Office, Washington, 1936.

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smoking opium was seized in the United States in 1935 as in 1934, amounting in 1935 to 779 pounds. Morphine was seized in every area reviewed except Hawaii. The total quantity seized during the calendar year 1935 showed an increase of 27.5 percent over that seized the previous year. The amount of heroin seized showed an increase of about 19 percent over the previous year. The amount of cocaine taken, however, showed a decrease of 63 percent as compared with that seized in 1934. The records as a whole contain substantial evidence in the form of labels, packages, and detailed reports to show the existence of an extensively organized narcotic traffic in the Far East. The Opium Advisory Committee of the League of Nations has previously called attention to the extreme dangers resulting from this situation.

Closely allied with the opium traffic is the present situation with regard to Indian hemp, or marihuana. There is as yet no Federal legislation penalizing traffic in this drug, and Federal efforts are at present largely confined to restriction of imports and cooperation with those States or local bodies which have effective regulations.

The effectiveness of Federal efforts to control the drug traffic, in cooperation with the League of Nations, is manifest by the amounts of drugs seized, the relatively smaller quantities in which they are transported, and the high percentage of convictions obtained for violation of the laws. In this connection it is noteworthy that for every agent in the Federal field service there are 10 convicted narcotic violators in the Federal penitentiaries. Only about 511 kilograms of narcotic drugs was seized in 1935, as compared with 3½ tons during the fiscal year 1931, when smuggling was rampant. Much smaller shipments are now found, combined with higher adulteration and increased retail price. The number of criminal violations detected rose from 4,742 in 1934 to 5,200 in 1935, while the convictions increased from 1,816 in 1934 to 2,065 in 1935. The two problems of greatest menace at the present time seem to be the rise in use of Indian hemp with inadequate control laws and the oversupply of narcotic drugs available in the Far East, which threatens to inundate the western world.

Dr. WOODWARD. There is nothing in the medicinal use of Cannabis that has any relation to Cannabis addiction. I use the word "Cannabis" in preference to the word "marihuana", because cannabis is the correct term for describing the plant and its products. The term "marihuana" is a mongrel word that has crept into this country over the Mexican border and has no general meaning, except as it relates to the use of Cannabis preparations for smoking. It is not recognized in medicine, and I might say that it is hardly recognized even in the Treasury Department.

I have here a copy of a letter written by the Acting Secretary of the Treasury, April 15, 1937, in which he says:

> Marihuana is one of the products of the plant *Cannabis sativa L.*, a plant which is sometimes referred to as *Cannabis americana* or *Cannabis indica.*

In other words, marihuana is not the correct term. It was the use of the term "marihuana" rather than the use of the term "Cannabis" or the use of the term "Indian hemp" that was responsible, as you realized, probably, a day or two ago, for the failure of the dealers in Indian hempseed to connect up this bill with their business until rather late in the day. So, if you will permit me, I shall use the word "Cannabis", and I should certainly suggest that if any legislation is enacted, the term used be "Cannabis" and not the mongrel word "marihuana."

I say the medicinal use of Cannabis has nothing to do with Cannabis or marihuana addiction. In all that you have heard here thus far, no mention has been made of any excessive use of the drug by any doctor or its excessive distribution by any pharmacist. And yet the burden of this bill is placed heavily on the doctors and pharmacists of the country; and I may say very heavily, most heavily, possibly of all, on the farmers of the country.

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The medicinal use of Cannabis, as you have been told, has decreased enormously. It is very seldom used.

Mr. COOPER. How is that?

Dr. WOODWARD. The medicinal use has greatly decreased. The drug is very seldom used. That is partially because of the uncertainty of the effects of the drug. That uncertainty has heretofore been attributed to variations in the potency of the preparations as coming from particular plants; the variations in the potency of the drug as coming from particular plants undoubtedly depends on variations in the ingredients of which the resin of the plant is made up.

To say, however, as has been proposed here, that the use of the drug should be prevented by a prohibitive tax, loses sight of the fact that future investigation may show that there are substantial medical uses for cannabis.

That there are medical uses for cannabis is admitted in a report, that has I think, been quoted here before, by a hospital pharmacist in Tunis, Dr. Bouquet. Dr. Bouquet is speaking of the medicinal use of cannabis and has this to say:

The question is:

Do any preparations of Indian hemp exist possessing a therapeutic value such that nothing else can take their place for medical purposes?

This is part of this pharmacist's report.

The answer is "no."

He submits these qualifications, however:

(*a*) Indian hemp extract has been recommended for the preparation of corn cures, products that most often consist of a solution of salacylic acid in collodion; the action of the cannabis extract is nil.

I believe the average physician will readily admit that.

(*b*) Indian hemp is employed in various preparations for internal use as a sedative and antispasmodic. It does not seem to give better results than belladonna, except perhaps in a few cases of dyspepsia accompanied by painful symptoms.

The number of the exceptions and the character of the cases in which cannabis gives these superior results are not stated. He adds:

At my request, experiments were made for several months in 1912 with different preparations of Cannabis, without the addition of other synergetic substances (Professor Lannois' Service, Lyons Hospitals). The conclusion reached was that in a few rare cases Indian hemp gives good results, but that in general it is not superior to other medicaments which can be used in therapeutics for the treatment of the same affections.

He still admits that there are exceptions in which Cannabis cannot apparently be successfully substituted for.

(*c*) The work of F. Pascal (Thesis, Toulouse 1934—Contribution to the Study of *Cannabis indica*) seems to show that Indian hemp has remarkable properties in revealing the subconscious; hence it can be used for phychological, psychoanalytical, and psychotherapeutic research, though only to a very limited extent.

These are the present uses recognized——

Mr. LEWIS. Are there any substitutes for that latter psychological use?

Dr. WOODWARD, I know of none. That use, by the way, was recognized by John Stuart Mill in his work on psychology, where he referred to the ability of Cannabis or Indian hemp to revive

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old memories, and psychonanalysis depends on revivification of hidden memories.

That there is a certain amount of narcotic addiction of an objectionable character no one will deny. The newspapers have called attention to it so prominently that there must be some grounds for their statements. It has surprised me, however, that the facts on which these statements have been based have not been brought before this committee by competent primary evidence. We are referred to newspaper publications concerning the prevalence of marihuana addiction. We are told that the use of marihuana causes crime.

But yet no one has been produced from the Bureau of Prisons to show the number of prisoners who have been found addicted to the marihuana habit. An informal inquiry shows that the Bureau of Prisons has no evidence on that point.

You have been told that school children are great users of marihuana cigarettes. No one has been summoned from the Children's Bureau to show the nature and extent of the habit, among children.

Inquiry of the Children's Bureau shows that they have had no occasion to investigate it and know nothing particularly of it.

Inquiry of the Office of Education—and they certainly should know something of the prevalence of the habit among the school children of the country, if there is a prevalent habit—indicates that they have had no occasion to investigate and know nothing of it.

Moreover, there is in the Treasury Department itself, the Public Health Service, with its Division of Mental Hygiene. The Division of Mental Hygiene was, in the first place, the Division of Narcotics. It was converted into the Division of Mental Hygiene, I think, about 1930. That particular Bureau has control at the present time of the narcotics farms that were created about 1929 or 1930 and came into operation a few years later. No one has been summoned from that Bureau to give evidence on that point.

Informal inquiry by me indicates that they have had no record of any marihuana or Cannabis addicts who have ever been committed to those farms.

The Bureau of the Public Health Service has also a division of pharmacology. If you desire evidence as to the pharmacology of Cannabis, that obviously is the place where you can get direct and primary evidence, rather than the indirect hearsay evidence.

But we must admit that there is this slight addiction with possibly and probably, I will admit, a tendency toward an increase.

So that we have to raise the question at the present time as to the adequacy or the inadequacy of our present machinery and our present laws, to meet the situation. Those laws are, of course, of two kinds, the Federal laws and the State laws.

As to the State laws, you have been told that every State has a marihuana or Cannabis law of some kind.

My own inquiry indicated that there are two States that had not; but at least 46 States have laws of their own, and the District of Columbia, contrary to what has been told you, has a law that has been in force since 1906 and even at an earlier date.

The District of Columbia law, insofar as it relates to cannabis, is a part of an act passed by Congress in 1906 entitled "An act to regulate

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the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 17, 1906, and originally published as 34 Statutes, 175, which is now to be found in the District Code, section 191 and following.

It limits the sale of Cannabis, its derivatives and its preparations to pharmacists and persons who are authorized assistants to pharmacists.

And in the case of sales by pharmacists and their authorized assistants, there must be either a prescription from an authorized physician, or there must be due inquiry and a proper record made so as to assure the proper use of the drug.

No one, whether a pharmacist or not, under this law, has any right to sell any preparation of *Cannabis indica* to any person under 18 years of age except on the written order of an adult. The penalties are rather heavy and the direct duty of enforcing the law is placed on the major and superintendent of police and the corporation counsel of the District of Columbia.

More interesting possibly is the Federal law relating to the matter. You have been told, I believe, that there is no Federal law. The Federal law is a very direct and a positive law and I shall be glad to indicate what seems to me to be the basic principle of it.

To go back, if you will, to about 1929 or 1930, when a bill was before Congress proposing to require every physician in the United States who desired to prescribe or dispense narcotic drugs to obtain a Federal permit before he did so, the medical profession objected to any such Federal control, even if it had been possible. It was not only impracticable, because of the size of the country and the number of physicians, but clearly, I think, most of us will admit, a law of that kind is clearly beyond the power of Congress.

At that time there was incorporated in the act this provision:

> The Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions and to that end he is authorized (1) to cooperate in the drafting of such legislation as may be needed, if any, to effect the end named, and (2) to arrange for the exchange of information concerning the use and abuse of narcotic drugs in said States and for cooperation in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States.
>
> The Secretary of the Treasury is hereby authorized to make such regulations as may be necessary to carry this section into effect.

Mr. VINSON. What statute is that?

Dr. WOODWARD. That is the United States Code, 1934 edition, title 21, section 198. It is the statute of June 14, 1930.

Mr. VINSON. To what does it refer?

Dr. WOODWARD. To the statute that created the present Bureau of Narcotics.

If there is at the present time any weakness in our State laws relating to Cannabis or to marihuana, a fair share of the blame, if not all of it, rests on the Secretary of the Treasury and his assistants who have had this duty imposed upon them for 6 and more years.

That there has been no coordinated effort to bring into effect, in the several States, really effective laws on this subject, I think I can safely assert.

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Part of my function in connection with the American Medical Association is the study of State legislation as it is submitted from time to time, and I feel confident that if there had been any general drive inaugurated by the Treasury Department for the purpose of making effective the laws of the several States, that fact would have come to my knowledge. And yet, after all, that is the essential place, the States, for laws of this character.

It has only been very recently, apparently, that there has been any discovery by the Federal Government of the supposed fact that Federal legislation rather than State legislation is desirable.

I have here a copy of a preliminary report on hemp and peyote. Peyote is a different drug, habit forming perhaps. This report is prepared by direction of Surg. Gen. Hugh S. Cumming. It seems to be undated. But it was received from the Public Health Service September 26, 1932, and, referring to Cannabis, the statement is made, on page 12 of this mimeograph copy:

> At present the situation does not seem to concern the American people as a whole, and local and State legislative measures seem the best means of restricting its abuses.

