

SB

32

file 3

# Marijuana today is far m

By ALYCE HANLEY  
and FRITZ PETTYJOHN

Attorney Robert Wagstaff asserts that Senate Bill 32 and House Bill 55 are "patently unconstitutional." This assertion is patently absurd.

In *Ravin vs. the State of Alaska*, the court made findings of fact and reached conclusions of law based on those findings. Among its findings, the court found that there was a "...relative insignificance of marijuana consumption as health problem in our society at present." It also found that "most marijuana available in the United States has a THC content of less than one percent." The THC percentage was extremely significant to the court in the *Ravin* decision, as evidenced by its statement that, "...We recognize that more potent forms of cannabis than marijuana are commonly used in other countries and are available on a limited scale here. However, studies of use patterns here do not indicate any great likelihood of a significant shift in use here to the more potent substances. If such a shift were to occur, then marijuana use could be characterized as a serious health problem."

Today it is the more potent variety of marijuana which is in common use. Improved plant genetics and cultivation techniques have led to increasing potency. The marijuana of the '80s has averaged three to five percent tetrahydrocannabinol, THC, as compared to the less than one percent in the '70s.

To determine whether the consumption of marijuana had increased among Alaskan young people, Dr. Bernard Segal, PhD, conducted an extensive statewide survey in 1981 and 1982. This study provided an estimate of the prevalence of drug use among Alaskan students grades 7-12. In comparing the findings with results from national surveys, Alaskan students aged 12-17 exceeded the national sample for every substance. In 1982, of the Alaskan high school seniors surveyed, 70 percent had tried marijuana compared to 58 percent nationwide.

A multitude of studies have been undertaken by physicians and scientists which provide medical evidence of cellular damage, lung impairment, damage to the reproductive system as well as the brain. Today it is these more potent substances which are in common use:

• Dr. Robert C. Gilkeson, M.D., a pediatrician, adolescent neuropsychiatrist and brain researcher, recently released an extensive report on marijuana supporting the thesis of toxicity to human cells. A December 1979 report of the American Medical Association stated the clearest evidence for harmful

changes in physical health involved the pulmonary system. Bronchitis and related inflammatory changes have been shown repeatedly in marijuana users. The higher level of cancer-causing chemicals in marijuana and the methods of deep inhalation are raising grave concerns about new outbreaks of lung cancer in the late 1980s. The use of special pipes, "bongs," and "powerhitters" are all designed to maximize lung exposure to marijuana smoke, thus increasing the risk of cancer and emphysema.

• Dr. Forest Tennant, M.D., of West Covina, California, has stated that marijuana residu-



Artwork from *Narcosis* by Gary Vukobrat. Copyright © 1987, November. Distributed by Los Angeles Times.

## more potent and harmful



Times Syndicate

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als remain in the body for a long period of time and continue to affect the user. He explains that when marijuana is used it releases the body's natural neurotransmitters, dopamine, norepinephrin and endorphines, causing the euphoric and subsequently tranquilization/sedative effect. Replacing these neurotransmitters with drug metabolites is what causes addiction. When a person becomes a chronic user of marijuana, the following complications and symptoms appear: *time distortion* — manifested by tardiness, staying up late, unusual meal times and missed appointments; *lack of motivation* — mani-

### COMPASS

POINTS OF VIEW FROM OUR COMMUNITY

festated by poor hygiene, loss of interest in school, job and sports and inadequate diet; *unrealistic self-perception* — of job, school or athletic performance; and *auditory (ear) anesthesia* occurs so as to tolerate loud or irritating music.

Interestingly enough, Dr. Harold Voth, senior psychiatrist and psychoanalyst at the Menniger Foundation in Topeka, Kansas, has stated, "There is one truly pernicious symptom — specifically related to marijuana — which seems to be evident in every chronic pot user, youngster or adult. This is the extraordinary refusal to accept the hard scientific evidence about the harmful effects of marijuana. The user will scoff at the evidence, twist it, pervert it, call it 'reefer madness' — anything but look it straight in the face."

In spite of the studies, in spite of the approximately 80 resolutions, in spite of public opinion messages from all over Alaska urging the change of our liberal marijuana law, Chairmen Koponen and Ellis of the House Health, Education and Social Services (HESS) Committee have not yet scheduled a hearing on marijuana and choose to ignore the citizens of Alaska. There are less than 50 days for the House Democrats to decide whether all members of the House of Representatives will have the opportunity to vote on Senate Bill 32 which will recriminalize marijuana. That decision might well be determined by Representatives Koponen, Ellis and Sund and whether, as committee chairmen, they will schedule the bill before the session ends.

If the legislature succeeds in passing Senate Bill 32, it would not be asking the Alaska Supreme Court to overturn the Ravin decision. It would be asking the court to acknowledge the changes that have taken with place with respect to marijuana and its usage during the past 13 years. It would be asking the court to consider the evidence now available which offers scientific proof that marijuana is a serious health threat.

The truly important finding in Ravin is that, "no one has an absolute right to do things in the privacy of his own home which will affect himself or others adversely."

□ Alyce Hanley and Fritz Pettyjohn of Anchorage are Republican members of the House of Representatives.

## The untold drug story

Dear Editor:

I am using this avenue of communication to let the public know of the very inappropriate handling of a recent legislative teleconference. On April 14 the House Health, Education and Social Services Committee (HESS) held hearings on SB32 which would recriminalize marijuana in Alaska (once again make marijuana illegal).

The House HESS Committee is co-chaired by Rep. Nillo Koponen of Fairbanks and Rep. Johnny Ellis of Anchorage. The House HESS aide for these two co-chairs is Jim Nordland. These are the individuals responsible for setting up the testimony from the professionals on the morning of the 14th. Two professional names were given to these individuals to be included in the hearings. They were Dr. Forest Tennant, drug advisor for the National Football League as well as many other titles, and Dr. Robert Gilkeson, a psychiatrist who has conducted studies to determine the toxicity of marijuana and its effects on the brain.

In addition the committee leadership also contacted five individuals who are associated with NORML (the National Organization for the Reform of Marijuana Laws). This group's goal is to legalize marijuana. Those contacted from NORML were Norman Zinberg, Lester Grinspoon, Todd Mikuriga, John Morgan and Arthur McBay.

At the time these marijuana hearings were happening in Alaska, I was attending an international conference on youth and drugs in Atlanta, Ga., sponsored by PRIDE (National Parents Resources Institute for Drug Education). Two of the speakers who were scheduled for the 15th were Dr. Gilkeson and Dr. Tennant.

When it was Dr. Gilkeson's time to speak in Atlanta, he arrived on the stage breathless, with suitcase in hand and very, very angry. He was late arriving at the conference because he had canceled a reservation which would have allowed him to arrive earlier. He shared with the 4,000 adults in the audience the reasons for his frustration and anger.

Dr. Gilkeson got a call on Wednesday, April 13, from the aide on the House HESS Committee, Jim Nordland, asking him to testify. Dr. Gilkeson told him he was sorry but he had to go to Atlanta. He got another call back from Jim Nordland asking him to please be on. When asked who else was going to testify, Dr. Gilkeson was given the names of the five NORML "actors." Dr. Gilkeson was astounded because there were 8,000 other credible doctors across the United States that they could have picked from. Why were they including NORML in with the credible, professional testimony?

Dr. Gilkeson thought the representation for the hearing was "lousy", so he canceled his super saver flight to Atlanta. He got on the phone, was not allowed to talk and listened to the erroneous information being given while he frantically wrote

notes so he would be able to refute what they were saying when he made his presentation. He was held on the phone for 2 1/2 hours after which they said there was not time to hear him! Meanwhile, four of the doctors from NORML got to testify. Dr. Gilkeson had lost his supersaver airfare when he canceled him flight, then also missed his next flight to Atlanta from New York because he was on the teleconference line -- after never being able to say a word!

Dr. Gilkeson said "he heard two hours of people purposely deceiving the public about their health!" At the end of the teleconference they called Dr. Tennant in California, who was also standing by to testify and had to leave for Atlanta, and told him they did not need him to testify after all.

There are many, many credible doctors and researchers across the land who are showing that marijuana is indeed a health problem, and this committee leadership did not let that information be presented. How can this happen? Who are they representing -- the drug user? Alaska's legislative process has been nationally embarrassed!

I find this treatment of credible professionals in the field to be a disgrace, embarrassing and absolutely appalling.

Not everyone in Alaska has succumbed to the drug culture. NORML has the ear of the press. Alaskans are not hearing the truth about the health hazards of Marijuana use. We are being duped by the drug culture. The only thing we can do is demand that the professional doctors be allowed to

give the testimony that they were prepared to give! How can the legislature make an intelligent decision on an important issue like this if the correct information is not allowed to be presented?

Legislators are making a reputation for themselves by stifling this bill. Caring, Alaskan parents have had enough of the political games. We are concerned about the health and potential of our future Alaskans. Isn't that also the charge of the Health, Education and Social Services Committee?

- Lynda Adams  
Ketchikan

# Opinion

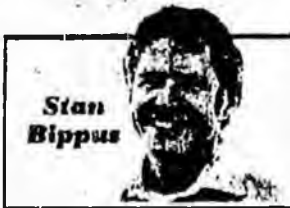
## For the children's sake, recriminalize pot

By STAN BIPPUS

The decriminalization of marijuana in 1978 was a big mistake and most people with any common sense know it. Gov. Cowper admits that decriminalization of marijuana 12 years ago was a mistake. However, there are a few die-hards who are hanging tough and continue to protect a law that serves no positive good.

The marijuana law in Alaska allows any adult to possess less than four ounces of marijuana in the home. The personal freedom to grow and possess pot is evidently more important to some adults than the welfare of Alaska's children. The marijuana law only serves the selfish interests of pot-smoking Alaskans.

The law is extremely beneficial to those individuals who lack the self-confidence to deal with their problems in a positive manner. These adults need marijuana to help them deal with the stress and anxiety of everyday living. It would



Views expressed here do not necessarily represent those of the Daily News-Miner.

be difficult for the insecure folks who need marijuana not to have access to the drug that helps them escape from reality for a few minutes.

Reps. Nillo Koponen and Johnny Ellis seem to agree that individuals deserve the right to have access to a drug that will help them cope with life's pressures. They have kept all efforts to recriminalize marijuana from happening by using such stall tactics as looking at the latest findings to see if "marijuana in the

home is outweighed by the ills associated with marijuana use." Koponen and Ellis appear to think a person's right to "get high" at home is more important than the effect marijuana has on children.

The fact that some people want to dispute the short- and long-term effects of marijuana on the mind and body are irrelevant. If some adults want to risk the potential negative effects of marijuana, then so be it.

The difficulty of enforcement is not a justifiable reason to allow adults easy access to a mind-altering drug. The issues presented by Koponen and Ellis to justify their lack of action is simply a smoke screen to protect the rights of selfish adults.

The issue that justifies recriminalizing possession of marijuana is the effect pot-smoking adults have on the youth of Alaska. If there is real concern about kids, then that should be the focus of attention.

There are some people in Alaska, such as Reps. Alyce Hanley and Terry Martin, who feel that there is something wrong when adults exercise their personal freedom and it has a negative effect on children. These representatives are more concerned about children than the rights of selfish adults.

Far too many adults who possess marijuana in the home smoke in front of children. Children model the behavior of adults. Children who are exposed to adults smoking marijuana will assume it's an acceptable way to escape, cop-out, or behave. That reason, alone, should motivate caring adults to fight to recriminalize the possession of marijuana in Alaska.

Very few people like the local, state, or federal government telling them what they can or cannot do. However, the purpose of government is to impose and enforce laws that protect the safety and well-being of the people. Koponen

and Ellis stated they have "... an obligation to pass laws that are constitutional." How in the world anyone can justify a law that serves no positive good except to allow some adults to "get high?"

The concerned Alaskans who are fighting for the rights of children should not be too upset with legislators like Koponen and Ellis. There will always be politicians who are more concerned about protecting individual rights than doing what is morally right. Alaskans concerned about the effects of marijuana on children must remember that pot-smoking adults elect the politicians, not the non-voting children. Sometimes politicians must concern themselves with personal survival by doing something that is popular over doing something that is morally right.

Stan Bippus is an educator in a rural school district who writes a biweekly column on schools and related matters.

## Coast Guard toughens stance on pot users

The Associated Press

People who want to get high on the seas by smoking marijuana could find themselves in trouble with the Coast Guard.

The Pacific commander of the Coast Guard has announced a new policy that will have the service prosecuting casual users of marijuana alongside big-time smugglers. Violators could lose their boats, cars and other property.

"My advice is not to take it with you," Costello told the World Affairs Council in Anchorage last week.

"I make no apologies whatsoever for the change," Costello said.

He said the Coast Guard's enforcement policy "totally differs with the state of Alaska," which allows people to consume small amounts of marijuana in their homes.

Coast Guard drug enforcement work has been most active in the southeastern states, where units have tried to stop the flow of illegal drugs from Central and South America.

Costello said intercepting drugs is much more difficult in the Pacific Ocean because of geography. The incoming drugs often are "gourmet items" such as Thai sticks — a highly potent form of marijuana.

In addition to drug law enforcement, the Coast Guard also is responsible for fishery

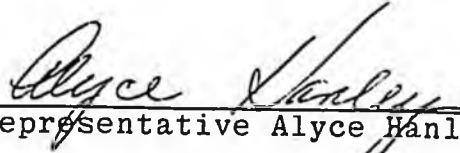
law enforcement, search and rescue and national defense, Costello said.

In other remarks, Costello said the United States' 200-mile exclusive economic zone

in the Bering Sea is being violated by foreign fishing vessels moving in and out of the "doughnut hole," a large area of international water bordered by Soviet and U.S. territory.

Dear Colleague:

Attached article furnished for your Information.

  
Representative Alyce Hanley

# Marijuana

EDITOR, Daily News:

There is one issue surrounding Senate Bill 32, "An Act Relating to the Recriminalization of Marijuana" that has alluded public notice but could be catastrophic for our state and its ability to deal with the whole issue of substance abuse.

In 1986 Congress passed the Omnibus Drug Education and Rehabilitation Bill for which Alaska was allocated \$2 million. At the time resources for those funds were limited and competition for dollars was intense. Congress and the administration looked unfavorably at Alaska and our liberalized drug laws and only after intensive lobbying by Senator Murkowski were the funds finally released to our state.

Now in 1988, the United States Senate has passed SB 2205 which provides emergency funding of \$3.6 billion that will insure the continuation of the 1986 programs. Alaska's share has been targeted at \$6 million. But resources are even more limited today and the pressure is intense in Congress to allocate money to states that deal with the drug issue in a responsible manner. Parenthetically, the recalcitrance of our legislature to abolish the only liberalized drug law in the union has placed us in serious jeopardy of losing \$6 million in federal funds. These funds are urgently needed to combat our growing drug problem.

We take pride that our state is known as the "Last Frontier"; let us not be hoodwinked into being the "Last Fool-tier."

Sincerely  
RAY SCHALOW  
Anchorage

# U.S. Customs cracks down on drugs

SEATTLE (AP) - More than 75 cars and several trucks have been seized as part of "Zero Tolerance," a recent crackdown by U.S. Customs agents on those bringing even the smallest amount of drugs into the United States from Canada.

Most of the vehicles, crowding a lot near Blaine, eventually will be sold at public auction after administrative hearings. A few will be returned to their owners, said Lawrence LaDage, U.S. Customs Service special agent in charge of the Northwest region.

Those caught with drugs also face federal charges and stiff Customs fines.

"We believe we are beginning to get people's attention," LaDage said. "It's a drastic action to take. But judging from the reactions of those people who have been caught, there is lots of remorse, and a lot are wondering if that [marijuana] joint was really worth this kind of aggravation and loss..."

The push began March 21.

Cases for those caught are being heard in Seattle and Spokane, depending on where at the border the arrests took place.

Three people arrested at Blaine earlier this month pleaded guilty Thursday in U.S. District Court in Seattle to misdemeanor drug charges. They received a year's probation.

Ken Parker, assistant U.S. attorney in Seattle, said he expects to file charges later this week in a "substantial" number of cases involving people recently arrested.

"We are sending them a very strong message," Parker said. "We intend to prosecute. We will focus on any amount of controlled sub-

stances. The new program will be charged with misdemeanor drug possession and with felony importation of drugs.

The new hard-line enforcement effort against drug users is part of the Reagan administration's attempt to curb the flow of illegal drugs into the country.

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*'She and her boyfriend arrived together at the border,' the special agent said. 'But I was told they left separately.'*

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stance. People who are bringing drugs across the border have to understand that it's a crime. And these crimes will no longer be tolerated."

Until recently, people caught at the border with what is called "user" amounts of drugs usually paid an administrative fine to the U.S. Customs Service and were released.

Parker said people arrested under

the new program, anyone caught at a border crossing with drugs faces possible arrest on federal charges, regardless of the quantity. Any vehicle found to contain drugs is seized, as is a vehicle carrying a driver or passenger with drugs.

On-the-spot fines range from several hundred dollars to more than \$1,000, and those caught must agree to appear in federal court.

Americans have their passports

seized, while foreigners found guilty in federal court aren't allowed back into the United States.

Those whose vehicles are seized must petition the Customs Service for a non-court hearing. Even then, it's unlikely they will win their case, LaDage said.

In one instance, a truck driver was arrested and his truck was impounded when inspectors found he had one marijuana joint, LaDage said.

Jerry Walker, owner of Walker Transport in Victoria, British Columbia, and owner of the \$120,000 truck, has fired the driver and is petitioning to get the truck back.

In another case, LaDage said, an airline flight attendant who had gone to Canada with her boyfriend and was returning to the United States was shocked when her boyfriend was found to be carrying a small amount of drugs and authorities impounded her sports car.

LaDage said the woman claimed she didn't know about the drugs, and authorities will consider her petition on that point.

"She and her boyfriend arrived together at the border," he said. "But I was told they left separately."

"And on foot."

Why in hell can't our legislators  
outlaw drugs entirely?  
They claim privacy, all laws infringe  
on privacy so why can't they pass it.  
We've better get some new legislation  
than all bringing drugs to Alaska

## Editorial

# Little tolerance

There is a push to have the Alaska Legislature outlaw possession of even a small amount of marijuana for personal use. Whether the Legislature acts, Alaskans should be warned that other parts of the country and world are less tolerant. An ounce or less of marijuana can cost the user a motor vehicle if U.S. Customs catches him or her.

Since March 21, customs agents along the western U.S.-Canadian border have seized 75 vehicles whose drivers possessed small amounts of drugs. Some of those motorists had traveled from the United States to Canada on vacation and were nabbed on the way back to the United States. Some may have been driving through Canada on their way from Alaska to the Lower 48. The fact is that origin and destination have nothing to do with it. If agents find even the smallest amount of drugs as a vehicle and its occupants cross the border from Canada to Washington state, the vehicle is impounded for future sale and the people carrying the drugs walk away from the border with a court date. The cost of vehicles these days makes a joint costly.

This follows the crackdown announced by the Coast Guard, which has started making arrests for even small amounts of marijuana aboard boats in Alaska waters.

The debate will go on in Alaska over the issue of allowing small amounts of marijuana (less than four ounces in your home) for personal use. Irwin Ravin, the attorney whose arrest led to the law allowing less than four ounces for personal use, is leading the push to keep small amounts of the drug legal in Alaska for personal use. Irwin was arrested when his car was searched. But even Ravin will lose his car, if not his case, if he tempts the customs agents at the border now.

Alaskans are warned. The rest of the country isn't as tolerant as Alaska toward drugs.

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# temper courthouse plans

committee's new direc-  
ashes hopes by court  
administrator Art  
lon and Anchorage  
leaders that the project  
go out to bid this year.  
ject was estimated to  
400 jobs for about 30  
for Anchorage's strug-  
conomy.  
reduction is so great it  
"I'd have to go back  
design" the addition,  
on said. "It'll take a  
m of a year."  
0,000-square-foot addi-  
ould take care of the  
system's needs in the  
) to 12 years, Snowden

said. But the courts may have  
to come back to the legisla-  
ture if caseloads continue to  
grow, he said.

"We wanted room for ex-  
pansion so we wouldn't be  
back here," Snowden said.

On March 1, 1982, the court  
system asked architects for  
proposals on a \$32 million,  
190,000-square-foot addition  
"for the expansion needs of  
the court system and related  
agencies until the year 2010."

But last month, Snowden  
said in a report to the Senate  
Finance Committee that the  
architects designed an expan-  
sion "to provide an additional

350,000 square feet of space in  
order to meet the court's proj-  
ected needs to the year 2005."

Asked to reconcile the con-  
tradictory numbers, Snowden  
last week said the court sys-  
tem was working with pre-  
liminary space assessments  
when it wrote its 1982 request  
for proposals for architectural  
services.

Committee members, par-  
ticularly co-chairman John  
Binkley of Bethel, have inter-  
rogated Snowden and other  
court system officials for two  
weeks about the need for the  
larger building. Until Thurs-  
day, Anchorage senators

hoped that answers to Bink-  
ley's questions would satisfy  
the five non-Anchorage mem-  
bers of the panel so a bill  
could be moved to the Senate  
floor for a vote.

But the answers, including  
some Thursday about the  
work of a Seattle planner,  
undermined committee confi-  
dence in the project. By the  
end of the meeting Anchorage's  
two committee mem-  
bers, co-chairman Rick Hal-  
ford and Sen. Rick Uehling,  
were participating in discus-  
sions about scaling back the

See Page B-3, COURTHOUSE



## Pot's effects at issue

By HAL SPENCER  
Daily News reporter

If there is a fundamental  
question underlying the de-  
bate over a legislative mea-  
sure to junk Alaska's permis-  
sive marijuana law, it is  
whether or not the drug is a  
significant health hazard for  
users.

It is, insists Rep. Fritz Pet-  
tyjohn, R-Anchorage, one of  
several lawmakers seeking to  
stiffen the law.

It is not, insists Irwin Rav-  
in, the Homer attorney whose  
actions more than a decade  
ago led to a law that permits  
adults to possess and use less  
than four ounces of marijuana  
in their homes.

The two met Thursday be-  
fore a lunch crowd at the  
Bartlett Democratic Club to  
debate a Senate-passed bill to  
toughen the law. But with no  
agreement on the basic ques-  
tion, and no way to prove  
their respective positions, the  
two combatants did not de-  
bate so much as engage in a  
frank exchange of views.



Anchorage Daily News/Bob Halinen

School in Fairbanks this week.

# be wary, tighten accounts

## r a rate increase

City officials earlier this week said the 54 percent increase would cause the basic charge to downtown residential customers to go from about \$8 to about \$9.30. The increase would be applied across the board, according to the Alaska Public Offices Commission. The APUC will consider the rate request later this year.

there are some real problems with this utility. It pointed me in a lot of directions I think I should be looking at." Regarding the findings: "In some cases, services provided to ATU by the city duplicate functions ATU performs. "For example, ATU maintains its own maintenance department, yet is charged for the municipal personnel costs on the same basis as other gov-

ernmental units who do not maintain personnel departments," the audit says. The city also bills ATU for data processing and legal services, although the phone utility has internal employees to do those jobs, too. • ATU should ask for better documentation of city charges. • Labor costs account for more than half the utility's total operating expenses. The auditors said the utility

should study whether the number of employees and the salaries they are paid are appropriate in view of the city's economy and the utility's business plans.

• Both the Anchorage Assembly and the APUC should more closely oversee ATU's capital expansion plans.

• A 1986 change in the formula used to distribute ATU earnings resulted in about a three-fold increase in the amount of money given to city government. In 1986, the utility paid the city a \$5.5 million dividend, which was used to soften the tax burden on property owners. "In comparison, the annual dividends paid during the four preceding years ranged from \$1.3 million to \$1.8 million," the audit says.

Commission spokesman Ray Wipperman said the APUC probably will schedule public hearings on the audit.

# d . . . is no good unless it's rolled

*tie up these rules as they are like a bad deal to me and my own people who are just paying taxes.*

— Tom Patmor of Clam Gulch

lawyer years and said it was the only way he could afford to pay his taxes this year. He said he doesn't know exactly how many pennies are in the bags, but believes there are more than enough to cover the debt. Patmor said Borough Finance Di-

rector Roy Barton discussed the issue with him for a while, then called him a name and stuck a closed sign in front of the cashier's desk.

Barton denied calling Patmor a name, but said he closed the cashier's desk when he felt Patmor was being argumentative. The borough has a written policy of requiring that payments in coins have to be wrapped and counted, Barton said.

"I would not use taxpayers' dollars to tie up the borough staff on such a project," Barton said.

"I think they make up these rules as they go along," Patmor insisted. "It seems like a bad deal to me when they turn down people who are just trying to pay their taxes. I'm going to appeal this thing."

Pettyjohn, a practicing attorney and a conservative, thinks the Alaska Supreme Court would be ready to revise its 13-year-old opinion that adult possession or use of marijuana in the home is protected by the Alaska Constitution's privacy guarantee.

The court in 1975 so ruled after determining that marijuana for personal use in the home posed no significant health or safety threat, and therefore was not behavior that should be controlled by the state.

Ravin brought the case after arranging to have himself arrested with marijuana in his pocket in December 1972.

"I am convinced," Pettyjohn said Thursday, "that at the minimum there is a consensus among the health community that marijuana is a health hazard, that it impairs learning, memory and intellectual performance. I think those things are true not only from studies but from my own observation.

"I would have no hesitation at all in taking (the Senate-passed bill) or some other version of it before the Supreme Court and arguing that the facts have changed from what they were 13 years ago," Pettyjohn said.

He said there was a "great deal of evidence" generated in the last decade showing that marijuana is a "serious health problem" and a "very severe problem among the youth of the state." Pettyjohn said the drug is showing up in increasingly potent form.

Ravin, however, asserted that there are no new findings that marijuana is a significant health problem in Alaska or elsewhere.

In fact, he said, Alaska could be a useful laboratory to determine whether the weed is a health threat since 100,000 Alaskans have been using it legally since 1975.

"We've got a perfect place for research right here, so let's look at the facts in Alaska," Ravin said.

He went on to assert that there hasn't been a single hospital admission of somebody "overdosing or freaking out or getting in any kind of trouble" on marijuana.

"Nobody's been beaten up in Alaska by somebody

## POT: Lawmaker, attorney at odds

Continued from Page B-1

freaked out or crazed by marijuana. Those things do not happen. They do happen with other drugs, but marijuana is unique and our Supreme Court found it is unique," Ravin said.

Ravin said Pettyjohn's point that today's marijuana typically contains four to 10 times more tetrahydrocannabinol (THC) is irrelevant because users smoke it until they reach a high and then stop. Typically, he said, users who would smoke a whole joint of weak marijuana will smoke only a little of a joint if it contains more THC.

Pettyjohn said marijuana is particularly destructive to adolescents. "Haven't you all seen kids who have gotten on dope and it has an extreme adverse effect on their development? I don't think there is any question about it. I've seen it," he said.

Ravin, however, noted that it already is illegal for people under 18 to possess or smoke marijuana.

Yes, Pettyjohn said, but the more permissive law for adults sends the wrong message to juveniles. "I have

three sons who I feel very deeply about. I want them to say no when they're offered marijuana. I want to give them a whole laundry list of reasons," including that it is against the law for adults also.

But, responded Ravin, "that would confuse the kids ... when you stick it (marijuana) in the same bag as the really bad stuff."

Ravin said the proposed recriminalization is driven by politics rather than reason.

"The transitory political winds that are blowing have gotten our legislature to a point where they feel it is necessary to invade on our privacy so they can pass a law criminalizing marijuana. At the stroke of a pen they are going to turn 100,000 Alaskans into criminals, for no reason," he said.

The Senate bill, now in House committee, would make possession of marijuana a crime punishable by as much as 90 days in jail and a \$1,000 fine.

The Senate bill's prospects in the House are uncertain, but Gov. Steve Cowper has said he would not veto a bill if it reached his desk.

ing some unusual — but practical — skills.

First there is the tea-making contest. Each of the three young women must build a fire on the snow, melt enough snow to make one cup of tea, boil the water and make the tea.

Then there is the snowshoe race. There's not much call for 3-inch high heels in this secluded community of less than 700 people on the banks of the Yukon River in north-eastern Alaska.

skinning a snowshoe known in some parts of ka as a "lowbush moose.

In other respects, the test is similar to the America pageant. All contestants must display some special talent, answer impromptu questions and appear in an evening gown.

The coronation ceremony planned for March 28, including the new queen to receive the crown, will be a part of the carnival activities planned through April 2.

## COURTHOUSE: Senator

Continued from Page B-1

building.

"Questions were raised that brought up other questions, that brought up potential problems, that added new ways to continue the ongoing debate," Halford said.

Uehling, suggested that the committee put a limit on how big the addition can be. "We just don't have the money now to go for the grandiose plans we had in the past," he said.

Planning for the courthouse addition started at the height of the oil boom, said committee member Willie Hensley of Kotzebue. Now that state revenues have diminished and population is

declining, it's difficult to believe that all that space is still needed, he said.

"I still believe that the numbers reflect the men of five or six years ago. We never thought the thing would never end," Hensley said.

Hensley's comments allowed committee scrutiny of consultant's estimates for amount of space that would be needed to accommodate the District Court, Superior Court, Supreme Court, other parts of the courthouse. Snowden defended Michael Wong of Space Management Consultants as one of the most respected court planners in the United States.

But committee members were shocked to learn

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# New evidence may burn cigarette makers

By JOHN KING  
The Associated Press

BOSTON — Evidence presented in a New Jersey court that cigarette makers were aware up to 40 years ago that smoking might cause cancer and other ailments will lead to a flood of tobacco-liability cases, attorneys said Saturday.

The attorneys, including one involved in the New Jersey trial, said they expected the documents would lead to the first verdict against a tobacco company in a product-liability case. And now that the documents are a matter of public record, their availability will substantially reduce the cost of pretrial proceedings in other cases, the attorneys said.

"This is a product that is as dangerous as alcohol and as addictive as heroin," said Professor Richard Daynard of the

Tobacco Products Liability Project at Northeastern University. "The evidence shows that."

The project, which assists attorneys involved in suits against tobacco companies, brought together lawyers involved in more than 100 tobacco liability cases nationwide as part of its fourth anniversary conference.

A lawyer for cigarette maker Philip Morris Cos., one of the defendants in the New Jersey case, said Daynard and other attorneys at the conference were taking the documents out of context. The attorney, Charles R. Wall, also criticized the group for discussing them while the New Jersey case was still under way.

"These issues will be decided in the courtroom where they should be decided," Wall said. "We disagree that there

has been proof that cigarette smoking causes lung cancer."

Daynard and others at a Northeastern news conference said past cases blaming smoking for deaths have failed because of insufficient evidence that tobacco companies knew smoking was or possibly was a health hazard.

The documents gathered for the New Jersey trial include internal tobacco industry memos dating back to 1946 in which researchers for cigarette makers discuss growing evidence of a link between smoking and lung cancer and heart and respiratory problems.

They also include verification that cigarette makers developed less dangerous cigarettes, and memos in which the companies are advised that marketing those products would amount to an admission that other cigarettes were dangerous.

# Hawaii's pot crop flourishes despite official crackdown

By CHRISTINE DONNELLY

THE ASSOCIATED PRESS

**HONOLULU** - Nestled in the lush jungles of the Hawaiian islands is a multibillion-dollar industry that the local growers protect, the government destroys, the visitors bureau rarely mentions and tourists often overlook on secluded mountain trails.

It is marijuana, and despite the government's best efforts to eradicate it, the state's largest cash crop continues to flourish and enjoy the reputation as some of the best "pakalolo" in the world.

The government destroys more pot plants here than anywhere else in the United States, but still the crop thrives, nurtured by year-round, near-perfect growing conditions.

"A prayer goes into the ground with every plant," said Roger Christie, spokesman for the Marijuana Political Action Committee in Hilo and a member of the Cambridge, Mass.-based Cannabis Corp. "These islands are a magic place for growing pakololo. The sun, the rain, the energy of the volcano all combine to create the right conditions."

The islands' light, misty rain, which was considered a blessing by ancient Hawaiians, is also a boon to pot growers, Christie said, adding that the year-round sunshine is rarely intense enough to scorch the plants.

"Oh, the stuff here is definitely legendary," said George Auflick, agent in charge at the Drug Enforcement Agency here. "Hawaii pot is so highly prized that a lot of growers from other Pacific islands ship their stuff to Honolulu first, just so it can go to the mainland with a Hawaii postmark. It's just got sort of a mythical reputation."

That reputation is reflected in the price, Auflick said. Locally grown marijuana goes for about \$150 an ounce on the islands, he said. But on the mainland, what is known as Maui Wowie, Kona Gold and Puna Butter sells for about \$300 to \$500 an ounce, with the highest prices on the East

Coast. In comparison, an ounce of Mexican or Californian marijuana fetches \$60 an ounce in Los Angeles, with Colombian selling for about \$200 an ounce, according to the Narcotics Division of the Los Angeles Police Department.

Prices here rise after each big raid, and lately the going rate has been steep. That pleases Capt. Richard Carter, the head of the criminal investigation unit of the police department on the "Big Island" of Hawaii, where an estimated 66 percent of the state's crop is grown.

In 1987, 1.25 million marijuana plants and 752 pounds of dried pot were seized on the Big Island alone, Carter said. Each plant is considered to be worth \$1,000, which means more than \$1.2 billion worth of marijuana was recovered last year on the Big Island alone.

Authorities figure about 1.8 million plants were destroyed throughout the state. But for every plant destroyed, two or three were left to flourish.

But the authorities' increased efficiency has forced growers to be more careful about camouflaging their crops. Still, many growers are not secretive at all, and plant marijuana at the edge of papaya or sugar cane fields, Carter said.