I have here another statement, submitted to the League of Nations Advisory Committee on Traffic in Opium and Other Dangerous Drugs. It reports on the situation as regards Indian hemp and was forwarded by the representative of the United States of America. In it you will find the following statement:

> The Bureau of Narcotics has always inclined to the opinion that the best method of attacking the problem lies in the enactment of appropriate State legislation and to that end has suggested to the States, as a portion of the measure known as the uniform Narcotic Drug Act terms of legislation designed to control the production and sale of cannabis, and because of the fact that the plant may be found over a widespread area in its wild state, a prohibition against its unauthorized possession.

Then there follows a discussion of the difficulties of Federal enforcement of any law dealing with the geographic extent of the States and the wild character of the drug, and matters of that sort.

I think it might be well to consider for a moment the relative difficulties that might be faced by the States, as compared with those encountered by the Federal Government, in the enforcement of a law such as is here proposed.

Here is a law that proposes to bring within its scope everyone who produces, wittingly or unwittingly, a particle of Cannabis. It goes into every farm and every bit of land of every kind. We have this definition of producer. This comes in section 1, paragraph (c), page 2, lines 7 to 12, of the bill:

> The term "producer" includes any person who (1) plants, grows, cultivates, or in any way facilitates the natural growth of marihuana; (2) harvests and transfers or makes use of marihuana or (3) fails to destroy marihuana within 10 days after notice that such marihuana is growing upon land under his control.

That means every potential owner of land in the United States is a potential and maybe an unwitting producer of marihuana. If the weed springs up on his land without his knowledge, he may have to go out and cut it, on notice.

You were told the other day that the notice must be a notice from the Secretary of the Treasury, but there is no such requirement. It

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is any notice whatsoever. There is no statement that it must be a notice from the Secretary of the Treasury. You can realize the difficulty that the Federal Government would have in covering the entire United States by an inspection force such as would be necessary to locate the growth of marihuana even in considerable quantities.

Marihuana grows wild along railroad tracks, along highways, on land belonging to the Federal Government, on land belonging to the States, on immense farms and ranches, forest land and places of that sort; places to which, by the way, the Federal Goverment, I believe, has no inherent right of entry. I know that it can obtain a warrant for a search, if there is reason to believe that the law is being violated. But that is in contrast with the State laws that authorize, at least some of the State agencies, to enter upon property without search warrants. I refer now to the customary right of entry that is possessed by health officers in the country.

The Federal Government could never determine where this plant was growing. It could never undertake to prosecute, and if it did prosecute it would meet with the same difficulty that it met in prosecuting under the National Prohibition Act; the inadequacy of courts and the inadequacy of prosecuting attorneys, and I may say, the inadequacy of jails.

Incidentally, at this point, there is one provision in the section that I have just read that I feel confident may have escaped the notice of the Secretary of the Treasury when he recommended the introduction of this bill; because under the section that I have just read, anyone who makes use of marihuana is a producer. As a producer he must be taxed, but he apparently has the right to pay that tax and obtain the drug as a matter of course.

Reduced to its last analysis, that means that any addict that can afford to raise the tax can go in and register as a producer and can then obtain such of the drug as he wants on order forms, for his own use. That, it seems to me, must be clearly an oversight.

Coming back now to the question of State laws, I think admittedly they are weak. They have laws. But if the Federal Government, instead of proposing a law as is here proposed, will cooperate effectively with the States in the suppression, not only of marihuana addiction, but of opium and cocaine addiction, we shall get better results.

I have suggested more than once to the Commissioner of Narcotics, the advisability of following the plan that has been followed so successfully in the Bureau of Public Health, and that is being followed to a certain extent by the Bureau of Investigation in the Department of Justice. That is the establishment of a system of annual conferences with State officers, for the purpose of coordinating their work and making their work more effective.

The Federal Government will never get anywhere under this proposed bill without the cooperation of the States, and the most effective way to acquire it is through State conferences, and have the States enforce their own State laws, with the aid of the Federal Government.

I think there is a general tendency to evade responsibility on the part of the States and place their responsibility on the Federal Government. That is a thing that many of us think ought not to be tolerated.

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In addition to the law that I have just read, there are other Federal laws, among them a law that has been in force for many years and with the enforcement of which the Secretary of the Treasury is not directly concerned, but I think a law, the enforcement of which he might well have interested himself in, in so far as it relates to narcotic drugs of all kinds, and particularly marihuana. I refer to the old statute that requires the teaching of the effects of narcotic drugs in all common public schools, in the District of Columbia and all the territories and places under the control of the Federal Government, and, incidentally, at West Point and the Naval Academy.

I think the proper preparation of an adequate course of instruction originating in the Treasury Department and distributed, it may be, through the Office of Education, would be an effective means of limiting dangers of narcotic addiction.

The trouble is that we are looking on narcotic addiction solely as a vice. It is a vice, but like all vices, it is based on human nature. The use of narcotics, as is trite at the present time in the medical profession, represents an effort on the part of the individual to adjust himself to some difficult situation in his life. He will take one thing to stimulate him and another to quiet him. His will is weakened in proportion as he relies on drugs of that sort. And until we develop young men and young women who are able to suffer a little and exercise a certain amount of control, even though it may be inconvenient and unpleasant to do so, we are going to have a considerable amount of addiction to narcotics and addiction to other drugs.

A very interesting recent popular book by Beverly Nichols, No Place Like Home, page 153, quotes the wonderfully efficient narcotic officer in Egypt as saying that persons were using tea for the purpose of getting a jag, if you will, boiling that tea, day after day, and day after day, until they got a hyperconcentrated extract, and then sitting up all night to drink it, and spending their money for tea, rendering themselves unfit and unable to work.

So that we must deal with narcotic addiction as something more than a police measure.

We, of the medical profession, of course, are interested, as are all citizens, in the prevalence or the growth of any narcotic habit. We are interested particularly in this bill because it proposes to tax physicians who desire to use Cannabis. And it taxes the pharmacists and the manufacturing pharmacists and others who supply them.

I think I may safely say, although I am speaking without direct authority from the house of delegates or the board of trustees—I think I may safely say that the American Medical Association would enter no objection at all to the inclusion of *Cannabis indica* or the various types of Cannabis, in the Harrison Narcotic Act.

Under that act we are already paying a slight tax, such a tax as is sufficient merely to give the Government jurisdiction. We have certain order forms that we have to fill out to get the drug. We are required to comply with certain conditions in giving prescriptions for any of the narcotic drugs. And if Cannabis should be included in the drugs so named, I think I can feel quite sure in saying that there would be no objection.

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It has been alleged here that the reason for not including it is the fact that the constitutionality of the Harrison Narcotic Act has been passed upon the Supreme Court of the United States. It has, it is true, but only by a divided court. And unwillingness is expressed to incorporate in it any provisions relating to Cannabis, because of the supposed danger of jeopardizing the Harrison Narcotic Act. And yet, while you are told that in one breath, in another breath you are positively assured—with all the positiveness that a lawyer can have with respect to such matters—that this proposed bill is constitutional. If this proposed bill is constitutional, there can be no reason why its provisions should not be incorporated in the Harrison Narcotic Act. If it is not constitutional, obviously it should not be enacted.

But insofar as the regulation of the use of Cannabis by the medical profession is concerned, I think there can be no question concerning the constitutionality of incorporating in the Harrison Narcotic Act, provisions similar to those now there relating to opium and cocoa leaves.

And, then, if there are in this bill provisions that are of questionable constitutionality, I am quite sure that any competent draftsman will be able to draft a separate measure, and put them into a form where, if their constitutionality is called into question, the question will not affect the Harrison Narcotic Act.

I beg, therefore, that if you decide that it is better to enact Federal legislation of this kind than to provide the Secretary of the Treasury with adequate means for procuring State cooperation in the enforcement of their own laws, and in enacting proper laws,—I beg that you insist simply that so far as the medical profession is concerned these provisions be incorporated in the Harrison Narcotic Act.

I thank you, Mr. Chairman.

Mr. VINSON. Doctor, what is your connection with the American Medical Association?

Dr. WOODWARD. I am the director of the bureau of legal medicine and legislation and act as legislative counsel.

I should explain, perhaps, that I am a doctor, licensed to practice medicine; but I am also, I may say, a member of the bar, a lawyer.

Mr. VINSON. How long have you occupied that position?

Dr. WOODWARD. Since 1922.

Mr. VINSON. Before that time, did you have any connection with the American Medical Association?

Dr. WOODWARD. For a while I was a member of its council on health and public instruction. I was a member of the Association, and have been a member of it, since 1892 or 1893.

Mr. VINSON. Were you connected with the association, or did you appear at the time the Harrison Narcotic Act was pending before Congress?

Dr. WOODWARD. I was at that time not their legislative representative. I was merely a correspondent who passed along to them such news as came to my attention. I was requested by the association at that time to cooperate with Dr. Hamilton Wright in preparing the law.

Mr. VINSON. You and your association favored the passage of the Harrison Narcotic Act?

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Dr. WOODWARD. I will not say we favored it. We felt it was an experiment.

Mr. VINSON. What was the position of the American Medical Association at the time the Harrison narcotic bill was being considered?

Dr. WOODWARD. So far as my recollection serves me, they were in favor of State legislation. They realized the uncertainty of the passage of the Harrison Narcotic Act.

Mr. VINSON. And that is the position that you take today in regard to marihuana?

Dr. WOODWARD. That the most effective way is adequacy of State legislation plus Federal aid; Federal aid directly, and Federal aid through the Pure Food and Drug Act; cooperation between the Federal Government and the States with respect to the transportation of marihuana in interstate and foreign commerce through the mails.

Mr. VINSON. Now, as I caught your statement, you said that you had received no instruction and had no specific authority from the American Medical Association to state their position in respect to this bill, but that you felt safe in submitting their position; is that right?

Dr. WOODWARD. If I created that impression, I created the wrong impression. I said that the policy of the American Medical Association was determinable—I intended to say that the policy of the American Medical Association was determinable by our house of delegates or our board of trustees, when it comes to legislation of this sort.

I should add, however, that the house of delegates, not being available from which to receive instructions, and the board of trustees not being available, I did receive instructions from the executive committee of the board of trustees of the American Medical Association to appear here and oppose this bill.

Mr. VINSON. Let us see. You have a house of delegates?

Dr. WOODWARD. Yes, sir.

Mr. VINSON. Is that a popular body in the association?

Dr. WOODWARD. It is.

Mr. VINSON. They have not acted, have they?

Dr. WOODWARD. They meet once a year and have had no chance.

Mr. VINSON. And what was the other group that had not acted?

Dr. WOODWARD. The board of trustees.

Mr. VINSON. How are they selected?

Dr. WOODWARD. They are elected by the house of delegates. That is the governing body in the interim between the annual meetings.

Mr. VINSON. And this other group, the executive council?

Dr. WOODWARD. The executive committee of the board of trustees.

Mr. VINSON. They are a smaller number?

Dr. WOODWARD. They are a smaller number; I think they are three or five men that get together during the intervals. They can do it more conveniently than nine men can from all over the country.