That kind of defiance has some officials on the mainland worried about whether Hawaii are really doing all they can to rid the state of a drug trade that is said to bring in more than \$4 billion a year, second only to the tourist industry.

But others, like the Marijuana PAC's Christie, believe the state is giving up a valuable source of revenue in its zeal "to dictate the public morality."

Eradication of marijuana is "not an issue of the government caring for the people," Christie said. "If that were the issue, they'd ban the shot glass and the beer mug."

"The bottom line is that more people than ever want the stuff," he said, "and there is plenty of it here."

# marijuana illegal

## On alcohol and marijuana

I find Committee Substitute for Senate Bill 32 an amazing document.

While the legislature is dealing with this serious problem, I wonder why the same attention is not given to the use of alcohol? If one reads through CS for SB 32 and thinks alcohol in this state so far surpasses the use and abuse problems related to marijuana that to carry on with criminalizing marijuana without giving the same attention to alcohol would make SB 32 absolutely absurd.

There is much to be said for giving serious attention and concern to marijuana. There is an even more critical mandate to give that same serious attention and concern to alcohol use in this state.

Why separate the two? I am aware of the alcohol lobby. I understand the economic impact of alcohol sales. I also see the victimization of innocent children, of women and men, of gainful employment, of domestic violence, and of meaningful productivity related to alcohol use in this state.

If one makes any attempt to be objective (not political, not economically astute, not consumed with one's own addiction), one cannot but deal with alcohol and marijuana in the same vein, however it is attacked and dealt with.

And where does that leave judgment about SB 32? It appears to be a witch hunt for a junior witch when there are astronomical and agonizing costs accruing to the other witch. How can intelligent people deal with only one of these "societal" problems without giving some attention to the other?

Come, let us be reasonable. What is good for the goose is good for the gander.

— Carolyn V. Brown, M.D.

Felson



The Associated Press

Ravin says there are no grounds to change the ruling.

# Marijuana defenders hold firm at hearing

By SUE CROSS  
The Associated Press

JUNEAU — For 13 years Alaska has served as a laboratory for studying the effects of marijuana, and nothing during those years has justified making its use illegal again, say supporters of the state's current marijuana law.

Irwin Ravin, the Homer attorney whose arrest for possession of marijuana led the Alaska Supreme Court to uphold private use of the drug in 1975, told legislators Wednesday they don't have any grounds for overturning the court decision.

"It has been legal for adults to smoke marijuana in their homes for 13 years," Ravin said. "Now if this hysteria and this kind of panic happening have any basis in fact, what we would see over the last 13 years, we'd see that our jails would be full of people that committed crimes under the influence of marijuana."

"It's true we have a drug problem in this state, but (it) is an alcohol problem. It's not a marijuana problem," he said in testimony before the House Committee on Health Education and Social Services.

The committee is hearing a Senate Bill (SB32) that would make it a crime to possess marijuana. State law now makes it illegal to transport, sell or use marijuana in public, but allows possession of up to 4 ounces of the drug.

The sponsor of the bill, Kenai Republican Sen. Paul Fischer, contends marijuana is more potent — and thus more harmful to health — than it was when the Supreme Court said its use in the home was protected by Alaska's constitutional right to privacy.

See Page E-3, MARIJUANA

Anch Daily News April 14, 88

## MARIJUANA: Law under fire

Continued from Page E-1

The effects of marijuana justify setting aside the right to privacy for the larger public good, Fischer said, such as the state has done in allowing communities to ban use of alcohol by local option.

But Ravin and other defenders said that argument won't hold.

Alaska had a statistical trail of violence, deaths and social disruption to follow in proving alcohol's harm in the state, said Don Clocksin, a former legislator who is presi-

dent of the Alaska Civil Liberties Union.

Proving marijuana harms individuals is not enough to make it illegal again, Clocksin said. He believes opponents will find no proof of harm to the society.

The other side of the argument was made by Dwayne Otis, U.S. Customs Service district director for Alaska.

Otis explained Customs' efforts to arrest everyone coming into the United States with even the smallest amount of marijuana or other drugs.

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# FACTS ON marijuana dangers elusive

By Robert Laurie  
Times Juneau Bureau

JUNEAU — Following hours of testimony from national experts with conflicting, sometimes-confusing claims about the health effects of marijuana, Rep. Bill Hudson, R-Juneau, asked "where do we go for the truth?"

Hudson is one of seven members of the House Health, Education and Social Services Committee which is working on a measure that would recriminalize marijuana.

The panel is trying to ascertain whether 20 "legislative findings," or statements of fact in the bill, are indeed true and can justify the changes the bill would make in Alaska's laws.

While few, if any, give the bill any chance of final passage this session, by virtue of its passage by the Senate in February, it has moved farther through the legislative process than has any marijuana recriminalization measure since the landmark "Raven" decision 13 years ago.

In 1975 the Alaska Supreme Court ruled that barring any overriding evidence of danger to public health and safety, the state constitution's guarantee to a right to privacy in a person's home allowed the possession of small amounts of marijuana by adults for personal use. Possession by juveniles remained illegal.

The court made its ruling in the case involving Homer attorney Irwin Raven, who had been convicted in 1973 of possessing marijuana. The court's decision overturned his conviction.

Raven was in Juneau last week to plead his case before the legislature. He argued that recriminalization of marijuana would be another erosion of the freedoms that brought many to Alaska.

"You've got your liberties going one by one," Raven said.

Committee co-chair Rep. Johnny Ellis, D-Anchorage, says his panel is focusing in on the findings and penalties outlined in the bill.

"It's on the medical findings  
See Findings, page B-5

## Findings

Continued from page B-1

that we have to decide whether this would pass constitutional muster or not," said Ellis. "And it's a very difficult area; the scientific-medical area, for laymen, essentially seven average citizens, to weigh the evidence."

Ellis said it's clear the bill is "a mess," and needs extensive work before it leaves his committee. Many of the findings cited in the bill, he said, simply don't hold up.

Rep. Alyce Hanley, a strong supporter of the measure agrees "two or three" of the findings should be thrown out.

The Anchorage Republican plans to go through the findings one by one to make sure they can stand up in court.

Of the testimony the committee has received so far, the experts agree on only two findings. Marijuana use damages the lungs and can harm the heart.

Rep. Randy Phillips, R-Eagle River, has yet to make up his mind on the issue. He says he'll base his decision on whether the health and safety considerations outweigh the right to privacy.

"It's a classical situation," Phillips said. "Basically, we have two truths colliding . . . and we're trying to determine, at least in my mind, which truth is superior."

SINCLAIR APR. 17 ANCHORAGE TIMES

# More readers reply to the question: Should marijuana be recriminalized?

**A** Law didn't work before, and it won't work now

If recriminalization ever occurs, as it might next year when election year politics forces our political heroes to grasp any stance that could get them elected, the real effect will be minimal. It should be obvious that a law that did not work 10 years ago certainly will not work any better now.

Using even the federal government's sadly erroneous statistics, the number of people who smoke marijuana at a minimum equals the number it took to elect Ronald Reagan. There is a force at work here that will not simply disappear under a new law.

We do need a new marijuana law, one that recognizes the existing realities and doesn't cater to the media hysteria usually supported by politicians.

The advantages to legal marijuana are overwhelming. If such a law was passed we would finally have the necessary instrument to bring the drug under control. Being able to license, tax, collect, inspect and create regulations preventing the sale to minors are all easily possible once the initial step is taken.

Since it is nearly impossible to believe such a drastic revision in thinking will take place, one can only assume that the people of this state are in for a lot of tedious and ultimately unsuccessful debate on this issue.

The status quo is infinitely preferable to a return of a law that never worked. Until we finally realize the time has come to stop enforcing hypocritical laws, the best advice we can follow is this: If you think smoking marijuana is bad for you, then don't use it. If you are concerned that drugs are a problem with your children, concentrate your efforts on getting them to stop.

— Mark Phillip Archer

**A** People aren't getting the truth about marijuana

The past and present attitudes about marijuana are based on ignorance and fear caused by misleading government reports that are so exaggerated that they are almost outright lies. It is incredible that our government can get away with deceiving the people like that.

From the people I have talked to, the police realize that alcohol causes many, many more problems and dangerous situations than pot. I believe that if people knew the truth about the drug they would not be afraid to

will give a long-awaited blow to crime overall.

— Patrick Doyle

**A** Use revenues for benefit of the people

During the pipeline boom, the state government, always astute in their search for possible future revenue, legalized a future rich harvest: marijuana. I'm sure there are other rich future pastures for the state government to graze in also.

Most people resent being told what is good for them, but I side with the government, for indeed, they do know what is best for the people. I would vote to recriminalize marijuana, providing the revenue is used conspicuously for the people's benefit, for they are the ones who will be paying the fines.

— Paul S. McGiboney

**A** Home-grown products keep money in state

No! It is hypocritical to criminally punish users of marijuana while legally sanctioning the use of alcohol. Alcohol creates more social and medical problems than marijuana.

In Alaska the marijuana law was issued by the courts, not the people; so it's always being fought. People are realizing that fighting marijuana is a losing battle. It seems like the government is spending a lot on its hysterical anti-marijuana message.

Factors may point to advantages for the pro-cannabis crowd. Alaska, a state without significant manufacturing or agriculture, depends on the exports of its smaller number of natural resources to bring in revenue. Home-grown products — even marijuana — keep vital money from leaving the state.

— Michael Hootch, Palmer Correctional Center

**A** Changing law won't stop flow of drugs

It's hard to believe that after all the legal battles fought for the present law, someone wants to spend more money to change them. It's a well known fact that the government seizes only 10 percent of the drugs coming into the country, so changing the law won't stop the flow. Spend the money on education



SEE NEXT PAGE

(Two-thirds of the offenders in Alaska's jails are there for alcohol related crimes.) If legislators need something to do may I suggest something be done to alleviate our obvious problems rather than restrict what we can do within our own homes.

— Dave Lloyd

**A** Industry should be regulated like any another

Recriminalization sounds simple enough, doesn't it. But let's look at some of the ramifications.

Fact: At the present time, it is unlawful for any juvenile to possess or in any way be associated with marijuana. This is reasonable; minors are also prohibited by law from association with alcohol or tobacco. Recriminalization of marijuana would in no way

Abuse, Dr. Max Fink reported new evidence failed to show any signs of brain damage or other significant differences between users and non-users. "The evidence is fairly clear that chronic cannabis use is not accompanied by the things written in the medical literature in the 1930's and 1940's."

Another scientist on the panel, Dr. Thomas Bryant, president of the private Drug Abuse Council in Washington, said decriminalization "makes sense on the basis of the evidence that's in."

Dr. Robert DuPont, head of the National Institute on Drug Abuse, reported, "There is no question that alcohol and tobacco are causing us far more health problems than marijuana does," and that marijuana "lacks the 'lethal effects' of either alcohol or tobacco."

People supporting recriminalization should rethink their antiquated concepts before passing a bill that would have such deleterious effects on our society.

# Marijuana bills get legislative hearing

By KIRK McALLISTER

THE JUNEAU EMPIRE

The first salvos of the legislative drug war of 1987 were fired this week when a joint legislative committee heard testimony on bills that would make possessing marijuana a criminal offense in Alaska.

Similar bills have been introduced in both the House and Senate that would make possession of any amount of marijuana illegal in the state.

In a joint meeting of the House and Senate Health, Education and Social Services committees on Wednesday, lawmakers were advised that if they pass a bill making pot illegal again, the issue will more than likely be decided in the state supreme court.

That's because the high court in a 1975 ruling known as the Raven case ruled that the right to privacy in the Alaska constitution protects the possession of small amounts of marijuana in the home.

The reason pot is protected by the right to privacy while stronger drugs such as heroin and cocaine are not is

there was no overwhelming evidence of the detrimental effects of marijuana introduced in the Raven case.

Backers of the new bills (SB32 and HB55) say that times have changed and there is now more medical evidence of the adverse effects of marijuana.

According to the one of the findings of the bill, the marijuana in circulation today is much stronger than was available 10 years ago. While the THC (the active ingredient in pot) content of a marijuana cigarette was 1 percent 10 years ago, it may be as high as 10 percent today.

The findings also say that marijuana, among other things, causes schizophrenia and hallucinations, may cause lung cancer, affects the reproductive organs, can cause birth defects, loss of memory, anxiety, paranoia and psychosis.

Some of those findings were disputed by Paul Grant, an attorney for the American Civil Liberties Union in Alaska.

Grant called the findings of the bill "extremely simplistic" and in

Please turn to Page 12

## Marijuana...

Continued from Page 1

some cases, a "misrepresentation of the facts." He also said the fiscal note of the bill being zero was unrealistic as there would be added court system costs to deal with marijuana cases.

"We (ACLU) object to making something illegal that you have no intention of enforcing and creating a new class of criminals in Alaska," Grant said. "We encourage the committee to seek out scientific evidence supporting your case, but there is no scientific evidence that I'm aware of since Raven that would justify the government telling consenting adults what they should put into their bodies."

Local attorney David Crosby, a member of the Juneau City-Borough Board of Education and the father of two teen-agers, said he strongly supported the recriminalization of marijuana because it would aid the fight against drugs among youths.

Possession and/or use of marijuana is already illegal under existing state law for anyone under age 19.

"If it were only adults we were talking about I wouldn't be here," Crosby told the committee. "The tolerant attitude towards marijuana by adults is partly responsible for kids thinking it's OK."

In the next few months, the committees are expected to hear a parade of witnesses on the scientific evidence surrounding marijuana and the legal arguments concerning the right to privacy that go with it.

If a bill is passed it will likely be challenged on constitutional grounds and end up before the Alaska Supreme Court.

But bill sponsor and Senate HESS Committee chairman Sen. Paul Fischer, R-Soldotna, said that was fine with him. High courts change with public sentiment and there is only one justice left on the supreme court that rendered the Raven decision in 1975.

# Hanley plans to sponsor bill to recriminalize marijuana

By Catherine Stadem  
Times Staff

An Anchorage legislator who is a member of the recently formed Alaska Runaway and Endangered Children Strike Force said she will see that a bill recriminalizing possession of marijuana is introduced during the upcoming legislative session.

"I intend to make sure that's introduced, whether I introduce it or not," said Rep. Alyce Hanley, R-Anchorage.

Hanley said she is concerned that Alaska's liberal marijuana laws may make it difficult for the concerned citizens' strike force to get federal grant money to fight drug abuse.

Hanley and fellow strike force member Marge Hall said that in addition to supporting recriminalization of marijuana, the citizen's group will encourage formation of a juvenile drug enfor-

cement unit at the Anchorage Police Department.

As envisioned, the unit would be "pro-active," instead of "reactive," Hall said. This means that investigators assigned to the unit would work closely with all other drug enforcement and juvenile agencies in developing cases, rather than only responding as drug offenses come to their attention.

Other proposals for the unit include establishing juvenile information networks about drug usage and distribution, and developing a Crime Stopper program through police-school liaison officers that would encourage anonymous reporting of drug buys. The cost of setting up and maintaining such a drug unit has not yet been estimated.

In a recent written statement, Hall cited a 1983 survey of Anchorage high school students that

indicated at least 36 percent of all students had used cocaine and marijuana. "All indications are that the use by our students in our school system is even higher today," she said. "In 1963, we were three times the national average."

Hall and Hanley said that the strike force would look to one of three funding sources for such a drug unit: the state legislature, the municipality, or recently appropriated federal anti-drug funds.

"It's time to give drug enforcement officials the help they need to keep drugs away from our children," Hall said. "We intend to make all efforts necessary to seek out and obtain federal and state funding, where possible, to allow the development of a drug unit that will specifically target those distributing drugs to Alaska's youth."

# State senators vote to recriminalize marijuana

By SUE CROSS

THE ASSOCIATED PRESS

The state Senate voted today to make marijuana use a crime again in Alaska, the only state where it is legal.

"If you look at public opinion polls, surveys, they're generally 3-to-1, 2-to-1 against marijuana. They're insisting the legislature respond," said Sen. Paul Fischer. The Soldotna Republican was prime sponsor of the criminalization bill.

But even supporters say technical questions about the measure could kill it in the House and - if it does become law - would guarantee its defeat in court.

The bill (CSSB32) would make possession of marijuana a crime punishable by up to 90 days in jail and a \$1,000 fine. Current law bans the sale, transport and distribution of marijuana, but allows adults to possess four ounces or less.

The Alaska Supreme Court ruled in 1975 that Alaskans' constitutional guarantee of privacy covers their right to smoke small amounts of marijuana in their homes.

Though marijuana has some bad effects on health, they aren't serious enough to warrant letting the government intrude in people's homes, the court said. The state must prove a compelling social interest in order to overcome that standard.

Many people say the Fischer bill won't meet the court test.

"I would be surprised if no one would file a lawsuit against this (proposed) law. It seems like they're asking for a lot of legal hassles, not necessarily by us but by somebody," said Jamie Bollenbach, executive director of the Alaska Civil Liberties Union in Anchorage.

Please turn to Page 8

## Marijuana...

Continued from Page 1

Bollenbach said the Alaska Constitution includes a stronger and more explicit right to privacy than any other state or the federal Constitution.

"I think it's about time the legislature starts paying attention to it," he said.

Senate Judiciary Chairman Jay Kerttula said the findings of harm from marijuana listed in the Fischer bill won't convince a court to overturn the privacy ruling.

"The findings in this bill are overstated and, in some cases, wrong," Kerttula said.

The Palmer Democrat cited part of the bill that says marijuana may cause schizophrenia, even though medical experts say there's no clear evidence of such a link.

The bill also links the drug in marijuana - tetrahydrocannabinol, or THC - to birth defects and alcohol overdoses.

Judiciary Committee attorneys noted many of the findings are

based on a House Research Agency report done at the request of Rep. Terry Martin. The Anchorage Republican has proposed a bill (HB55) matching Fischer's measure.

In the letter backing up the report, the legislative analyst said, "As you requested, I have not included any research which disputes the findings set out in the bill."

The Judiciary attorneys said the context would make it difficult to defend a law based on the one-sided findings.

But Fischer said the state Supreme Court will be more likely to agree to a marijuana ban now than in 1975.

"The whole case isn't whether you're for or against use in the home but it's over how much its use has changed in 13 years," Fischer said.

"You have different people on the court now. The mood of the nation has changed. That's why we're even more optimistic now," he said.

The Senate voted 17-1 for the

bill, but could bring it up for reconsideration Thursday. The sole "no" vote came from Sen. Ken Fanning, R-Fairbanks.

Sens. Dick Eliason, R-Sitka, and Bettye Fahrenkamp, D-Fairbanks, missed the vote.

Fanning objected to the breach of privacy rights and to the cost of enforcing a law that he says is unlikely to change anyone's behavior.

State agencies had predicted the proposed law would cost millions of dollars over the next few years in legal fees, court and prison costs.

But the Senate Finance Committee decided it would not attach any cost to the bill. Committee Co-chairman John Binkley, R-Bethel, said troopers told him they would not change their enforcement efforts if the bill becomes law.

Considering that and the theory that passage would discourage marijuana use, it's unlikely many people will go to court or jail for marijuana possession, he said.

The few cases that come up, he said, will be covered in agencies' regular budgets.

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# MARIJUANA: Senate to vote on possession

Continued from Page A-1

## ADN 2-17-88 Senate to decide pot bill

By JOHN LINDBACK  
Daily News reporter

JUNEAU — State senators may find 4-ounce bags of parsley on their desks today when they vote on a bill to recriminalize marijuana.

"Have you ever seen 4 ounces of marijuana?" asked Sen. Paul Fischer, a conservative who has been pushing for four years to again make all marijuana possession a crime. He held his hands apart as if he was boasting about the length of a good-sized trout.

"It's a lot more than people think it is. I'm going to try and have 4-ounce bags of parsley on everybody's desk tomorrow so they can see," he said.

State law allows adults to possess up to 4 ounces of marijuana in their homes. Fischer, R-Soldotna, predicted Tuesday that the Senate will overwhelmingly support his bill to make possession of anything up to 8 ounces a criminal misdemeanor. Violators would face maximum

See Back Page, MARIJUANA

penalties of 90 days in jail or a \$1,000 fine.

The bill faces an uncertain future in the House. But Fischer predicted that the House may not be able to withstand public demand to make any marijuana possession a crime. "There's too much of a grass-roots effort out there to see this thing go," he said.

Gov. Steve Cowper has said he would sign such a bill if it reaches his desk.

Other senators suggested that Fischer may be right about the outcome of today's vote. Democrats such as Sen. Joe Josephson of Anchorage and Bettye Fahrenkamp of Fairbanks said they expect to vote yes, even though marijuana use may not diminish among adults or teen-agers.

If a legislator votes no, a future opponent could charge that the incumbent is soft on crime, they said.

"I'm voting yes with doubts about constitutionality and a feeling that we're grossly underestimating the costs and overestimating the benefits" of recriminalization, Josephson said.

Both Fischer and his co-sponsor on the bill, Senate President Jan Faiks, said they want to eliminate the mixed message that Alaska's law sends to children and teens.

Possession of a small amount of marijuana is now illegal under federal law but it's allowed under state law, Fischer said. And, state law tells kids that using marijuana is both OK and evil for adults; small amounts are OK

but a larger amount is illegal, he said.

"I don't believe we should be sending a message to our youth that it's OK to smoke marijuana. And we do now," Faiks said.

A broad spectrum of organizations back making marijuana possession a crime, according to the testimony collected by Fischer. Many cite the mixed-message argument as the prime reason for their support. They include the Alaska Peace Officers Association, Association of Alaska School Boards, the Anchorage Chamber of Commerce, Boys and Girls Clubs of Alaska, Rotary International, Cook Inlet Council on Alcohol and Drug Abuse, the Anchorage Assembly, the City and Borough of Juneau, and the cities of Ketchikan, Galena, Togiak, Saxman, Valdez and Haines.

As Josephson suggests, the biggest problem for the bill may well be constitutionality. The Alaska Supreme Court in 1975 ruled that a law barring adult Alaskans from possession and smoking marijuana in their homes violated their constitutional right to privacy. Irvin Ravin, now a Homer lawyer, argued that his right to privacy outweighed the state's right to enforce a law barring home possession of what was seen by the court as a relatively harmless drug.

Fischer said more is known now about the health dangers of marijuana than was known at the time of the Supreme Court decision. The court would have to take the new studies into account if the bill passes and somebody challenges the constitutionality in court, he said.

Fischer sent senators a legislative research report that cited a variety of scientific studies on marijuana in the past 10 years, including information about marijuana and lung cancer.

Leaders of the Alaska Civil Liberties Union were calling senators Tuesday to lobby against the bill with both constitutional and practical arguments.

"Mostly we see this as a privacy issue," said Jamie Bollenbach, executive director of the ACLU. "We want to ensure that the government does not interfere and violate people's fundamental rights to privacy, particularly when there does not seem to be a compelling state interest."

Alaska's constitution includes one of the strongest privacy rights provisions in the nation, he said. Also, the effects of marijuana can be compared to the effects of tobacco and alcohol, Bollenbach said. But the state doesn't make use of either a criminal offense, he said.

Law enforcement organizations back the bill, even though they acknowledge that they don't have the manpower to actively go after small-time users of the drug. Commissioner of Public Safety Arthur English said he expected most charges would be incidental to other offenses committed by criminals.

"We're not going to go out and arrest everybody who has a small amount of marijuana. We're not going to have the manpower to do something like that," English said. But the state should conform with federal law and eliminate the mixed message to kids on drug use, he said.

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# Proposed bills draw a bead on basic rights

There is a wise old saying in politics. It goes like this:

"You can't win wrestling with a pig. You'll get muddy and the pig will just have a good time."

This is a true saying. But when the pigs are all around and closing in, a little pig wrestling may be the only thing an honest man can do — mud or no mud.

And there are pigs aplenty out there at the moment, citizens.

Two examples surfaced last week in Juneau in the form of legislative bills. One comes in the form of Sen. Paul Fischer's half-baked plan to recriminalize marijuana. The other is Rep. Terry Martin's government-in-your-bedroom bill about pornography.

What makes these bills such pigs (Actually, they're turkeys. But who ever heard of wrestling a turkey?) is that opposing them is essentially a no-win proposition. Despite their obvious failures as legislation, each addresses a motherhood kind of issue. That makes opponents reluctant to speak out.

Each pretends to be based on reason rather than simple reflex. The fact that each fails at that tends to get lost in the glow of the patriotic fireworks and the hymns of the choir.

Opposing these bills is not an argument for marijuana or pornography. I've encountered both in my life and



**howard  
weaver**

discovered I didn't have a continuing taste for either. If I ran the world, I'd rather neither existed.

But I don't run the world. One of the main differences between me and certain legislators is that I realize that and they don't seem to.

Of these two backward proposals, the marijuana criminalization is by far the most complex. It may very well prove true that we ought to invoke some penalties for use, mainly to register society's disapproval. But what is involved, whether senators want to recognize it or not, is a matter of constitutional principle.

The Supreme Court of Alaska has ruled unambiguously that the right to privacy keeps the government out of our homes unless the government has proved it has a very damned strong reason to get in there. Without showing compelling reasons to the con-

trary, we all have a right, the court ruled, "to be left alone."

Supporters of recriminalization have tacked together a report suggesting that there's hard new evidence to support their action. Maybe there is, but this crummy report doesn't prove it and won't hold up under the examination the courts gave this issue the last time around.

The report and the bill are both part of that dangerous "Do something! Anything!" urge that seizes unimaginative legislators in election years.

The fact that I think marijuana isn't good for you and Paul Fischer thinks marijuana isn't good for you is not enough. If the legislature passes a recriminalization bill with no more authority than that, the court seems certain to smack it down again — and the senators know that.

That doesn't enforce respect for law; it cheapens it. That's what makes the bill such dangerous posturing.

Rep. Martin's ill-considered grab-bag of a bill is easier to dismiss. It is so conclusively unconstitutional and unenforceable that not even Alaska legislators could pass it.

Could they?

Now Terry Martin himself often seems like a level-headed fellow. More than once, I've found myself agreeing with his positions. But this bill just transcends reality.

His bill would ban the sale of "sexual devices." It would invoke penalties for cussing a referee at a ball game. It would add penalties for graffiti writing if what you wrote were dirty words.

He said he thought passage would just about wipe out pornography in Alaska. He's gotta be kidding.

The fact is the proposal tramps on so many well-established rights of expression and privacy that it would be almost criminal thick-headedness for lawmakers to take it seriously. But even if they ignore the Constitution (and legislators do, all too often) they must know how pointless it is to pass laws against graffiti or swearing in public.

You could deputize every Sunday School class in Alaska and not get enough Porno Police to enforce a law like that, Terry.

But his bill, along with Sen. Fischer's, seems certain to get some time in the legislative spotlight, if only because nobody wants to seem like he's approving marijuana or pornography.

You wouldn't expect pig wrestling to be popular in Juneau anyhow. But sometimes the squealing's just more than a person can take.

□ Howard Weaver is managing editor of the Anchorage Daily News.

14255

# Marijuana issue makes lawyer burn

## Ravin asserts proposed law is unconstitutional violation of privacy right

Associated Press

Irwin Ravin thinks a push by Alaska legislators to ban home possession and use of marijuana by adults is phony and fruitless.

Ravin, 48, is a familiar name to lawmakers looking to dump the law permitting adults to possess up to 4 ounces of marijuana in their homes for personal use.

The Homer lawyer in 1973 arranged to have himself arrested with marijuana in his pocket. He wanted to challenge marijuana laws. His case went to the Alaska Supreme Court, which ruled in 1975 that the law banning home use and possession of marijuana by adults

violated a constitutional right to privacy.

"Nothing's changed," he said this week. "It wasn't constitutional in 1975, and it won't be constitutional now. I think they're passing a law they know is unconstitutional."

Ravin, who said he smokes marijuana "very rarely," called silly the assertion of some lawmakers that marijuana has been shown since the court ruling to be dangerous to health and safety.

"How many crimes, and how many hospital admissions have occurred as a result of our marijuana laws?" Ravin asked. "I would bet you there are none."

"There isn't any 'new' evidence that

marijuana is dangerous, except that any time you put something in your lungs, it's bad for you."

Whether marijuana represents a serious medical or safety threat for adults using it at home is a crucial issue in the debate.

The high court in 1978 ruled in an Anchorage cocaine case that the right to privacy did not protect the accused because cocaine is a health and safety threat.

Rep. Terry Martin, R-Anchorage, and other lawmakers assert that new research suggests marijuana causes maladies ranging from schizophrenia to birth defects.

"There is no new research," Ravin said. "There just isn't."

The lawyer called another issue in the debate a red herring. The issue is the presumed message Alaska's permissive law sends to young people. Martin and others contend the message is that it's OK to smoke marijuana.

"Teen-age kids aren't allowed by law to smoke marijuana now," Ravin said. "This issue is getting old. They (lawmakers) bring it up every year."

"What they're going to do is take many, many thousands of people who have been smoking legally and turn them into criminals. They probably should have a lot better things to do."

4

ADN 2-17-88

# Senate to decide pot bill

By JOHN LINDBACK  
Daily News reporter

JUNEAU — State senators may find 4-ounce bags of parsley on their desks today when they vote on a bill to recriminalize marijuana.

"Have you ever seen 4 ounces of marijuana?" asked Sen. Paul Fischer, a conservative who has been pushing for four years to again make all marijuana possession a crime. He held his hands apart as if he was boasting about the length of a good-sized trout.

"It's a lot more than people think it is. I'm going to try and have 4-ounce bags of parsley on everybody's desk tomorrow so they can see," he said.

State law allows adults to possess up to 4 ounces of marijuana in their homes. Fischer, R-Soldotna, predicted Tuesday that the Senate will overwhelmingly support his bill to make possession of anything up to 8 ounces a criminal misdemeanor. Violators would face maximum

See Back Page, **MARIJUANA**

## MARIJUANA: Senate to vote on possession

Continued from Page A-1

penalties of 90 days in jail or a \$1,000 fine.

The bill faces an uncertain future in the House. But Fischer predicted that the House may not be able to withstand public demand to make any marijuana possession a crime. "There's too much of a grass-roots effort out there to see this thing go," he said.

Gov. Steve Cowper has said he would sign such a bill if it reaches his desk.

Other senators suggested that Fischer may be right about the outcome of today's vote. Democrats such as Sen. Joe Josephson of Anchorage and Bettye Fahrenkamp of Fairbanks said they expect to vote yes, even though marijuana use may not diminish among adults or teen-agers.

If a legislator votes no, a future opponent could charge that the incumbent is soft on crime, they said.

"I'm voting yes with doubts about constitutionality and a feeling that we're grossly underestimating the costs and overestimating the benefits" of recriminalization, Josephson said.

Both Fischer and his co-sponsor on the bill, Senate President Jan Faiks, said they want to eliminate the mixed message that Alaska's law sends to children and teens.

Possession of a small amount of marijuana is now illegal under federal law but it's allowed under state law, Fischer said. And, state law tells kids that using marijuana is both OK and evil for adults; small amounts are OK

but a larger amount is illegal, he said.

"I don't believe we should be sending a message to our youth that it's OK to smoke marijuana. And we do now," Faiks said.

A broad spectrum of organizations back making marijuana possession a crime, according to the testimony collected by Fischer. Many cite the mixed-message argument as the prime reason for their support. They include the Alaska Peace Officers Association, Association of Alaska School Boards, the Anchorage Chamber of Commerce, Boys and Girls Clubs of Alaska, Rotary International, Cook Inlet Council on Alcohol and Drug Abuse, the Anchorage Assembly, the City and Borough of Juneau, and the cities of Ketchikan, Galena, Togiak, Saxman, Valdez and Haines.

As Josephson suggests, the biggest problem for the bill may well be constitutionality. The Alaska Supreme Court in 1975 ruled that a law barring adult Alaskans from possession and smoking marijuana in their homes violated their constitutional right to privacy. Irvin Ravin, now a Homer lawyer, argued that his right to privacy outweighed the state's right to enforce a law barring home possession of what was seen by the court as a relatively harmless drug.

Fischer said more is known now about the health dangers of marijuana than was known at the time of the Supreme Court decision. The court would have to take the new studies into account if the bill passes and somebody challenges the constitutionality in court, he said.

Fischer sent senators a legislative research report that cited a variety of scientific studies on marijuana in the past 10 years, including information about marijuana and lung cancer.

Leaders of the Alaska Civil Liberties Union were calling senators Tuesday to lobby against the bill with both constitutional and practical arguments.

"Mostly we see this as a privacy issue," said Jamie Bollenbach, executive director of the ACLU. "We want to ensure that the government does not interfere and violate people's fundamental rights to privacy, particularly when there does not seem to be a compelling state interest."

Alaska's constitution includes one of the strongest privacy rights provisions in the nation, he said. Also, the effects of marijuana can be compared to the effects of tobacco and alcohol, Bollenbach said. But the state doesn't make use of either a criminal offense, he said.

Law enforcement organizations back the bill, even though they acknowledge that they don't have the manpower to actively go after small-time users of the drug. Commissioner of Public Safety Arthur English said he expected most charges would be incidental to other offenses committed by criminals.

"We're not going to go out and arrest everybody who has a small amount of marijuana. We're not going to have the manpower to do something like that," English said. But the state should conform with federal law and eliminate the mixed message to kids on drug use, he said.

# Marijuana: Under state law, you can't even give it away

Continued from page A-1

marijuana and another drug, and 193 cocaine-only arrests during that time.

Anchorage police brought a total of 230 charges against an unknown number of people in 1987. The annual number of charges has hovered between 200 and 300 through most of the 1980s.

Charges against juveniles, at 84 in 1987, have dropped, while charges against adults, at 173 in 1987, are more than double the figures for 1984 and six times the 27 arrest charges brought by Anchorage police in 1980.