Mr. VINSON. When did they get together?

Dr. WOODWARD. It must have been about the 19th or 20th of the month.

Mr. VINSON. After the introduction of this bill?

Dr. WOODWARD. Yes.

Mr. VINSON. They got together and advised you of their position?

Dr. WOODWARD. They did.

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Mr. VINSON. And that followed, in a general way, the attitude of the American Medical Association in respect to the Harrison Narcotic Act?

Dr. WOODWARD. It did.

Mr. VINSON. You seemed to take issue with the gentlemen representing the Treasury on the legal proposition; but I did not hear you say anything about the analogy of the *Firearms case* with the legal points involved in this act. You recognize that that opinion of the Supreme Court strengthens the position of the Treasury in the omission of certain functions that are contained in the Harrison Act?

Dr. WOODWARD. It broadens their functions. What I had in mind was the analogy of this act to the old Child Labor Tax Act, that you may recall, was decided in *Colletor of Internal Revenue* v. *The Drexel Furniture Co.* (259 U. S. 20, in 1922).

Mr. VINSON. But the doctor, who is also a judge, recognizes that there has been a line of demarcation, not only in the Supreme Court opinion, but in the State courts, between that which is injurious and deleterious in itself and that which is not.

Dr. WOODWARD. May I read from the——

Mr. VINSON. That is a correct statement, is it not?

Dr. WOODWARD. That is a correct statement.

May I read from what the Court said in that case with respect to the use of the taxing power for the purpose of enforcing moral purposes? I read in part:

> Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them, and with the incidental motive of discouraging them, by making their continuance onerous. They do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty with the characteristics of regulation and punishment.

Mr. VINSON. When that same argument was directed at the Harrison Narcotic Statute, that argument fell, did it not?

Dr. WOODWARD. Fell by a divided court.

Mr. VINSON. I say, it fell?

Dr. WOODWARD. It fell; yes.

Mr. VINSON. While it was a divided court, it fell?

Dr. WOODWARD. Yes.

Mr. VINSON. How long has it been that the American Medical Association has been critical of the Federal Government in the matter of enacting legislation looking toward the control of the marihuana habit?

Dr. WOODWARD. It is not a habit that is connected with the medical profession and the medical profession knows very little of it.

Mr. VINSON. I did not ask you that, doctor.

Dr. WOODWARD. It arises outside of the medical profession, and the American Medical Association has no more evidence concerning it or the extent of the marihuana habit than this committee has.

Mr. VINSON. My question was this. Has the American Medical Association taken cognizance of the marihuana habit and the need for its control?

Dr. WOODWARD. Only in connection with the development of a uniform State narcotics act.

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Mr. VINSON. Let us see, doctor——

Dr. WOODWARD. I spent 5 years in connection with the National Conference of Commissioners on Uniform State Laws, in drafting that act, and there you will find a reference to Cannabis. That reference is based on a thorough study of the Cannabis situation at that time. The National Conference of Commissioners on Uniform State Laws, cooperating with the American Medical Association and with the Bureau of Narcotics and the American Pharmaceutical Association and other agencies, could not then find evidence that would lead it to incorporate in the model act a provision with respect to marihuana or Cannabis.

Mr. VINSON. When was that?

Dr. WOODWARD. What it did, however, was to frame provisions that might be incorporated in the act by anyone who was interested in regulation.

Mr. VINSON. When was that study, when did that occur?

Dr. WOODWARD. That must have occurred—I do not believe I have a copy of it here.

Mr. VINSON. Approximately?

Dr. WOODWARD. Five years ago.

Mr. VINSON. I hand you here an editorial which I asked you to file. It seems to be the first editorial in the issue of the Journal of the American Medical Association dated Saturday, January 23, 1937, and it is headed Opium Traffic in the United States.

I take it that someone connected with the American Medical Association wrote that editorial.

Dr. WOODWARD. I assume that is correct.

Mr. VINSON. Do you know who did it?

Dr. WOODWARD. I do not know.

Mr. VINSON. Well, I want to read from the editorial a quotation that you did not call our attention to.

> Closely allied with the opium traffic is the present situation with regard to Indian hemp, or marihuana. There is as yet no Federal legislation penalizing traffic in this drug, and Federal efforts are at present largely confined to restriction of imports and cooperation with those States or local bodies which have effective regulations.

It just seems to me that that is something of a criticism that the Federal Government as yet has passed no legislation penalizing the traffic in this drug.

Dr. WOODWARD. Mr. Vinson, if you will read that as a whole, you will find that it is substantially a review of a report made by the Commissioner of Narcotics, and mirrors in its statement of the facts and opinions, the facts and opinions that were embodied in his report.

Mr. VINSON. Do you not think that an editorial appearing in a great periodical such as the Journal of the American Medical Association, which does not attribute its conclusions to Mr. Anslinger's report, is entitled to consideration?

Dr. WOODWARD. It is a discussion of the opium traffic in the United States and the footnote reference is as follows:

> Anslinger, H. J.: Traffic in Opium and Other Dangerous Drugs for the Year Ended December 31, 1935, U. S. Treasury Department, Bureau of Narcotics, U. S. Government Printing Office, Washington, 1936.

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Mr. VINSON. What does that footnote refer to? I did not expect this of you. I looked to see where that footnote came in. To what does that footnote refer? It comes in about the second or third sentence, where it refers to a certain report.

Dr. WOODWARD. Yes.

Mr. VINSON. A report that was made by Mr. Anslinger?

Dr. WOODWARD. Yes.

Mr. VINSON. The rest of that article, or that editorial, is not a quotation from Mr. Anslinger's report. They are giving a history, a picture of the opium traffic; is not that correct? That is, the opium and other narcotics traffic.

Dr. WOODWARD. They are mirroring the picture of the opium traffic given by Mr. Anslinger, as you must realize if you see the figures that are embodied in the statement. We certainly could not get those figures otherwise than from Mr. Anslinger's report.

Mr. VINSON. But if it does that; if it mirrors, as you say, the statements in Mr. Anslinger's report, we find that it comes to another paragraph; and I ask you here whether this is the language of the editor who wrote the editorial, or whether it is the language of the Anslinger report:

> Closely allied with the opium traffic is the present situation with regard to Indian hemp, or marihuana. There is as yet no Federal legislation penalizing traffic in this drug, and Federal efforts are at present largely confined to restriction of imports, and cooperation with those States or local bodies which have effective regulations.

Dr. WOODWARD. I shall have to say that I do not know whether that is a substantially direct quotation from Mr. Anslinger's report or whether those are the words of the editor based on the report.

Mr. VINSON. To anyone who reads as he runs, to the ordinary person who would read this editorial, either a doctor or a layman, this editorial contained in the Journal of the American Medical Association under date of January 23, 1937, after the introduction of this bill, would there be anything to even squint at that being other than an editorial comment?

Dr. WOODWARD. In answer to that, I shall have to say, most certainly I can say, that no person of judgment reading that editorial would attribute it to any source other than Commissioner Anslinger's report.

Mr. VINSON. Let us get down here in the latter part of it.

Mr. MCCORMACK. Will the gentleman yield?

Mr. VINSON. I yield.

Mr. MCCORMACK. Editorial comment, of course, determines the policy of a magazine or newspaper?

Dr. WOODWARD. Not at all.

Mr. MCCORMACK. Editorial comment does not?

Dr. WOODWARD. No.

Mr. MCCORMACK. The editorial page is where I always look to find out the policy of the paper.

Dr. WOODWARD. The policies of the American Medical Association are made by the house of delegates, and under our bylaws, no one is authorized to express an opinion on behalf of the American Medical Association except the house of delegates, otherwise than as the board of trustees, in the interval between the annual meetings, may find it necessary to do so.

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Mr. McCormack. Did the house of delegates tell the editor what he should write in an editorial, or would the house of delegates do that?

Dr. Woodward. It certainly does not.

Mr. McCormack. Assuming that what you say is correct, that this is a reprint of Commissioner Anslinger's report, quoting it in the editorial page, what would the average reader infer from that? Would he not infer that the editorial policy of the paper accepts the report of Commissioner Anslinger as the basis of their editorial?

Dr. Woodward. As the basis of their editorial, certainly.

Mr. McCormack. Accepts it?

Dr. Woodward. As the basis of the editorial. They are informative editorials. You might refer to many other editorials. You will find that the average one is an informative editorial rather than one that determines the policy or indicates, even, the policy of the association. The editor would not dare to express the policy of the American Medical Association in the editorial columns of the Journal in any way contrary to the policy as determined by the house of delegates.

Mr. Thompson. Will the gentleman yield?

Mr. McCormack. I yield.

Mr. Thompson. Doctor, is it not a fact that Dr. Fishbein is the editor of the American Medical Journal?

Dr. Woodward. He is.

Mr. Thompson. And does not the American public generally regard Dr. Fishbein as representing the views of the American Medical Association in what he says editorially?

Dr. Woodward. I can hardly say what the American public——

Mr. Thompson. It seems that way out in my country, at least. When he speaks, people think that the American Medical Association expresses itself through Dr. Fishbein.

Mr. Vinson. Doctor, you say that the medical profession have not seen that there is an increased number of addicts to marihuana. The very last sentence in this editorial, the same editorial, conveys to me the thought that not only is the menace recognized, but there is another criticism of lack of control; and I read this sentence:

> The two problems of greatest menace at the present time seem to be the rise in the use of Indian hemp, with inadequate control laws and the oversupply of narcotic drugs available in the Far East, which threatens to inundate the western world.

Dr. Woodward. I think we shall agree that, based on Commissioner Anslinger's statement, that does seem to be the case.

Mr. Vinson. Doctor, you have been appearing before committees of Congress on behalf of the American Medical Association for 15 years in your present status?

Dr. Woodward. About 15 years.

Mr. Vinson. And for several years before that; is that correct?

Dr. Woodward. Back to 1892, seldom a year has passed that I have not appeared before one or more committees of Congress.

Mr. Vinson. Would it be too much trouble for you to give us a statement of the bills on which you have testified, representing the American Medical Association, and the stand that you took in regard to the pending legislation?

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Dr. WOODWARD. It would be certainly impossible to do that.

Mr. VINSON. Let us take the last 15 years. What bills have you advocated the passage of in behalf of the American Medical Association since 1922?

Dr. WOODWARD. We have most vigorously advocated the passage of food and drug, medical device, and cosmetic legislation, and we are doing so now.

Mr. VINSON. Which one?

Dr. WOODWARD. There are several.

Mr. VINSON. There are several bills, and there are several groups of folks who are fighting your bill. Which bill are you supporting? Is it the administrative bill?

Dr. WOODWARD. There are two administrative bills, so to speak. Either one of them can be amended to make it an effective bill. I should say, if you want my own judgment, it is that the Copeland bill, in its present form, is the best bill that has yet reached Congress; and it is woefully ineffective, so far as it relates to drugs, therapeutic devices, and advertising.

Mr. VINSON. What other legislation have you sponsored or favored?

Dr. WOODWARD. I would have to go back and look through the record.

Mr. VINSON. The point is that I want to know what legislation, what affirmative action of the Congress, has the American Medical Association sponsored since you have been connected with it.