In contrast, 1,322 charges of driving while intoxicated were filed by police during 1987.

Most actual arrests of adults around the state on marijuana charges are for selling or intending to sell the drug, according to law enforcement officials.

"We are not out looking to bring charges against users," Swanson said.

"Probably for the last two years our efforts . . . have been primarily directed at the street-level distributor in Anchorage," Anchorage Police Chief Ron Otte said.

But selling marijuana isn't the only crime on the books.

Marijuana has its own place in the criminal statutes at the bottom of six schedules of drugs classified according to decreasing degrees of dangerousness.

You can't legally drive around with marijuana in your car, according to what's written in those statutes.

You can't smoke it on a city street or have it in your pocket in a public place.

Driving with it and smoking it on a city street both carry the potential penalty the decriminalization bill would extend to simple possession.

Carrying less than an ounce of marijuana in a public place is not thought of as a crime because it can't land you in jail. But, it is still technically a violation of the law, punishable by citation and a fine of up to \$100.

Anchorage police issued 46

## Marijuana seizures legal, even under 4 ounces

By Paul Harper  
Times Writer

If Alaska State Troopers are in your home with a search warrant and spot several ounces of marijuana, they will confiscate it, said Sgt. Carl Swanson, who is in charge of the Statewide Narcotics Unit of the Alaska State Troopers.

They will confiscate it even though keeping up to 4 ounces of marijuana at home is legal in this state.

"We're going to seize that marijuana under federal law at the direction of federal authorities," Swanson said.

That's because possessing any amount of marijuana is illegal under federal law.

"We can't ignore federal law," Swanson said.

It's unlikely the person would be charged. Michael Spain, U.S. attorney for Alaska, said he's no more interested in

prosecuting possession for personal use than state authorities are.

But state officials do work with federal agents on marijuana cases, and sometimes, though rarely, they are prosecuted in federal rather than state courts. The focus for both is dealers, not users.

"Occasionally the receipt or possession of relatively small amounts of marijuana would be prosecuted," Spain said. But Spain said he doesn't think there has ever been a case where he tried to prosecute someone for possession of small amounts at home, the only thing really protected by Alaska law.

"About three years ago, we had a whole bunch of cases where people were having marijuana mailed to them from Hawaii," Spain said. The amounts ranged between 1 and 10 ounces, he said. Those seven to ten cases were prosecuted in federal court.

Last year just one marijuana case was prosecuted in federal court. There is one before the court now.

Attorney William Bryson, who has represented many defendants charged with drug offenses, said he's seen law enforcement officers play the state and federal laws to their best advantage.

"Where there's a significant growing operation in the home, I have seen in a number of instances, the state brings in DEA (the U.S. Drug Enforcement Agency) so they can prosecute it in federal court without the problems state law can bring for them," he said.

Bryson said he questions whether troopers really have the right to confiscate marijuana as Swanson has said they do.

"There's a real question in my mind about whether state agents acting free of any federal involvement can enforce federal law," he said.

marijuana citations last year, which are included in the total of 230 charges.

"You can't smoke in the hallway of an apartment complex," because that's considered a public place, Anchorage District Attorney Dwayne McConnell said. But, no one seems sure whether it's legal to light up in your front yard.

"That's really an unanswered question," McConnell said. But he said it probably was legal under the wording in the statutes.

You can't give marijuana away.

"If I just want to give it to you because I like you, that's a crime," said McConnell, who also said for the record that he does not use marijuana. "No money has to change hands at all."

The potential penalties for giving marijuana to someone range from a citation to 10 years in prison depending on whom you give marijuana to and the amount involved.

The 10-year term is the toughest under Alaska law. It's reserved for the crime of giving marijuana to someone under 19 if you are three or more years

older than that person.

Selling even a huge single amount of marijuana to an adult carries a lower potential penalty of five years in prison and a \$50,000 fine.

Being in your own home doesn't necessarily mean you're not breaking the law despite privacy protections.

For instance, the prohibition on giving marijuana away covers passing a joint to a friend in your living room. That's a violation, potentially punishable by citation and fine.

"Magic brownies" could get you in more trouble, theoretically, according to McConnell. That's because putting marijuana in a brownie mix could put you over the 4-ounce legal weight limit for possession at home, which is actually for marijuana or any "preparations, compounds, mixtures, or substances" containing marijuana.

Having more than the legal weight limit but less than a half-pound is a misdemeanor punishable by again 90 days in jail and a \$1,000 fine.

Still, "I'd hate to have a cop bring that over to me," McConnell said of the hypothetical magic brownie.

The penalties in Alaska for actions considered crimes are not as severe as they are in many states, according to Jeff Edwards, Assistant Director of NORML, the National Organization for the Reform of Marijuana Laws.

But, "Tennessee is the only state where possession of any amount is still considered a felony crime," he said. That's also the only state in which prostitution and gambling are both legal.

"Overall, Alaska has the most lenient position on the private use and cultivation of marijuana in the country," said Edwards, whose organization is trying to have marijuana decriminalized nationwide.

Ten states and the Trust Territory of Micronesia have "decriminalized" the drug, meaning there is no jail threat for personal use or private possession of small amounts, Edwards said. Other states have laws that in effect are as lenient, at least for first-time offenders, he said.

Oregon, one of the states that formally has decriminalized marijuana use, allows for up to a \$100 fine for possession of up to an ounce. Ohio has decriminalized up to 3½ ounces.

In Virginia, one of the states that has not decriminalized marijuana, possession of up to 5 pounds for a first offender is punishable by only zero to 30 days in jail and a \$500 fine, according to NORML, whose information is based on a 1985 survey of state laws it conducted.

Possessing more than a pound of marijuana in Alaska is punishable by up to five years in prison.

But, five years is also the maximum punishment in Alaska for possession for sale of any single amount of marijuana. In Virginia, if intent to sell can be proven, you could be put away for between five and 30 years.

Edwards said there is no easy comparison between the actual severity of the punishments for marijuana crimes in various states. "There is such a wide variety of statutes regarding marijuana," he said.

Also, judges use a great deal of discretion in handing down sentences. What's on the books may not have much relationship to the actual penalties handed out, Edwards said. And there are no ready sentence statistics here or elsewhere to draw on for comparisons.

In Alaska, the reality is that

law enforcement in the state isn't interested in aggressive arrest or prosecution of users, so it's unlikely that people would be arrested for some of what's laid down in law, according to McConnell, Swanson and Otte.

The resources of law enforcement agencies used to catch marijuana crimes are targeted at suspected drug dealers.

One example is the plan of state troopers to increase efforts to eradicate major marijuana-growing operations, which they say have been springing up in recent years. The federal government helps fund that program.

Troopers seized 3,204 marijuana plants between July 1, 1986, and June 30, 1987, from 18 growing operations, Swanson said.

Swanson and other law enforcement officials are supporting the effort to recriminalize marijuana, even though they don't intend to shift the focus of enforcement to catching users. A number of organizations representing them actually are urging that citations and fines be the penalty for possession rather than the jail time now part of the bill being considered by the legislature.

Swanson said he thinks the debate over whether marijuana is really dangerous to adults or not probably will continue indefinitely.

"It becomes something that I don't know if we'll ever solve," he said.

But, Swanson is convinced from his work that use of marijuana is destructive.

"We run headlong into an awful lot of young people — this is a tremendously debilitating substance for them," Otte agreed.

"Drug abuse among our junior high and high school kids is 2½ times the national average," he said. "It's a frightening statistic."

Marijuana is the main drug used by young people here, he said.

"The thing which has always bothered me a great deal is the hypocrisy which has always surrounded marijuana in this state," he said. "It's embarrassing."

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page A-8

Times Feb 28, '88

# Laws governing marijuana use tougher than many may realize

By Patti Harper  
Times Writer

The Alaska Senate recently passed on to the House a bill that would make possession of marijuana a crime punishable by up to 90 days in jail and a \$1,000 fine.

It's called a bill to recriminalize marijuana. And it would make illegal something now legal in the state — possession of small amounts for personal use.

But, perhaps the current law is not as lax as some people think.

## Behind closed doors: Marijuana and privacy — Dimension H-1

Sure, you can smoke marijuana in your own home in Alaska without being labeled a criminal, if you're an adult.

You can even grow it at home for your own use, and keep 4 ounces on hand.

But, that's about all you can do legally with marijuana in the only state where marijuana use

is not entirely illegal.

Eighty-five people were arrested for marijuana-only crimes statewide in the year ending June 30, 1987, according to Sgt. Carl Swanson, head of the Statewide Narcotics Unit for the Alaska State Troopers. There were 21 other arrests involving

See Marijuana, page A-8

(see next page)

AT 3/17/88

# Marijuana debate clouded by smoke

## Lawmaker, lawyer differ over bill's intent, effects

By Paul Harper  
Times Staff Writer

Rep. Fritz Pettyjohn, R-Anchorage, and the man who won a court case making possession for personal use at home legal in Alaska, attorney Irwin Ravin, share the smoking habit. Cigarettes, that is, not marijuana.

The two took a cigarette break together before debating at a Bartlett Democratic Club luncheon in Anchorage whether possession of small amounts of marijuana should be decriminalized.

The legislature decriminalized marijuana, making possession of small amounts a violation of law instead of a jailable crime, just two weeks before the Alaska supreme Court unanimously decided in 1975 that given insufficient proof that the drug presents a serious public health problem, the Privacy Clause of the state constitution protects personal use of it at home.

The focus of the luncheon debate was Senate Bill 32, which has passed the Senate and is now in the House. It would make possession of small amounts of marijuana inside or outside the home a class B misdemeanor punishable by 90 days in jail and a \$1,000 fine.

When asked by someone at the luncheon if he would support making tobacco illegal, Pettyjohn, who is pushing decriminalization of marijuana, pulled a pack of cigarettes from his shirt and said "No."

Though tobacco is an "evil," and "pernicious," drug, it is also a hopeless cause to keep people from using it or alcohol by making it illegal, he said.

Still, he argued, decriminalization of marijuana will help send a message to young people that they shouldn't start smoking pot.

"I want them to say no when they're offered marijuana," Pettyjohn said of his three sons.

"I want to give them a laundry list of reasons why, one of which is being it's against the law," he said.

Ravin, who practices law in Anchorage but has registered as a lobbyist on this issue, pointed out that he is already in violation of the law for

minors to use marijuana.

Recriminalizing adult use of marijuana would send a message to young people "that politicians can legislate our morals, that politicians can tell us what to do in our own homes," Ravin said.

"I don't think that's a message we want to send our children," he said.

"You're not making a distinction between what's dangerous and what's not and that'll confuse them."

Ravin repeatedly called marijuana "innocuous."

"Nobody is being hurt by this drug," he said.

He said he thinks one in five Alaskans probably use marijuana, or about 100,000 people. Ravin said the users have done so legally for 13 years making this an ideal place to study the drug's effects.

"It seems that it would be very obvious (if it were) a serious health hazard," he said.

Ravin said there has never been a hospital admission of a person who had overdosed on marijuana.

He noted that the legal use of marijuana, as there is for cocaine and heroin and many non-prescription drugs.

"Nobody's ever been beaten up because somebody was freaked out on marijuana," he asserted.

Pettyjohn did not directly challenge those assertions, but he maintained that studies he has reviewed show marijuana use impairs learning, memory, intellectual performance and driving. He said marijuana has bad effects on the lungs and can negatively affect psychological functions and personality development.

Pettyjohn said the scientific evidence that marijuana is a public health hazard is stronger now than it was in 1975.

He said the fact that the active substance in marijuana, tetrahydrocannabinol (THC) is more concentrated in modern marijuana will tip the legal scales and allow this new law to pass constitutional muster.

But, Ravin said nothing has changed in the debate over recriminalization.



Times photo by Devlin Van Noort

Irwin Ravin takes notes at Thursday's hearing, while Rep. Fritz Pettyjohn waves a document to back up his arguments.

# Legislators' anti-marijuana case full of smoke

By ROBERT WAGSTAFF

In 1975, the Supreme Court of Alaska found that naturally growing marijuana "does not constitute a public health problem with any significant dimensions. It is, for instance, far more innocuous in terms of psychological and social damage than alcohol or tobacco. ... It appears that effects of marijuana on an individual are not serious enough to justify wide-spread concern at least as compared with the far more dangerous effects of alcohol, barbiturates, and amphetamines."

The Alaska Supreme Court found that the state failed to meet its substantial burden to show that the prohibition of the possession of marijuana in the home was supported by a legitimate state interest. Eloquent writing for a unanimous Court, Chief Justice Rabinowitz:

"Our territory and now state has traditionally been the home of people who prize their individuality and who have chosen to settle or to continue living here in order to achieve a measure of control over their own lifestyles which is now virtually unattainable in many of our sister states."

The nationally renowned *Ravin* decision was based upon an exhaustive trial record where all of the best-known experts testified. All studies and claims were examined. The ultimate conclusion was that none justified making the possession and use of marijuana by adults in private a crime.

This has not stopped the Alaska Legislature. The Alaska Legislature is a peculiar body. It is knowingly attempting to pass a patently unconstitutional bill because it



thinks the politics of an election year justifies it and attention can be diverted thereby from its fiscal mismanagement.

In fact, Senate Judiciary Chairman Jay Kerttula has himself said that the findings of harm listed in the bill won't convince a court to overturn the *Ravin* decision stating, "the findings in this bill are overstated and in some cases wrong." Nonetheless, Kerttula voted for the bill.

Indeed, the Alaska Legislature is a strange body. It is sworn to uphold the Constitution of Alaska, yet it is now hysterically stampeding to violate that very document. The supposed justification is a politically created report on marijuana whose author explains:

"As you requested, I have not included any research which disputes the findings set out in the bill."

The teaching of history is that marijuana is innocuous. Marijuana has been used throughout the world in various forms, concentrations and quantities for thousands of years. Nothing bad has happened yet.

In fact, there are no new marijuana studies or new findings of any significance. Only the old timeworn arguments of the 1930s have been dusted off and recovered.

The findings of the bill proclaim, for example, that THC, the psychoactive ingredient in marijuana, is stored in the body for

up to 30 days causing the user to smoke more, resulting in alteration of basic psychology. This statement is simply and inarguably medically untrue. The psychoactive part of THC, in fact, is broken down by the body soon after ingestion. Some residual metabolites stay in the body longer but significantly these are non-psychoactive and have no effect.

The bill also announces that it is possible to overdose on marijuana because it increases the effects of alcohol. God forbid that it interfere with the legislator's drug of choice!

In the history of the world no one has ever died from an overdose of marijuana. It is one of the least toxic drugs known to man. Laboratory experiments have shown that a potentially lethal dose is 40 thousand times the actual intoxicating dose. Marijuana has much less cross reaction with alcohol than barbiturates or tranquilizers such as Valium.

The bill also proclaims that marijuana is 10 times more powerful today than it was 10 years ago. There is no evidence such is the case. As with all of the supposed claims, the origins are obscure, the allegations unsupported. This is not surprising as the "public hearings" were as carefully orchestrated as the research report.

As to potency, The New York Times has reported an actual decrease in the strength of available marijuana between 1980 and 1986. As with alcohol, consumers compensate for higher potency by consuming smaller doses.

The bill asserts that marijuana causes schizophrenia and a dulling of the senses creating the possibility that the user is

*"It (the legislature) is sworn to uphold the Constitution of Alaska, yet it is now hysterically stampeding to violate that very document."*

unable to respond to body signals. There is absolutely no credible clinical evidence that marijuana causes schizophrenia or any other psychiatric clinical effects. These findings are simply made up.

Finally, and predictably, the bill says that marijuana affects fetal development, sperm eggs and sexual hormones. There is no documented case of marijuana causing any genetic deformity. In fact, the National Academy of Sciences affirms that marijuana use has no effect on chromosomes or fertility.

If you are unhappy with the Alaska legislature, please let it know how you feel. The spotlight has been on the legislature because of its past mismanagements. The legislature is now attempting to escape this unwelcome attention by attacking traditional scapegoats.

Robert Wagstaff is an Anchorage attorney.

# Board pushes for tougher pot laws

The Associated Press

KETCHIKAN — The Ketchikan Gateway Borough School District has approved a resolution calling for state lawmakers to again make marijuana possession and use a crime — but not without objections from some school board members.

"I don't think it's strong enough," said Donald Chenhall, a board member.

"My main objection is, although the ends are desirable, the means are bad," said Dr. Tom Conley, another board member.

Conley and Chenhall voted against the resolution. It passed 5-2. Similar measures were passed recently by the Anchorage Assembly and the Ketchikan City Council.

"Marijuana is harmful," Betty Wilson told the board members during the public comment portion of the meeting. "Some people think there is a right to privacy issue here. However, if it causing harm to children there is no right to privacy."

Conley said he was convinced making marijuana use

a crime would have no bearing on use of the drug. A lack of police to back up new laws could lead to arbitrary and capricious enforcement, he said.

Chenhall said he would prefer a resolution with some educational content, and said he supported comprehensive drug education, including information about marijuana, alcohol and other commonly used drugs.

"I would agree with Mr. Chenhall," said the board's student representative, Scott Wedel. "It's not strong enough."

Wedel voted against the resolution, but his vote does not count.

Board member Pam Hjortset questioned the effects of a tougher law, but voted for the resolution.

"I don't know where there's enough jail space in the state of Alaska," Hjortset said. "It's already illegal to push the stuff. The drug education we are putting in the schools are going to be of more benefit."

Anchorage Daily News 11/17/87

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Fairbanks Daily News-Miner, Fairbanks, Alaska

Editorial Opinion and Comment of

FAIRBANKS

## Daily News-Miner

Other opinions expressed on this page do not necessarily reflect those of the Daily News-Miner.

### Drugs in the schools

No one could have read the recent survey about drug use among Fairbanks area middle school and high school students and not have been alarmed.

According to the survey, 58 percent of Fairbanks students in grades 7-12 said they had tried drugs. About 48 percent said they had tried marijuana, and nearly 40 percent said they had used it once or twice in the 30 days preceding the survey. Sixteen percent said they had tried cocaine. Nine percent said they had tried heroin.

The use by the students probably mirrors the permissive attitude about drugs in society as a whole. Alaska has always had a wide-open approach to the use of mind-altering ingestibles. Bars in Fairbanks, and until recently in most other cities in Alaska, are open till 5 a.m. Alaska is the only state in the nation where possession of marijuana in the home is legal.

The use of marijuana in the survey exceeded the use of alcohol. While 71 percent said they had tried alcohol at least once in the last year, only about 30 percent said they drank more than two or three times a year. Perhaps most alarming of all in the survey was that the number of students who had tried cigarettes climbed from 49 percent in a similar survey in 1982 to 71 percent.

The figures bring into question the wisdom of our wide-open philosophy. There's no question that kids mimic the actions and attitudes of adults. If we were not so free and easy about our use of drugs, our children would not be either.

The growing realization that we may be harming our children is the main reason why the bill to recriminalize possession of marijuana is moving in the Legislature. To many people who may have supported the libertarian nature of the law, and even smoke marijuana themselves, this is enough to change it.

It may be all right for adults to use marijuana, or alcohol or cigarettes, but it is not all right for children to use them. Kids may be especially susceptible to the addictive properties of the drugs. It may be one thing for an adult to choose to use drugs, alert to their dangers and aware of the consequence. It is another thing for children to use them, their emotional makeup and reasoning powers not fully developed.

There can be no doubt that by legalizing the consumption of marijuana, alcohol and cigarettes, we are sending a message to our children that it is all right to do them. Recriminalizing the possession of marijuana will not end the use in our schools, or anywhere else, but it will change the message we send to our children.

We should recognize that we don't have a problem with drugs in the schools so much as we have a problem with drugs in the society as a whole. The problem has shown itself remarkably resistant to legal remedies.

We, not the courts, have the ultimate responsibility to control our use of drugs and shape the attitudes and values of our children. Individually, as parents and others concerned for our children's well-being, we must resolve to set examples that our children can learn from. Only then will we lick the problem of drugs in the schools.

FEBRUARY 20, 1983

# Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly  
Publisher

Howard Weaver  
Managing Editor

Michael Carey  
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983  
Lawrence Fanning, Editor and Publisher 1967 to 1971

Founded in 1946 by Norman C. Brown

## Anti-dope vote is just grandstanding

For cheap political theatrics, you can't beat the show put on this week in the Alaska State Senate. Senators outdid each other vying for the public spotlight as they voted to recriminalize possession of marijuana. Only Libertarian-turned-Republican Ken Fanning of Fairbanks dared to say no to this exercise in pointless posturing.

The senators seem to have forgotten something called the privacy clause of the Alaska Constitution. Under that clause, what citizens do in their own homes is presumed to be their own business, unless the state can show some compelling reason to invade their privacy.

The Alaska Supreme Court ruled in 1975 that state marijuana laws didn't meet that test. The court found no evidence of social harm that would justify banning marijuana in the privacy of the home.

It is quite possible that such evidence now exists. The senators just haven't made a very good case. Their main justification was a patently one-sided House Research Agency report. As the author of that work admitted to the House member who commissioned it: "As you requested, I have not included any research which disputes the findings set out in the bill."

That justification pales in comparison with the legislature's work on a 1986 law that allows localities to ban alcohol possession. After holding hearings across the state, a special committee compiled a long report documenting the destruction alcohol unleashes in many Alaska communities. Apparently that kind of hard work was too much to expect from this year's Senate.

The tough-talking senators wouldn't even put their money where their mouths are. They decided the troopers and court system wouldn't need any extra money to enforce the law. If this law is going to cut marijuana use, how can it not cost more money? Alaskans have to wonder if even the bill's supporters realize it will have little real effect.

In the end, supporters said the important thing was to send Alaskans a message: Using marijuana is dangerous; don't do it.

They may well be right. But their message would have been more compelling had the senators done their homework. The only message they've sent so far is that political grandstanding is alive and well in the state Senate.

## BEHIND CLOSED DOORS

# Marijuana: A controversy re-ignites

Big Brother cannot, in the name of public health, dictate to anyone what he can eat or drink or smoke in the privacy of his own home.'

- Alaska Chief Justice Jay Rabinowitz, quoting a Michigan decision in *Ravin v. State of Alaska*, May 27, 1975

If you're an adult, in this state you have the right to light up a joint in the privacy of your own home. It's a right that's been legally recognized ever since the late spring of 1975, when Alaska became the first — and only — state to legalize pot.

In *Ravin v. State of Alaska*, a unanimous state supreme court ruled that possession of marijuana — by adults, in their homes, for personal use — is protected by the constitutional right to privacy. Speaking for the court, Chief Justice Jay Rabinowitz said that even the relative insignificance of marijuana consumption as a health problem in our society at present "was not good enough justification for the state to intrude on people's right to privacy."

"The state cannot impose its own notions of morality, propriety, or fashion on individuals when the public has no legitimate interest in the affairs of those individuals," Rabinowitz wrote.

Now, 13 years later, a number of legislators in Juneau are pushing a bill to decriminalize pot, saying that new and increased medical evidence that marijuana is harmful gives the state a compelling reason to resurrect the issue. Two weeks ago the Senate voted 17-1 to make possession punishable by up to 90 days in jail. That bill is now in the House.

Those pushing the bill — Soldotna Republican Sen. Paul Fischer and Anchorage Republican Rep. Terry Martin — say it's an issue of health. Opponents say it's an issue of privacy. The real question is whether the issues are any different now than they were in 1975 — or three years earlier, when the *Ravin* case began.



In 1972, a burned-out tail light in Irwin Ravin's car set off a chain of events leading to Alaska's marijuana law

### T-O-R-Y B Y B O B O R T E G A

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Two weeks before Christmas 1972, a police officer stopped attorney Irwin Ravin in an Anchorage street for a burned-out tail light. Ravin refused to pay the ticket, purposely provoking a

search that uncovered some marijuana he had in his pocket. He had decided to make himself the test case in an effort to see if Alaska's right to privacy — added to the constitution just four months earlier — protected the use of marijuana.

"We'd talked about doing the case," said Bob Wagstaff, the attorney who represented Ravin for the Alaska Civil Liberties Union. Sitting at a desk in the small downtown house that serves as his office, Wagstaff cast his mind back to a discussion with Ravin about a week before the arrest.

"We talked about how we thought the time was right, the body of scientific evidence was right, everything seemed favorable, and we decided we would do the case," Wagstaff recalled. "It was just a matter of waiting for the right case."

"Then a week later Irwin had that opportunity."

At trial, Wagstaff and Ravin raised a number of constitutional arguments. The most important went like this: The right to privacy is broad enough to

protect possession of marijuana for personal use. Given that right, the state has to show a compelling interest in banning the drug. But compared to a lot of other substances, such as alcohol, marijuana is pretty innocuous, so there isn't enough of a threat to health or society to justify violating that fundamental privacy right.

After all, "The privacy of alcoholics is not invaded, nor that of a three-pack-a-day Lucky Strike smoker," they told the court.

District Court Judge Dorothy Tyner didn't buy it. After six months of conflicting expert testimony, motions and cross motions, she ruled against every argument the two men had raised.

The appeal was a different story. A year and a half later — a week after the legislature passed a bill to decriminalize marijuana — a unanimous state Supreme Court agreed with the privacy argument.

"Our territory and now state has traditionally been the home of people

who prize their individuality," wrote Chief Justice Jay Rabinowitz, "and who have chosen to settle or to continue living here in order to achieve a measure of control over their own lifestyles which is now virtually unattainable in many of our sister states."

Rabinowitz cautioned that the court was not condoning the use of marijuana. And he said there is no fundamental right to possess or ingest marijuana. But in a long and technical discussion of the available evidence regarding any health risk or danger from the drug, he concluded that there was no firm evidence that marijuana posed a general danger to the user or to others.

"It appears that the use of marijuana, as it is presently used in the United States today, does not constitute a public health problem of any significant dimensions. It is, for instance, far more innocuous in terms of physiological and social damage than alcohol or tobacco," he said.

As radical as the idea of legalizing pot smoking anywhere — even at

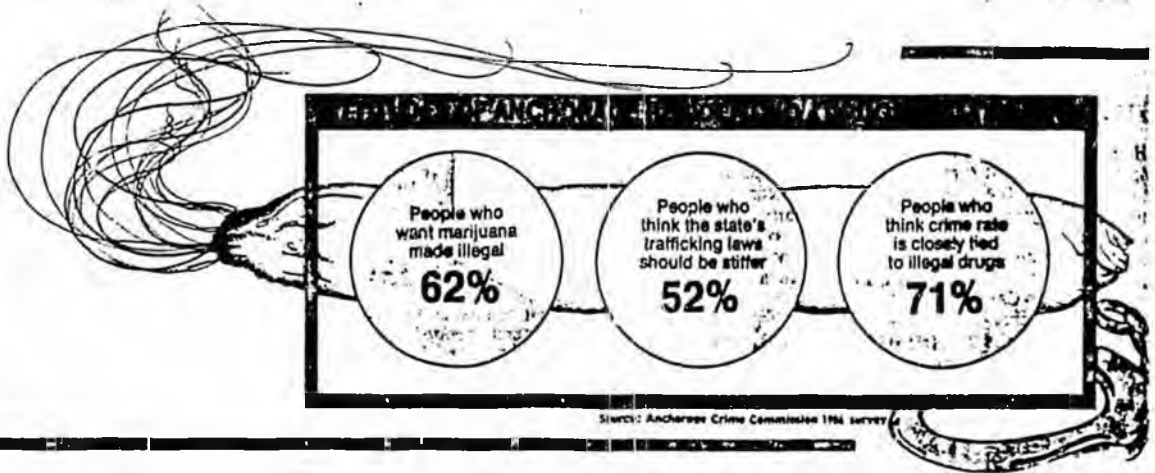
home — may have seemed to some two fellow justices wrote concurring opinions that went even further.

"It is certain the right to privacy does not vanish when one leaves home," wrote Justice Roger Corbett. "It includes not only activities associated within the home and its associated with the home, but also the right to be left alone and to do as pleases as long as the activity does not infringe on the rights of others."

Justice Robert Boncheyer. "The decision made a big splash the time. One national newsmagazine called it the most important privacy decision in Alaska's history. In practice, it allows possession at home to four ounces or the equivalent in plants. In the years since, no other state has legalized any amount of marijuana.

But many have decriminalized making possession of small amounts punishable only by fines. The states of California, Colorado, Massachusetts, Minnesota, Mississippi, Nebraska

See Bill, page



# Bill: How absolute is privacy?

## Crossword

Continued from page H-1

New York, North Carolina, Ohio and Oregon, according to the National Organization for the Reform of Marijuana Laws, or NORML.

Times have changed, of course, and those seeking to recriminalize marijuana say the last 13 years have made a lot of difference in the strength of street marijuana and in our knowledge of the medical risks associated with smoking.

"The rights to privacy are not absolute," said Sen. Fischer. "They can be made to yield."

Those involved in the Ravin case say nothing has changed.

"I wasn't at all suprised we got a favorable ruling then," said Ravin, who now practices law in Homer and still smokes marijuana. "That's what I expected. And I don't think anything is different now," he said.

"Neither the factual medical issues nor the privacy issues have changed," Wagstaff said. "The constitution hasn't changed, the law hasn't changed. The only thing that has changed are the personalities in the legislature."

"We are afflicted with repressive, anti-intellectual, fundamentalist legislators — those behind this bill — who are trying to distort the truth," he said.

Fischer based his findings for the bill on a House Research Agency report written at the request of Rep. Terry Martin. Citing the report, the bill links marijuana use to schizophrenia, birth defects, lung cancer and alcohol overdoses.

But in a letter that accompanies a report, a legislative analyst wrote to Martin, "as you requested, I have not included any research which disputes the findings set out in this bill."

There are plenty who dispute the bill's allegations.

"The findings in this bill are overstated and in some cases wrong," Senate Judiciary Chairman Jay Kertula told the Associated Press.

Medical experts, for example, say there's no real evidence of any link to schizophrenia.

As for birth defects, "there's no real hard evidence there either," said Matt Felix, State Coordinator of the Office of Alcohol and Drug Abuse. "Heavy, heavy use is associated with smaller birth weight, which can be of concern," he said.

"There is a link to lung cancer, although the problem there is that a lot of users smoke tobacco too," Felix added, "and because marijuana is illicit, some of the problem may lie with herbicides or pesticides rather than the actual drug."

"And, again, with very heavy use, five to 10 joints a day for years, there do appear to be links

to hormonal changes," he said, "but the doses are just ridiculously high to see any symptoms."

As for other medical problems, "the rest are really sketchy," Felix said, adding that there is no relation whatsoever to alcohol overdoses. He went on to warn that smoking is unhealthy.

"There's never been a birth defect, overdose, or death from marijuana," Wagstaff said.

"The findings in the senate bill are absolutely ridiculous," said Jon Gettman, National Director of NORML. Gettman said he also takes exception to Fischer's argument that marijuana is stronger now, which gives more cause for concern.

"We know medically the THC content is stronger," Fischer

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### WHAT'S LEGAL

- Adults over 19 using marijuana at home
- Growing marijuana for personal use
- Keeping less than four ounces on hand at home for personal use

### WHAT'S NOT

- Having or using marijuana if you are under 19 years old
- Keeping marijuana in the car
- Smoking marijuana in public
- Walking down the street with marijuana in a pocket
- Passing a marijuana cigarette to someone else
- Giving any amount of marijuana to someone else
- Selling marijuana
- Keeping marijuana at home with intent to sell it
- Keeping more than four ounces of marijuana at home even if it's for your own use

said. THC stands for delta-9-tetrahydrocannabinol; it's the active ingredient in marijuana.

Growers have indeed developed strains with a higher THC content, experts say. But there's also evidence that it makes little difference, the bill's opponents argue.

"Strong, exotic marijuana has been in existence for thousands of years," said Wagstaff. "It's the same THC."

And as the Ravin decision points out, he said, marijuana use is self-limiting. The user "self-titrates," or controls the amount taken in.

"People compensate for potency by taking in smaller amounts," said Gettman.

"I suspect that by getting these findings in the legislative record they think the court will take them as a given," he said.

"If the legislature passes a bill based on inaccurate medical information, NORML will most certainly take them to court over it, and it will wind up in the Supreme Court in Alaska," Gettman said.

That would be fine with Fischer.

"We expect it to go to court," he said, "but we expect the court will reject the overall decision they made in 1973" — because even though Rabinowitz is still a member of that court, he's the only justice left from 1973.

Wagstaff says he's ready for a

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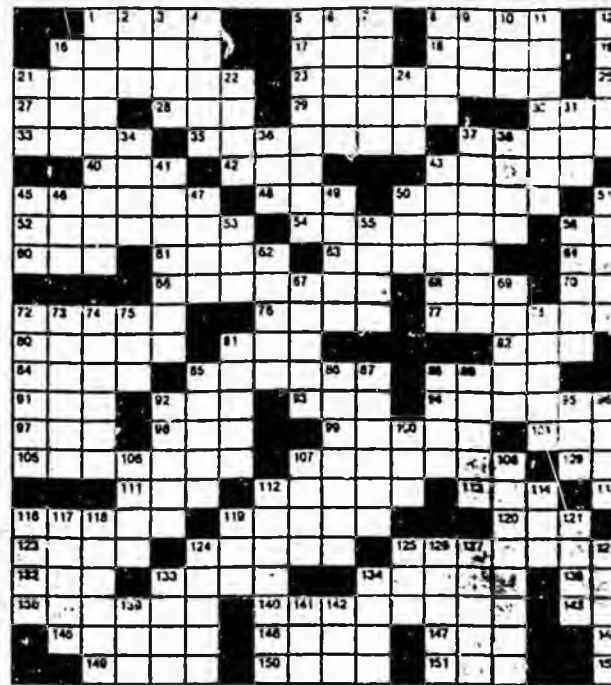
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**ACROSS**

- 1 Strongbox
- 5 Crash (into)
- 8 Shoal
- 12 Makes lace
- 16 More rational
- 17 Actress Gabor
- 18 Root trough
- 19 Translucent gems
- 21 Composition
- 23 Notched
- 25 Latin American country
- 27 Gold: Sp.
- 28 Mr. DeLuise
- 29 Wept
- 30 Always
- 32 Weir
- 33 Atlas features
- 35 Restricted
- 37 Uncovers
- 39 Actress: Miles
- 40 Drone
- 42 Common metal
- 43 Rest
- 44 Sager
- 45 Portuguese islands
- 48 Commercials
- 50 Disentangle
- 51 Cooling device
- 52 West African country
- 54 Pine-family trees
- 56 Some
- 60 Understand
- 61 Aeons
- 63 Star in Orion
- 64 Reverence
- 65 Eggs
- 68 Snatched
- 68 Encountered
- 70 Ushered
- 71 French pronoun
- 72 African river
- 78 Toward the sheltered side
- 77 Newspaper boss
- 79 Gasp
- 80 Of another world
- 81 By way of
- 82 "X" in ancient Rome

**DOWN**

- 83 Carousel
- 84 Pilot component
- 85 Woman's name
- 88 Gateway Bay islands
- 90 Relieved
- 91 Hall
- 92 Chum
- 93 Chopping tool
- 94 Tease: playfully
- 97 It is, to a poet
- 98 Miner's find
- 99 Largest asteroid
- 101 Blackthorn fruit
- 102 Mineral spring
- 105 Spools
- 107 "Red-nosed" reindeer
- 109 More sugary
- 111 Legal term
- 112 Ascended
- 113 Tree a fluid
- 115 Grate
- 116 Goods
- 119 Recorded
- 120 Heavy cup
- 122 Strike
- 123 Had debts
- 124 Used a stopwatch on
- 125 Native environment
- 129 Heal
- 132 Drink, dog-style
- 133 Light jolt
- 134 Christmas hymn
- 135 Sandileader
- 137 Plaything
- 138 Lime
- 140 Kind of stitching
- 143 Burst
- 145 Male bee
- 146 Corrode
- 147 Self
- 148 Layers
- 149 Sh... children
- 150 Evil...worse

**Solution**

- 151 Male offspring
- 152 Remain.
- 153 Woodwind instrument
- 2 Plamire
- 3 Ouzarri
- 4 Actor Flynn
- 5 Repeat
- 6 Dodge
- 7 Singer Ormond
- 8 Paruse
- 9 Devour
- 10 Actress Arden
- 11 Of a central government
- 12 Large becks
- 13 Coptical
- 14 Tariff
- 15 Playgroup items
- 16 Antitoxins
- 20 Frighten
- 21 Male leine
- 22 Exude
- 24 Crimson
- 26 Actor Shunt
- 31 Annoy
- 34 Captain
- 36 Actress Fawcett
- 37 Angled
- 38 Beerlike drinks
- 39 Climbing plant
- 41 Unit of explosive force
- 43 Flower cluster
- 44 Castured tarweel
- 45 Dorky
- 46 Last letter
- 47 Legend
- 49 Binge
- 50 Carpet
- 51 Lem
- 53 Flant
- 55 Carnival attract
- 56 Parlor
- 57 Oedipal Caesar
- 58 Reluctant for
- 59 Endured
- 62 Step
- 67 Camel's cousin

# Super: Primary voters to chose from logjam of cand

Continued from page H-1

diminish the early contests. Wins in Iowa and New Hampshire have helped propel Richard Gephardt and Michael Dukakis in polls of the South.

And so far no single Democrat

program on his own religious cable network, has drawn a line in the dirt of South Carolina. He needs to win somewhere, and he says that's where it will be.

South Carolina isn't a Super Tuesday state; its GOP caucuses are three days earlier. But it is being watched.

"He's going to have enough votes to play somebody's fiddle," said Williams, the Grand Ridge, Fla., farmer who backs Jackson. "They'll trade for votes just like we trade pigs and cows."

Dukakis has run well in some Southern polls and has a good organization in many states. As governor of Massachusetts, he

He has shown strength among blue-collar voters, and so far has concentrated his effort in the economically hard-hit energy-producing states of the South, where his call for an oil-import fee is a further boost. A Texas poll had him leading that huge delegate state but falling back after Dukakis won New Hamp-

With so broad a field and so many contests, how will we know who wins Super Tuesday?

Florida and Texas are the big prizes, and if a candidate carries both of those, it will be hard for anyone else to argue they won Super Tuesday, although some no doubt will.

As the nomination race moves

them. I share o

Still the crowded border Alabaur Mississ Texas

File

# Laws governing marijuana use tougher than many may realize

By Patti Harper  
Times Writer

The Alaska Senate recently passed on to the House a bill that would make possession of marijuana a crime punishable by up to 90 days in jail and a \$1,000 fine.

It's called a bill to recriminalize marijuana. And it would make illegal something now legal in the state — possession of small amounts for personal use.

But, perhaps the current law is not as lax as some people think.

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## Behind closed doors: Marijuana and privacy

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— Dimension H-1

Sure, you can smoke marijuana in your own home in Alaska without being labeled a criminal, if you're an adult.

You can even grow it at home for your own use, and keep 4 ounces on hand.

But, that's about all you can do legally with marijuana in the only state where marijuana use

is not entirely illegal.

Eighty-five people were arrested for marijuana-only crimes statewide in the year ending June 30, 1987, according to Sgt. Carl Swanson, head of the State-wide Narcotics Unit for the Alaska State Troopers. There were 21 other arrests involving

See Marijuana, page A-8

# Marijuana: Under state law, you can't even give it away

Continued from page A-1

marijuana and another drug, and 165 cocaine-only arrests during that time.

Anchorage police brought a total of 230 charges against an unknown number of people in 1987. The annual number of charges has hovered between 200 and 300 through most of the 1980s.

Charges against juveniles, at 64 in 1987, have dropped, while charges against adults, at 173 in 1987, are more than double the figures for 1984 and six times the 27 arrest charges brought by Anchorage police in 1980.

In contrast, 1,322 charges of driving while intoxicated were filed by police during 1987.

Most actual arrests of adults around the state on marijuana charges are for selling or intending to sell the drug, according to law enforcement officials.

"We are not out looking to bring charges against users," Swanson said.

"Probably for the last two years our efforts... have been primarily directed at the street-level distributor in Anchorage," Anchorage Police Chief Ron Otte said.

But selling marijuana isn't the only crime on the books.

Marijuana has its own place in the criminal statutes at the bottom of six schedules of drugs classified according to decreasing degrees of dangerousness.

"You can't really give it away with marijuana in your possession," according to what's written in those statutes.

You can't smoke it on a city street or have it in your pocket in a public place.

Driving with it and smoking it on a city street both carry the potential penalty the decriminalization bill would extend to simple possession.

Carrying less than an ounce of marijuana in a public place is not thought of as a crime because it can't land you in jail. But, it is still technically a violation of the law, punishable by citation and a fine of up to \$100.

Anchorage police issued 46

## Marijuana seizures legal even under 4 ounces

By Patti Harper  
Times Writer

If Alaska State Troopers are in your home with a search warrant and spot several ounces of marijuana, they will confiscate it, said Sgt. Carl Swanson, who is in charge of the Statewide Narcotics Unit of the Alaska State Troopers.

They will confiscate it even though keeping up to 4 ounces of marijuana at home is legal in this state.

"We're going to seize that marijuana under federal law at the direction of federal authorities," Swanson said.

That's because possessing any amount of marijuana is illegal under federal law.

"We can't ignore federal law," Swanson said.

It's unlikely the person would be charged. Michael Spain, U.S. attorney for Alaska, said he's no more interested in

prosecuting possession for personal use than state authorities are.

But state officials do work with federal agents on marijuana cases, and sometimes, though rarely, they are prosecuted in federal rather than state courts. The focus for both is dealers, not users.

"Occasionally the receipt or possession of relatively small amounts of marijuana would be prosecuted," Spain said. Spain said he doesn't think there has ever been a case where he tried to prosecute someone for possession of small amounts at home, the only thing really protected by Alaska law.

"About three years ago, we had a whole bunch of cases where people were having marijuana mailed to them from Hawaii," Spain said. The amounts ranged between 1 and 10 ounces, he said. Those seven to ten cases were prosecuted in federal court.

Last year just one marijuana case was prosecuted in federal court. There is one before the court now.

Attorney William Bryson, who has represented many defendants charged with drug offenses, said he's seen law enforcement officers play the state and federal laws to their best advantage.

"Where there's a significant growing operation in the home, I have seen in a number of instances, the state brings in DEA (the U.S. Drug Enforcement Agency) so they can prosecute it in federal court without the problems state law can bring for them," he said.

Bryson said he questions whether troopers really have the right to confiscate marijuana as Swanson has said they do.

"There's a real question in my mind about whether state agents acting free of any federal involvement can enforce federal law," he said.

marijuana citations last year, which are included in the total of 230 charges.

"You can't smoke in the hallway of an apartment complex," because that's considered a public place, Anchorage District Attorney Dwayne McConnell said. But, no one seems sure whether it's legal to light up in your front yard.

"That's really an unanswered question," McConnell said. But he said it probably was legal under the wording in the statutes.

"If I just want to give it to you because I like you, that's a crime," said McConnell, who also said for the record that he does not use marijuana. "No money has to change hands at all."

The potential penalties for giving marijuana to someone range from a citation to 10 years in prison depending on whom you give marijuana to and the amount involved.

The 10-year term is the toughest under Alaska law. It's reserved for the crime of giving marijuana to someone under 19 if you are three or more years

older than that person.

Selling even a huge single amount of marijuana to an adult carries a lower potential penalty of five years in prison and a \$50,000 fine.

Being in the your own home doesn't necessarily mean you're not breaking the law despite privacy protections.

For instance, the prohibition on giving marijuana away covers passing a joint to a friend in your living room. That's a violation, potentially punishable by citation and fine.

"Magic brownies" could get you in more trouble, in principle, according to McConnell. That's because putting marijuana in a brownie mix could put you over the 4-ounce legal weight limit for possession at home, which is actually for marijuana or any "preparations, compounds, mixtures, or substances," containing marijuana.

Having more than the legal weight limit but less than a half-pound is a misdemeanor punishable by again 90 days in jail and a \$1,000 fine.

Still, "I'd hate to have a cop bring that over to me," McConnell said of the hypothetical magic brownie.

The penalties in Alaska for actions considered crimes are not as severe as they are in many states, according to Jeff Edwards, Assistant Director of NORML, the National Organization for the Reform of Marijuana Laws.

But, "Nevada is the only state where possession of any amount is still considered a felony crime," he said. That's also the only state in which prostitution and gambling are both legal.

"Overall, Alaska has the most lenient position on the private use and cultivation of marijuana in the country," said Edwards, whose organization is trying to have marijuana decriminalized nationwide.

Ten states and the Trust Territory of Micronesia have "decriminalized," the drug, meaning there is no jail threat for personal use or private possession of small amounts, Edwards said. Other states have laws that in effect are as lenient, at least for first-time offenders, he said.

Oregon, one of the states that formally has decriminalized marijuana use, allows for up to a \$100 fine for possession of up to an ounce. Ohio has decriminalized up to 3 1/2 ounces.

In Virginia, one of the states that has not decriminalized marijuana, possession of up to 5 pounds for a first offender is punishable by only zero to 30 days in jail and a \$500 fine, according to NORML, whose information is based on a 1985 survey of state laws it conducted.

Possessing more than a pound of marijuana in Alaska is punishable by up to five years in prison.

But, five years is also the maximum punishment in Alaska for possession for sale of any single amount of marijuana.

In Virginia, if intent to sell can be proven, you could be put away for between five and 20 years.

Edwards said there is no easy comparison between the actual severity of the punishments for marijuana crimes in various states. "There is such a wide variety of statutes regarding marijuana," he said.

Also, judges use a great deal of discretion in handing down sentences. What's on the books may not have much relationship to the actual penalties handed out, Edwards said. And there are no ready sentence statistics here or elsewhere to draw on for comparisons.

In Alaska, the reality is that

law enforcement in the state isn't interested in aggressive arrest or prosecution of users, so it's unlikely that people would be arrested for some of what's laid down in law, according to McConnell, Swanson and Otte.

The resources of law enforcement agencies used to catch marijuana crimes are targeted at suspected drug dealers.

One example is the plan of state troopers to increase efforts to eradicate major marijuana-growing operations, which they say have been springing up in recent years. The federal government helps fund that program.

Troopers seized 3,204 marijuana plants between July 1, 1986, and June 30, 1987, from 18 growing operations, Swanson said.

Swanson and other law enforcement officials are supporting the effort to recriminalize marijuana, even though they don't intend to shift the focus of enforcement to catching users. A number of organizations representing them actually are urging that citations and fines be the penalty for possession rather than the jail time now part of the bill being considered by the legislature.

Swanson said he thinks the debate over whether marijuana is really dangerous to adults or not probably will continue indefinitely.

"It becomes something that I don't know if we'll ever solve," he said.

But, Swanson is convinced from his work that use of marijuana is destructive.

"We run headlong into an awful lot of young people — this is a tremendously debilitating substance for them," Otte agreed.

"Drug abuse among our junior high and high school kids is 2 1/2 times the national average," he said. "It's a frightening statistic."

Marijuana is the main drug used by young people here, he said.

"The thing which has always bothered me a great deal is the hypocrisy which has always surrounded marijuana in this state," he said. "It's embarrassing."

## Alaska Legislature unlikely to ban marijuana use in home

By HAL SPENCER  
Daily News reporter

Despite renewed national attention on drug abuse, the 1987 Alaska Legislature likely will just say no to proposals to ban possession and use of marijuana in the home.

Backers of a ban, mostly conservative Republicans, are counting on support from the GOP-controlled Senate, but face an uphill fight in the Democratic-run House. And House Speaker Ben Grussendorf, D-Sitka, last week said nothing to discourage that view.

He observed that the state Supreme Court has spoken on the issue, ruling 12 years ago that a law barring adult Alaskans from possessing and smoking the weed in their homes violated their constitutional right to privacy.

In the case of marijuana use, "I'm not sure we should be telling Alaskans what they can do in their own homes," Grussendorf added.

Possession and use of marijuana in the



Daily News file photo/Fran Turner

See Back Page, MARIJUANA

Rep. Ben Grussendorf

# MARIJUANA: Change in Alaska law unlikely

Continued from Page A-1

home became legal after a 1975 Supreme Court case. Irwin Ravin, now a Homer lawyer, argued successfully that his constitutional right to privacy outweighed the state's right to enforce a law barring home-possession or use of what was seen by the court as a relatively harmless drug.

The ruling, however, did not say how much marijuana an adult could possess in the home. In 1982, the legislature answered the question with passage of a misdemeanor law limiting the amount to four ounces. State law also bans buying or selling any quantity of the drug, possession or use outside the home, or any use or possession by juveniles.

Proponents of a new misdemeanor law banning possession or use at home feel it is needed "fundamentally because the state of Alaska is telling people that it is OK to smoke marijuana," said Rep. Terry Martin, R-Anchorage. "That needs to be changed."

The Alaska Association of Chiefs of Police, which recently said criminalization of marijuana is one of its top priorities, also criticizes what it says is the absurdity of the present law.

"It's illegal to buy or sell it, to carry it into your home. But then the law says it's OK once you get it home. If you can get it home without being caught, you're safe," said Deputy Chief Del Smith of the Anchorage Police Department.

Martin and other proponents believe that public pressure, including new anti-drug sentiment nationally and resolutions from high school students and local governments in Alaska, will help push through a measure that can be tested in the courts.

And they feel that such a law might survive constitutional challenge because, they assert, more is known now about the harmful effects of marijuana.

They note that the Supreme Court considered harmful effects which determine



Daily News file photo/Ian Dunner

Rep. Fritz Pettyjohn

whether the right to privacy should prevail in the case of cocaine possession in the home, and determined it should not.

House Minority Leader Fritz Pettyjohn, R-Anchorage, pointed to the 1978 Supreme Court case, *State of Alaska v. Erickson*, as an indication that the case for banning marijuana in the home could be re-opened.

"Defendants contend that the reasoning" with respect to marijuana "also applies to the non-commercial use and possession of cocaine, and additionally argue that the constitutional right to privacy guarantees some reasonable access to the drug for personal and social use," the court noted in the Erickson case.

But, the court said, "We think this right must yield when it interferes in a serious manner with the health, safety, rights and privileges of others or with the public welfare. No one has an absolute right to do things in the privacy of his own home which will affect himself or others adversely. . . . It seems clear that cocaine is substantially more of a threat to health and welfare" than marijuana, the court said.

That may be, Pettyjohn said, but he and other conservatives contend that marijuana



Daily News file photo/Erik Hill

Rep. Terry Martin

more physically and mentally harmful than it once was, and also is increasingly seen as a gateway to harder drugs.

Martin has introduced a measure to recriminalize home use of marijuana that contains sections asserting that the drug is genuinely "detrimental to the health, welfare and safety of Alaskans." An identical bill was introduced in the Senate by Paul Fischer, R-Soldotna.

"You didn't have this in the old law, which was the reason the Supreme Court was able to say rights to privacy outweighed the state's right to control marijuana possession," Martin said.

The bills assert that THC, "the mind altering substance in marijuana," builds up in the body's fatty tissues and takes weeks to eliminate. The THC, the bills contend, causes moodiness, depression, insomnia, appetite loss, lack of initiative, schizophrenia, illusions, hallucinations and lung cancer. "One marijuana cigarette a day may cause lung cancer in three years," the measures assert, and "The THC content of a marijuana cigarette 10 years ago was 1 percent, but is as high as 10 percent per cigarette today."

Martin said the assertions were pulled from national

ies. But Matt Felix, who heads the state Office of Alcoholism and Drug Abuse in Juneau, said evidence of harmful effects hasn't changed much since the Ravin decision. "There has been a lot of new research, but not new evidence. The evidence is that marijuana affects perception, long-term memory, and to a lesser degree, motor skills," he said.

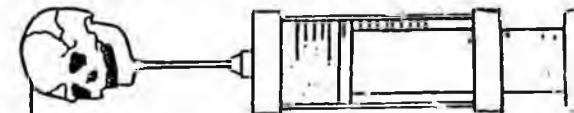
Avrum Gross, a Juneau lawyer who was the attorney general when the high court ruled in the Ravin case, said Martin is engaging in wishful thinking. "The court considered marijuana's harmful effects when it ruled on the issue last time, and the harmful effects haven't changed."

"What the court said was not that marijuana is good but that invasion of privacy is bad," Gross said.

"So some legislators want to ban marijuana. So what else is new?" said Ravin, who was reached at his law office in Homer. There is nothing, he said, that would compel the Supreme Court to change its ruling. "The situation hasn't changed," he said.

Martin said he hoped public pressure might sway lawmakers to pass a new law. He pointed to a national anti-drug campaign that began last year from the White House, and noted that the Anchorage Assembly and the Alaska Association of School Governments, representing 60 state high schools, are among groups that have urged passage of a law banning use and possession of marijuana at home.

One aspect of Martin's proposal that could stir serious opposition is its cost at a time of vastly lower state revenue. The Alaska Department of Law estimates that it would cost about \$237,000 to defend and enforce the law the first year. But Martin said new federal funding to combat drug abuse would become available to defray the expense.

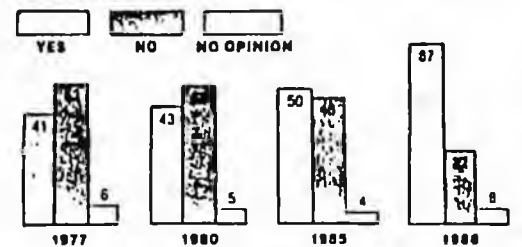


## The fight against drugs

Sixty-seven percent of Americans now favor criminal penalties for possession of illegal drugs, compared to 41 percent in 1977, according to a recent Gallup Poll. Forty-three percent of those polled believed abuse of crack and other forms of cocaine to be the most serious drug problem in the U.S., while 34 percent thought that alcohol abuse was the most serious problem. More than 40 percent felt teaching young people about the dangers of drugs should be the government's highest priority in the fight against drug abuse.

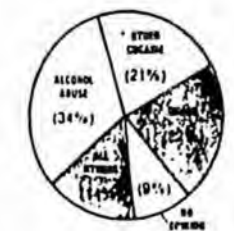
### CRIMINAL PENALTIES FOR POSSESSION

In percent responding to the question: Do you think the possession of small amounts of marijuana should be treated as a criminal offense?



### MOST SERIOUS SUBSTANCE PROBLEM

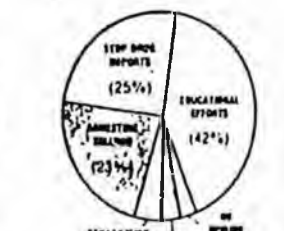
In percent responding to the question: Which one of the following do you think is the most serious problem for society today?



SOURCE: Gallup Poll  
InfoGraphics  
© News America Syndicate 1986

### GOVERNMENT PRIORITIES

In percent responding to the question: There are many things that our government is doing to fight drug use. Which one of the following do you think deserves the most money and effort?



Anchorage Daily News/Jackie Kuntze

nents who consider the cost issue a red herring. "In other states where marijuana is illegal, arrests are incidental to other investigations. In other words, police don't make wholesale arrests for possession of small amounts of marijuana. That would be the situation here, too."

William H. Nix, acting commissioner of the state Department of Public Safety, sug-

"Recriminalizing marijuana would not, as some fear, result in wholesale arrest of individuals possessing small amounts of marijuana. The present drug enforcement philosophy of source interdiction recognizes the far greater cost-effectiveness of striking against high-level distributors, and sadly, there is no lack of high-level drug dealers in Alaska to occupy the

## Individuals can decide on pot

I am responding to a letter that appeared Aug. 30 in which Sandy Spargo gave a detailed analysis of the chemical content of marijuana and then insinuated that Rep. Johnny Ellis was not a good Alaskan for not immediately approving House Bill 55 (re-criminalization of marijuana).

I'm not sure why Ms. Spargo lives in Alaska, but one of the reasons I live here is that the people tend to be a little more capable and independent. We all know of scores of dangerous things that can hurt humans if used improperly.

The consideration that I hope the committee is giving this bill is not whether marijuana is harmful, but whether rational human beings need their government to think for them. I think the meaning of government is laws by need. People don't need their every action regulated by legislation — those that partake of marijuana do so by choice! I hardly imagine we'd get a law against drinking gasoline if people started doing that.

Her second action was worse. By stooping to the scare tactics applied against legislators in the rest of the nation, Ms. Spargo would have her interests served by attempting to intimidate our lawmakers. I for one hope cool heads prevail and would hope the legislators remember that they work for rational, thinking people who can take care of themselves without a law allowing them to do so.

— Robert Curtis Johnson



Alaska State Legislature  
House of Representatives  
COMMITTEE ON HEALTH, EDUCATION  
AND SOCIAL SERVICES

OFFICIAL BUSINESS

POUCHV  
JUNEAU, AK 99811  
465-3759

May 3, 1988

Editor  
Anchorage Times  
P.O. Box 40  
Anchorage, AK 99510

Dear Editor,

On behalf of the House Health, Education and Social Services (HESS) Committee, I would like to respond to the letter you printed on April 28th by Linda Adams of Ketchikan, regarding the handling of the hearing on SB 32, the bill which would recriminalize the use of marijuana by adults in the home. As the Professional Assistant to the HESS Committee, I was responsible for arranging the testimony on this bill.

From the outset, knowing that this was a politically charged issue with significant public attention, the Committee was very careful to arrange a comprehensive, fair and objective hearing. We sought medical professionals with the distinguished credentials to testify on the statements of fact in SB 32 about the health effects of marijuana. Supporters of the bill were welcomed to invite their best medical experts.

Linda Adams' letter leaves the impression that experts who support recriminalization were not allowed to testify. This is not true. Of the eight people who actually testified that morning, four were at the request of bill supporters including: Michael Spaan, U.S. District Attorney; Dr. Edward Jacobs of California; Dr. Jean Bonar of Anchorage; and Dr. Bernard Segal of the University of Alaska. Unfortunately, we were not able to hear from Dr. Robert Gilkeson and Dr. Forrest Tennant. I will explain the reason.

After letters of invitation were sent by the Committee Co-Chairs to several experts, I began arranging for the teleconference with follow-up phone calls at least ten days before the hearing. Such lead time is often necessary to ensure that legislative hearings go smoothly. I called Dr. Gilkeson at least one week in advance and again one or two

days before the hearing. I talked to him personally and neither time could he make a commitment because his travel plans to Atlanta were not firm. Since the possibility of his testimony remained uncertain, we kept him on the list, but towards the bottom. We found out that morning that Dr. Gilkeson was on line, but unfortunately time ran out before we reached his place on the list.

We contacted Dr. Tennant once by letter and three times by phone. I was not able to speak to him personally, and his staff never indicated that he would be available. Thus, we took his name off the list and replaced him with Dr. Jacobs at the request of supporters of SB 32. We learned during the hearing that Dr. Tennant wanted to testify. Co-Chair Johnny Ellis asked him to begin his testimony three separate times and there was no response each time. After the hearing we learned that he had dialed the wrong number to access the teleconference network.

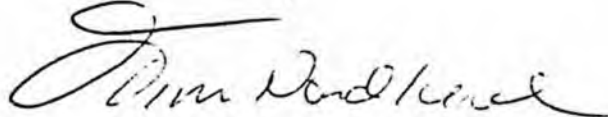
Linda Adams made the libelous inference in her letter that we were being "duped by the drug culture" in regard to the experts who raised serious questions about the medical findings. Drs. Norman Zinberg, Lester Grinspoon and Tod Mikuriya have served in an advisory role to the National Organization for the Reform of Marijuana Laws (NORML), as well as other organizations, because of their expertise on the health effects of marijuana. Dr. Zinberg is a Clinical Professor of Psychiatry at the Harvard Medical School and recently served on the federal Department of Health and Human Services' National Advisory Council on Drug Abuse. He has received many scholarly and professional awards and has written extensively on drugs and drug abuse. Dr. Grinspoon is the Editor of the "Harvard Mental Health Letter", the Director of Psychiatry at the Massachusetts Mental Health Center, and author of Marihuana Reconsidered. Dr. Mikuriya is an MD in private practice in California and has written about the history of marijuana research and about the potency of marijuana.

Dr. John Morgan and Dr. Arthur McBay, who were also characterized as "NORML Doctors", have had no association with that organization. Dr. Morgan is the Director of Pharmacology at the City University of New York Medical School. Dr. McBay is the Chief Toxicologist for the State of North Carolina and a Professor of Pathology and Pharmacy at the University of North Carolina Schools of Medicine and Pharmacy, respectively. Dr. McBay was also on line that morning, but was unable to testify because time ran out.

Drs. Gilkeson, Tennant and McBay have each been sent apologies and have been invited back to testify via teleconference on Wednesday May 4th.

It was my responsibility to arrange the testimony that day and I realize now that the list was too long for the 1-1/2 hour meeting. But to suggest that the meeting was stacked with "drug culture" doctors constitutes the kind of misrepresentation of fact and lack of credibility that has burdened this legislation all along. Linda Adams did not listen to the teleconference that day and she has not accurately reported what happened. I encourage anyone who questions this fact to read the official transcripts of the hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Nordlund".

Jim Nordlund,  
Professional Assistant  
House HESS Committee

## Disgraceful

EDITOR, Daily News:

I am using this avenue of communication to let the public know of the very inappropriate handling of a recent legislative teleconference. On April 14, the House Health, Education and Social Services Committee (HESS) held hearings on SB32 which would recriminalize marijuana in the State of Alaska (once again make marijuana illegal).

The House HESS Committee is co-chaired by Rep. Nillo Koponen of Fairbanks and Rep. Johnny Ellis of Anchorage. The House HESS aide for these two co-chairs is Jim Nordland. These are the individuals responsible for setting up the testimony from the professionals on the morning of the 14th. Two professional names were given to these individuals to be included in the hearings. They were Dr. Forest Tennant M.D., drug adviser for the National Football League as well as many other titles, and Dr. Robert Gilkeson, a psychiatrist who has conducted studies to determine the toxicity of marijuana and its effects on the brain.

In addition the committee leadership also contacted five individuals who are associated with NORML (the National Organization for the Reform of Marijuana Laws). This group's goal is to legalize marijuana. Those contacted from NORML were Norman Zinberg, Lester Grinspoon, Todd Mikuriga, John Morgan, and Arther McBay.

At the time these marijuana hearings were happening in Alaska, I was attending an international conference on youth and drugs in Atlanta, Ga., sponsored by PRIDE (National Parents Resource Institute for Drug Education). Two of the speakers who were scheduled for the 15th were Dr. Robert Gilkeson and Dr. Forest Tennant.

When it was Dr. Gilkeson's time to speak in Atlanta, he arrived on the stage breathless, with suitcase in hand and very, very angry. He was late ~~because he had canceled a reservation~~ because he had canceled a reservation which would have allowed him to arrive earlier. He shared with the 4,000 adults in the audience the reasons for his frustration and anger.

Dr. Gilkeson got a call on Wednesday, April 13, from the Alaska State Legislature, specifically from the aid of the House HESS Committee, Jim Nordland. He said

they had been trying to reach Dr. Gilkeson to testify. Dr. Gilkeson told him he was sorry that he wouldn't be able to do it because he had to go to Atlanta. Then he got another call back from Jim Nordland asking Dr. Gilkeson to please be on. When asked who else was going to testify Jim Nordland gave Dr. Gilkeson the names of the five NORML "doctors". Dr. Gilkeson was astounded because there were 6,000 other credible doctors across the United States that they could have picked from. Why were they including NORML in with the credible, professional testimony?

Dr. Gilkeson thought the representation for the hearing was "lousy", so he canceled his flight so he could testify. Because he had to cancel his supersaver flight, it cost him an extra \$400 to fly to Atlanta. He got on the phone, was not allowed to talk and listened to the erroneous information being given while he frantically wrote notes so he would be able to refute what they were saying when he made his presentation. He was held on the phone for 2.5 hours after which they said there was not time to hear him! Meanwhile four of the doctors from NORML got to testify. Dr. Gilkeson had lost his supersaver airfare when he canceled his flight so he could speak, and then also missed his next flight to Atlanta from New York because he was on the teleconference line - after never being able to say a word!

Dr. Gilkeson said "he heard two hours of people purposely deceiving the public about their health!" At the end of the teleconference they called Dr. Forest Tennant in California who was also standing by to testify and had to leave for Atlanta, and told him they did not need him to testify after all.

Dr. Gilkeson was so angry over the way those hearings were conducted. The research and truth was not allowed to come out. In a court of law isn't that "withholding evidence?" There are many, many credible doctors and researchers across the land who are showing that marijuana is indeed a health problem, and this committee leadership did not let that information be presented. How can this happen? Who are they representing - the drug user? Alaska's legislative process has been nationally embarrassed!

I find this treatment of credible professionals in the field to be a disgrace, embarrassing, and absolute-

ly appalling. These are very busy doctors who are in high demand across the nation. I would like to publicly apologize to Dr. Tennant and Dr. Gilkeson for the very unprofessional treatment by these individuals. There really are people in this state who care about the health of our citizens, and care about drug-free youth. Not everyone in Alaska has succumbed to the drug culture. NORML has the ear of the press. Alaskans are not hearing the truth about the health hazards of marijuana use. We are being duped by the drug culture. The very least we can do is demand that the professional doctors be allowed to give the testimony that they were prepared to do! How can the legislature make an intelligent decision on an important issue like this if the correct information is not allowed to be presented?

Legislators are making a reputation for themselves by stifling this bill. Caring, Alaskan parents have had enough of the political games. We are concerned about the HEALTH AND POTENTIAL OF OUR FUTURE Alaskans. Isn't that also the charge of the Health, Education and Social Services Committee?

The accurate information is available. Time is running out in this legislative session. Contact your legislative representative today and insist that the truth and evidence be allowed to be heard on SB32 immediately. Alaska owes this to Dr. Gilkeson and to Dr. Tennant.

Sincerely,  
LYNDA ADAMS

207

4-28-88

Anch Times

## The untold drug story

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- Lynda Adams  
Ketchikan

# Regents meddle in marijuana issue

## Students tell Regent Graham that Board should 'bud out'

by Beth Sharp  
Accent Staff

Alaskans for Drug-Free Youths approached the Board of Regents and asked them to pass a resolution supporting the recriminalization of marijuana.

Ann Parrish, president of the Board, said, "I'm not sure that's where our energies should be focused right now. The truth of the matter is, laws don't control drugs; people do."

But Parrish said the board does have the authority to educate students about all forms of substance abuse—not just marijuana in particular—and the Board should focus on that. The Regents will address the issue of substance abuse in their meeting Thursday and Friday in Juneau.

Alaskans for Drug-Free Youth approached the Regents in their February meeting asking for their support because other educational organizations in the state including

the Anchorage and Kenai school districts, have endorsed the recriminalization and the group would like to see that support coming from the university level as well, said Sandy Spargo, a member of the anti-drug group.

Spargo said the Regents' endorsement of recriminalizing marijuana is to help get the State House to pass Senate Bill 32 to recriminalize marijuana in Alaska. The bill is in the House Health, Education and Social Security Committee and the bill page continued on the back page

## Recriminalization;

continued from the front page

Services (HESS) committee.

Title II, Chapter 71 of the state statutes made personal usage of marijuana legal in 1975. Adults 19 and older are allowed to have four ounces of dried marijuana in their homes. However, they cannot buy, transport, or sell it—only grow it.