Dr. WOODWARD. I should have to go back and search the records for it.

Mr. VINSON. Three years ago, when the social security bill was pending, when we had title VI before us, which some of us thought was quite helpful, where were you?

Dr. WOODWARD. Where was the American Medical Association?

Mr. VINSON. Where were you? I know where the American Medical Association was, because President Behring happened to be in town. He was president of the American Medical Association, was interested, and testified, not because he was authorized to do so by the house of delegates of your association, but he testified in favor of the legislation; title VI, dealing with public health. That was pending for several months. I was just wondering where you were when that piece of work, looking at it from a medical viewpoint, was pending.

Dr. WOODWARD. I personally, I presume, was in Chicago. That is where my headquarters are.

Mr. VINSON. You knew about it, did you not?

Dr. WOODWARD. We knew about it, and we might differ with you in your judgment as to whether it was or was not a piece of medical legislation.

Mr. VINSON. As a matter of fact, you do differ—you personally differ?

Dr. WOODWARD. Personally, I certainly do.

Mr. VINSON. You do not approve it now?

Dr. WOODWARD. Well——

Mr. VINSON. I am not speaking of the law, but you do not approve the performance of that kind of a function now?

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Dr. WOODWARD. What kind of a function, Mr. Vinson?

Mr. VINSON. Title VI.

Dr. WOODWARD. What is title VI?

Mr. VINSON. I thought you understood what title VI was.

Dr. WOODWARD. Let us get that in the record, if you please.

Mr. VINSON. Title VI of the social security bill provided for an authorization of $10,000,000, $2,000,000 of which was to go for research and investigation and $8,000,000 of which was to be used in grants to States for public-health work.

Dr. WOODWARD. I do not believe the American Medical Association ever opposed provisions for research and investigation. It has been, and is, consistently opposed to anything that seems to involve, through subsidies, the purchase of State rights by the Federal Government.

Mr. VINSON. You do not agree with that policy?

Dr. WOODWARD. The purchase of State rights?

Mr. VINSON. I am talking about the policy set forth in the social-security bill, title VI, with which you are very familiar.

Dr. WOODWARD. Let us limit it. I shall say that I am thoroughly in favor of the appropriation by the Federal Government of adequate money for research by the Public Health Service or any other agency of the Government; and an adequate appropriation of money by the Federal Government to meet the needs of the destitute and suffering States anywhere.

Mr. VINSON. I still ask you to say whether or not you favored the passage of that act at that time, or whether or not you favor the principle set forth in it now.

Dr. WOODWARD. We took no position.

Mr. VINSON. I am not talking about "we." I am talking about you personally.

Dr. WOODWARD. Me personally?

Mr. VINSON. Yes, sir; because I know that you have quite an influence on the policy of the American Medical Association.

Dr. WOODWARD. You flatter me in that respect. I should say the general policy of the Federal Government with respect to the old-age pensions——

Mr. VINSON. No; that is not what I asked.

Dr. WOODWARD. You mean the health part of it?

Mr. VINSON. Title VI, "Public health."

Dr. WOODWARD. I just stated that we favor anything that promotes the public health.

Mr. VINSON. You did not favor it, did you?

Dr. WOODWARD. Yes; we favor that.

Mr. VINSON. You did not appear?

Dr. WOODWARD. I did not actively appear.

Mr. VINSON. We happened to catch the president of the American Medical Association while he was visiting here, and he was big enough and broad enough to come to the support of the legislation.

Dr. WOODWARD. I did not appear in that, because I was not instructed to. I might say—it is a personal matter, although it may interest the committee to see the background from which I come—I was health officer of the District of Columbia for 24 years, from 1894 until 1918.

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I was health commissioner of the city of Boston from 1918 to 1922, when I took my present position.

I have graduated in the law and have been licensed to practice law in the District of Columbia, in Massachusetts, and in Illinois. I am a member of the Bar of the United States Supreme Court.

I am licensed to practice medicine in the District of Columbia and in Massachusetts.

The CHAIRMAN. You seem to qualify both as a lawyer and as a doctor.

Dr. WOODWARD. I have lectured on legal medicine in one or two or three or four colleges every year since 1892.

Mr. COOPER. Doctor, I agree with the chairman that you have established that you are both a doctor and a lawyer. Now I understood you to say that you did not favor the passage of the Harrison Narcotic Act.

Dr. WOODWARD. We favored it to the extent of actively cooperating in the framing of it and securing its passage. We did not regard it as an act that was going to accomplish what it set out to accomplish; and it has not. If you will stop for a moment to think that the addicts of the country are still obtaining their supply of narcotic drugs through the drugs that are illicitly brought into the United States in contravention of the provisions of that act, and that they distribute them in contravention of the provisions of that act—if you will examine certain testimony given by the Commissioner of Narcotics before the Judiciary Committee of the House a day or two ago, cited in this very hearing as evidence of his support of this bill, you will find that there is no such support at all but is a frank confession on his part that he needs more authority before he can enforce the Harrison Narcotic Act. We need heavier penalties; we need other provisions. We cannot enforce the act, and you would find the enforcement of this act a thousand times more difficult than the enforcement of the Harrison Narcotic Act.

Mr. COOPER. I understood you to state a few moments ago, in answer to a question asked by Mr. Vinson, that you did not favor the passage of the Harrison Narcotic Act, because you entertained the view that the control should be exercised by the States.

Dr. WOODWARD. I think you are probably correct. But we cooperated in securing its passage.

Mr. COOPER. You did not favor it, though?

Dr. WOODWARD. Did not favor the principle; no.

Mr. COOPER. Are you prepared to state now that that act has produced beneficial results?

Dr. WOODWARD. I think it has.

Mr. COOPER. You think it has?

Dr. WOODWARD. I think it has.

Mr. COOPER. You appeared before this committee, the Ways and Means Committee of the House, in 1930, when the bill was under consideration to establish the Bureau of Narcotics, did you not?

Dr. WOODWARD. I did.

Mr. COOPER. And at that time, did you not state that "the physicians are required by law to register in one form or another, either by taking out a license or by a system of registration that is provided for in the Harrison Narcotic Act; they are required to keep records of everything they do in relation to the professional and

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commercial use of narcotic drugs. To that, I think, we can enter no fair objection, because I see no other way by which the situation can be controlled."

That was your view then, was it not?

Dr. WOODWARD. It was; and if I may interject, to that—that same method of regulating Cannabis, insofar as it is a medical problem, tying it in with the Harrison Narcotic Act—I think you will find that our board of trustees and house of delegates will object.

Mr. COOPER. I understood you as criticizing, or at least calling attention to, the failure of testimony to be presented here from the Bureau of Prisons, the Children's Bureau, the Office of Education, and other Government agencies on this subject.

Dr. WOODWARD. The Indian Bureau, for instance, among whose charges there is certainly a tendency to use narcotics. They have no evidence to submit on this bill.

Mr. COOPER. Regardless of all that, do you state now before this committee that there is no difficulty involved—that there is no trouble presented because of marihuana?

Dr. WOODWARD. I do not.

Mr. COOPER. What is your position on that?

Dr. WOODWARD. My position is that if the Secretary of the Treasury will cooperate with the States in procuring the enactment of adequate State legislation, as he is charged with doing under the law, and will cooperate with the States in the enforcement of the State laws and the Federal law, as likewise he is charged with doing, the problem will be solved through local police officers, local inspectors, and so forth.

Mr. COOPER. With all due deference and respect to you, you have not touched, top, side, or bottom, the question that I asked you. I asked you: Do you recognize that a difficulty is involved and regulation necessary in connection with marihuana?

Dr. WOODWARD. I do. I have tried to explain that it is a State matter.

Mr. COOPER. Regardless whether it is a State or a Federal matter, there is trouble?

Dr. WOODWARD. There is trouble.

Mr. COOPER. There is trouble existing now, and something should be done about it. It is a menace, is it not?

Dr. WOODWARD. A menace for which there is adequate remedy.

Mr. COOPER. Well, it probably comes within our province as to what action should be taken about it. I am trying to get from you some view, if you will be kind enough to give it. To what do you object in this particular bill, in the method that is sought to be employed here?

Dr. WOODWARD. My interest is primarily, of course, in the medical aspects. We object to the imposing of an additional tax on physicians, pharmacists, and others, catering to the sick; to require that they register and reregister; that they have special order forms to be used for this particular drug, when the matter can just as well be covered by an amendment to the Harrison Narcotic Act.

If you are referring to the particular problem, I object to the act because it is utterly unsusceptible of execution, and an act that is not susceptible of execution is a bad thing on the statute books.

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Mr. COOPER. I would be more interested in knowing what objection you would offer from the doctor's or physician's standpoint.

Dr. WOODWARD. The matter of registration, added registration, added fees.

Mr. COOPER. What are the fees required under this act?

Dr. WOODWARD. They are low, but in the aggregate they will impose on the sick of the country a tax of probably a million dollars.

Mr. COOPER. The registration fee provided is $1 a year, is it not?

Dr. WOODWARD. It is a dollar a year for a practitioner.

Mr. COOPER. A dollar a year for the doctor or physician to pay. Do you think the doctors of this country would object to the payment of a dollar a year?

Dr. WOODWARD. The unnecessary payment of a dollar a year; yes.

Mr. COOPER. You think they would seriously object to the payment of a dollar a year?

Dr. WOODWARD. They would object not seriously to that if that were all.

Mr. COOPER. All right; that is what I am talking about; the payment of a dollar a year.

Dr. WOODWARD. They object to paying fees that they have to pay and the execution of forms and the use of special records, and everything of that kind.

Mr. COOPER. And that was one of the objections to the Harrison Narcotic Act, was it not?

Dr. WOODWARD. I do not recall that particular objection.

Mr. COOPER. Do you not recognize that some such regulation, some method as that in this bill is necessary if the problem is to be solved and the situation met properly?

Dr. WOODWARD. No. I recognize that it is entirely unnecessary, because a measure now exists in the Harrison Narcotic Act with which this can be tied in.

Mr. COOPER. Has the method employed under the Harrison Narcotic Act produced satisfactory results, in your opinion?

Dr. WOODWARD. If you will define "satisfactory", I should say the method of registration has not yet satisfactorily solved the narcotic problem for the United States, and never will.

Mr. COOPER. You do not think the Harrison Narcotic Act has produced any favorable results in the country, then?

Dr. WOODWARD. No; I said before that it has produced favorable results.

Mr. COOPER. And you do not think the system of registration provided for there has proven successful?

Dr. WOODWARD. No. I believe it has proved successful insofar as such a system can prove successful. It registers the honest man, the men who will comply with the law, and the offenders who will not comply with the law not only do not register, but they are not required to register.

Mr. COOPER. Is not registration of doctors or physicians necessary for an effective control of this problem that we have?

Dr. WOODWARD. They are already registered.

Mr. COOPER. I am not talking about that. It is necessary for an effective control of this problem that we have here?

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Dr. WOODWARD. Registration is, but not new registration. We are already registered.

Mr. COOPER. I understand all that. But do you think registration is necessary to meet the problem that we have here?

Dr. WOODWARD. Some kind of registration; yes.

Mr. COOPER. All right.

Dr. WOODWARD. But we have it already.