This law conflicts with federal law. Title 21 of the U.S. code says marijuana is illegal.

But changing state laws is up to the legislature, Parrish said.

That does not mean she is unconcerned or that the Board of Regents will decide to ignore the issue. Parrish said it is safe to say that alcohol and drug abuse "has had a serious impact on student life."

The university has counselors for substance abuse and an insurance policy covering substance abuse.

"We're not, as a board, just responsible for marijuana. We're responsible for alcohol and all other forms of substance abuse," Parrish said, adding that the Board's job should be to focus on educating students on all forms of substance abuse.

In their February meeting, the Regents decided the issue of drug abuse "was too big to be acted on without having appropriate time for staff work, surveying internal constituencies—faculty, student and staff—and putting it through the normal review process," Parrish said.

The Board asked statewide university officials to make a presentation on substance abuse on the campuses at their meeting this week.

Bob Williams, vice president of the Board of Regents, said "We had asked the administration to gather information on what substance use and substance abuse might be on the campuses and what effect that has on the university. The board will then be better able to determine what action to take," Williams said.

The Academic and Student Affairs Committee, which Williams chairs, will review the options on Thursday. Williams said they can work with legislation, work with surveillance and enforcement on the campuses, or work to educate students and university employees about substance abuse.

Student Regent Judy Graham attended the April 8 ACCSA meeting to inform student representatives that the Board of Regents were considering the recriminalization resolution. A few senators voiced their concern over the Board's right to get involved in an issue that they felt was clearly out of their league. Their message to Graham and other Board members was that it would be better if they just "budded out."

# Lawmakers resume marijuana debate

By Robert Laurie  
Times Juneau Bureau

AP 4/14/84

JUNEAU — The debate over the effects of marijuana resumed in the state capitol Wednesday as the House Health, Education and Social Services opened hearings on a bill to re-criminalize possession and use of the substance.

The Alaska Supreme Court ruled 13 years ago that the constitutional right of privacy allowed Alaskans to possess small amounts of marijuana in the home.

The legislature then clarified that to mean less than 4 ounces for personal use.

Sen. Paul Fischer, sponsor of

the bill, says new medical and scientific research since the Alaska court's ruling indicate marijuana is more harmful than the court could have known at the time.

Fischer says the legislative findings in the bill show that "the detrimental effects of marijuana override the constitutional question of the right of privacy laid out in the Raven decision."

Irwin Raven, whose trial on charges of possession of marijuana in 1973 led to the landmark Supreme Court ruling, told the committee the findings Fischer mentioned are "not true or irrelevant."

For example, he points to the

finding that THC, one of the active compounds in marijuana, can take as long as 30 days to be eliminated from the body.

"That's totally irrelevant," Raven said. "They may stay in the body, but they're not psychoactive. You know, you smoke a marijuana cigarette and you're high for a couple of hours... and then you're not."

Rep. Alyce Hanley, R-Anchorage, argued that the time has come when "right to privacy in the home must yield, and the health, safety, rights and privileges of others must become our greater concern."

Alaska Civil Liberties Union president and former legislator

Don Clocksin, arguing against the measure, told the lawmakers they were, in effect, sitting as a jury, deciding the fate of 100,000 adult Alaskans who use marijuana, a number later questioned by Rep. Randy Phillips, R-Eagle River.

Clocksin said the burden of proof "that the public health interests justify a suspension of the constitutional right of privacy" falls on the supporters of the bill.

He says they have to show possession and use of small amounts by adults in the privacy of their own home threatens the public's health and safety, not just the individual's.

See Pot, page B-3

Thursday, April 14,

## Pot

Continued from page B-1

Clocksin referred to an argument by Rep. Bill Hudson, R-Juneau, that the dangers of marijuana mirrored those of alcohol, and the legislature allowed rural villages to suspend the right to privacy by banning importation or use of liquor.

"The difference is: the burden of proof was clearly and irrevocably met in that case. The murders, the crimes, the destruction of families, the health costs caused by the abuse of alcohol were unquestioned," said Clocksin.

Statewide teleconferenced hearings on the measure continued Wednesday.



Irwin Raven  
finds 'irrelevant'

Robert B. Atwood  
President and Publisher

Elaine Atwood  
Assistant Publisher

William J. Tobin  
Vice-President, Editor-in-Chief

## Hearings on pot

ON THE basis of state-wide indications — in the form of resolutions passed by all kinds of community groups and many levels of civic and governmental affairs — it is safe to say that a great many Alaskans want the legislature to pass a law recriminalizing the possession of marijuana.

The Senate already has passed a bill to do just that.

The House majority, however, is dragging its feet.

In more ways than one, some of the Democratic leaders in the House are trying to equate the use of alcohol and tobacco with that of marijuana.

The thought presumably is that if it's all right for older people to smoke cigars and drink liquor then it should be fine and dandy for young people (or anybody else, of course) to use marijuana.

THE ARGUMENT to sustain this relies on a court decision that reaches into the question of privacy.

What is done in the privacy of one's home, this argument goes, is a matter of individual taste — protected by constitutional provisions — and is none of the public's darn business.

Unfortunately, marijuana and other drugs do indeed encroach into public affairs — at huge public expense.

Moreover, there seems to be growing national medical

and scientific data which indicates that the use of marijuana is not a harmless practice, as some contend.

These and other viewpoints presumably will be aired when a House committee begins two days of scheduled testimony tomorrow morning on proposed legislation to put some teeth back into the state's control over marijuana.

SOME OF that testimony, we'd like to think, will be addressed to the public perception that now exists that Alaska is soft on drugs.

Because of legislative actions, because of court decisions, there has been spread across the land the implication that drug use is really not all that bad and that the government officials in Alaska — state and local — condone the use of marijuana and other substances.

Even though this is untrue, in the general sense, the state has sent out a message to young people that does not do well for it or for them.

On this particular issue involving marijuana, Alaska's official social standard is set all too low.

The House hearings, we hope, will point this out.

There is still time in this legislative session for the House to act with prudent concern and pass appropriate legislation.

## Marijuana bill likely to die in House

By LARRY PERSILY  
The Associated Press

JUNEAU — There are serious problems with the Senate bill to restore criminal penalties for marijuana possession, and unless they can be resolved the bill appears dead this session, said the chairman of the House committee holding it.

"If the medical findings do not pass the constitutional

test, the bill should not be moved," said Rep. Johnny Ellis, co-chairman of the House Health, Education and Social Services Committee.

"The bill is flawed," the Anchorage Democrat said Wednesday, following the committee's fourth hearing on the measure.

The Senate passed it in mid-February and it has been

in the House committee since then.

The move to restore criminal penalties for marijuana use is based on a series of findings in the bill that are meant to show that the threat to public health and safety outweighs an individual's right to privacy.

Ellis said the health com-

See Back Page, MARIJUANA

5-5-88 ADN

## MARIJUANA: Bill likely to die in House this session

Continued from Page A-1

committee's job is to determine if the findings are accurate. If they are invalid, he said, the bill should not be moved to its next committee.

"We're still in the assessment stage," Ellis said.

With less than a week left in the session, the chances of the bill (SB32) moving through its three House committees and then to the floor for a vote appear very slim.

Alaska law currently allows adults to possess up to four ounces of marijuana in

their homes for personal use. The Senate bill would make possession by adults a misdemeanor.

When the Alaska Supreme Court threw out the state's marijuana law 13 years ago, it said the Alaska Constitution guarantees the right to privacy unless there is a compelling reason to limit that right.

The committee Wednesday heard from a doctor who testified that supporters of the Senate bill are relying on "anecdotal, unfounded, unpublished and uncontrolled studies" in calling for changes

in the marijuana law.

Dr. Arthur McBay, a forensic toxicologist from North Carolina, testified by phone and rebutted most of the findings in the Senate bill.

He called "wild speculation" the statement that one marijuana cigarette a day may cause lung cancer in three years.

Two other doctors testified in general support of the Senate bill at Wednesday's hearing, including Dr. Forrest Tennant Jr., drug abuse counselor to the National Football League.

# Bill restoring pot penalties hits House snag

ANCH. TIMES  
MAY 5, '88

By Larry Persly  
Associated Press

JUNEAU — There are serious problems with the Senate bill to restore criminal penalties for marijuana possession, and unless they can be resolved the bill appears dead this session, said the chairman of the House committee holding it.

"If the medical findings do not pass the constitutional test, the bill should not be moved," said Rep. Johnny Ellis, co-chairman of the House Health, Education and Social Services Committee.

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Alaska law currently allows adults to possess up to four ounces of marijuana in their homes for personal use. The Senate bill would make possession

by adults a misdemeanor.

Possession by minors already is a crime.

When the Alaska Supreme Court threw out the state's marijuana law 13 years ago, it said the Alaska Constitution guarantees the right to privacy unless there is a compelling reason to limit that right.

The committee Wednesday heard from a doctor who testified that supporters of the Senate bill are relying on "anecdotal, unfounded, unpublished and uncontrolled studies" in calling for changes in the marijuana law.

Dr. Arthur McBay, a forensic toxicologist from North Carolina, testified by phone and refuted most of the findings in the Senate bill.

He called "wild speculation" the statement that one marijuana cigarette a day may cause lung cancer in three years.

Although the Senate bill claims people can die from marijuana overdoses, McBay said, "I have never seen a marijuana overdose death, nor have I been able to document any that anyone thinks they have seen."

Two other doctors testified in general support of the Senate bill at Wednesday's hearing, including Dr. Forrest Tennant Jr., drug abuse counselor to the National Football League.

Tennant, a sports medicine doctor from California, said, "The major problem with your current law, in my opinion, is that it symbolically gives the public, particularly the teenagers, the idea that marijuana is perfectly safe and less harmful than nicotine and alcohol, which is not necessarily the case."

CITY OF VALDEZ, ALAKSA

RESOLUTION NO. 8711

A RESOLUTION OF THE CITY OF VALDEZ URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL USE OF MARIJUANA.

WHEREAS, the State of Alaska is eligible for certain Federal grants for control of narcotics; and

WHEREAS, the dangerous and grievous use of unlawful narcotics threatens the lives and well-being of many citizens of Alaska, especially, our young people; and

WHEREAS, the Alaska State Statutes allow for personal possession and use of amounts of contraband and dangerous substances that would otherwise be illegal under Federal and State laws; and

WHEREAS, these peculiar provisions of State law threaten the State of Alaska's eligibility for Federal funds for control of narcotics; and

WHEREAS, these provisions serve no useful purpose in a society that is outraged at the suffering and expense caused by drug abuse; and

WHEREAS, the right to privacy in the home in Alaska is a constitutional protection and that right can be protected by allowing the exception to be a lawfully obtained search warrant,

NOW, THEREFORE, BE IT RESOLVED that the Valdez City Council urges the Legislature of the State of Alaska to repeal those sections of the Alaska Statutes which allow personal possession and use of marijuana and support the recriminalization of marijuana.

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF VALDEZ, ALASKA this 17th day of February, 1987.

CITY OF VALDEZ, ALASKA

BY: John Devens

John Devens, Mayor

ATTEST:

BY: John Thorp

John Thorp  
Acting City Manager



# City and Borough of Sitka

304 LAKE STREET . SITKA, ALASKA . 99835

March 28, 1988

APR 04 1988

Alaska State Legislature  
Representative Ben Grussendorf  
Speaker of House  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Grussendorf:

Enclosed is a copy of our resolution No. 88-374 urging the passage of Senate Bill 32.

Sincerely,

Richard G. Anderson  
Administrator

Encl.

cc: HESS Committee

C I T Y   A N D   B O R O U G H   O F   S I T K A

RESOLUTION NO. 88-374

A RESOLUTION OF THE ASSEMBLY OF THE  
CITY AND BOROUGH OF SITKA URGING THE ENACTMENT OF  
SENATE BILL 32, AN ACT RELATING TO MARIJUANA

WHEREAS, marijuana use is a serious health problem, causing both physical and psychological damage to users; and

WHEREAS, the daily use of marijuana in the State of Alaska has increased to as high as 4% among the general population and as high as 6% among secondary school students; and

WHEREAS, marijuana use is directly related to disciplinary problems in schools with students and in society with both students and adults,

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the legislature and Governor are urged to enact Senate Bill 32 recriminalizing certain types of use and possession of marijuana.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 22 day of MARCH, 1988.



  
John E. Dapcevich, Mayor

A T T E S T:

  
Dolores Ingwersen  
Municipal Clerk



Greater Fairbanks

**Chamber**

of Commerce

First National Center

P O Box 74446

709 Second Avenue

(907) 452-1105

Fairbanks, Alaska 99707

RESOLUTION #14-0388

RESOLUTION SUPPORTING THE RECRIMINALIZATION OF MARIJUANA

- WHEREAS, Alaska is the only state that has legalized the use of marijuana and likewise has the highest rate of substance abuse in the United States, and
- WHEREAS, research shows regular marijuana use produces drug dependency and is a transitional drug leading to escalated use of many drugs, and
- WHEREAS, research shows marijuana builds up and is stored in the body particularly the brain, it produces a level of continual sedation, weakens the motivational center of the brain and results in permanent damage, and
- WHEREAS, research shows there is an "instant intoxication" effect produced by marijuana making it instantly hazardous to others, and
- WHEREAS, statistics show that youth (age 12-17) in Alaska use marijuana at a 47.4 % rate compared to the national average of 26.7 (1.8 to 1) and 16.6 % of Alaska youth (age 12-17) use cocaine compared to national average of 6.5 (2.6 to 1) producing a high probability that 1 in 4 marijuana users transition to cocaine, and
- WHEREAS, legalization of marijuana contradicts education against drug use because it sends mixed signals to youth; while we "say no", "adults use" so the trickle down effect and its tragic impact is clear, and
- WHEREAS, Governor Cowper is on record, acknowledging "we made a mistake when we changed the law in 1976 so as to decriminalize the use of marijuana", and now supports recriminalization within constitutional constraints, and
- WHEREAS, Lt. Governor McAlpine is on record that the time has come to change the law, and

KENAI PENINSULA BOROUGH SCHOOL DISTRICT

RESOLUTION 86-87-9

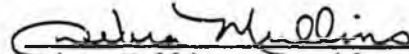
WHEREAS, the physiological, psychological and sociological effects of marijuana use are well documented; and

WHEREAS, the use of this substance by some elements of the school age population continues to be a disruptive force; and

WHEREAS, current state statute permits possession of marijuana for private use which makes this substance more accessible to the school age population;

NOW THEREFORE BE IT RESOLVED, that the Kenai Peninsula Borough School District Board of Education supports the recriminalization of marijuana and the provisions for enforcement as set forth in Senate Bill 32.

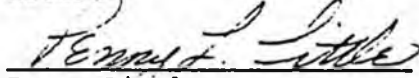
ADOPTED THIS 16th DAY OF MARCH, 1987.



Debra Mullins, President

Kenai Peninsula Borough School Dist.  
Board of Education

ATTEST:



Penny Little  
Notary Public

AMENDED AND APPROVED

Date 12-9-86

Submitted by: Assemblyman  
Brad Bradley

Prepared by: Assemblyman  
Brad Bradley

For Reading: November 25, 1986

AR No. 86-284

A RESOLUTION OF THE MUNICIPALITY OF ANCHORAGE SUPPORTING REPEAL  
OF AS 11.71.070 AND AMENDMENT OF AS 11.71.060(a) TO MAKE  
MARIJUANA ILLEGAL

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, the Anchorage Crime Commission has for the past three years concluded that Alaska's permissive laws on marijuana should be repealed, and

WHEREAS, representatives of 60 Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference on October 18 of this year unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

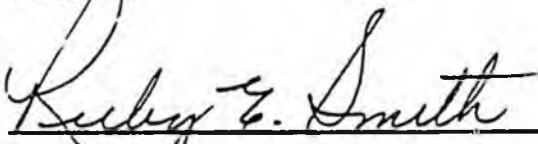
NOW THEREFORE, the Anchorage Assembly resolves:

That the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court <sup>are</sup> ~~is~~ petitioned to take immediate steps to repeal/ ~~AS 11.71.070~~ <sup>statutory and constitutional protections</sup> ~~and~~ <sup>for the</sup> ~~amend~~ ~~AS 11.71.061~~ <sup>in order</sup> ~~to~~ make use and possession of marijuana illegal in the State of Alaska/to promote the general health, welfare and public safety of the citizens of Anchorage and the State of Alaska.

PASSED AND APPROVED by the Anchorage Assembly this 9th day of December, 1986.

  
Chairman

ATTEST:

  
Municipal Clerk

# Cook Inlet Council On Alcohol And Drug Abuse

"A PRIVATE NON-PROFIT CORPORATION"

MAIN OFFICE  
255 Willow Street, Rm. 203  
KENAI PROFESSIONAL BUILDING

P.O. Box 682  
Kenai, Alaska 99611

PHONE:  
283-3858

LAKE STREET CENTER  
P.O. Box 2362  
Homer, Alaska 99603

PHONE:  
235-8001

MAR 24 1987

A RESOLUTION OF THE COOK INLET COUNCIL ON ALCOHOL AND DRUG ABUSE OF KENAI, ALASKA, URGING THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL POSSESSION AND USE OF MARIJUANA.

WHEREAS, the Cook Inlet Council on Alcohol and Drug Abuse is committed to the education, the prevention and treatment of drug abuse; and

WHEREAS, we believe countless lives are distorted through the availability and use of drugs, most particularly the lives of our young people; and

WHEREAS, socially responsible states are recognizing the need for limited access to dangerous drugs; and

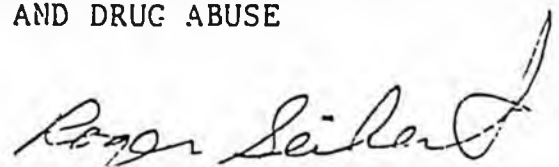
WHEREAS, Federal law mandates criminal penalties for possession and use of marijuana; and

WHEREAS, current Alaska statutes threaten the State of Alaska's eligibility for federal funds for control of narcotics:


BE IT THEREFORE RESOLVED that laws shall be enacted in the State of Alaska to establish criminal penalties for the use and possession of marijuana.

DATED at Kenai, Alaska, this sixteenth day of March, 1987.

COOK INLET COUNCIL ON ALCOHOL  
AND DRUG ABUSE

  
\_\_\_\_\_  
Roger Seibert, President  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Kay Mayes, Secretary  
Board of Directors



## Alaska Association of School Governments

RESOLUTION: ALASKA ASSOCIATION OF SCHOOL GOVERNMENTS  
FALL CONFERENCE  
DIAMOND HIGH SCHOOL  
October 18, 1986

Whereas the student leaders of Alaska recognize that there is a severe Drug and Alcohol problem in Alaska,

Whereas the student leaders of Alaska recognize this problem exists in the Alaskan elementary, junior and senior high schools,

Whereas the students believe it is necessary for them to take a united stand against Drugs and Alcohol,

Therefore, be it resolved that the students representing the Alaska Association of School Governments (AASG), endorse the nationally known "Just Say No" Drug Prevention Program

Be it further resolved the AASG students will present a flag to Governor Sheffield to be flown over the capitol building that states: "Alaska Students/Just Say No" and

Be it further resolved the AASG students request the Governor and the Alaska Legislature to repeal the current marijuana law and make marijuana illegal in this state.

Resolution passed unanimously by 60 Alaskan high schools in attendance at the AASG fall conference.

ALASKA ASSOCIATION OF STUDENT GOV'TS.

# CORDOVA PUBLIC SCHOOLS

BOX 140

CORDOVA, ALASKA 99574

PHONE: (907) 424-3285 OR 424-3292

## RESOLUTION # 88-3

A RESOLUTION OF THE CORDOVA BOARD OF EDUCATION TO URGE THE ALASKA LEGISLATURE TO REPEAL LAWS ALLOWING FOR THE PERSONAL POSSESSION AND USE OF MARIJUANA.

WHEREAS, the State of Alaska statutes presently allow for personal possession and use of a dangerous substance and contraband otherwise illegal under Federal and State laws; and

WHEREAS, the provision of statutes that are currently in effect serve no useful purpose in society; and

WHEREAS, the dangerous and grievous uses of unlawful narcotics threaten the lives and well being of many of the youth of Alaska; and

WHEREAS, treatment of drug abuse causes society anxiety and major expense; and

WHEREAS, the Legislature currently is considering Senate Bill 32 which will disallow the possession and use of marijuana, and

WHEREAS, the contradictory nature in current statutes undermine efforts to educate youth about dangerous narcotics, and

WHEREAS, the Cordova Public Schools Board of Education wishes to make the most powerful statement urging the legislature to support criminalization of dangerous narcotics;

NOW THEREFORE, BE IT RESOLVED, that the Cordova Public Schools Board of Education urges the Legislature of the State of Alaska to repeal those sections of the Alaska Statutes which allow personal possession and use of marijuana, and

FURTHER, BE IT RESOLVED, that the Legislature of the State of Alaska establish criminal penalties for use and possession of marijuana.

PASSED AND APPROVED by the Board of Education of the Cordova School District of Cordova, Alaska this 11th day of April, 1988.

Alvin B. Fulton  
President

Leslie S. Lyman  
Clerk

## MARIJUANA RESOLUTIONS/RECOMMENDATIONS

The following organizations have made resolutions/recommendations to the Alaska State Legislature that marijuana be made illegal in Alaska.

### EDUCATIONAL

Advisory Board on Drug Abuse (SOADA)  
Review Board on Alcoholism (SOADA)  
Alaska State Board of Education  
Alaska Parent-Teacher Association  
Association of Alaska School Boards  
Alaska Association of School Governments/  
General Assembly/39 high schools  
Alaska Association of School Governments/  
Student Leaders/passed unanimously by  
60 Alaskan high schools  
Alaska Assoc. of Secondary School Principals  
Galena City School District  
Galena City Drug Task Force  
Galena City School District Board of Education  
Ketchikan Gateway Borough School District  
Kenny Lake High School  
Kenai Peninsula Borough School District  
City and Borough of Juneau School District  
Juneau-Douglas High School Student Council  
Anchorage School District  
Northwest Arctic Borough School District  
Wrangell Junior and Senior High School  
Haines Borough School Board of Education

### Political

1988 Republican Convention Platform  
Senator Frank Murkowski/Alaska Congressional  
Delegation  
Alaska Municipal League

### City/Borough/Municipality

Fairbanks North Star Borough  
City of Fairbanks  
City and Borough of Juneau  
Municipality of Anchorage  
City of Ketchikan  
City of Galena  
Togiak City Council  
City of Saxman  
City of Valdez

OVER

CITY OF KETCHIKAN

RESOLUTION NO. 87-1498

A RESOLUTION OF THE CITY OF KETCHIKAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana, and

WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages, and

WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana, and

WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse, and

WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers, and

WHEREAS, Ketchikan Youth Services, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community, and

WHEREAS, representatives of sixty (60) Alaskan high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA as follows:

Section 1. The City Council of the City of Ketchikan, Alaska hereby petitions the Governor of the State of Alaska, the Alaska State Legislature and the Alaska Supreme Court to take immediate steps to repeal statutory and constitutional protections for use and possession of marijuana in the State of Alaska in order to promote the general health, welfare and public safety of the citizens of Ketchikan and the State of Alaska.

Section 2. The City Clerk is hereby directed to send copies of this resolution to Governor Cowper, Senator Jones, Representative Taylor, Representative Sund, the Attorney General and the Alaska Municipal League.

Section 3. This resolution shall become effective immediately upon passage.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1987.

ATTEST:

\_\_\_\_\_  
Ted Ferry, Mayor

\_\_\_\_\_  
Karen Miles, CMC  
City Clerk



ADOPTED AUGUST 1972

# CITY of WRANGELL, ALASKA

INCORPORATED JUNE 15, 1903

BOX 531, 99929 (907) 874-2381

February 11, 1987

The Honorable Steve Cowper  
Governor of Alaska  
Pouch A  
Juneau, Alaska 99801

Dear Governor Cowper:

Attached hereto is a copy of the City of Wrangell Resolution No. 02-87-263 urging the Alaska Legislature to criminalize the act of possession of marijuana in any amount.

The Wrangell City Council respectfully request your support in this matter.

Sincerely,

Joyce Rasler  
City Manager

Attachment:

cc: Representative Taylor  
Representative Sund  
Senator Jones

CITY OF WRANGELL, ALASKA

RESOLUTION NO. 02-87-263

A RESOLUTION OF THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, URGING THE ALASKA LEGISLATURE TO CRIMINALIZE THE ACT OF POSSESSION OF MARIJUANA IN ANY AMOUNT.

WHEREAS, THC is the ingredient in marijuana that goes into the fatty tissues of the brain and other internal organs and takes thirty days to be eliminated from the body; and

WHEREAS, THC is reported to cause effects to a person that may result in the birth of deformed or undersized offspring; and


WHEREAS, the THC content of a marijuana cigarette is as high as ten percent today as compared to one percent ten years ago; and

WHEREAS, numerous psychological and physical reactions result from the use of marijuana which impair the health and well being of the public; and

WHEREAS, Alaska's law which allows the possession of certain amounts of marijuana is contrary to the Federal Government's laws and the "war on drugs" being waged across the nation by Cities and States.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WRANGELL, ALASKA, that the Alaska Legislature is urged to amend the law to criminalize the act of possession of marijuana in any amount in the best interests of the public, except as authorized in AS 17.301. Be it further resolved that copies of this Resolution be forwarded to Governor Steve Cowper, Senator Lloyd Jones, Representative Robin Taylor and Representative John Sund.

PASSED AND APPROVED February 10, 1987

  
MAYOR

ATTEST:

  
CITY CLERK



## KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT

Darroll Hargraves  
SUPERINTENDENT

Resolution No. 210  
Ketchikan Gateway Borough School District

### A REQUEST FOR CHANGING THE STATE STATUTES TO MAKE THE POSSESSION AND USE OF MARIJUANA ILLEGAL

WHEREAS, the State of Alaska allows legal private possession and use of marijuana,

WHEREAS, Alaska's present statutes regarding possession and use of marijuana appear to be in conflict with the laws of the United States, and

WHEREAS, the problem of drug and alcohol abuse in our schools and our society appears to be on the rise, and

WHEREAS, the President of the United States initiated a national crusade to counter the current drug problem, and

WHEREAS, many students find easy access to illegal drugs, particularly marijuana, and

WHEREAS, Alaska statutes present a mixed message by currently allowing the use and possession of marijuana in the home, and

WHEREAS, current research and medical opinion concerning marijuana indicates that marijuana is harmful and does present a serious health problem, and

WHEREAS, the utilization of marijuana possession in Alaska sends the message to outside suppliers that Alaska is an open state which condones the "personal use" of marijuana, and

WHEREAS, a show of community resolve against the legal possession and use of marijuana sends a message to the state legislature and the governor's office,

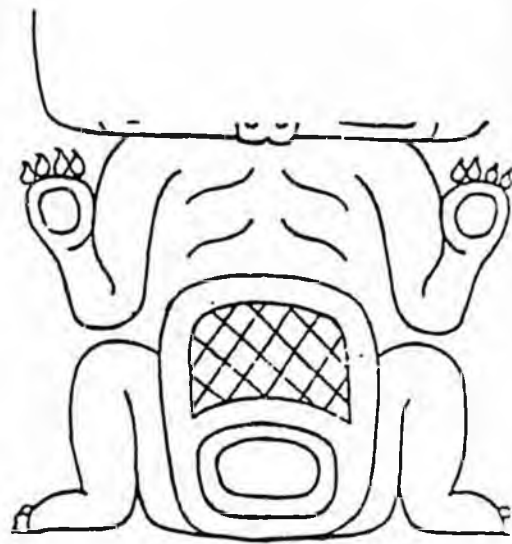
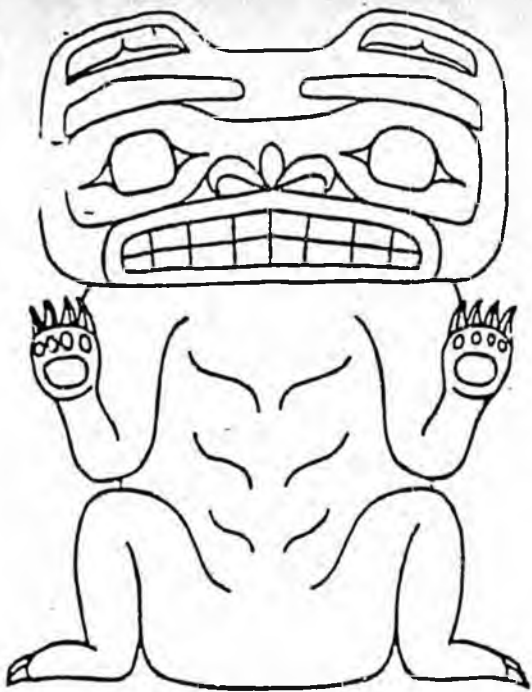
THEREFORE BE IT RESOLVED by the Ketchikan Gateway Borough School District that:

1. The School District encourages and supports the reenactment of statutes which will recriminalize the possession of marijuana.
2. The School District makes this position one of public record so that all in the community, in other school districts, and across the state will understand our position that the present statutes in Alaska governing marijuana are not in the best interest of its citizens.
3. The School District requests our legislators, locally and across the state, to give the recriminalization of marijuana immediate attention during the 1st session of the 15th legislature so that effective July 1, 1987 the possession and use of marijuana will be illegal and carry consequences.

PASSED, APPROVED, AND ADOPTED BY THE BOARD OF EDUCATION OF THE KETCHIKAN GATEWAY BOROUGH SCHOOL DISTRICT OF KETCHIKAN, ALASKA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1987.

\_\_\_\_\_  
President of the Board

\_\_\_\_\_  
Clerk-Treasurer of the Board



## City of Saxman

Rt. 2, Box 1  
Saxman, Alaska 99901  
907-225-4166

CITY OF SAXMAN

RESOLUTION NO. 87-01-030

A RESOLUTION OF THE CITY OF SAXMAN, ALASKA, SUPPORTING REPEAL OF A.S. 11.71.070 AND AMENDMENT OF A.S. 11.71.060(a) TO MAKE MARIJUANA ILLEGAL AND ESTABLISHING AN EFFECTIVE DATE.

- WHEREAS, Alaska is the only state in the union with a permissive statute for personal possession of marijuana; and
- WHEREAS, findings of local, state and federal authorities conclude that marijuana is detrimental to the health, welfare and public safety of all people and of all ages; and
- WHEREAS, the Supreme Courts of other states and the U.S. Supreme Court have upheld state statutes prohibiting the use and possession of marijuana; and
- WHEREAS, current Alaska state statutes are not in conformity with federal drug enforcement laws controlling drug abuse; and
- WHEREAS, the conflict between federal and state law pertaining to marijuana causes unnecessary barriers for local police and Alaska State Troopers in protecting the public from drug abusers; and
- WHEREAS, Ketchikan Youth Service, Families in Action and other concerned local citizens have expressed concern over the drug abuse problem in the community; and
- WHEREAS, representatives of sixty (60) Alaska high schools at the Alaska Association of School Governments' Annual Fall Conference held on October 18, 1986, unanimously passed a resolution to repeal the current marijuana law and make the drug in all its forms illegal in Alaska.



Greater Fairbanks

**Chamber**

of Commerce

First National Center

P.O. Box 74446

709 Second Avenue

(907) 452-1105

Fairbanks, Alaska 99707

RESOLUTION #14-0388

RESOLUTION SUPPORTING THE RECRIMINALIZATION OF MARIJUANA

- WHEREAS, Alaska is the only state that has legalized the use of marijuana and likewise has the highest rate of substance abuse in the United States, and
- WHEREAS, research shows regular marijuana use produces drug dependency and is a transitional drug leading to escalated use of many drugs, and
- WHEREAS, research shows marijuana builds up and is stored in the body particularly the brain, it produces a level of continual sedation, weakens the motivational center of the brain and results in permanent damage, and
- WHEREAS, research shows there is an "instant intoxication" effect produced by marijuana making it instantly hazardous to others, and
- WHEREAS, statistics show that youth (age 12-17) in Alaska use marijuana at a 47.4 % rate compared to the national average of 26.7 (1.8 to 1) and 16.6 % of Alaska youth (age 12-17) use cocaine compared to national average of 6.5 (2.6 to 1) producing a high probability that 1 in 4 marijuana users transition to cocaine, and
- WHEREAS, legalization of marijuana contradicts education against drug use because it sends mixed signals to youth; while we "say no", "adults use" so the trickle down effect and its tragic impact is clear, and
- WHEREAS, Governor Cowper is on record, acknowledging "we made a mistake when we changed the law in 1976 so as to decriminalize the use of marijuana", and now supports recriminalization within constitutional constraints, and
- WHEREAS, Lt. Governor McAlpine is on record that the time has come to change the law, and

Please Post

FAIRBANKS NORTH STAR BOROUGH BOARD OF EDUCATION

Resolution 189

A Resolution Requesting the State of Alaska to Take Action to Change the  
Laws Relating to Possession and Use of Marijuana

Whereas, the State of Alaska presently has laws governing the possession and use of marijuana which are in direct conflict with the laws of the United States and international treaties, and

Whereas, the medical facts concerning marijuana have expanded and now show that marijuana is harmful and is a serious health problem, and

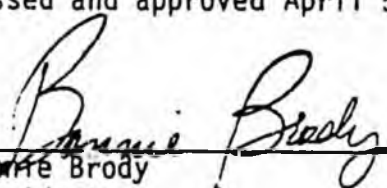
Whereas, the State of Alaska sends a harmful and mixed message to the youth of our State by having a law which allows the use and possession of marijuana in the home, and

Whereas, the problem of drug and alcohol abuse by our society, particularly by the children, is rising, and

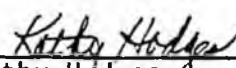
Whereas, the Association of Student Governments, representing the next generation of Alaskans, unanimously passed a resolution by 60 Alaskan high schools recommending that the current law legalizing marijuana be repealed, and

Now, therefore, be it resolved the Fairbanks North Star Borough School District Board of Education resolves that the Governor of the State of Alaska, the Alaska State Legislature, and the Alaska Supreme Court are petitioned to take immediate steps to repeal statutory and constitutional protections for the use and possession of marijuana in the State of Alaska in order to promote the general health, welfare, and public safety of citizens of Alaska.

Passed and approved April 5, 1988.

  
\_\_\_\_\_  
Bonnie Brody  
President

Attest:

  
\_\_\_\_\_  
Kathy Hodges  
Secretary

By: Ed Linkous  
Chris Birch  
J.B. Carnahan  
Joe Ryan  
Introduced: 03/10/88  
Adopted: 03/10/88

4-13-00  
PLEASE ENTER INTO RECORD THANKS CHRIS BIRCH

RESOLUTION NO. 88-038

A RESOLUTION REQUESTING THE STATE OF ALASKA TO TAKE ACTION TO CHANGE THE LAWS RELATING TO POSSESSION AND USE OF MARIJUANA

WHEREAS, the State of Alaska presently has laws governing the possession and use of marijuana which are in direct conflict with the laws of the United States and International Treaties, and

WHEREAS, the medical facts concerning marijuana have expanded and now show that marijuana is more harmful and is a serious health problem, and

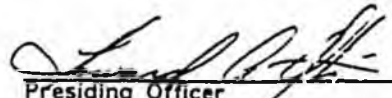
WHEREAS, the State of Alaska sends a harmful and mixed message to the youth of our State by having a law which allows the use and possession of marijuana in the home, and

WHEREAS, the problem of drug and alcohol abuse by our society, particularly by the children, is rising, and

WHEREAS, the Association of Student Governments, representing the next generation of Alaskans, unanimously passed a resolution by 60 Alaskan high schools recommending that the current law legalizing marijuana be repealed, and

NOW, THEREFORE BE IT RESOLVED the Fairbanks North Star Borough resolves that the Governor of the State of Alaska, the Alaska State Legislature, and the Alaska Supreme Court are petitioned to take immediate steps to repeal statutory and constitutional protections for the use and possession of marijuana in the State of Alaska in order to promote the general health, welfare, and public safety of citizens of Alaska.

PASSED AND APPROVED THIS 10TH DAY OF MARCH, 1988.

  
Presiding Officer

ATTEST:

  
Clerk of the Assembly

Introduced by: City Council  
Date: March 7, 1988

RESOLUTION NO. 2947

A RESOLUTION REQUESTING THE STATE OF ALASKA  
TO TAKE ACTION TO CHANGE THE LAWS RELATING  
TO POSSESSION AND USE OF MARIJUANA

WHEREAS, the State of Alaska presently has laws governing the possession and use of marijuana which are in direct conflict with the laws of the United States and International Treaties, and

WHEREAS, the medical facts concerning marijuana have expanded and now show that marijuana is more harmful and is a serious health problem, and

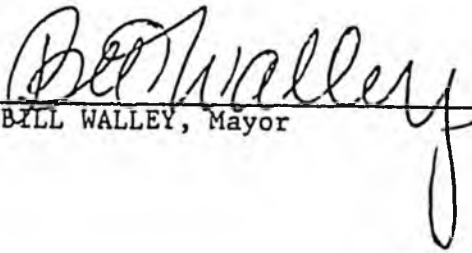
WHEREAS, the State of Alaska sends a harmful and mixed message to the youth of our State by having a law which allows the use and possession of marijuana in the home, and

WHEREAS, the problem of drug and alcohol abuse by our society, particularly by the children, is rising, and

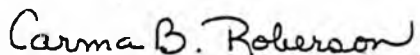
WHEREAS, the Association of Student Governments, representing the next generation of Alaskans, unanimously passed a resolution by 60 Alaskan high schools recommending that the current law legalizing marijuana be repealed, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, that the Governor of the State of Alaska, the Alaska State Legislature, and the Alaska Supreme Court are petitioned to take immediate steps to repeal statutory and constitutional protections for the use and possession of marijuana in the State of Alaska in order to promote the general health, welfare, and public safety of citizens of Alaska.

PASSED and APPROVED this 7th day of March, 1988.

  
BILL WALLEY, Mayor

ATTEST:

  
CARMA B. ROBERSON, City Clerk

U  
FROM DONNA  
Jim/FYI  
— Position Statement —

ALASKA CHIEFS OF POLICE ASSOCIATION  
ALASKA PEACE OFFICERS ASSOCIATION  
FBI NATIONAL ACADEMY ASSOCIATES



Concerning Legislative Proposals

before the

Fifteenth Alaska Legislature

January 1988

We consider the contradiction of federal and state law regarding marijuana, the increasingly effective health campaigns against smoking, and the public's proclaimed respect for the law to be sending mixed signals to our youth. Either society condones drug use and smoking or it does not. Our collective position should be clear to everyone, but particularly to our young people.

The Ravin decision, which led to the law legalizing the possession of small amounts of marijuana was based in part upon the finding that the state could show no clear and convincing public need to ban marijuana. Since then, more and more studies from around the country show increasing concern about the health aspects of smoking in general and marijuana in particular. We believe that a clear and convincing argument can now be made to support a ban upon marijuana use.

Our three organizations know of no police department that would undertake an intensive enforcement effort against persons possessing small amounts of marijuana, if possession would be recriminalized. Frankly, there are more urgent needs to be addressed. Therefore, we would support a citation, mail-in bail approach, as is now used for most traffic infractions. The APOA is more interested in consistency of our laws, and sending a clear message about marijuana to our youth, rather than a harsh enforcement program.



# American Civil Liberties Union

Alaska Civil Liberties Union - Legislative Committee - 217 Second St. #204 - Juneau, Alaska 99801

## ACLU POSITION ON MARIJUANA AND THE RIGHT TO PRIVACY

The Alaska Civil Liberties Union is the local affiliate of the American Civil Liberties Union, representing approximately 900 members in Alaska. The ACLU opposes proposed legislation to recriminalize the personal possession and consumption of marijuana.

The use of marijuana involves protected constitutional rights, including the right to privacy which is explicitly guaranteed in Article I, Section 22 of the Alaska Constitution. Intrusion by government on such a constitutionally protected act places a burden of justification upon government. That burden has not been met with respect to federal and state laws that impose penalties on the use and possession of personal use quantities of marijuana.

ACLU opposes the definition of behavior as criminal when such behavior, engaged in either alone or with other consenting adults, does not in and of itself harm another person or force another person to act unwillingly in any way. Private personal possession and consumption of marijuana falls within this protected sphere of private personal activity.

The showings of government interest in regulating marijuana use, upon which the proposed legislation rests, are neither clear nor conclusive, as the Alaska Supreme Court has ruled in the case of Ravin v. State. The present state of scientific knowledge fully supports the rationale of the Ravin decision; there have been no scientific developments since Ravin which would change the constitutional basis for that decision. The medical findings contained in HB 55 and SB 32 are inaccurate, selective, and misleading. The sentences of imprisonment and large fines called for under the proposed legislation are excessive and unconstitutional interventions into personal and private rights.

The sale of marijuana to adults over 18 should not be subject to criminal penalties. However, reasonable regulation and taxation of the sale of marijuana does not in and of itself constitute a violation of civil liberties. ACLU strongly supports educational efforts aimed at teaching all persons, and in particular minors, about the dangers of drug use and abuse.

The ACLU opposes laws which criminalize the possession, use and sale of marijuana, for these reasons:

1. They impose arbitrary, often harsh, and cruel penalties for private conduct for which no criminal penalty at all is appropriate.
2. They impose all of the hardships of an arrest, and arrest record, and often a prison term on otherwise law-abiding young people.
3. They are selectively enforced.
4. Their enforcement relies on entrapment, illegal searches, and other police conduct which violates civil liberties.
5. They encourage police corruption.
6. They divert law enforcement money and manpower from the enforcement of laws against serious crimes.
7. They engender contempt for the law.
8. They interfere with honest efforts to educate young people about the dangers of drug use and to combat the problems of drug abuse.

ACLU urges the defeat of legislation which would impose criminal penalties for the use or possession of marijuana.



# American Civil Liberties Union

Alaska Civil Liberties Union - Legislative Committee - 217 Second St. #204 - Juneau, Alaska 99801

April 7, 1987

Mr. Carl Sampson  
Juneau Empire  
3100 Channel Drive  
Juneau, Alaska 99801

Dear Carl:

I am writing on behalf of the Alaska Civil Liberties Union to correct some of the misinformation which has been circulating on the marijuana recriminalization issue. The proponents of recriminalization selectively misrepresent the scientific evidence in order to justify intruding on the private, personal behavior of others which they find morally disagreeable. The ACLU does not condone or encourage use of marijuana. However, we do believe that in addition to being unconstitutional, the effort to put people in jail for smoking it is misguided social policy of the worst kind. Most distressingly, we are appalled that certain legislators who support recriminalization are willing to distort the medical evidence to support their viewpoint. I quote from a memorandum dated February 27, 1987, prepared by the House Research Agency in response to a request by Representative Terry Martin:

"You asked us to substantiate the findings on marijuana included in House Bill 55. . . . As you requested, I have not included any research which disputes the findings set out in the bill."

The proponents of recriminalization are not interested in the facts. Representative Martin decided what he wanted to hear, and then instructed his staff to ignore the overwhelming body of research that refutes the "findings" contained in his recriminalization legislation. He did so because he knows that if the scientific evidence on marijuana is fully aired, his "findings" will be laughed out of the legislature. Unfortunately, in the prevailing climate of anti-drug hysteria, there are few people willing to challenge these result-oriented misstatements. We should at least be able to rely on our legislators to sponsor informed debate on the issue; instead Representative Martin, Senator Paul Fischer, and others perpetuate a "Reefer Madness" mentality that has been discredited since the 1950's. While space here does not permit complete analysis of every medical issue, each of the "findings" contained in the proposed recriminalization legislation is a serious distortion of the medical record. Here are a few examples of the way marijuana has been turned into a political soap box at the expense of the truth:

One of the common erroneous assumptions was stated in a recent letter to the editor as follows: "the potency of marijuana street samples has increased seven

times since 1975". The proponents of jailing people for smoking marijuana have been using this argument for years, as if to suggest that marijuana is seven times more dangerous now than it used to be. This is logically absurd. As with alcohol, consumers compensate for higher potency by consuming smaller amounts. Anyone who counsels alcoholics will confirm that beer is no less dangerous than whiskey simply because it has a lower alcohol content. This assumption is also incorrect factually; in 1986 the New York Times published the results of a survey showing that marijuana had increased to an average potency of 3.5% THC. However, in 1980 the same newspaper had stated that the average potency was 4%. If the New York Times is to be believed, the average potency of marijuana on the street has actually decreased since 1980. This fact is tied in with another misrepresentation fostered by proponents, the "marijuana overdose". In this respect, marijuana is much more benign than whiskey. The medical literature contains no reports of death by marijuana consumption; the same certainly cannot be said for alcohol overdoses.

Proponents of recriminalization claim that "ten to thirty percent of the THC consumed remains in the brain and the body's fatty tissues up to thirty days." and that "this accumulation destroys body cells." This statement is untrue. What remains in the body are trace amounts of non-psychoactive metabolites, primarily 9-carboxy-THC. These substances do stay in the body for up to thirty days, but there is no scientific evidence that they are medically harmful in any respect.

It is claimed that marijuana causes schizophrenia, illusions, and hallucinations, and blocks sensitivity to body signals such as pain. There is no clinical evidence that marijuana causes schizophrenia. The National Academy of Sciences found that drug abuse was more often than not a symptom rather than a cause of mental problems. Illusions and hallucinations are often subjective phenomena influenced by an individual's mental state and the power of suggestion. Individuals susceptible to breaks with reality will compound their mental problems with the use of alcohol, marijuana, or many other drugs. Marijuana users do experience an alteration of their space and time perception, as well as an enhancement of colors. These effects, together with impairment of motor coordination, are why marijuana should not be used while driving or operating machinery. However, to call these effects "hallucinations" is untruthful. "Hallucinate" means to see something that is not there. People who take LSD hallucinate. People undergoing alcohol detoxification hallucinate. Marijuana users do not hallucinate. Even the Reagan administration's National Institute on Drug Abuse has never made this claim. Marijuana does show a great deal of promise as a low-level pain killer. However, a sufficient dose to render the body oblivious to pain also puts the individual to sleep; this presents no danger to society or the individual.

Proponents of recriminalization claim that marijuana affects the hormones that control human sexual function, development, and fertility. These statements are also extremely misleading. The scientific community knows of no actual or suspected cases of marijuana-caused genetic defects or chromosomal damage. This was affirmed by the National Academy of Sciences in its comprehensive report on marijuana use in the United States. It is true that heavy marijuana smoking may result in a smaller birth weight (although in the allowable range), comparable to babies of mothers who consume nicotine or alcohol during pregnancy. That is why physicians caution pregnant women against using marijuana, alcohol, tobacco, or any other drug during gestation. Laboratory tests indicate that in massive doses, THC affects the production of the eggs, sperm,

and sexual hormones of rats and other animals. This is often cited as evidence that THC may reduce the chances of human conception. However, even if one accepts the questionable premise that a lower rate of conception is bad, the effects of marijuana use on human fertility appear to be negligible, as millions of marijuana smoking parents can affirm.

As a final example, proponents urge recriminalization because marijuana impairs short term memory, alters sense of time, and reduces ability to perform tasks requiring coordination or swift reactions. Of course it does. That is why people smoke it, just as people consume alcohol for the same reasons. That is also why it is illegal to drive while under the influence of marijuana, and why responsible adults confine use to safe situations, just as they do with alcohol. I suggest that anyone who seeks relaxation with alcohol is a hypocrite if he or she argues that marijuana should be banned for offering the same benefits. Marijuana intoxication does interfere with learning ability in much the same way as alcohol, however the scientific evidence demonstrates that there is no long term effect lasting beyond the particular incident of intoxication. In other words, this effect wears off within two or three hours of ingestion. One danger of teenage marijuana use is that many teens are prone to mix relaxation and studying, meaning they think that they are able to study after having consumed marijuana or beer. This is an important reason to deter adolescents from marijuana and alcohol use.

It is also why legalizing marijuana for adults, and establishing controllable sources of supply, makes sense: it would allow authorities to eliminate the black marketeers who are willing to sell to youngsters. It is worth noting that, although it is illegal to sell marijuana to minors, most youngsters report that it is easier to obtain marijuana around school than alcohol. The existing penalties for selling to minors are substantially stiffer than those proposed for simple possession, and yet we have not managed to stop the traffic because of the substantial profit motive for sellers. We have known since the the 1920's that prohibition does not work; if anything, it only makes the prohibited substance cheaper, less safe, and easier to obtain. Why can't we seem to learn that? A recent study conducted by the Netherlands Ministry of Welfare, Health and Cultural Affairs documented a decrease in adolescent use of marijuana following a decriminalization plan which allowed purchase of joints in cafes and youth clubs. Likewise, Dr. William J. Kinnard, Jr., Dean of the University of Maryland School of Pharmacology, recently advocated strong consideration of the full legalization of marijuana in a paper published by the Washington Post's Health Section, on October 14, 1986. We agree with Dr. Kinnard's conclusions that

"Serious consideration should be given to the further decriminalization or even legalization of marijuana. Legal control of marijuana is almost impossible, and our limited resources should be directed to the control of the more toxic illicit substances. While there have been claims that the use of marijuana leads to the use of more potent substances, that has not been substantiated. Just as in the case of alcohol, the individual's right of use in private should be allowed, but drug-related public actions, such as impaired driving, severely penalized.

Increased taxes on social drugs-alcohol, tobacco, and marijuana-would directly support an expanded National Institute of Drug Abuse."

In the current economic crisis in Alaska, it is misguided idiocy to create a whole new and very large class of criminals, who will need public defenders, court

time, and jail beds, instead of devoting our resources to effective educational efforts.

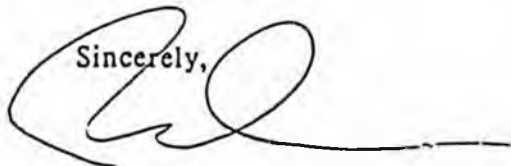
Teenagers recognize hypocrisy. Hypocrisy in the law promotes disrespect and encourages violations. It is undisputed that alcohol and tobacco are far more dangerous from a health and safety standpoint than marijuana. Teenagers logically and correctly conclude that our society simply doesn't know what it is doing when it comes to drug enforcement, and they tend not to pay attention to any laws regarding drug use. It would be far better to teach our children skills for responsible adult choice, and to demonstrate to them that society is capable of rational and consistent policymaking. Teens would be more inclined to follow the law if it made sense.

Advocates of the recriminalization of marijuana are proposing to take away a valuable right from every Alaskan adult. I am not referring to a "right to consume marijuana." They are proposing to take away our right to be left alone to do as we please in our own homes, so long as we do not harm anyone else in the process. They are trying to take away our right to make our own choices.

The ACLU does not advocate the use of marijuana or any other drug, and we particularly discourage the use of drugs by teenagers. We must undertake educational programs that combat drug abuse in all sectors of society. At the same time, we also believe that our country was built on a foundation that values individual liberty above all else. An important component of that liberty is the sanctity of our private lives, and the privilege of making choices about how to live our lives, rather than having the government make choices for us. As the price of keeping those rights of personal privacy and autonomy, we assume an obligation to educate ourselves and our children to make responsible choices, including choices about what substances to put into our bodies. The misrepresentation of the medical evidence engaged in by the proponents of recriminalization seriously interferes with our ability to make responsible choices. We must not let a vocal group of zealots impose their own moral, religious, or social viewpoints on us by promoting half truths and distortions of the facts, whether it concerns private sexual conduct, choice of reading material, religious observance, use of marijuana, or any other subject.

As a previous writer pointed out, you may use the telephone to express your views on the recriminalization of marijuana; call 465-4648 to leave a public opinion message with your legislator. You do not need to be a marijuana smoker for this to be an important issue to you. You only need to believe in your right to make your own choices. If you believe that the state should not put people in jail for activities that they may choose to engage in in the privacy of their own homes, you should oppose the effort to recriminalize marijuana.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul H. Grant", with a long horizontal line extending to the right.

Paul H. Grant  
Alaska Civil Liberties Union

FINDINGS ON SENATE BILL #32 & HOUSE BILL #55

I have examined the findings reported in House Bill #55 and Senate Bill #32 of the Alaskan Legislature and have found them flawed and inaccurate. Here is a point by point rebuttal of the findings. Beginning sentences in apostrophies are direct quotes from the bills. References to the National Academy of Sciences refer to their publication Marijuana and Health which reports their 1982 study of marijuana related research. I have also enclosed other materials which are pertinent to the topic of recriminalization.

1) "THC, the mind altering ingredient in marijuana, is not soluble in water, but goes into the fatty tissues of the brain, testicles, ovaries, and other internal organs, and takes 30 days to be eliminated from the body;"

Actually, THC is broken down by the body soon after ingestion. It's metabolites stay in the body for up to 30 days, but these metabolites are non-psychoactive. Any toxicologist can confirm this. Urine testing advocates exploit the confusion between THC which is the active ingredient and is metabolized relatively quickly, and its metabolites (chiefly 9-carboxy-THC) which have no psychoactive effect but linger in the body for a month or so.

The following quote is from a recent article by Chemical & Engineering News (6/2/86). "Marijuana is the most commonly abused drug and the kinetics of its metabolism have been studied extensively. It is also an unusual drug in that it can be detected in urine for a long time. Very little of the original drug, Delta-9-tetrahydrocannabinol or THC, goes into the urine. The chemical is absorbed from the blood into body fat tissue where it is eliminated as it is slowly metabolized. . . (metabolites) can be found in urine for longer than a month . . ."

The following quote is from a Center for Disease Control MMWR Report (9/16/83). "Studies involving humans indicate that 80% - 90% of the total dose of Delta-9-THC is excreted within 5 days - approximately 20% in urine and 65% in feces."

Most experts claim that the metabolites disappear 10 to 14 days after ingestion in most cases. Urine tests detect these metabolites, which is why the manufacturers are required to point out that they are tests to indicate recent use, not intoxication or impairment. If THC remained in the system for 30 days, and remained active, the urine tests would be marketed as a way to indicate impairment. They aren't.

2) "the buildup of THC in the body causes the user to smoke more marijuana to achieve the desired high and may result in loss of sleep, appetite, and initiative, as well as moodiness and depression;"

The "buildup of THC" is actually tolerance to the drug, a physiological response humans and animals have to any drug. It occurs not because of the THC buildup, but because of other complex biological factors.

The symptoms mentioned accompany cessation of marijuana use in some individuals, not the building in the body. A majority of marijuana smokers experience no side-effects from cessation of use. If these symptoms indicate anything, they indicate the relative lack of serious side-effects from cessation of use, unlike those associated with alcohol and opiate withdrawal.

3) "it is possible for a human being to overdose from the use of marijuana, especially if it is used in conjunction with alcohol, because it increases the effects of alcohol;"

There is no record of anyone ever dying from an overdose of marijuana. It is one of the least toxic drugs known to man.

Raphael Mechoulam, who isolated the main ingredient of marijuana (THC) has edited Cannabinoids as Therapeutic Agents which includes an article by Mark Segal on Marijuana's potential as an analgesic. He reports that marijuana has promise as a pain killer because it is non-addictive and does not depress the respiratory tract (unlike opioids.) Marijuana's promise as a pain-killer is reported by the National Academy of Sciences, and by Roger Roffman in the book Marijuana as Medicine; its promise rests on the fact that finding #3 is essentially false.

Marijuana is a mild intoxicant, and as such should not be used in conjunction with other intoxicants. Whether marijuana increases the effects of alcohol, or complicates them, or just how one would subjectively describe the effects of mixing the two, is beside the point that multiple drug use provides multiple safety concerns. Marijuana, though, has far less severe, cross-reaction with alcohol than barbituates or tranquilizers such as valium. Once again, a good toxicologist can provide confirmation of these points.

4) "the THC content of a marijuana cigarette 10 years ago was one percent, but is as high as 10 percent per cigarette today;"

Proponents of jailing people for marijuana use have been using this argument as if to suggest that marijuana is ten times more dangerous than it used to be. The premise that an increase in potency demonstrates an increase in danger is logically unsound. As with alcohol, consumers compensate for higher potency by consuming smaller doses. Anyone who counsels alcoholics will confirm that beer is no less dangerous than whiskey simply because it has a lesser potency.

The government has been trying to sell the increased potency argument for some time. The enclosed press release refers to a New York Times report in 1986 that marijuana had increased to an average potency of 3.5%, and that this was an alarming increase over the seventies. However, in 1980, The Times ran a similar story, only at that time they claimed that marijuana had an average potency of 4%. So, marijuana has actually decreased in potency, if you believe The Times.

5) "Marijuana causes schizophrenia, illusions, and hallucinations, including a dulling of the senses, creating the possibility that the user is unable to respond to body signals, such as pain;"

There is no clinical evidence that marijuana causes schizophrenia. The National Academy of Sciences found that drug abuse was more often than not a symptom rather than a cause of mental problems. Illusions and hallucinations are often subjective phenomena influenced by an individual's mental state and the power of suggestion. Individuals susceptible to lapses in their grasp of reality will compound their mental problems with the use of alcohol, marijuana, or other drugs.

Marijuana users do not hallucinate. They do experience an alteration of their space perception, and an apparent enhancement of colors. These, combined with impairment of motor coordination, are reasons why marijuana should not be used while driving a motor vehicle. However, to call these effects of marijuana "hallucinations" is misleading if not untruthful. Individuals who take LSD hallucinate. Individuals detoxifying from alcohol addiction hallucinate. Hallucinate means the individual sees something that isn't there. Marijuana users do not hallucinate.

The National Institute on Drug Abuse's pamphlet, "Marijuana", is far from being the best source on marijuana's effects. However, its claims are based far more on actual research than popular myths. It makes no mention of hallucinations, illusions, or schizophrenia resulting from marijuana use.

Marijuana's promise as a pain killer is referenced above. However, the dose required to render an individual oblivious to body signals such as pain far exceeds standard levels of use. A sufficient dose to accomplish this would also put the subject to sleep. It is unlikely that this presents any danger to the individual or to society.

6) "although it may take a heavy cigarette smoker as long as 20 years to develop lung cancer, one marijuana cigarette a day may cause lung cancer in three years;"

Marijuana is used daily by over 6 million Americans, according to the National Institute of Drug Abuse. Marijuana has been a popular recreational drug used by a large percentage of young Americans since 1965. There is no record of case histories to document this finding. If this finding were true, we would have millions of case histories of young individuals with lung cancer from marijuana use. The case histories don't exist because the statement is false.

The National Academy of Sciences decided that marijuana smoking and tobacco smoking can not be compared because the methods of ingestion differ so greatly. Marijuana smokers smoke far less materials a day than tobacco smokers (up to 2 cigarettes a day compared to 20 - 60), but they inhale the smoke far deeper into the lungs. On the other hand, many marijuana smokers use a waterpipe (or "bong") which filters out many, but not all, of the tars that contribute to lung cancer.

Claims that marijuana is more carcinogenic than tobacco are compelled by a logic that dictates that because marijuana is illegal (except in Alaska) it has to be more dangerous than tobacco (or in other cases, than alcohol). The claims are based on the undisputed fact that marijuana contains more tar than tobacco, but ignore the differences in ingestion and dosage that make comparisons inaccurate. Marijuana smoke is bad for the lungs, it does

contribute to the formation of lung cancer, and I am convinced that by the year 2000 we will begin to hear of way-stories of individuals who have lung cancer as a result of long term marijuana use.

Nonetheless, it is not true that a marijuana cigarette a day for three years will cause lung cancer. I offer my own lungs and continued health as proof.

7) "THC affects eggs, sperm, sexual hormones, and the development of a fetus, and marijuana use may result in deformed or undersized offspring;"

There are no documented cases of marijuana use causing a genetic deformity. I challenge anyone to provide one.

In April, 1984 Ralph Hingson delivered a paper at a NORML conference on "Effects of Marijuana Use on Pregnant Women". Dr. Hingson's conclusion was that marijuana use during pregnancy may result in a smaller birth weight for the fetus, but in an allowable range (similar to the smaller birth weight for babies from nicotine or alcohol using mothers.) NORML has been publicizing this since 1984. We regularly hear, though, from mothers who used marijuana during pregnancy who delivered babies of normal weight.

Laboratory tests have indicated that under some conditions, large doses of THC affect the eggs, sperm, and sexual hormones of rats and other animals. There is evidence that THC inhibits sperm mobility. However, the effects of marijuana on fertility seem to be negligible - as millions of marijuana smoking parents will attest to.

The National Academy of Sciences report affirmed that marijuana use has no effect on chromosomes or fertility.

8) "other physical reactions to marijuana include irreversible changes in the brain, sinusitis, pharyngitis, bronchitis, emphysema, increased heart rate, and decreased blood circulation;"

Marijuana use does not cause brain damage. NIDA recently announced proof that it does. My office contacted the researcher. His data actually suggested that a dose of 50 marijuana cigarettes a day for 30 years would not cause brain damage. What NIDA based their comments on was his finding that 136 marijuana cigarettes for 30 years would cause slight premature senilia. An individual would have to smoke a marijuana cigarette every 8 minutes for 16 hours a day, for thirty years, to suffer any brain damage - if this study is conclusive. The enclosed NORML press release cited above re: marijuana potency contains more details of this study.

Smoking contributes to lung and sinus problems, and marijuana smoking is no different. Marijuana does increase the heart rate and/or blood pressure in some individuals; NORML cautions against marijuana use by individuals with cardiovascular problems.

9) "other psychological reactions to marijuana include loss of memory; impairment in thinking, reading comprehension, and verbal and arithmetic problem solving; impairment of perception of distance and time; and anxiety, panic, paranoia, psychosis, and psychological dependence."

People use marijuana because they enjoy the mild impairment of the senses marijuana contributes to. This impairment is short term, and wears off two to three hours after ingestion. There is no evidence of prolonged impairment from marijuana use. The effects described above up to but not including anxiety are the short-term effects desired by the marijuana user.

The danger of teenage marijuana use is that many teens are prone to mix relaxation and studying, meaning they think it is okay to study while high on marijuana or while drinking beer. Impairment limits the ability to learn, especially the acquisition of learning skills. This is why it is essential to deter adolescents from marijuana use, and a primary reason why NORML advocates legalizing marijuana for adults (and shutting down the black market that will sell to students.) However 90% of marijuana smokers are adults whose learning skills are unimpaired by their occasional, moderate marijuana use.

Marijuana produces a condition similar to stress on the human body (for example, the increase in heart rate.) Most users find this pleasurable (ironically even the ones who claim they use marijuana to alleviate stress), some first time users do not. This is what accounts to reports of anxiety attacks by new or inexperienced users of marijuana. Not everybody who tries marijuana likes it, nor does everyone who uses it does so without ill-effect. People with pre-existing mental problems, as mentioned above, are susceptible to drug abuse. They are the source of reports of panic, paranoia, and psychosis resulting from marijuana use.

The issue of psychological dependence has been hotly debated for twenty years. Obviously, millions and millions of Americans use marijuana regularly. I contend they do so because they enjoy using marijuana. Whether they are psychologically dependent or not is a moot point. Marijuana is not an addictive drug, nor a dangerous one. Psychological reactions to it are cultural, not medical or biological. Once again, to belabor the point, some people with psychological problems abuse marijuana and other drugs. As with anxiety, panic, paranoia and psychosis, psychological dependence is not an observed side-effect in the overwhelmingly majority of marijuana users.

#### Additional Comments

To be to the point, these findings at best constitute horrible distortions and exaggerations of existing research findings. At worst, they are deceptive lies and half-truths designed to mislead the legislature of Alaska. The bulk of the rebuttal information presented here deals with health issues because of the logic of the bills.

Other valid arguments against the bill include the fact that Alaskans generally don't like the government interfering in their personal lives. This is the reason for the right to privacy clause in the state constitution. Also, the Alaskan police have better things to do with their time and your tax money than arrest marijuana offenders. Also, if this bill passes, it will likely be challenged in court as a violation of Ravin vs. State.

The National and International Drug Law Enforcement Strategy of the National Drug Enforcement Policy Board (NDEPB) (Jan. 1987) states that "because the decriminalization of marijuana possession undermines the standard

of the unacceptability of drug use, the 11 states (which includes Alaska) that have decriminalized marijuana possession should recriminalize this offense." This document indicates that the Attorney General, i.e. the federal government, is in the forefront to change Alaska's laws.

— Many of the claims represented in the above findings replicate claims in the NDEPB's Analysis of the Domestic Cannabis Problem and the Federal Response, (8/86). The source cited was a Drug Enforcement Administration report "The Health Implications of Marijuana Use." It is rife with phrases such as "research suggests," "have been observed," "marijuana may," and other cautious terminology which avoids making a direct conclusion. It is my opinion after studying these claims that they represent law enforcement's best attempt to justify the laws which they are obligated to enforce.

Social bias often interferes with sound scientific reasoning. The notion that marijuana is illegal so it must be dangerous is the driving rationale behind the ludicrous comments about marijuana above. The strategy of the NDEPB is to justify their increasing budget requests by turning drug education programs into law enforcement propaganda.

# “HOW DANGEROUS IS MARIJUANA . . . IN COMPARISON TO OTHER SUBSTANCES?”

According to World Almanacs, Life Insurance Actuarial (death) Rates, and the last 12 years of the U.S. Surgeon General's Reports, Americans DIE, directly or primarily, from the following (*selected*) causes per year Nationwide. (*Figures are for 1979 from the Federal Government's Bureau of Mortality Statistics, and NIDA, the last complete year at the time of this writing.*)

TOBACCO . . . . .	200,000 to 300,000
ALCOHOL ( <i>not including 50% of all highway deaths and 65% of all murders</i> ) . . . . .	18,951 to 130,000
ASPIRIN ( <i>including deliberate overdose</i> ) . . . . .	180 to 1,000 plus
CAFFEINE ( <i>from stress, ulcers, and triggering irregular heartbeats, etc.</i> ) . . . . .	1,000 to 10,000
OVERDOSE ( <i>deliberate or accidental</i> ) from prescribed legal or patent medicines and/or mixing with alcohol <i>e.g., Valium/alcohol</i> . . . . .	7,101 to 21,000
OVERDOSE ( <i>deliberate or accidental</i> ) from all <i>illegal drugs</i> . . . . .	981 to 3,600
MARIJUANA ( <i>including overdose</i> ) . . . . .	— 0 —

Marijuana users also have the same or lower incidence of murders and highway deaths and accidents than the general non-marijuana using population as a whole. *Cancer Study, UCLA; U.S. Funded (\$6 million), Jamaican Study(s) 1st and 2nd, 1968 to 1974; Costa Rican Studies, 1980 to 1982; et al.*

## LOWEST TOXICITY

70% of the studies done at dozens of American universities and research facilities show pot toxicity does not exist. Medical history does not record anyone dying from an overdose of marijuana (*UCLA, Harvard, Temple, etc.*)

# We Need to Refocus The War on Drugs

WASHINGTON POST HEALTH/OCTOBER 14, 1985

By Dr. William J. Kinnard Jr.

The drug-related deaths of young and promising athletes focuses attention on a major problem in the United States. To stem the tide of illicit drug use, people are calling for greater law enforcement, the use of drug testing and more educational programs. Yet none of those actions gets to the heart of the matter.