Mr. COOPER. You recognize the fact, of course, that in your two professions, medicine and the law—and it is my privilege to be a member of one of those professions—the vast majority of ethical practitioners, noble men engaged in those laudable pursuits, vastly outnumber the few who are unethical and are no credit to the profession, do you not?

Dr. WOODWARD. That is true.

Mr. COOPER. But you do have a few in both of these great professions that reflect no great credit on the professions, is that correct?

Dr. WOODWARD. Undoubtedly.

Mr. COOPER. Do you not recognize the fact that when we are dealing with a problem as farreaching in its scope as this, that we have to have some regulation that will be effective on that small minority of those who are not willing to measure up to the high ethics of the procession, to regulate and control them in some way?

Dr. WOODWARD. We recognize that fully.

Mr. COOPER. And do you not believe that this vast majority of ethical practitioners will be glad to cooperate in order to see this small minority brought under a proper degree of control?

Dr. WOODWARD. They will be glad to cooperate and they are cooperating, but we ask cooperation on the part of the Federal Government by not imposing an unnecessary burden which in the end falls on the sick.

Mr. MCCORMACK. Will the gentleman yield right there?

Mr. COOPER. I yield.

Mr. MCCORMACK. You say, in response to Mr. Cooper's question, that one of the objections is registration. Do doctors register under the State laws now, where they exist?

Dr. WOODWARD. Yes, sir.

Mr. MCCORMACK. You said that another objection was the making out of forms. Do they make out forms under State laws where they now exist?

Dr. WOODWARD. Under the Harrison Narcotic Act.

Mr. MCCORMACK. I am talking about the uniform State laws with reference to marihuana.

Dr. WOODWARD. There is no uniform State law with reference to marihuana.

Mr. MCCORMACK. Thirty-five or thirty-six States have such a law?

Dr. WOODWARD. Some kind of a law.

Mr. MCCORMACK. Well, they register under those laws, do they not?

Dr. WOODWARD. They register under the Harrison Narcotic Act.

Mr. MCCORMACK. I am talking about State marihuana laws. Do they register under those State laws?

Dr. WOODWARD. If it is embodied in the uniform narcotic drug act; if the marihuana act of the State is embodied in its uniform State narcotic act, then, according to my best recollection, the act

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requires a registration under the Harrison narcotic law as compliance with the State law.

Mr. McCORMACK. Then they have to make out forms under the State law?

Dr. WOODWARD. No. The Federal forms are adequate wherever there are Federal forms.

Mr. McCORMACK. But where there is a State law with reference to marihuana, they have to make out some kind of forms?

Dr. WOODWARD. Prescriptions, probably.

Mr. McCORMACK. They have to make a report of some kind, do they not?

Dr. WOODWARD. They probably do, but they do not deal with marihuana at all.

Mr. McCORMACK. I do not want to take up too much of Mr. Cooper's time, but I would like to ask this: You do not object to registration under State legislation?

Dr. WOODWARD. I do not.

Mr. McCORMACK. And you do not object to making out forms under State legislation?

Dr. WOODWARD. We do object—as a matter of fact, that is the reason that the uniform State law provides——

Mr. McCORMACK (interposing). Doctor, I just asked a very simple question. You do not object to registering under State law?

Dr. WOODWARD. We are already registered. We do not object to registering.

Mr. McCORMACK. You do not object to making out forms and other clerical records under State law?

Dr. WOODWARD. That is, if there is no other registration that duplicates it.

Mr. McCORMACK. All right; but under State law.

Dr. WOODWARD. Yes.

Mr. McCORMACK. And if the Federal Government did not undertake to meet this problem but left it to the States, then you would recognize that any State legislation would require registration and the making out of records and reports?

Dr. WOODWARD. That would depend upon the nature of the law, certainly.

Mr. McCORMACK. But you would not object to it?

Dr. WOODWARD. We would not object to any reasonable registration.

Mr. McCORMACK. Under State law?

Dr. WOODWARD. Under any law, Federal or State; any reasonable degree of registration, Federal or State, we are perfectly willing to abide by.

Mr. ROBERTSON. Will the gentleman yield?

Mr. COOPER. I yield.

Mr. ROBERTSON. Doctor, I understood from the editorial that you filed that the editor said we had no adequate law covering marihuana. I understood you to testify that it was covered by an act of 1930 and later you said that you thought it ought to be included under the Harrison Narcotic Act. Which of those three do you recommend to us?

Dr. WOODWARD. If I were called upon to adjust the matter, I should say that the Secretary of the Treasury should be provided with

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means to enable him to discharge the duty imposed upon him by Congress, of cooperating with the several States in securing the enactment of adequate laws, and the enforcement of those laws, to prevent the prevalence and the continuance of the Cannabis habit.

Mr. ROBERTSON. Then we have no adequate law at the present time?

Dr. WOODWARD. Some of the State laws are adequate; others are not.

Mr. ROBERTSON. But no adequate Federal law?

Dr. WOODWARD. No adequate Federal law that relates to intrastate matters.

Mr. ROBERTSON. Yes. Now, does the production of Cannabis or marihuana or Indian hemp differ in some respects from the principal narcotics covered by the Harrison narcotic law?

Dr. WOODWARD. You mean the production generally?

Mr. ROBERTSON. The widespread production or possibility of production in this country.

Dr. WOODWARD. The only difference is that the cocoa plant and the opium plant do not grow here as yet and the Cannabis plant does.

Mr. ROBERTSON. Then that makes it a peculiar problem with respect to the Cannabis plant, if it is a habit-forming drug, deleterious in its effect?

Dr. WOODWARD. But the Harrison Narcotic Act provides for the registration of producers, and the men who grow are producers.

Mr. COOPER. I understood you to say a few moments ago, in response to a question that I asked you, that you recognize there is an evil existing with reference to this marihuana drug.

Dr. WOODWARD. I will agree as to that.

Mr. COOPER. Then I understood you to say just now, in response to a question by Mr. Robertson of Virginia, that some of the State laws are inadequate and the Federal law is inadequate to meet the problem.

Dr. WOODWARD. Yes, sir.

Mr. COOPER. That is true?

Dr. WOODWARD. I think that is clear.

Mr. COOPER. And, as you recall, there are two States that have no law at all?

Dr. WOODWARD. That is the best of my recollection.

Mr. COOPER. Taking your statement, just as you made it here, that the evil exists and that the problem is not being properly met by State laws, do you recommend that we just continue to sit by idly and attempt to do nothing?

Dr. WOODWARD. No; I do not. I recommend that the Secretary of the Treasury get together with the State people who can enforce the law and procure the enactment of adequate State laws. They can enforce it on the ground.

Mr. COOPER. Years have passed and effective results have not been accomplished in that way.

Dr. WOODWARD. It has never been done.

Mr. COOPER. And you recommend that the thing for us to do is to just continue the doctrine of laissez-faire and do nothing?

Dr. WOODWARD. It has never been done.

Mr. MCCORMACK. May I ask the gentleman from Tennessee to ask the witness this question? The doctor has made the statement that the Secretary of the Treasury should cooperate with the States in

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the passage of legislation, and to enforce that legislation; that is, that the Federal Government should enforce the legislation. I wish the gentleman would pursue that a little further. What kind of legislation can the Federal Government pass? We have to have some kind of legislation.

Dr. WOODWARD. It is now the statutory duty of the Secretary of the Treasury——

Mr. COOPER. Proceed and answer Mr. McCormack's question, if you will.

Dr. WOODWARD. It is now the statutory duty of the Secretary of the Treasury to cooperate with the several States in procuring the enactment of effective State legislation and to cooperate with them in the enforcement of the Federal and the State narcotic laws.

The latter provision particularly was brought about by a practice that prevailed at one time in the Treasury Department, whereby the Bureau or the Division that was then enforcing the Harrison narcotic law, having clear evidence of a violation of State laws, refused to give any aid to the State.

Now, the Secretary of the Treasury has ample authority and it is his duty to give to the States information concerning the violation even of State laws, and to allow his own officers to go into the State courts and before State medical boards to enforce or help to enforce State laws.

Mr. MCCORMACK. That would require legislation.

Dr. WOODWARD. No; we have it here.

Mr. MCCORMACK. But so far as marihuana is concerned, there would have to be some kind of legislation?

Dr. WOODWARD. You mean in the States?

Mr. MCCORMACK. No; by the Federal Government to assist the States in enforcing the law.

Dr. WOODWARD. That is already on the statute books. I quoted from the statute a moment ago, and I am sure you will find it in the record. But the statute does not relate——

Mr. MCCORMACK. I know what you have in mind. But my question is this: In order for the Federal Government to assist the States in the enforcement of this legislation aimed at this evil, some action would have to be taken by the Congress giving them some enforcement capacity in this particular regard?

Dr. WOODWARD. No. The law relates to narcotic drugs, not to the Harrison law, and not to opium or coca leaves, but narcotic drugs.

Mr. MCCORMACK. But Congress would have to pass some kind of legislation with reference to marihuana in order to make the law applicable?

Dr. WOODWARD. No.

Mr. MCCORMACK. Do you mean to say that the Secretary of the Treasury, or some agent of the Federal Government, can now enforce this law without legislation on the part of Congress?

Dr. WOODWARD. I say that he can cooperate with the States to secure enactment.

Mr. MCCORMACK. He can cooperate; yes. I used the word "enforce" because you used the word "enforce."

Dr. WOODWARD. He can give them the aid of his own men, provide them with the evidence that his own men collect; to that extent he can aid them in enforcing their laws.

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Mr. McCORMACK. He can do that now without legislation?

Dr. WOODWARD. He can.

Mr. McCORMACK. With reference to marihuana?

Dr. WOODWARD. With reference to any narcotic drug.

Mr. McCORMACK. Not designated, not stated in the law?

Dr. WOODWARD. Not stated in the law. Here is the statute as it reads——

Mr. McCORMACK. Can the Federal Government prosecute?

Dr. WOODWARD. Anyone can prosecute in a criminal court if he presents the evidence. The Federal Government can do it, but ordinarily they will do it through State officers.

The law reads:

> The Secretary of the Treasury shall—

Not may, but shall—

> cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions.

At the very time that this was passed, the definition of narcotic drugs was enacted by Congress in connection with admissions to the Federal narcotic farms, and in connection with the definition of addict, the Cannabis habit was included.

Mr. McCORMACK. Go ahead. Where is the power of the Federal Government to enforce a State criminal statute?

Dr. WOODWARD. The Secretary of the Treasury—anyone who presents to a prosecuting officer the evidence can do that.

Mr. McCORMACK. Doctor, you are not telling me something that I do not know. You are talking about some agent of the Federal Government in his individual capacity doing something, which is entirely different from what I was talking about.

Dr. WOODWARD. I will read the entire section.

Mr. McCORMACK. You might just as well tell me that a police officer of the city of Boston, when he goes into court, goes in in his individual capacity as distinguished from his capacity as a police officer.

Dr. WOODWARD (reading):

> The Secretary of the Treasury shall cooperate with the several States in the suppression of the abuse of narcotic drugs in their respective jurisdictions, and to that end he is authorized (1) to cooperate in the drafting of such legislation as may be needed, if any, to effect the end named, and (2) to arrange for the exchange of information concerning the use and abuse of narcotic drugs in said States and for cooperation in the institution and prosecution of cases in the courts of the United States and before the licensing boards and courts of the several States.

That is a very specific provision.

Mr. McCORMACK. Additional legislation with reference to marihuana is necessary.

Dr. WOODWARD. The term "narcotic drug" covers that in this language.

Mr. COOPER. Coming back for a moment to the question that I asked previously, if the fact remains as you state, that there is this evil present, and it is not being effectively treated or dealt with, do you not think something should be done, or some attempt should be made, to do something to try to meet that evil?

Dr. WOODWARD. Certainly.

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Mr. COOPER. To what extent is marihuana used by physicians in the country as a beneficial and a helpful drug?

Dr. WOODWARD. But very little.

Mr. COOPER. Very little?

Dr. WOODWARD. Very little.

Mr. COOPER. In fact, to such a small extent that the American Medical Association's own publication has left it out of the list of useful drugs, has it not?

Dr. WOODWARD. We probably did. I have not examined "Useful drugs", but we probably did.

Mr. COOPER. Then if it is apparent that this drug is not beneficial and useful in prescriptions given by physicians, but that an illicit traffic has developed in it for injurious and deleterious purposes, you agree that effective methods should be employed to meet that problem, do you not?

Dr. WOODWARD. I do.

Mr. LEWIS. Perhaps you can tell us from memory, Doctor, how many pharmacists there are in the United States.

Dr. WOODWARD. I cannot.

Mr. LEWIS. Can you tell us how many physicians?

Dr. WOODWARD. Approximately 160,000 registered; and probably, as a guess, I would say 120,000 in active practice. We have in the American Medical Association about 100,000 members.

Mr. LEWIS. There would not be half as many pharmacists, would there?

Dr. WOODWARD. Probably not. I have here a form that may be helpful in that regard.

Mr. LEWIS. You may supply the figures when you revise your remarks.

Dr. WOODWARD. The best that I can do is to supply the figures from the Commissioner of Internal Revenue as to the number of registrations under the Harrison Narcotic Act.

Mr. LEWIS. Do any of the gentlemen at the table know how many pharmacists there are in the country?

Mr. HESTER. About 48,000.

Mr. LEWIS. And 120,000 practicing physicians?

Dr. WOODWARD. I suppose there are 100,000 of them practicing. Many of them are retired and not in active practice; many are specialists.

Mr. LEWIS. A tax of a dollar on each of them would come to about $148,000. You spoke of a million dollars in taxes a little earlier in the day.

Dr. WOODWARD. I will supply the figures on which that estimate is based. It is taken directly from official reports, giving the number of potential registrants in each class. If the registrations under this act were in the same proportion as the registrations under the Harrison Narcotic Act, the annual tax would be approximately a million dollars a year. That is the best I can do.

Mr. VINSON. Will you break that down for the record?

Dr. WOODWARD. I will do that very gladly.

(The statement referred to is as follows:)

Amount of tax.—Assuming that all manufacturers, compounders, dispensers, and prescribers of drugs who now register under the Harrison Narcotic Act would register under this bill if enacted, and taking the latest report available

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to show the numbers of persons so registered, the Annual Report of the Commissioner of Internal Revenue for 1935, we deduce the following:

Manufacturers, importers, and compounders (210, at $50)	$10,500
Wholesale dealers (1,460, at $15)	21,900
Retail dealers (53,687, at $15)	803,305
Practitioners (158,618, at $1)	158,618
Total	994,323

To this must be added the revenue derived from an unknown number of producers of Cannabis, at $25 a year, and from an unknown number of laboratory workers, at $1 a year; also the amount that must be added for registrants who register at more than one place.

The entire amount of this cost will presumably be passed along to the legitimate users of Cannabis, chiefly the sick, and the cost of sickness be thus increased. While it may properly be claimed that Cannabis is seldom used in medicine, nevertheless manufacturers, wholesale merchants, retailers, and practitioners will have to pay the prescribed taxes in order to be able to supply, or to prescribe, the drug if and when needed.

Cost of enforcement.—The sick, along with all other persons, will have to pay through general taxation the cost of enforcing this act, in excess of the taxes collected. Congress should labor under no delusions about the cost of enforcement, if genuine enforcement of the law be attempted. If it is not, the bill will be an idle gesture, an evidence of bad faith of the part of the Government, and it had best not be enacted.

Mr. LEWIS. Let me ask you this additional question. Judging from the expert medical testimony given here, it appears that it is rarely true, if it is ever true, that a physician would prescribe this drug. He would find other drugs more desirable, more sure in their operation. No physician, then, who did not think well of this drug, would need to take out a special license at all, would he?

Dr. WOODWARD. He would not have to. Most physicians would want to preserve the right to use it, probably. I do not know how many. The drug, however, is a peculiar drug. The products are uncertain in their action and the composition of the drug is hardly understood. We do know that the resin which is said to be the active principle is in fact the active principle, but may be broken down into other ingredients, some of which may have one effect and some of which may have another.

According to what has been quoted from this report of Dr. Bouquet there are evidently potentialities in the drug that should not be shut off by adverse legislation. The medical profession and pharmacologists should be left to develop the use of this drug as they see fit.

Mr. LEWIS. That is all.

The CHAIRMAN. I believe you said at the outset of your statement that the medical use of this drug has fallen off considerably.

Dr. WOODWARD. Very greatly.

The CHAIRMAN. In corroboration of that I have a statement here giving the number of prescriptions and showing the relative use of this drug as compared with other drugs.

In 1885 there were 5 prescriptions out of every 10,000, as fluid extract; in 1895, 11.6; in 1907, 8 out of every 10,000; in 1926, 2.3, and in 1933, the last figures we have 0.4 out of every 10,000.

That corroborates your statement that its use as a drug for the treatment of diseases, by the medical profession, has greatly fallen off and is on the decrease. The use of it seems to be negligible in the medical profession, according to that statement.

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On the other hand, it seems that there has been a great increase in the use of it as a narcotic where it has its most dangerous and deleterious effects.

If its use as a medicine has fallen off to a point where it is practically negligible, and its use as a dope has increased until it has become serious and a menace to the public, as has been testified here—and the testimony here has been that it causes people to lose their mental balance, causes them to become criminals so that they do not seem to realize right from wrong after they become addicts of this drug—taking into consideration the growth in its injurious effects and its diminution in its use so far as any beneficial effect is concerned, you realize, do you not, that some good may be accomplished by this proposed legislation?

Dr. WOODWARD. Some legislation; yes, Mr. Chairman.

The CHAIRMAN. If that is admitted, let us get down to a few concrete facts. With the experience in the Bureau of Narcotics and with the State governments trying to enforce the laws that are now on the State statute books against the use of this deleterious drug, and the Federal Government has realized that the State laws are ineffective, don't you think some Federal legislation necessary?

Dr. WOODWARD. I do not.

The CHAIRMAN. You do not?

Dr. WOODWARD. No. I think it is the usual tendency to——

The CHAIRMAN. I believe you did say in response to Mr. Cooper that you believed that some legislation or some change in the present law would be helpful. If that be true, why have you not been here before this bill was introduced proposing some remedy for this evil?

Dr. WOODWARD. Mr. Chairman, I have visited the Commissioner of Narcotics on various occasions——

The CHAIRMAN. That is not an answer to my question at all.

Dr. WOODWARD. I have not been here because——

The CHAIRMAN. You are here representing the medical association. If your association has realized the necessity, the importance of some legislation—which you now admit—why did you wait until this bill was introduced to come here and make mention of it? Why did you not come here voluntarily and suggest to this committee some legislation?

Dr. WOODWARD. I have talked these matters over many times with the——

The CHAIRMAN. That does not do us any good to talk matters over. I have talked over a lot of things. The States do not seem to be able to deal with it effectively, nor is the Federal Government dealing with it at all. Why do you wait until now and then come in here to oppose something that is presented to us. You propose nothing whatever to correct the evil that exists.

Now, I do not like to have a round-about answer, but I would like to have a definite, straight, clean-cut answer to that question.

Dr. WOODWARD. We do not propose legislation directly to Congress when the same end can be reached through one of the executive departments of the Government.

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The CHAIRMAN. You admit that it has not been done. You said that you thought some legislation would be helpful. That is what I am trying to hold you down to. Now, why have you not proposed any legislation? That is what I want a clean-cut, definite, clear answer to.

Dr. WOODWARD. In the first place, it is not a medical addiction that is involved and the data do not come before the medical society. You may absolutely forbid the use of Cannabis by any physician, or the disposition of Cannabis by any pharmacist in the country, and you would not have touched your Cannabis addiction as it stands today, because there is no relation between it and the practice of medicine or pharmacy. It is entirely outside of those two branches.

The CHAIRMAN. If the statement that you have just made has any relation to the question that I asked, I just do not have the mind to understand it; I am sorry.

Dr. WOODWARD. I say that we do not ordinarily come directly to Congress if a department can take care of the matter. I have talked with the Commissioner, with Commissioner Anslinger.

The CHAIRMAN. If you want to advise us on legislation, you ought to come here with some constructive proposals, rather than criticism, rather than trying to throw obstacles in the way of something that the Federal Government is trying to do. It has not only an unselfish motive in this, but they have a serious responsibility.

Dr. WOODWARD. We cannot understand yet, Mr. Chairman, why this bill should have been prepared in secret for 2 years without any intimation, even, to the profession, that it was being prepared.

The CHAIRMAN. Is not the fact that you were not consulted your real objection to this bill?

Dr. WOODWARD. Not at all.

The CHAIRMAN. Just because you were not consulted?

Dr. WOODWARD. Not at all.

The CHAIRMAN. No matter how much good there is in the proposal?

Dr. WOODWARD. Not at all.

The CHAIRMAN. That is not it?

Dr. WOODWARD. Not at all. We always try to be helpful.

Mr. VINSON. The fact that they took that length of time in the preparation of the bill, what has that to do with the merits of the legislation?

Dr. WOODWARD. The legislation is impracticable so far as enforcement is concerned, and the same study devoted to State legislation, with 44 State legislatures in session this year would have produced much better results.

Mr. VINSON. If the legislation had been prepared in one day you could have answered what your objection was. But it crops out here just at the end of your testimony that this legislation has been studied for 2 years and prepared in secret.

Dr. WOODWARD. Yes.

Mr. VINSON. What has that fact, if it be a fact, to do with the merits of the legislation, unless you are piqued?

Dr. WOODWARD. It explains why I am here voicing opposition to the bill that might have been adjusted to meet the needsr of the medical profession if we had been consulted at an earlier date. I should

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have been glad to have cooperated with the Bureau of Narcotics in the preparation of a bill, if an opportunity had been afforded.

Mr. DINGELL. The impression I gain from your last remark is that it is only the medical profession that is interested in this bill; but what about the 125,000,000 people in this country? This is not only a bill that the medical profession is interested in, or that the American Medical Association is interested in, but all of the people are interested in it. Incidentally, I would like to ask how many doctors are members of the American Medical Association.

Dr. WOODWARD. Approximately 100.000.

Mr. DINGELL. That many are members of the American Medical Association?

Dr. WOODWARD. Yes, sir.