The real issue is the inappropriate use of all drugs by each of us. Our national drug problem is not just the free-basing of cocaine, excessive use of alcohol or the misuse of prescription drugs. It is our casual attitude toward all the drugs we take and our lack of appreciation of their potency and toxicity. It is our unwillingness to understand that many chemicals are actually drugs, and our willingness to put those chemicals into our bodies unnecessarily.

The tonnage of chemical compounds that this nation swallows, injects, inserts or inhales into its collective body each year is astronomical. We're so casual about the use of drugs that we don't even consider alcohol, nicotine, aspirin, caffeine and the theobromine in chocolate to be drugs.

The crucial factor in all of this is attitude. We must adopt a new national philosophy toward appropriate drug use. We must minimize usage, limit the effects of the so-called social or cultural drugs and use prescription drugs in a cost-conscious and therapeutically effective manner.

Making such changes in our heterogenous society will be difficult; cynics might say impossible. But I am not a cynic. The current antismoking campaigns have shown that massive change can happen.

Alcohol use can't be effectively banned; that was tried and failed 60 years ago. However, while each individual should continue to have the right to use alcohol (and tobacco), that use should not impact negatively on other persons.

While the sale of alcoholic beverages should continue, penalties for drunk driving should be severe. The efforts of Mothers Against Drunk Driving (MADD) and similar groups should be supported. The use of the breathalyzer test should be required when erratic behavior is seen. The effect of alcohol on job performance should be clearly identified and treatment programs made easily accessible and required for abusers. Repeat offenders should face disciplinary action.

Serious consideration should be given to the further decriminalization or even legalization of marijuana. Legal control of marijuana is almost impossible, and our limited resources should be directed to the control of the more toxic illicit substances. While there have been claims that the use of marijuana leads to the use of more potent substances, that has not been substantiated. Just as in the case of alcohol, the individual's right of use in private should be allowed, but drug-related public actions, such as impaired driving, severely penalized.

Increased taxes on social drugs—alcohol, tobacco and marijuana—would directly support an expanded National Institute of Drug Abuse (NIDA).

Over-the-counter drugs are generally considered by the public to be non-drugs, an idea reinforced by their relative safety and accessibility. Yet each drug does cause side effects, some serious. Many interact negatively with other drugs.

Intelligent self-medication should be the goal of each person taking OTCs. This is even more important as the Food and Drug Administration continues its efforts to release additional prescription drugs to the OTC market.

Prescription drugs are a major part of our lives. When we visit a physician, we expect to receive a magical piece of paper called a prescription. We must learn to accept that there are times when drug treatment is inappropriate.

As for illegal drugs, we cannot afford, either financially or philosophically, to create the kind of enforcement envelope around this country that would be required to block the flow. Therefore, if the supply can't be substantially reduced, we must work to reduce the demand.

Why do people take illegal drugs? The reasons are numerous and complex. Some include the

*Serious consideration should be given to the further decriminalization or even legalization of marijuana. Our limited resources should be directed to the control of the more toxic illicit substances.*

need to isolate oneself mentally from poor living conditions; the thrill of the risks involved; the affluence of American society and the great increase in leisure time; peer pressure; and the lack of knowledge of toxic effects.

One of the most obvious ways of combating illicit drug use among the poor is simple, albeit expensive and complicated: their environment must be changed. This means better housing, jobs, education and other activities that help build self-esteem, especially among our young people. There is no higher priority.

Stopping the use of cocaine and other illicit drugs by the affluent will require them to change their attitude. They must be educated to understand that these drugs are not without toxicity, and that each user contributes to the support of a terrifying underground drug distribution system that will ultimately, if unchecked, destroy the entire texture of American life.

Admittedly, change is difficult, but until we do, cocaine will continue to flow across our borders and up the noses of abusers; heroin, another "hound of hell" in the Rev. Jesse Jackson's memorable phrase, will murder our national spirit; drunk drivers will kill thousands of innocent persons; and the costs to society for the inappropriate and misuse of over-the-counter and prescription drugs will escalate.

*Dr. William J. Kinnard Jr. is the dean of the School of Pharmacy at the University of Maryland at Baltimore.*

*Second Opinion is a forum for points of view on health-related topics. Send articles to Second Opinion, Health Section, The Washington Post, 1150 15th St. NW, Washington, D.C. 20071.*

# Adolescent Marijuana Use Decreases in Netherlands Since Legalization

A report in the Netherlands which studied the effects of their liberal marijuana policy on adolescent drug use found that the use of cannabis has not increased since marijuana was "legalized." The report, entitled "The Use of Drugs, Alcohol, and Tobacco," surveyed 1300 people aged 15 to 24 years in the Netherlands about their use of various drugs.

While marijuana use by young people differed widely among varying age groups, regions and municipality size, use did not appreciably change when the categories are compared between 1976 and 1985. It was in 1976 that the Netherlands enacted a form of decriminalization of cannabis in the Amendment of the Opium Act. Cannabis has been sold in cafes and youth centers since 1978.

A study undertaken in 1976 in the city of Utrecht was compared with the current report. There has been no marked increase in the prevalence of cannabis use among those adolescents aged 15 to 18. In 1976, 3% of the 15 and 16 year olds and 10% of the 17 and 18 year olds had used cannabis at some time. The new figures are 2% and 6% respectively, showing a decline over the years since the liberal policy was placed in effect.

When the whole sample is combined, 12% of the people aged 15 to 24 had used marijuana at some point. Only 5% of the sample were current cannabis users, thus over half the users did not continue their use. Only 1.6% of the sample were regular users (once a week or more). The 88% of the people who had never used cannabis did not seem inclined to do so. Of this group, 83% did not think it wise to use it and 70% disapproved of the practice.

Comparing these figures to adolescent use in the U.S. results in the unarguable conclusion that American kids use more marijuana than young people in the Netherlands. According to the most recent report by the Federal government, in 1985 54% had tried marijuana, 25.7% are current users and 5% are daily users. This compares to 12%, 5% and 1.6% for similar categories in the Netherlands.

The report found that age made

## ADOLESCENT USE

*continued from page 3*

parental attitudes about use, spontaneous knowledge of drugs, locations where cannabis is obtained, among others.

The survey was carried out by the Foundation for the Scientific Study of Alcohol and Drug Use at the request of the Netherlands' Ministry of Welfare, Health and Cultural Affairs. The Dutch government requested the research as a result of international disapproval of their liberal marijuana policy. This disapproval was reflected in the United Nations International Narcotics Control

Board's demand of the Dutch for an explanation of their policy.

Two countries that protested the Dutch policy the most were Norway and the Federal Republic of Germany, both with distinctly repressive drug policies. In Norway (1981), 7% of the 15 to 19 year olds used cannabis at some time compared with 4% in the Netherlands. In West Germany, 15% of the 18 to 24 age group had used cannabis, compared with the Netherlands 18%. These figures confirm that while a repressive policy does not deter young people from experimenting with cannabis, a liberal policy does not promote the desire to experiment.

## Adolescent Marijuana Use In the United States and the Netherlands

a difference in use. Only 2% of 15 and 16 year olds had used cannabis at some time, while 30% of 23 and 24 year olds had. The population of the municipality made a large difference in use rates. In towns with populations of five to ten thousand, only 4% of the young people had used cannabis at some time. This compares with 12% in towns of 50,000 to 100,000 and 30% in cities of 500,000 or more. Unlike alcohol and tobacco use rates, sex did not seem to play a factor in cannabis use.

Many interesting areas were explored in the study. It found that among current users, those who used it most frequently described their parental relationships as being less satisfactory than did those who used it less frequently. A higher incidence of parental divorce was also found among current users as compared with non-users. The report also found that 90% of cannabis users said heroin was the most harmful drug, Cannabis users also believe alcohol is far more harmful than marijuana. Interestingly, more users identified coffee, tea, and nicotine as drugs than the non-users.

The Survey found no relationship between the use of cannabis products and educational achievement, neither was there any difference between users and non-users in regards to the extent to which they enjoyed going to work or school. There is no detectable link between the number of involvements with the police in the course of the previous year and the use or non-use of cannabis; nor had the users been to the doctor more often than the other respondents during the past year.

97% of current users and 90% of past users agreed that "everyone must decide for himself or herself whether or not to use marijuana." 74% of the current users and 60% of the past users disagreed with the statement "If you use hashish or marijuana you will eventually lose interest in your job, your school work, or your career." 91% of the current users and 83% of the past users felt marijuana use will not lead to the use of hard drugs.

Other areas explored in the report are: cannabis use and leisure, reasons for using and not using cannabis, age of first use, peer and

*continued on page 4*

# Anchorage Chamber of Commerce

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## Crime Commission

### RECRIMINALIZATION OF MARIJUANA



The Anchorage Crime Commission is a public group that wishes to present information on the issue of recriminalization of marijuana.

In 1985 the Anchorage Crime Commission compiled a bibliographical summary of numerous professional evaluations and opinions regarding the health hazards associated with marijuana usage. Based on this data the 1985 Crime Commission strongly endorsed the recriminalization of marijuana.

The 1986 Anchorage Crime Commission (with the generous support of the Anchorage Times and Carr's Quality Centers) conducted an area wide public opinion survey dealing with public attitudes on a wide range of crime related issues.

Although the final survey analysis and subsequent recommendations are not scheduled for release until early 1987, an extract of the survey provides statistical information regarding public attitude on two relevant questions directly related to the issue of marijuana recriminalization.

The citizens of Anchorage indicated their strong desire for the recriminalization of marijuana.

The Anchorage Crime Commission extends its support to the Municipal Assembly in accepting the challenges related to addressing this issue. Should further support or definition be needed, we would be happy to assist.

*Harold C. Heinze*

Harold C. Heinze  
Chairman

A Committee of the  
Anchorage Chamber  
of Commerce

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415 F Street  
Anchorage AK 99501  
(907) 272-2401

ANCHORAGE CRIME COMMISSION

# Anchorage Chamber of Commerce

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## Crime Commission



November 15, 1985

Dear Reader:

The material contained herein was compiled from various sources by the Anchorage Chamber of Commerce Crime Commission in support of our recommendation to recriminalize marijuana in the state of Alaska.

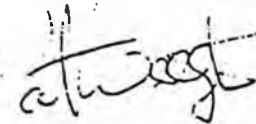
Because of a State Supreme Court Decision on this subject, it will be necessary for the Legislature to hold extensive hearings to determine if, in fact, marijuana is harmful to one's health.

It is the Crime Commission's contention that since the decriminalization of small amounts of marijuana in Alaska approximately ten years ago, much new information has been developed concerning this issue.

We feel that this scientific evidence substantiates the Commission's position that marijuana is a harmful substance. We further believe that if the Legislature were to hold the same type of hearings that were held ten years ago, the preponderance of evidence would result in outlawing the possession of marijuana for health reasons, an act which should then stand up to any further Supreme Court reviews.

We ask the reader to review the material carefully and draw his own conclusions as the Crime Commission has.

Sincerely yours,

  
Pat Wellington  
Vice Chairman

nm

A Committee of the  
Anchorage Chamber  
of Commerce

George N. Nelson Chairman

415 F Street  
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Pat Wellington Vice Chairman  
Don Patterson Secretary/Treasurer  
George King Law Enforcement

Craig Hesser Prosecution  
Chris Watkins Courts  
Sue McCauley Corrections

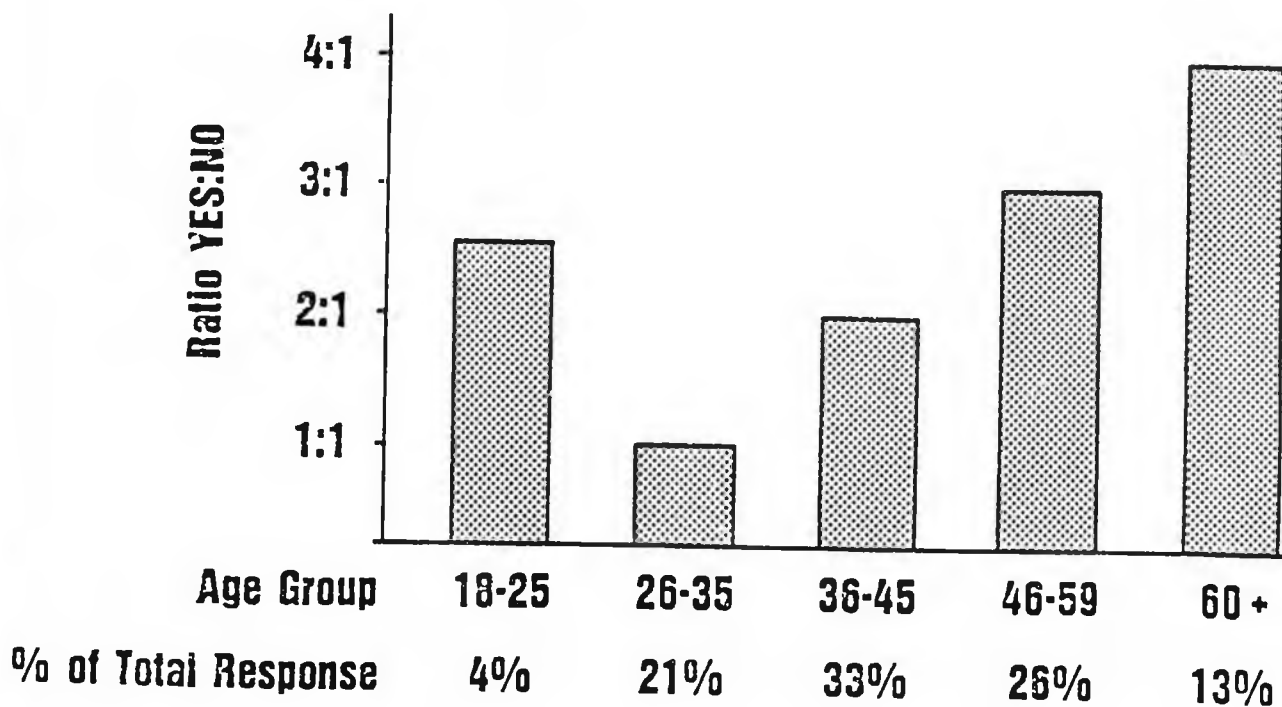
Vicki Swank Prevention  
Tom Obermeyer Legislation  
Ron Moore Publicity

# ANCHORAGE CRIME COMMISSION PUBLIC OPINION SURVEY

**QUESTION: Should marijuana in any quantity be considered an illegal substance ?**

**YES 324**

**NO 162**



**QUESTION: To what degree do illegal drugs affect the crime rate ?**

**HIGH 73%**

**MEDIUM 5%**

**LOW 15%**

**NONE 1%**

Testimony of David Teal, Director, House Research Agency.

Presented before the House HESS Committee on April 13, 1988.

HISTORY OF ALASKA MARIJUANA LAWS  
1949-PRESENT

- 1949 Cannabis was classified as a narcotic drug under the Uniform Narcotic Drug Act. Upon conviction, penalties for violations of the Act, including the possession of marijuana, began at a fine of not more than \$5,000 and imprisonment for not less than two nor more than 10 years. For a third or subsequent offense, the offender was punishable by a fine of not more than \$10,000 and by imprisonment for not less than 20 nor more than 40 years. The imposition or execution of sentence could not be suspended and probation or parole could not be granted until the minimum imprisonment provided for the offense was served.
- 1968 Added a chapter to address Depressant, Hallucinogenic and Stimulant Drugs, including marijuana. Under this law, marijuana possession for personal use was a misdemeanor punishable by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both. Possession with intent to sell or distribute marijuana was a felony and subject to greater penalties, as was selling or distributing marijuana to minors.

Alaska Statutes, Title 17, Chapter 12.

1975 Amendments made public use of marijuana, public possession of one ounce or more, possession of any amount while operating a motor vehicle or airplane, and any possession or use by a minor a misdemeanor punishable by a fine of not more than \$1,000.

An adult who violated the law by possessing any quantity of marijuana in other than a public place, when the possession or control was for personal use, or who possessed an ounce or less of marijuana in a public place, was punishable by a civil fine of not more than \$100. Punishment under the civil section could only be initiated by civil complaint or citation and the court was allowed to establish procedures for the payment of fines by mail.

AS 17.12.110.

Prime sponsor of legislation Senator Terry Miller.

Note, this bill was transmitted to the Governor on May 19, 1975. The Ravin decision was released May 27, 1975. Governor Hammond allowed the bill to become law without his signature. In his message to the Legislature he stated:

"It is my personal belief that it is not in the public's best interest to expand the use of marijuana.

Inasmuch as Senate Bill No. 350 might have had this effect prior to the recent Supreme Court decision, Ravin v Alaska (Opinion No. 1156, May 27, 1975, I could not support the bill.

Because of that decision, private use of marijuana is now beyond the reach of criminal law enforcement. As SB 350 imposes civil penalties for such usage, it is more restrictive than the law articulated by the Alaska Supreme Court; the penalties for private marijuana use cannot be strengthened by a veto."

1982 The controlled substance laws were rewritten so that they are patterned after the Uniform Controlled Substances Act and the Federal Controlled Substances Act of 1970 and to enact uniform penalty provisions in conformity with the 1978 revision of Alaska's criminal code. The legislature found that marijuana poses a serious threat to the public health and declared that possession or use of marijuana that is not proscribed by law under the Act should not be construed as condoning or encouraging the use of marijuana by any person.

Marijuana is a schedule VIA (six A) substance--found to have the lowest degree of danger or probable danger to a person or the public. Possession of less than four ounces of marijuana for personal consumption is not illegal for an adult in a nonpublic place. Possession of marijuana in public, in greater quantities, with intent to sell, etc. is subject to a range of penalties for violations to felonies.

Alaska Statutes Title 11, Chapter 71.  
Prime Sponsor--Senator Dankworth, 11 Senate cosponsors.

No Marijuana legislation has been enacted in Alaska since 1982.

1  
Duane Ouseon  
District Director  
U. S. Customs Service  
Anchorage, Alaska

Alaska's drug laws  
send out the wrong  
message to those coming  
to visit in the State  
of Alaska

As of midnight Monday,  
March 21, 1988 U.S.

Customs and other Federal  
Law Enforcement Officers  
began arresting every  
person caught entering  
the United States with  
usable amounts of  
illegal drugs.

Until this time,  
people entering the  
United States with  
small amounts of drugs  
would merely be fined  
and allowed to leave

## Customs Custody.

This program which has been in effect for one year in San Diego is a government-wide program known as zero tolerance.

Zero Tolerance is the detection and seizure of any usable quantities of controlled substances in the possession and direct control of persons arriving in the United

4

States at a point of entry for which an arrest and ultimate prosecution will be sought.

This was brought about by actions of the National Drug Policy Board to make the ultimate personal drug user responsible for his / her illicit activity. Small volume personal amounts of drugs carried by users and traffickers will be given the same

5

treatment as for major traffickers.

Violators will be arrested, fingerprinted, booked, taken for arraignment, travel documents seized as evidence, conveyances seized, whether it is a vehicle, vessel, or an aircraft. The program also provides for the Federal Highway Administration disqualification of commercial drivers possessing controlled substances,

6

the seizure of conveyances containing drug paraphernalia, the seizure of U.S. Visitor passports as evidence in prosecution and several more actions currently being developed.

The casual user may think when he takes a line of cocaine or smokes a joint in the privacy of his nice home, listening to his expensive stereo, that he is somehow not bothering anyone and

7

that it is his right to be able to do so. But there is a trail of death and destruction that leads directly to his door. The casual user cannot morally escape responsibility for the action of drug traffickers and dealings. A casual drug user is an accomplice to murder.

The casual user also cannot morally escape association with those who use drugs and then endanger public safety.

The message from casual use is that drugs are acceptable. Casual use sets the tone for tolerance and that tolerance has killed.

Ask the families of the 16 persons killed in the Amtrak train wreck on Jan. 4, 1987. The brakeman and engineer casually smoked marijuana just prior to that crash. Sixteen people killed because of an ~~am~~ engineer's personal indulgence in a

9

joint of marijuana.

Ask Betty Spencer of rural Indiana when two men out on bail on drug trafficking and high on drugs shotgunned at point blank her 4 sons aged 14, 16, 18 and 22. She miraculously survived two shotgun blasts to the back of her head but her sons were murdered.

Ask the parents of Stephanie Roper a 22 year old student whose car

broke down and <sup>she</sup> was offered help by 2 men who were users of drugs. She was raped repeatedly by both men, whipped with a chain, shot and then gasoline poured on her and set on fire.

These incidents go on and on and include hundreds of law enforcement officers, including Customs and DEA officers who have been shot and killed by drug users and traffickers.

11

They also include the human sufferings of those who have lost loved ones and those who are slaves to the drug production and trade.

Who would dare stand before the parents and families of these victims and tell them that drug use is a victimless crime? What apologist for casual drug use will look the Ropers in the eye and

say it is a matter of moderation? Alaska's law allowing for the casual use of marijuana bears some of the responsibility of these acts. This law also sends the wrong message to those coming to Alaska that since it is legal to possess small amounts of marijuana in Alaska they can bring it in with them. Alaska's present marijuana laws contributes to the arrests.

of those visitors to Alaska who feel it is OK to bring drugs with them. It may be legal to possess small amounts of marijuana in Alaska, but it is against Federal law to transport drugs across Alaska's borders whether it is by land, sea or air. The decriminalization of the use of marijuana in Alaska will send a message out to these

people and may make  
the difference in what  
kind of memories they  
will have of this  
great state.

## Speech

by

Ross Adkins  
1598 Wolverine Ln.  
Fairbanks, Alaska  
99709 Tele. 479-6849

to

HESS Committee Hearings (SB32- 1988)

on

April 13, 1988

The American public is presently involved in World War 3. It is a violent war of guns, killings, robberies, burglaries, streetgang atrocities and bribery. It is causing irreparable damage to this country's relations with third world nations. Larger cities in the United States are almost completely controlled by the cash flow created by this war. Fairbanks and other Alaskan towns are involved daily. The recent killings, beatings and burglaries in Fairbanks are a testament to this war. It is a subtle, relentless cruel pressure on our youth. It is the war of drugs, and our enemies are cocaine, heroin, various pills and marijuana.

The war must be won; our youth and elderly are losing their freedom safety and lives daily because of our apparent helplessness. It has cost our country more in lives and dollars than the Viet Nam war. President Reagan has pledged billions to combat all drugs including marijuana, and Nancy says "just say no" to marijuana as well as other drugs. Can we do less than pass SB32. It's hardly enough but would at least be consistent with the nation's crisis. We must send a clear message to our citizens and those who profit from all the abhorrent activity on a local and national level associated with the traffic of marijuana. We must outlaw the substance completely.

The advocates of home possession of marijuana cite constitutional rights as the foundation for their argument. I understand and defend constitutional rights as much as anyone. I also understand that those rights carry with them the responsibility to refrain from interfering with the rights of others. I ask you three questions; 1. Do we as a nation have the right to disrupt our neighbors' economy by allowing our demand for this useless habit to replace their food crops, and perpetrate the other evils of this international drug culture on these people. We in the United States tend to think of central and south American's problems as unfair burdens placed on us. Look closely, the enemy is us. Make all drugs illegal including the subtle introductory marijuana. 2. do we in Alaska have the right to participate in an activity which finances the street gangs in Los Angeles. All other states have sent a clear message to its citizens---NO MARIJUANA. You can bet

the recent crackdown on street gangs in LA has been aided by the conviction on marijuana when nothing else was available. 3. I ask you also, do the neighbors have the right to possess and use marijuana in the presence of their children who see nothing wrong with introducing the bag they lifted off the dresser to my daughter? An emphatic no. The problem past the point long ago of protection of their rights. We parents who pay the bills, support the schools, and in large portion elect you Mr. Koponen to office, demand the protection of our children's and our rights.

Marijuana is unquestionably a major support to the total drug culture's economy and method of expansion. The threat of cocaine addiction is easily clouded with marijuana smoke. Pushers are usually trained with marijuana and phased into hard drugs as they prove proficient. Marijuana traffic provides day to day income while the drug entraneur waits for the big one. Association is obvious, our reluctance to act is unreasonable.

Those who would delay this bill by drawing comparisons with alcohol are saying rape is ok because it is a lessor evil than murder. How ridiculous can the logic of a user get.

Clear this society of that smoke which turns all questions gray and lulls us to sleep. We are at war and we must wake up. The hour is late and the enemy is upon us.

Good luck on this bill. I think Alaska badly needs  
a firm statement on drugs.  
Glenn

Testimony on SB 32 - April 13, 1988

Glenn Hackney

1136 Sunset Dr.

Fairbanks, Alaska 99709

Mr. Chairman, Mr. Co-Chairman, committee members: My name is Glenn Hackney, I live at 1136 Sunset Dr., Fairbanks, Alaska 99709.

I'm here tonight to testify in favor of passage of SB 32. I think a clear statement by the legislature is in order at this time.

Mr. Chairman, I've read the article by attorney Wagstaff of Anchorage, wherein he states - quote - "Marijuana has been used throughout the world in various forms, concentrations and quantities for thousands of years. Nothing bad has happened yet. (emphasis mine). Unquote. I'm sure the engineer of the Conrail train that recently crashed, killing 14 or 16 people had the same thought. He tested positive for marijuana in his system. Maybe he thought the signal light was the moon rising dreamily over the railroad track. We can't afford to have space cadets running our public transportation system.

I can't speculate about the 6,600 hospital emergency room admissions to our nation's hospitals in 1986. Maybe they just dreamed something was wrong with them from using marijuana. I don't think we can dismiss marijuana as a harmless lawyers' dream machine of choice.

Let's not lose sight of the fact that marijuana is a drug, a mind altering substance that is illegal to use in every state.

Inevitably there arises the difference in the way marijuana is treated compared to alcohol and tobacco. Well, Mr. Chairman, as Paul Harvey might say, 'we're not doing nothing about alcohol and tobacco in our country. It's only because of platoons of lawyers, divisions of lawyers, armies of lawyers, that little gets done about limiting cigarette use.

It seems to me we are with marijuana where we were with cigarettes a short 1/2 century ago: nothing wrong with cigarettes, satisfying, relaxing, nerve soothing. Mr. Chairman, the smoke from marijuana goes to the same place cigarette smoke goes, only it stays longer.

Page 2 - testimony on SB 32

Mr. Chairman, Harry G. Summers, Jr., recently wrote a column titled "U.S. MUST HAVE WILL TO WIN THE WAR ON DRUGS". He cites the manner opium abuse was largely stamped out in China when authority took the attitude 'drug abuse by individuals will no longer be tolerated'. Summers fields this opinion on fighting drug abuse in America - quote - "--the solution lies in drying up the market upon which the suppliers depend by making the pain and penalty of being a drug abuser far greater than any pleasure that might be derived from taking drugs." - unquote.

Mr. Chairman, that means a consistent, tough policy, not a policy that tells young Alaskans, 'marijuana is illegal but it's okay in the home in 4 oz. lots. Those fighting drug abuse in the schools are advocating 'just say no'. The legislature is saying, 'just say maybe'. I urge you, as responsible Alaskans to pass SB 32. Just say 'no' to drugs.

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# Experts say flood of drugs threatens global resources

By DENIS D. GRAY  
Associated Press Writer  
LA LUMPUR, Malaysia—A flood of illegal narcotics has cascaded across the world in the late 1980s, a scourge that threatens to sap the energy and resources of nations and corrupt their officials and national policies, U.S. experts say.

They estimate that this year production will grow 213,700 metric tons to 171.1 million pounds—of heroin, cocaine, coca (the source of cocaine), marijuana and hashish. With increased production, prices of processed narcotics are coming down in many areas, leading to a sharp rise in addiction rates in poor countries.

The United States remains the largest gross consumer of illicit drugs, but the poorer nations are finding themselves afflicted with even higher addiction rates. The trend is spreading to Asian and Latin American nations, which are trying to divert scarce resources from development to the fight against drug use and addiction.

U.S. experts, who were in Asia for a recent world narcotics conference, also said that criminal drug syndicates appear to be operating as never before, using sophisticated profits to buy off law enforcement to arm their followers.



**OPIUM SMOKER**—A teen-age Indian boy smokes opium in New Delhi, India, recently. U.S. experts say a deluge of illegal narcotics has flooded the world in the late 1980s and threatens to sap the energy of nations.

Associated Press

and in some cases to influence national policies.

New trafficking connections resemble a map of global airline routes.

"There is now a realization almost everywhere that the drug problem, no matter how it manifests itself in individual countries, is an international problem," said U.S. State Department consultant Manuel Gallardo. "It's the litany, the gospel."

Senior officials of the White House, U.S. Drug Enforcement Administration (DEA) and State Department, interviewed in Kuala Lumpur by The Associated Press, gave this picture of the magnitude and global reach of narcotics:

- Worldwide illicit production in 1988 of opium, from which heroin is derived, may be as high as 3,000 metric tons and will originate mainly in Asia's Golden Triangle, where the borders of Thailand, Burma and Laos converge, and in the so-called Golden Crescent—Pakistan, Afghanistan and Iran. About 200,000 tons of coca will probably be produced, almost all of it in Latin America, along with 9,500 tons of marijuana and 1,200 tons of hashish in various parts of the world.

While these figures are roughly comparable to production in 1987, they represent substantial increases over the mid-1980s. Meanwhile, drug prices are reported at low levels in many markets.

- New trafficking routes are sprouting as authorities make

headway in blocking old ones.

Recently uncovered connections include the passage of cocaine through Brazil across the Atlantic Ocean to Senegal and the Ivory Coast in Africa, then on to Western Europe. Heroin from Pakistan and India is secreted through Kenya, Ethiopia, Nigeria and Senegal, also in Africa, from where it is variously moved to the United States, Europe and the Persian Gulf states. War-torn Lebanon, thousands of miles from the coca fields of South America, has become a major refining and transshipment center.

"What is becoming more evident is the flexibility of trafficking organizations," said DEA chief John L. Lawn.

- Pakistan, which was virtually drug-free in 1980, now has 600,000 more heroin addicts, a far higher percentage of the population than in the United States. Countries in Latin America, which once shunned cocaine as an exclusive "Yankee vice," are finding more of the drug is diverted for domestic abuse.

Cocaine is also spreading in Western Europe, and some say it is only a matter of time before it penetrates Asia where heroin is still the dominant hard drug.

"A number of countries have moved from zero to large additions (See DRUGS Page 45)

Government policies that encourage the nomads to settle down have accelerated the change to a sedentary life. The descendant of a line that dates at least to the 10th century, Sultan Ibrahim spent one recent morning negotiating movie

(continued from Page 25)  
populations within a few years," said U.S. Deputy Assistant Secretary of State Mark Dion. "It's a heavy anchor around the necks of governments trying to bring development. The costs are tremendous."

• The United States is the globe's top drug market, with 38 million Americans having consumed illicit drugs last year, according to White House estimates. These included 12 million cocaine users and 18 million who regularly used marijuana. An estimated half million are heroin addicts.

About \$54 billion, three times the gross national product of impoverished Bangladesh, was spent in the United States last year on health care, job absenteeism and other consequences of drug abuse.

While not drawing any direct, apocalyptic parallels between the drug situation today and that of the Manchu Dynasty in China at the turn of the century, the experts noted that opium addiction there affected foreign policy and led to the collapse of the Manchu imperial rule. Some 15 million Chinese, from coolies to mandarins, may have been addicted to opium at the time, they said.

Despite the grim statistics, a few

hopeful signs are appearing.

With some exceptions, international cooperation is growing in fighting traffickers, funding projects and exchanging views on addiction, rehabilitation and anti-drug education.

"We're talking the same language," said White House official Donald Ian Macdonald of increasing U.S.-Soviet cooperation on drugs. China is also becoming more active, while regional organizations in several parts of the world have been formed to tackle the problem.

The United States, widely viewed as both the key anti-drug fighter and a major source of the problem, has taken a tougher drug stance abroad and may follow suit domestically.

"What came through in the case of Panama is that the United States will not do business with a drug country," said the State Department's Dion, referring to pressure Washington put on Gen. Manuel Antonio Noriega, the Panamanian strongman under indictment in the United States on narcotics trafficking charges.

Macdonald, who is the White House special assistant for drug abuse policy, predicted a U.S. hardline on narcotics might include greater focus on and tougher action against American drug users, a move many nations would probably welcome.

"For a lot of politicians it's easier to talk about nasty foreigners than their own constituents," Macdo-

onald said. "I don't deny most drug come from abroad, but we have to look at our own demand and consumption."

Seen as a "drug market leader," the United States also has become the proliferator of new drugs—including synthetic "designer" varieties—and the social problems they spawn will almost certainly spread to other parts of the world, the officials say.

"One reason we're in a sort of panic is that we're not sure what's going on with the new stuff," Macdonald said.

Lawn, whose agency's current \$525 million budget has jumped 140 percent since 1981, said each new drug that surfaces requires a fresh set of strategies and more commitment of resources.

U.S. drug syndicates have been hit by an apparently effective legal blitz in the United States, but their drug-running activities are being taken over by Asian groups.

Arrests of drug criminals worldwide have probably never been greater, but denser transport links and more movement of people globally present traffickers with what the U.S. Customs Department calls new "windows of opportunity."

Governments in some Asian countries are making sizable efforts to fight traffickers and take casualties while trying to eradicate illicit crops. But syndicates have penetrated to the core of political power in nations like Colombia in South America.

"It's going to take a long effort," Lawn said. "This is not a battle for the faint of heart or the short-distance runner. It's a marathon."