Mr. DINGELL. How many doctors are there in the United States?

Dr. WOODWARD. Probably 140,000 or 150,000, or there may be 160,000.

Mr. DINGELL. Are we to understand that the medical men of the State of Michigan, or the medical profession in Wayne County, or the medical association of Detroit, are opposed to this legislation?

Dr. WOODWARD. I do not know. No medical man would identify this bill with a medicine until he read it through, because marihuana is not a drug.

Mr. DINGELL. Please tell me this: What effort has been made in my State through the medical association to protect the school children and the unfortunate people who are falling victims to this habit? I ask that question since we are talking about controlling it through the States. I want to know what has been done by the State of Michigan and the members of the medical profession to give protection intended by this bill.

Dr. WOODWARD. It is, of course, impossible for me to say just what has been done in any particular State; but in the Michigan laws of 1931, chapter 173, they do regulate the production and distribution of Cannabis indica.

Mr. DINGELL. What kind of regulation is that?

Dr. WOODWARD. I do not have the law here.

Mr. DINGELL. Can you tell me whether that legislation was at that time sponsored by the medical association of my State?

Dr. WOODWARD. I do not know. I cannot carry all of those details in my mind. You understand that marihuana is simply a name given Cannabis. It is a mongrel word brought in from Mexico. It is a popular term to indicate Cannabis, like "coke" is used to indicate cocaine, and as "dope" is used to indicate opium.

Mr. DINGELL. We know that it is a habit that is spreading, particularly among youngsters. We learn that from the pages of the newspapers. You say that Michigan has a law regulating it. We have a State law, but we do not seem to be able to get anywhere with it, because, as I have said, the habit is growing. The number of victims is increasing each year.

Dr. WOODWARD. There is no evidence of that.

Mr. DINGELL. I have not been impressed by your testimony here as reflecting the sentiment of the high-class members of the medical profession in my State. I am confident that the medical profession in the State of Michigan, and in Wayne County particularly, or in

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my district, will subscribe wholeheartedly to any law that will suppress this thing, despite the fact that there is a $1 tax imposed.

Dr. WOODWARD. If there was any law that would absolutely suppress the thing, perhaps that is true, but when the law simply contains provisions that impose a useless expense, and does not accomplish the result——

Mr. DINGELL (interposing). That is simply your personal opinion. That is kindred to the opinion you entertained with reference to the Harrison Narcotics Act.

Dr. WOODWARD. If we had been asked to cooperate in drafting it——

Mr. DINGELL (interposing). You are not cooperating in this at all.

Dr. WOODWARD. As a matter of fact, it does not serve to suppress the use of opium and cocaine.

Mr. DINGELL. The medical profession should be doing its utmost to aid in the suppression of this curse that is eating the very vitals of the Nation.

Dr. WOODWARD. They are.

Mr. VINSON. Are you not simply piqued because you were not consulted in the drafting of the bill?

Dr. WOODWARD. That is not the case at all. I said, in explaining why I was here, that the measure should have been discussed and an expression of opinion obtained before the Treasury Department brought the bill before the Congress of the United States, so that it would be in a form that would be acceptable, with as few differences of opinion as possible.

Mr. COOPER. With all due respect to you and for your appearance here, is it not a fact that you are peeved because you were not called in and consulted in the drafting of the bill?

Dr. WOODWARD. Not in the least. I have drafted too many bills to be peeved about that.

Mr. MCCORMACK. There is no question but that the drug habit has been increasing rapidly in recent years.

Dr. WOODWARD. There is no evidence to show whether or not it has been.

Mr. MCCORMACK. In your opinion, has it increased?

Dr. WOODWARD. I should say it has increased slightly. Newspaper exploitation of the habit has done more to increase it than anything else.

Mr. MCCORMACK. It is likely to increase further unless some effort is made to suppress it.

Dr. WOODWARD. I do not know. The exploitation tempts young men and women to venture into the habit.

Mr. MCCORMACK. At any event, it is a drug.

Mr. WOODWARD. *Cannabis indica* is a drug; yes.

Mr. MCCORMACK. It is used, we were told, by 200,000,000 people throughout the world. All I know is what I have read about it. You realize that we are confronted with a situation where we are dealing with a drug that is produced in the United States?

Dr. WOODWARD. Yes.

Mr. MCCORMACK. While opium and coco leaves are not produced here.

Dr. WOODWARD. No.

Mr. MCCORMACK. In other words, the Harrison Narcotics Act really confines itself to imports.

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Dr. WOODWARD. No, sir; it regulates production, too.

Mr. MCCORMACK. It regulates production, but the production it regulates is confined to drugs that are imported into this country.

Dr. WOODWARD. Yes, sir.

Mr. MCCORMACK. There is no opium grown here.

Dr. WOODWARD. No, sir.

Mr. MCCORMACK. And no coca leaves are grown here.

Dr. WOODWARD. No, sir.

Mr. MCCORMACK. So that the Harrison Narcotics Act, in its practical operation, concerns itself, in the first instance, with a drug that is imported into this country.

Dr. WOODWARD. In the first instance; yes, sir.

Mr. MCCORMACK. In this case, we have in the first instance a drug that is produced in this country.

Dr. WOODWARD. No, sir.

Mr. MCCORMACK. It is grown here.

Dr. WOODWARD. It is grown somewhat here.

Mr. MCCORMACK. Let me see if I understand your position: I have listened very carefully to your statement. You take the position that this drug habit is not of any benefit to the medical profession.

Dr. WOODWARD. I think that is universally admitted.

Mr. MCCORMACK. This legislation should be directed toward the source of the evil. The medical profession is not involved in the source of supply so far as the use is concerned. Is that right?

Dr. WOODWARD. Yes; that is right. We have no objection to the registration fee under the Harrison Narcotic Act.

Mr. MCCORMACK. You say you have no objection to registration under the Harrison Narcotic Act?

Dr. WOODWARD. No, sir; nor even in the case of Cannabis.

Mr. MCCORMACK. While you object to registration under this act, you do not object to registration under the Harrison Narcotics Act?

Dr. WOODWARD. No, sir.

Mr. MCCORMACK. You are just now beginning to oppose registration.

Dr. WOODWARD. No, sir.

Mr. MCCORMACK. Assuming that this bill was amended to permit the Secretary of the Treasury to put the medical profession under reasonable regulations, what would be your opposition to the bill?

Dr. WOODWARD. I am quite sure we could not object to that.

Mr. MCCORMACK. Then your objection to this bill would be removed.

Dr. WOODWARD. You could go a step further, and require the registration and recording of sales of Cannabis under the Harrison Narcotics Act. I am not inclined to think there would be any objection to that at all.

Mr. MCCORMACK. I am not including the Harrison Narcotics Act in my question, but my question was confined to this bill. Assuming that an amendment was made to this bill whereby the Secretary of the Treasury might prescribe regulations which would be beneficial to the medical profession, or that would be considered beneficial by the medical profession, would I be justified in assuming that your main objection to this particular bill would be removed?

Dr. WOODWARD. Yes, sir; you would.

Mr. DINGELL. Going back to that part of your testimony wherein you mentioned the matter of registration, was it your testimony that

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the medical profession, so far as you can determine, is more than willing to cooperate in bringing about the suppression of this drug, or, more specifically, the traffic in marihuana; and does your sole objection rest upon the point that the bill requires an additional registration, additional forms, and the taking up of additional precious time of physicians; and that, further than that, if this practice could be regulated by an amendment to the Harrison Narcotics Act there would be no objection on the part of the medical profession to filling out new amended forms pertaining to both marihuana and narcotics?

Dr. WOODWARD. I believe that if that had been done, there would not have been a single objection raised to it. In my opinion, no voice would have been raised against legislation of that kind.

Mr. DINGELL. You think that with reasonable regulations we would have the fullest cooperation of the medical profession?

Dr. WOODWARD. Yes, sir.

The CHAIRMAN. Do you appear in the capacity of a medical expert, a legal expert, or a legislative expert, or in all three capacities?

Dr. WOODWARD. My profession is that of a practitioner of medicine and of legal medicine. I have lectured on legal medicine as a lawyer and doctor. I have combined the two. If you want to class me as an expert, you might class me as a medical-legal expert.

The CHAIRMAN. I would like to read a quotation from a recent editorial in the Washington Times:

> The marihuana cigarette is one of the most insidious of all forms of dope, largely because of the failure of the public to understand its fatal qualities.
>
> The Nation is almost defenseless against it, having no Federal laws to cope with it and virtually no organized campaign for combating it.
>
> The result is tragic.
>
> School children are the prey of peddlers who infest school neighborhoods.
>
> High-school boys and girls buy the destructive weed without knowledge of its capacity of harm, and conscienceless dealers sell it with impunity.
>
> This is a national problem, and it must have national attention.
>
> The fatal marihuana cigarette must be recognized as a deadly drug, and American children must be protected against it.

That is a pretty severe indictment. They say it is a national question and that it requires effective legislation. Of course, in a general way, you have responded to all of these statements; but that indicates very clearly that it is an evil of such magnitude that it is recognized by the press of the country as such.

The Washington Post had this to say recently in an editorial:

> With a Federal law on the books, a more ambitious attack can be launched It is time to wipe out the evil before its potentialities for national degeneracy become more apparent. The legislation just introduced in Congress by Representative Doughton would further this end. Its speedy passage is desirable.

As I understand it, you do not agree with that.

Dr. WOODWARD. I believe there is addiction, and I believe there is a temptation to children.

The CHAIRMAN. It is on the increase, is it not?

Dr. WOODWARD. Probably, but we do not know.

The CHAIRMAN. The public authorities dealing with this evil, the State authorities and Federal authorities, say that they need further legislation in order to protect the people from its insidious influence and effects. Under those conditions, do you not believe that Congress should try to do something?

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Dr. WOODWARD. I think something should be done, but it is only a question of what should be done.

The CHAIRMAN. You stated awhile ago that you believed this law would be ineffective. Of course, the law against carrying concealed weapons, designed to protect people against criminals is not entirely effective, but you would not advocate the repeal of the law. The laws against prostitution and murder are not entirely effective, but without legislative control we would be at the mercy of the criminal class, and we would have no civilization whatever.

Dr. WOODWARD. I realize that.

The CHAIRMAN. I believe you stated that you sponsored the Copeland bill.

Dr. WOODWARD. I said that the present Copeland bill was the best pending food bill. I said it was the best of the lot.

The CHAIRMAN. Did you have anything to do with the preparation of the Copeland bill?

Dr. WOODWARD. I appeared before the committee from time to time and submitted a memorandum.

The CHAIRMAN. But they did not adopt your views.

Dr. WOODWARD. No, sir.

The CHAIRMAN. You said it was woefully defective, but that it was the best you have seen.

Dr. WOODWARD. Yes, sir; I sent to every Member of the House of Representatives a memorandum showing by section, page, and line just wherein it fails, and I think that anyone who studied the memorandum will agree with me.

The CHAIRMAN. But it is woefully ineffective.

Dr. WOODWARD. With respect to drugs and therapeutic devices; yes, sir.

The CHAIRMAN. The next witness is Dr. S. L. Hilton.

STATEMENT OF DR. S. L. HILTON, REPRESENTING THE AMERICAN PHARMACEUTICAL ASSOCIATION

Dr. HILTON. I want to say, Mr. Chairman, that we are not opposing this legislation. We are in favor of any legislation that will correct anything pertaining to habit-forming drugs, but we are opposed to two sections of the bill. One is the section requiring the pharmacists of this country to take out a $15 registration license. The Harrison Narcotics Act only requires pharmacists to take out a $3 license where they are dealing with opium, coco leaves, their preparations, salts, and derivatives. There is one thousand times as much of those drugs used as there is of *Cannabis indica*.

Further on in this bill there is a provision in section 6 (a), which says:

> Except in pursuance of a written order of the person to whom such marihuana is transferred, on a form to be issued in blank for that purpose by the Secretary.

Now, further over in section 6 it provides—

> Each such order form sold by a collector shall be prepared by him and shall include an original and two copies, any one of which shall be admissible in evidence as an original. The original and one copy shall be given by the collector to the purchaser thereof.

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Now, I take it that means when we want to purchase any preparation of *Cannabis indica*, we must take the time to go to the collector, because the collector has to fill out that form. We have got to pay a tax of $1 per ounce for whatever we purchase. In my case, located here in the city of Washington, it would mean a loss from business of 3 hours' time; but if you take a place in Pennsylvania or Maryland, where there are two or three drug stores in a town, with no deputy collector or collector there, the druggist would have to go to Baltimore, losing an entire day The average business done by a retail drug store in the United States is less than $30,000 a year. Many of them have no clerks; and if they want to purchase this drug they would have to hire somebody to keep the store for that day and pay him for that day. We believe that the tax is unjust and unreasonable so far as retail pharmacists are concerned.

I have made a careful analysis covering 25,000 prescriptions since we learned of this bill, and I found that there were only 20 prescriptions in the 25,000 containing *Cannabis indica*. Now, in the event this bill becomes a law, I will destroy all of it so I will not have to register and will not have to pay that extra tax. In order to avoid it, I will refuse to fill prescriptions containing *Cannabis indica*, because I think it is clearly shown in my case, and from the various drug services which I could quote, that *Cannabis indica* is a useless medicament, and is used only about 4 times in 10,000 prescriptions. It seems to me that it is only reasonable that this should be changed.

The CHAIRMAN. Have you discussed this with Mr. Hester?

Dr. HILTON. I discussed it with Mr. Tipton, and I think Mr. Tipton is decidedly in favor of reducing that fee.

I want to point out the inconsistency in the section dealing with order forms: In one case it says the Secretary of the Treasury can issue the form in blank, while in another case it says that you must go to the collector, and that the order form shall be prepared by him.

Mr. VINSON. How is that done under the Harrison Narcotics Act?

Dr. HILTON. Under the Harrison Narcotics Act we purchase from the collector a book of 10 order forms. We write for them, and prepare the forms. That is the retail form. There is a wholesale license which they grant. We supply narcotics on forms to physicians. In my case, I have quite a large clientele among physicians, and we must purchase those order forms. Consequently, I keep more than 10 at a time. We fill them out in ink or with indelible pencil.

Mr. VINSON. It would not take any longer to get an order form for marihuana than to get an order form for narcotics. That section seems to be objectionable to you.

Dr. HILTON. I think that provision should be stricken from the bill.

Mr. VINSON. You get the forms from the collector under the Harrison Act.

Dr. HILTON. Yes, sir.

Mr. VINSON. It would not take any longer time to get a form for marihuana than for narcotics under the Harrison Act.

Dr. HILTON. If they were issued in blank, that is true, but if they were issued under this other provision, in subsection (d), it would take a longer time, because the collector must fill it out. You must get it from the collector and pay a fee.

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Mr. VINSON. Under one section, you say, the collector fills out the form.

Dr. HILTON. Yes, sir.

Mr. VINSON. Under the Harrison Act, it is issued in blank.

Dr. HILTON. Yes, sir. Personally, I believe that the members of our association are of the opinion that the Harrison Narcotic Act, if amended properly, could take care of marihuana, and then we would have one registration and one order form.

Mr. VINSON. You do not want to endanger the Harrison Act in any way?

Dr. HILTON. Certainly not, and I do not believe that would endanger the Harrison Act, if the amendment was properly drawn.

Mr. VINSON. It is hard to deal with that.

Dr. HILTON. That is true, but we have five to four decisions by the Supreme Court that sustains this law.

Mr. VINSON. And sometimes they change back again.

Dr. HILTON. Yes, sir.

The CHAIRMAN. I assume that you recognize this evil.

Dr. HILTON. We certainly do.

The CHAIRMAN. You recognize the fact that some legislation on the subject is needed.

Dr. HILTON. We want to cooperate by doing anything we can to stamp it out.

The CHAIRMAN. I would suggest that you confer with Mr. Anslinger and Mr. Hester, and I am sure that if you have a helpful amendment, we can work it out.

Mr. VINSON. Personally, I do not see any reason why any different treatment should be given an order form for marihuana than is given for narcotics. There may be some reason, but personally, I do not see any reason for it.

Dr. HILTON. We cannot see any reason for it.

The CHAIRMAN. We thank you very much for your appearance before the committee.

We will now take a recess to meet tomorrow at 10 o'clock in executive session.

(Thereupon, the committee took a recess, to meet tomorrow, Wednesday, May 5, 1937, at 10 a. m., in executive session.)

ADDENDA

Letter from Mrs. Hamilton Wright, special representative, Bureau of Narcotics.

TREASURY DEPARTMENT,
BUREAU OF NARCOTICS,
Washington, May 7, 1937.

Hon. A. W. ROBERTSON,
House of Representatives, Washington, D. C.

DEAR SIR: I am surprised there should be any opposition to the passage of the Doughton bill. Anyone with a knowledge of the seriousness of the drug evil should welcome the attempt to curb one of the most recent and dangerous drugs that is menacing the country today.

Marihuana is the American form of the familiar and insidious hashish or Indian hemp which has been associated in the Orient with crime for many centuries. We know it as the ordinary hempweed which can be grown in any backyard in any State in the Union. Its use as a stimulant or narcotic is, however, of recent date.

It was introduced about 10 years ago by Mexican peddlers in the form of cigarettes. Its use has spread like wildfire and is associated with crime in its

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most vicious aspects. Every attempt to curb and eradicate this drug should be encouraged and the Doughton bill is a distinct contribution to the fight against dangerous drugs. It should be realized that the drug evil is no longer an isolated problem but is closely connected with the epidemic of crime that is destroying our safety at home and our good name abroad. A recent authoritative report from California states that 70 percent of the criminals in that State are drug addicts.

The drug evil cannot be temporized with any more than smallpox or yellow fever. It must be checked at the start and not allowed to spread. The Doughton bill represents the "ounce of prevention", and is already heartily approved by the Federal Government, the big women organizations, and I assumed by all intelligent men and women who have the health and safety of the people of the United States at heart. I sincerely hope the bill will be passed as speedily as possible.

Yours sincerely,

ELIZABETH W. WRIGHT,
(Mrs.) Hamilton Wright,
Special Representative, Bureau of Narcotics.

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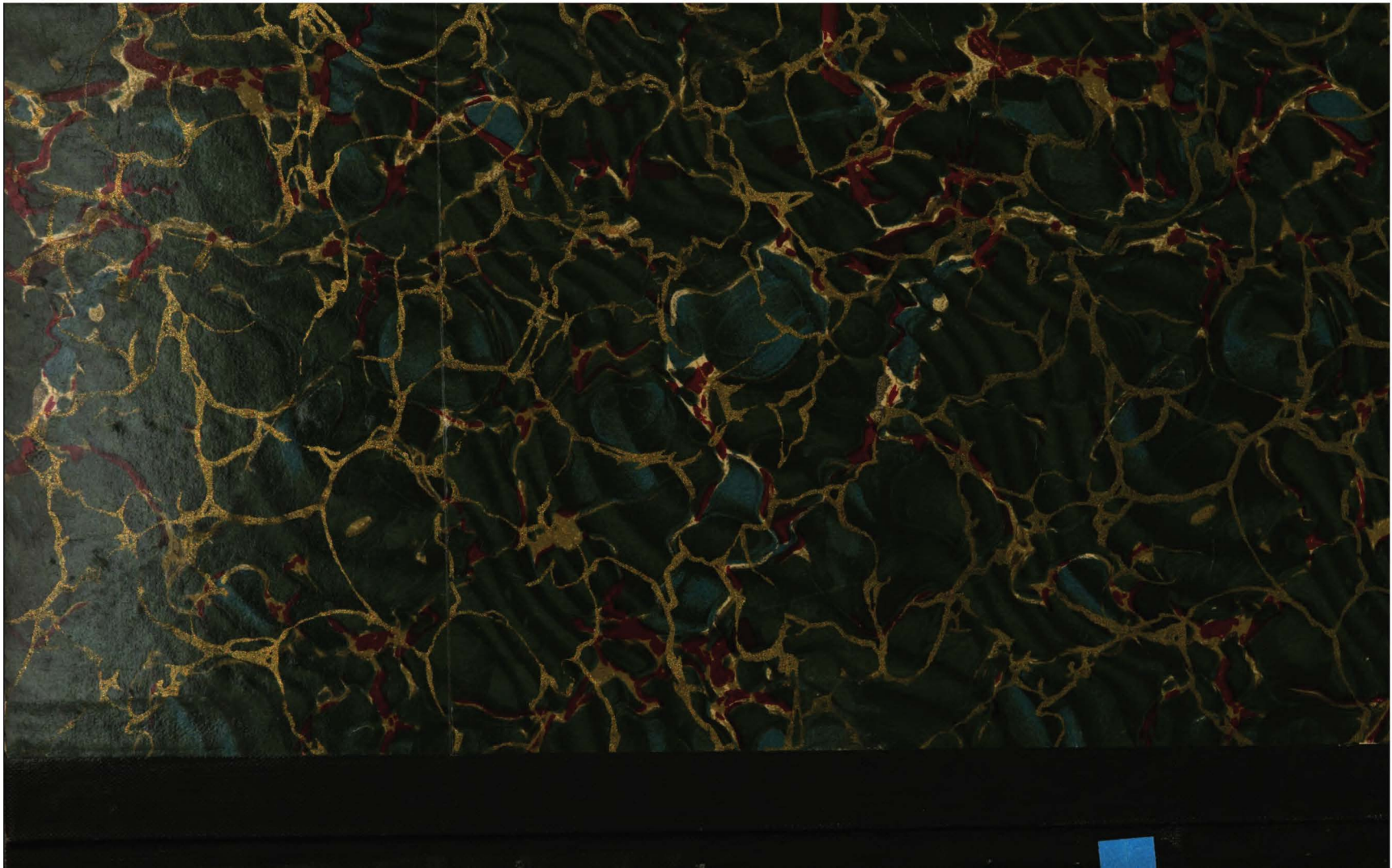
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TAXATION OF MARIHUANA HEARINGS

BEFORE THE

COMMITTEE ON WAYS AND MEANS HOUSE OF REPRESENTATIVES

SEVENTY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 6385

APRIL 27, 28, 29, 30, AND MAY 4, 1937

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