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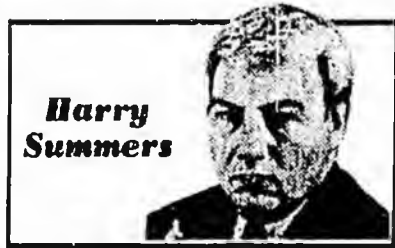
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# U.S. must have will to win war on drugs

America's war on drugs is going badly. Although we call it a "war," we have not yet identified the real enemy, and we have failed to develop plans and strategies by which victory can be won. And one cause of our bungling is that we have ignored the lessons of history.

This is not the first time that a great nation has been brought to its knees by narcotics. The same thing happened to China more than 100 years ago. And with their greater sense of history, the Chinese today must be looking on with some amusement, for they must see America's drug travail today a sweet revenge for what the West put them through during their "century of humiliation," beginning with the First Opium War of 1839-1842.

The Manchu emperors in Peking had banned opium in 1797, but the ban was ignored by foreign smugglers drawn by the immense profits to be made. In words that ring true about cocaine today, by 1830 the opium traffic had become, according to an article in the August 1988 American Heritage, "the most



valuable trade in any single commodity, anywhere on earth."

As with the United States today, China attempted to end the flooding of their country with illegal drugs by striking at the source—the foreign drug smugglers, primarily British "merchants" who were trading opium from India for Chinese silver, but also American "merchants" such as Warren Delano, grandfather of President Franklin Delano Roosevelt, who smuggled their drugs from Turkey.

In 1839, the Chinese Imperial Commissioner Lin Tze-hsu cracked down. He imprisoned the smugglers, confiscated their contraband drugs and destroyed 20,000 chests of opium. But the British were not about to lose such a lucrative

source of state revenue.

Queen Victoria—the "big Mama" of Britain's drug trade, in effect a forerunner of Panamanian General Manuel Antonio Noriega—responded with what is known as the First Opium War. Making quick work of the Chinese military, the British Royal Navy soon made it again safe for the drug smugglers and forced major territorial concessions from the Chinese. When the Chinese had the audacity to continue to protest, they were smacked down again with the Second Opium War in 1858.

The impact on Chinese society was disastrous. As the American Heritage article recounts, "by the turn of the century there were thought to be 15 million Chinese addicts." Although beginning in 1907 the British gradually withdrew from the drug trade, others saw how they had used drugs to pave the way for conquest. Before Imperial Japan launched its invasion in Manchuria in 1931, it flooded the area with opium and later used opium as an official source of re-

venue for its puppet state of "Manchoukuo."

It was not until after the Chinese Communists seized power in 1949 that the drug problem in China was brought under control. With their totalitarian control of the society extending into the corners of even the most remote villages, the Communists were able to enforce a ruthless drug-suppression campaign. Poppy growing was specifically forbidden, drug merchants were put in fear of their lives, and, most importantly, drug abuse by individual Chinese was no longer tolerated. And when they dried up the market, the drug problem took care of itself.

What can we learn from the Chinese experience? First is that attempting to halt drugs at their source is an exercise in futility. Second is that there are those, either for profit or political gain, who have a powerful incentive to keep America hooked on drugs. Third the solution lies in drying up the market upon which the suppliers depend by making the pain and penalty of being a drug abuser

far greater than any pleasure that might be derived from taking drugs. That may take draconian methods, but it is the only way the war on drugs will be won.

National will is the essential foundation for any war, including the war on drugs. But so far that will has been lacking, as we continue to temporize with drug pushers and drug abusers who now seem to operate with impunity on city streets across the country. As conditions continue to worsen it remains to be seen whether Americans will have the courage to face the fact that victory depends not on what others may do, but on their own will, moral stamina and strength of character.

"The way of the superior man," said the Chinese sage Confucius more than 2,000 years ago, "is like that of the archer. When he misses the center of the target he turns and finds the cause of his failure in himself."

*Harry G. Summers Jr. is a former colonel in the U.S. Army. His column is distributed by the Los Angeles Times Syndicate.*

MARCH 18, 1988 - N-M

## Area muggings linked to drugs

The priest was walking near Sacred Heart Cathedral about a week ago. He didn't know two attackers were waiting for him.

Suddenly, he was tackled from behind. He was punched and kicked. The muggers ripped Canadian money out of his pocket and fled.

He was another in a series of 13 mugging victims since the first of the year. Police believe there have been other muggings that have not been reported.

One adult and one juvenile be-  
(See MUGGINGS, Page 6)

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## MUGGINGS

(Continued from page 1)

lied to be responsible for that attack were arrested this week. Police said the two may have committed three other muggings as well.

Allen Tomczak, 19, is charged with two robberies. A 17-year-old boy was also arrested and referred to juvenile authorities.

That leaves nine assaults and robberies unsolved. Police believe two other suspects are responsible for those crimes.

According to police, in all the cases, the suspects stole money to pay for illegal drugs.

"They knocked them down, beat

them up, and took their money," said City Detective Paul Keller.

The duo staked out some victims and chose others on the spur of the moment, police said.

The most money they ever got was \$100. The majority of victims carried between \$30 and \$50.

They weren't picky about whom they assaulted and robbed.

Victims include the 55-year-old priest who was attacked outside a prayer building near Sacred Heart Cathedral, a 17-year-old who was on his way to buy illegal drugs himself, a 62-year-old man who lives at Golden Towers, and a 58-year-old

man walking near 17th Avenue and Mary Ann Street.

"They're real brave," said Detective Mike Nielsen. "Look at the ages of most of these victims. They punch them, lick them, beat them up."

"This is not a result of hard times," Nielsen said. "These guys aren't using the money to buy groceries for their kids. It's all for dope."

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The Peace of Copenhagen ended the war between Sweden and Denmark in 1660.

April 4, 1988

House H.E.S.S. Committee  
Testimony on SB 32

I recently retired after 24 years of teaching highschool chemistry and physics. Twenty of those years were at Juneau-Douglas Highschool.

The detrimental effects drugs are having on our young people is rather obvious. It is imperative that policy makers in our society begin to deal with this problem in an effective and forceful manner. With this thought in mind I wish to share with you my reasons for supporting SB 32.

After spending twenty-four years working with teenagers I am certain about one thing: they want to be considered and treated as adults. Being accepted as adults is of such importance that they will devote an enormous amount of time, energy, and effort attempting to achieve this status. Imitation of "adult" behavior is by far the most common approach used. If possession of marijuana is legal for adults you can tell the teenagers "all day, every day" that its illegal but you won't change their behavior. It is true that you will get many of them to accept its illegality on an intellectual basis, but behaviorally they will treat it as being legal. In a behavioral sense they simply do not accept the difference between themselves and adults. A clear example of this type of behavior is shown by the ineffectiveness of our efforts to convince teenagers that alcohol is legal for adults, but illegal for them. Those behaviors and activities that we define as acceptable for adults will continue to appeal to our young people. It is, therefore, extremely important that we look at changing our societal statement about the acceptability of adult use of marijuana.

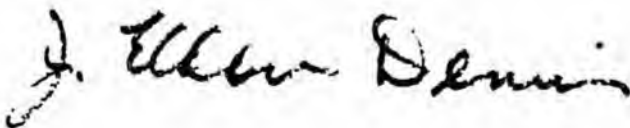
The current law allows a person to possess 4 ounces in the privacy of their home, but makes it illegal to possess or sell any quantity in all other circumstances. Our young people aren't stupid and neither are most adults. Except for the small amount that is grown by a few individuals, it doesn't take a lot of imagination to recognize an illegal act has to occur in order for most users to have 4 ounces of marijuana in the privacy of his/her home. I don't know of anyone that believes in a "marijuana Santa Claus" that will drop off a supply at each user's house as needed. It's simple economics, there is big money to be made in the sale of marijuana and such sales have to occur in one of two places, outside or inside the buyers home. If the purchase occurs outside the buyers home, the buyer would for a period of time be in possession and be illegally transporting

marijuana, but once home, the law declares the buyer safe and legal. If the purchase occurs inside the buyers home, the buyer willingly allows his/her premises to be used to conduct the illegal act of selling marijuana. This type of perverted and contorted logic was clearly meant to say on the surface "We in Alaska say marijuana is illegal, but if you can read between the lines, you'll see we don't really mean it". Our state must make a clear and convincing statement that this drug is illegal for all segments of our society.

Some people have tried to portray the supporters of SB 32 as a group of moral do-gooders infringing on the personal freedom of others. I submit there are many (including myself) who support this bill because they are just beginning to realize the tremendous cost that drugs are extracting from each of us. Some of these are direct economic cost others are health, safety, social and national security related cost. Recently weve been made aware of the destabilizing effects the huge profits from drug sales are having in Central America. Business and industry are realizing that drug use results in reduced productivity, quality control problems and increased operating expenses. As a result, many are moving toward mandatory drug testing and treatment programs. The public is becoming more aware and concerned about its safety at the hands of drug users that operate our public and commercial transportation systems. National legislation requiring drug testing for those employed in such fields has been proposed in an attempt to reduce these risks. These efforts may or may not be the correct approach to solve the problems, but it's clear that people are beginning to demand action. I don't know of a single person that thinks the passage of SB 32 by itself will solve our drug abuse problems in Alaska. Rather it is viewed as one of several actions that can and should be taken. It is an important philosophical statement about how we in Alaska view the use of this drug. Passage of it would indicate to our youth, our adult citizens, and to the people in the other 49 states that we too recognize the harmful effects that marijuana has on our society and that we are serious about trying to reduce its effects.

Thank you for your time and consideration.

Sincerely,  
Eldon Dennis  
Box 70  
Juneau, AK 99802

A handwritten signature in cursive script that reads "Eldon Dennis". The signature is written in dark ink and is positioned below the typed name and address.

MARIJUANA

I AM RICHARD BURTON. TODAY I REPRESENT THE ANCHORAGE CRIME COMMISSION AND THE ALASKA JUVENILE CRIME COMMISSION. I AM A RETIRED COMMISSIONER OF PUBLIC SAFETY FOR ALASKA, WITH OVER 25 YEARS EXPERIENCE IN LAW ENFORCEMENT AND PUBLIC SAFETY. I HAVE WORKED IN RURAL AND URBAN AREAS THROUGHOUT ALASKA AND OVERSEAS.

MUCH HAS BEEN SAID TODAY ABOUT THE EVOLUTION OF OUR STATE LAW ON DRUGS, SPECULATING HOW WE HAVE ARRIVED AT WHERE WE ARE TODAY ESPECIALLY REGARDING MARIJUANA.

I BELIEVE I CAN ADD SOMETHING TO THIS HISTORIC PERSPECTIVE, AS I WAS COMMISSIONER FROM 1974 TO 1979 DURING THE PERIOD WHEN MOST OF THIS STARTED.

I LISTENED TO YOUR EXPERT WITNESSES THIS MORNING AND IT WAS LIKE A REPLAY OF THE SAME DIALOGUE 13 YEARS AGO.

THEIR PREMISE THAT NOTHING NEW HAS COME FORTH REGARDING MARIJUANA IN THE LAST 13 YEARS CERTAINLY IS TRUE FOR THEM. THEY ARE RECITING THE SAME ARGUMENTS OVER AND OVER. USING THE SAME SPEAKERS.

HOWEVER THERE HAS BEEN SO MUCH NEW DATA CONCERNING THE EFFECTS OF MARIJUANA ON A PERSON'S HEALTH THAT THE REPORTS COULD POSSIBLY FILL YOUR COMMITTEE ROOM.

THE PROPONENTS FOR LEGALIZING MARIJUANA HANG THEIR ARGUMENT ON THE NOW INFAMOUS RAVIN DECISION. I HAVE TO AGREE WHEN THEY REFER TO IT AS A CORNER STONE DECISION OF THE ALASKA SUPREME COURT. I DON'T PERCEIVE IT AS A DECISION TO BE PROUD OF.

THIS MORNING ONE OF THE WITNESSES BROUGHT UP A POINT THAT WHEN THE MARIJUANA BILL WAS PASSED IN 1975 - GOVERNOR HAMMOND ALLOWED THE BILL TO BECOME LAW WITHOUT SIGNATURE.

WHAT THIS MORNING'S WITNESS LEFT OUT WAS GOV. HAMMOND LATER ISSUED A STATEMENT THAT IN THE FUTURE HE WOULD VOTE HIS CONVICTIONS. HE HAD "PAINTED HIMSELF INTO A CORNER" POLITICALLY WHICH WAS WHY HE ALLOWED IT TO BECOME LAW. IF HE WERE ABLE TO DO IT OVER AGAIN, HE WOULD HAVE VETOED THE BILL.

I CANNOT UNDERSTAND HOW THE COURT AND TODAY'S WITNESSES CAN TAKE A CASE, WHICH WAS DELIBERATELY STAGED - ON A PUBLIC ROADWAY - AND TURN IT INTO A CONSTITUTIONAL RIGHT-TO-PRIVACY MATTER REGARDING A PERSON'S HOME. IF A POLICE AGENCY HAD PULLED SUCH A STUNT TO GET A MATTER BEFORE THE COURT IT WOULD HAVE BEEN CONSIDERED ENTRAPMENT BY THE DEFENDANT INVOLVED, AND IT WOULD HAVE BEEN THROWN OUT OF COURT.

I THINK IT IS SIGNIFICANT TO NOTE THAT ALASKA HAD THE ONLY SUPREME COURT OUT OF ALL THE STATES TO HAVE SUCH JUDICIAL WISDOM AS TO ARRIVE AT SUCH A DECISION. NO OTHER STATE HAS FOLLOWED ITS LEAD.

THERE IS ONE POINT RELATIVE TO THE LEGAL PROCESS THAT HAS NOT BEEN MENTIONED. THE STATE DEPARTMENT OF LAW DID NOT APPEAL TO THE U.S. SUPREME COURT. WHAT THE DECISION MIGHT HAVE BEEN IS SPECULATIVE - BUT I BELIEVE IT SHOULD HAVE BEEN APPEALED.

I, LIKE ALL THE OTHER WITNESSES, CAN TELL NUMEROUS WAR STORIES ABOUT DRUGS, AS I HAVE SEEN ITS AFFECTS HERE AND IN THE ORIENT. HOWEVER, THE FACTS ARE, THAT MARIJUANA IS NOT A HARMLESS RECREATIONAL DRUG. IF IT WERE I WOULD CERTAINLY LIKE TO HEAR ANY ARGUMENTS ABOUT ITS BENEFITS. EVEN THE USE OF MARIJUANA IN THE CONTROL OF NAUSEA FOR CANCER HAS NOW BEEN REPLACED BY AN EFFECTIVE MEDICAL TREATMENT THAT DOES NOT INVOLVE ILLICIT DRUGS.

MUCH HAS BEEN SAID ABOUT THE ALASKA SUPREME COURT'S  
DECISION IN FINDING THAT MARIJUANA DOES NOT POSE A HEALTH  
HAZARD. I DON'T KNOW ABOUT YOU, BUT IF I NEED A HEALTH  
OPINION I THINK I WILL CONSULT A DOCTOR, NOT A LAWYER.

THE OTHER ARGUMENT THAT MR. RAVIN AND COMPANY MAKE IS THAT  
IF YOU PASS THIS BILL YOU THE LEGISLATURE WILL MAKE  
CRIMINALS OF APPROXIMATELY 100,000 ADULT MARIJUANA SMOKERS  
IN ALASKA. ....A HUNDRED THOUSAND? ADULTS?? DON'T  
LET THEM PUT A GUILT TRIP ON YOU. I ALSO FIND THEIR  
SCENARIO OF PEOPLE BEING DRAGGED FROM THEIR HOMES IN THE  
MIDDLE OF THE NIGHT FOR SMOKING A JOINT RIDICULOUS.

THE INDIVIDUAL WHO MAKES A PERSONAL DECISION TO BREAK OUR  
LAWS IS RESPONSIBLE FOR THE CONSEQUENCES OF THAT DECISION.  
NOT THE STATE. NOT YOU. NOT ME. INDIVIDUAL CHOICE,  
FREEDOM AND RESPONSIBILITY ARE TRUE CORNER STONES OF OUR  
DEMOCRACY.

ASK ANY POLICE AGENCY, SCHOOL COUNSELOR, AND AN UNTOLD  
NUMBER OF HEART BROKEN PARENTS; THEY CAN TELL YOU ABOUT THE  
TRUANCY, PROSTITUTION, THEFT AND BROKEN HOMES WHERE  
MARIJUANA HAS BEEN A SIGNIFICANT FACTOR.

YOU, AS ELECTED REPRESENTATIVES, HAVE HEARD FROM NUMEROUS GOVERNMENT, CIVIC, AND STUDENT GROUPS SUPPORTING THE RECRIMINALIZATION OF MARIJUANA. I SUBMIT IT IS YOUR DUTY TO BRING THIS BILL OUT OF COMMITTEE FOR A VOTE BY THE FULL HOUSE. IF YOU DO NOT, THEN YOU ARE NOT RESPONDING TO THE PEOPLE OF THIS STATE.

STATEMENT

ALASKA MARIJUANA BILL

FRANK H. MURKOWSKI

April 13, 1988

THANK YOU FOR THE OPPORTUNITY TO PROVIDE MY POSITION BEFORE THE HOUSE COMMITTEE ON HEALTH EDUCATION AND SOCIAL SERVICES ON S. 32, LEGISLATION TO RECRIMINALIZE THE USE OF MARIJUANA IN ALASKA.

MY WIFE NANCY AND I HAVE BEEN INVOLVED IN THE FIGHT AGAINST DRUGS FOR A LONG TIME. WE HAVE MET A LOT OF PEOPLE ALONG THE WAY WHO ARE PUBLICLY FIGHTING DRUG ABUSE. AS ALASKANS AND PARENTS WE BELIEVE THE NATIONAL EMPHASIS BEING WAGED AGAINST DRUGS MERITS CONSIDERATION OF S. 32 BY THE COMMITTEE. I URGE THE ALASKA STATE LEGISLATURE TO MAKE MARIJUANA POSSESSION A CRIME.

THE 1975 ALASKA SUPREME COURT RULING ALLOWING POSSESSION AND USE OF MARIJUANA IN THE HOME BY ADULTS SAID MEDICAL EVIDENCE THAT MARIJUANA IS HARMFUL DOES NOT OUTWEIGH THE ALASKA CONSTITUTION'S GUARANTEE OF PRIVACY. TIMES HAVE CHANGED SINCE 1975 AND TODAY THERE IS SUBSTANTIALLY MORE MEDICAL EVIDENCE OF THE ADVERSE EFFECTS OF MARIJUANA. ACCORDING TO PEGGY MANN IN HER BOOK MARIJUANA ALERT, THE MIND ALTERING INGREDIENT IN MARIJUANA - THC

- IS BELIEVED TO CAUSE ILLUSIONS, AFFECTS EGGS, SPERM, AND SEXUAL HORMONES AND THE DEVELOPMENT OF THE FETUS, CAN CAUSE IRREVERSIBLE CHANGES IN THE BRAIN, BRONCHITIS, EMPHYSEMA, INCREASED HEART RATE, AS WELL AS LOSS OF MEMORY, IMPAIRMENT OF THINKING, READING COMPREHENSION, AND VERBAL AND ARITHIMATIC PROBLEM SOLVING; AND PARANOIA, PSYHCHOSIS, AND PSYCHOLOGICAL DEPENDENCE. CLEARLY, TODAY'S MEDICAL EVIDENCE INDICATES THAT MARIJUANA IS A SERIOUS HEALTH PROBLEM.

ALASKA'S MARIJUANA LAW SENDS THE WRONG MESSAGE TO THE ONES WHO COUNT THE MOST...OUR CHILDREN. "ONLY IN ALASKA CAN ONE SIT AT HOME AND SMOKE MARIJUANA SECURE IN THE KNOWLEDGE THAT YOU ARE BREAKING FEDERAL LAW WITH THE BLESSING OF THE STATE SUPREME COURT." (TESTIMONY OF BOB SUNBERG, COMMISSIONER OF PUBLIC SAFETY, STATE OF ALASKA BEFORE A U.S. SENATE SUBCOMMITTEE HEARING, AUGUST 30, 1985). OUR OWN STATE OFFICE OF ALCOHOL AND DRUG ABUSE ESTIMATES THAT ALASKA'S USE OF COCAINE AND MARIJUANA IS TWO TO THREE TIMES THE NATIONAL AVERAGE FOR YOUTH AGE 12-17, YET ALASKA IS THE ONLY STATE IN THE UNION THAT HAS LEGALIZED MARIJUANA. WE HAVE SIGNIFICANTLY COMPROMISED OUR ABILITY TO PREVENT DRUG ABUSE UNDER THIS DECISION. FURTHER, IT IS EVIDENT THAT BECAUSE OF OUR HIGHER INCIDENCE OF USAGE OUR YOUNG PEOPLE TO SOME DEGREE ARE IGNORING THE SERIOUS HEALTH AND SOCIAL PROBLEMS ASSOCIATED WITH DRUG USE.

I AM ALSO CONCERNED ABOUT THE STATE'S LAW IN RELATION TO FEDERAL FUNDING FOR COMBATTING DRUGS. ALASKA RECEIVED OVER \$2 MILLION UNDER THE ANTI-DRUG ABUSE LAW OF 1986 ACT FOR EDUCATION, TREATMENT, AND ENFORCMENT PROGRAMS. AS YOU KNOW, WE ALMOST LOST THAT FEDERAL ASSISTANCE BECAUSE OF OUR LIBERAL MARIJUANA LAWS. WHEN THE U.S. DEPARTMENT OF JUSTICE WAS ALLOCATING FUNDS UNDER THE '86 ACT I RECEIVED A LETTER FROM THE ASSISTANT ATTORNEY GENERAL WHO EXPRESSED CONCERN ABOUT PROVIDING FEDERAL ASSISTANCE FOR DRUG ENFORCEMENT TO STATES WHICH MAINTAIN LAWS PERMITTING POSSESSION OF ILLEGAL DRUGS. FOR YOUR REVEIW, I HAVE ENCLOSED A COPY OF THAT LETTER.

YOU SHOULD KNOW, 53 U.S. SENATORS INCLUDING MYSELF RECENTLY INTRODUCED LEGISLATION WHICH WOULD TRIPLE THE AMOUNT OF DRUG MONEY ALASKA RECEIVED UNDER THE '86 ACT. THE OMNIBUS ANTI-DRUG ABUSE ACT OF 1988 IS EXPECTED TO PROVIDE ALASKA WITH OVER \$6 MILLION FOR EDUCATION, REHABILITATION AND TREATMENT PROGRAMS. ALTHOUGH I AM AN ORIGINAL CO-SPONSOR TO THIS LEGISLATION, I EXPECT TO FACE TOUGH OPPOSITION FROM MY COLLEAGUE'S ON THE MERITS OF ALLOCATING LIMITED RESOURCES TO A STATE WITH DRUG LAWS THAT ARE AT ODDS WITH FEDERAL LAW.

MY CONCERN FOR CHANGING OUR MARIJUANA LAW, HOWEVER, IS MOTIVATED BY A MUCH MORE BASIC CONCERN THAN WHETHER OR NOT ALASKA GETS IT

FAIR SHARE OF FEDERAL FUNDS TO FIGHT DRUGS. FRANKLY, I AM  
VERY WORRIED ABOUT WHAT WE ARE DOING TO OUR YOUNG CHILDREN BY  
HAVING A LAW THAT TELLS THEM ITS OKAY TO USE DRUGS. I URGE YOU  
TO CHANGE THAT LAW AND SEND A CLEAR MESSAGE THAT THE USE OF  
ILLEGAL DRUGS IS WRONG, THAT DRUGS HURT PEOPLE, THEY HARM  
FAMILIES AND THREATEN OUR SOCIETY. THIS IS AN ISSUE THAT MUST  
TRANSCEND POLITICAL AND PARTISAN DEBATE. IT'S AN ISSUE THAT  
DEMANDS IMMEDIATE ATTENTION. I URGE YOU TO SUPPORT LEGISLATION  
TO MAKE MARIJUANA POSSESSION A CRIME.

14 APR 1987

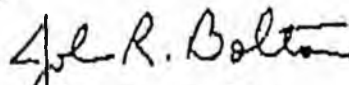
Honorable Frank H. Murkowski  
United States Senate  
Washington, D.C. 20510

Dear Senator Murkowski:

Earlier this year, as the Department was allocating funds authorized under the Anti-Drug Abuse Act of 1986, we conferred with your office about the State of Alaska's marihuana possession law. At that time, we expressed concern about the state's law in relation to federal funding formulas for increased state enforcement efforts.

We continue to be concerned about providing federal funds to states which maintain laws permitting possession of illegal drugs. As you are aware, this Administration is committed to reducing the budget deficit. This effort requires the Department of Justice to make extremely difficult decisions in allocating our limited resources. As we make funding decisions to enhance state drug enforcement efforts, we will continue to be concerned about providing to those states with drug laws that are at odds with federal law.

Sincerely,



John R. Bolton  
Assistant Attorney General

CURRICULUM VITAE

Norman E. Zinberg

11 Scott Street  
Cambridge, MA 02138

Date of Birth: November 30, 1921

Place of Birth: Harrisburg, PA

Education:

1942 A.B. University of Maryland  
1947 M.D. University of Maryland School of Medicine

Postdoctoral Training:

Internship and Residencies:

1947-1948 Rotating Intern, Sinai Hospital, Baltimore, MD  
1948-1950 Resident in Psychiatry (Assistant Psychiatrist),  
Spring Grove Hospital, Catonsville, MD  
1950-1951 Resident in Psychiatry (Senior Psychiatrist),  
Spring Grove Hospital, Catonsville, MD

Other:

1951-1957 Candidate, Boston Psychoanalytic Institute

Licensure and Certification:

1947 Maryland License, Registration No. D12117  
1952 Massachusetts License, Registration No. 22996  
1959 Certified in Psychoanalysis, The American Psychoanalytic  
Association

Academic Appointments:

1950-1951 Assistant in Psychiatry, University of Maryland  
School of Medicine  
1952-1954 Assistant in Psychiatry, Harvard Medical School  
1952-1955 Assistant in Psychiatry, Tufts University School  
of Medicine

## Academic Appointments (continued):

1954-1963	Instructor in Psychiatry, Harvard Medical School
1954-1963	Lecturer, Graduate School of Psychology, Boston University
1955-1957	Clinical Instructor in Psychiatry, Tufts University School of Medicine
1957-1958	Senior Clinical Instructor in Psychiatry, Tufts University School of Medicine
1959-1966	Assistant Clinical Professor in Psychiatry, Tufts University School of Medicine
1961-1970	Lecturer on Social Relations, Harvard University
1963-1964	Clinical Associate in Psychiatry, Harvard Medical School
1964-1974	Assistant Clinical Professor of Psychiatry, Harvard Medical School
1974-1982	Associate Clinical Professor of Psychiatry, Harvard Medical School
1982-	Clinical Professor of Psychiatry, Harvard Medical School

## Hospital Appointments:

1952-1956	Associate in Psychiatry, Beth Israel Hospital
1956-1958	Assistant Visiting Psychiatrist, Beth Israel Hospital
1958-1962	Associate Visiting Psychiatrist, Beth Israel Hospital
1958-1967	Associate Attending Psychiatrist, McLean Hospital
1962-1967	Visiting Psychiatrist, Beth Israel Hospital
1967-	Psychiatrist, Beth Israel Hospital
1967-1979	Attending Psychiatrist, McLean Hospital
1972-1982	Senior Associate in Psychiatry, Children's Hospital Medical Center
1973-	Staff Psychiatrist, The Cambridge Hospital
1975-1983	Associate in Medicine (Psychiatry), Brigham and Women's Hospital
1979-	Consultant, Psychiatry Department, McLean Hospital

## Other Professional Positions and Major Visiting Appointments:

1951-1952	Fellow, U.S. Public Health Service, Beth Israel Hospital, Boston
1962-	Faculty, Boston Psychoanalytic Institute
1968-1969	Visiting Professor of Social Psychology, London School of Economics and Political Science, London, England

## Other Professional Positions and Major Visiting Appointments (continued):

1968-1970	Consultant, The Ford Foundation
1969-1971	Scholar-in-Residence, Tufts University, Medford, MA
1970-1978	Special Consultant to the President, The Drug Abuse Council, Inc., Washington, DC
1971-1972	Consultant, U.S. Government, Department of Defense
1971-1972	Visiting Professor of Education, Clark University, Worcester, MA

## Awards and Honors:

1968-1969	Guggenheim Scholar
1968-1969	Fulbright-Hays Senior Faculty Lectureship Award, London School of Economics and Political Science, London, England
1968-1969	Walter F. Meyer Foundation Grant-in-Aid: TransAtlantic Study of Legal Institutions and Drug Use
1969-1971	Field Foundation Fellow

## Major Committee Assignments:

## National and Regional:

1962-1968	Chairman, Professional Advisory Committee, Massachusetts Association for Mental Health
1963-1965	Governor's Task Force to Plan Massachusetts Community Mental Health Act
1967-1968	Special Committee of Attorney-General Elliot L. Richardson on Drug Education in Massachusetts
1967-1969	Joint Commission on Mental Health of Children, Youth Division, Task Force III (President of the United States and U.S. Congress)
1968-1972	Committee on Drug Use, Commonwealth of Massachusetts, Department of Education
1969-1975	Board of Directors, Research in Family Development, London, England
1970-1972	Professional Advisory Committee, Washingtonian Center for Addictions, Boston, MA
1970-1974	Professional Advisory Committee, Massachusetts Association for Mental Health

## Major Committee Assignments (continued):

## National and Regional (continued):

1971- Chairman, Professional Advisory Committee, Vera Institute of Justice, New York City

1975- Board of Directors, Legal Action Center of the City of New York

1976- Advisory Board, Center for the Study of Nonmedical Drug Use

1977-1978 Coordinator, Task Panel on Psychoactive Drug Use/Misuse, President's Commission on Mental Health

1978-1981 National Advisory Council on Drug Abuse, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration

1980-1981 National Advisory Council on Mental Health, Department of Health and Human Services, Alcohol, Drug Abuse, and Mental Health Administration

1986- State Mental Health Coordinating Council, Commonwealth of Massachusetts

## Medical School:

1954-1959 Coordinator of Psychiatric Teaching (HMS II) in History-taking and Physical Diagnosis, Harvard Medical School

## Hospital:

1952-1966 Chairman, Selection Committee for Psychiatry Residents, Beth Israel Hospital, Boston

1959-1962 Staff Council, Beth Israel Hospital

1962-1966 Chairman, Research Committee, Beth Israel Hospital

1963-1966 Chairman, Human Subjects Committee, Beth Israel Hospital

1973-1981 Co-Chairman, Education Committee, Department of Psychiatry, The Cambridge Hospital

1979- Medicine/Psychiatry Liaison Committee, The Cambridge Hospital

1980 Executive Advisory Committee, Department of Psychiatry, The Cambridge Hospital

1981-1983 Search Committee for Director of Residency Training, Department of Psychiatry, The Cambridge Hospital

## Major Committee Assignments (continued):

## Hospital (continued):

1983-1987            Chairman, Education Committee, Department of  
Psychiatry, The Cambridge Hospital

## Editorial Boards:

1970-                International Journal of Group Psychotherapy  
1971-1986           Contemporary Drug Problems--A Law Quarterly  
1972-                International Yearbooks of Drug Addiction and Society  
1976-                Journal of Psychoactive Drugs  
1981-1986           Alcohol Health and Research World, National Institute  
on Alcohol Abuse and Alcoholism  
1982-                Advances in Alcohol and Substance Abuse  
1982-                Quarterly Journal of Studies on Alcohol  
1983-1987           Harvard Medical School Mental Health Letter  
1987-                Journal of Substance Abuse Treatment

## Memberships, Offices, and Committee Assignments in Professional Societies:

1952-                American Psychiatric Association  
1957-                Boston Psychoanalytic Society and Institute  
1957-                World Federation of Mental Health  
1958-1962           Committee on Members' Seminars, Boston Psychoanalytic  
Society and Institute  
1959-                American Psychoanalytic Association  
1959-                International Psycho-Analytical Association  
1962-                Boston Society for Gerontologic Psychiatry  
1962-1964           Chairman, Committee on Members' Seminars, Boston  
Psychoanalytic Society and Institute  
1968-1986           Fellow, American Psychiatric Association  
1970-                American Group Psychotherapy Association

Memberships, Offices, and Committee Assignments in Professional Societies (continued):

1971-1973	Committee on Social Problems, American Psychoanalytic Association
1972-1976	Committee for the Study of Drug Dependency, American Psychiatric Association
1973-1976	Chairman, Committee on Social Issues, American Psychoanalytic Association
1976-1977	Program Committee, Boston Psychoanalytic Society and Institute
1978-	Fellow, American Group Psychotherapy Association
1986-	Life Fellow, American Psychiatric Association
1986-	Founding Member, The American Academy of Psychiatrists in Alcoholism and Addictions

Major Research Interests:

1. Study of legal institutions and drug use

1968-1969 Walter F. Meyer Foundation Grant-in-Aid: TransAtlantic Study of Legal Institutions and Drug Use

2. Group process

1959-1961 Project Director, The Teaching and Training of Student Nurses and Psychiatric Residents through the Use of Group Processes, Pilot Project supported by U.S. Public Health Service Grant # 2M-6379, Beth Israel Hospital

3. Social education

1968-1972 Project Director, Projects on Social Education and Metropolitan Council for Educational Opportunity Teachers' Training, supported by The Ford Foundation

Major Research Interests (continued):

3. Social education (continued)

1969- Followup Study, Differential Influence of Schools on Education and Outcome (with Professor Hilde Himmelweit), London School of Economics and Political Science, London, England

4. Effects of delta-9-tetrahydrocannabinol on nausea and vomiting in patients receiving cancer chemotherapy

1974-1983 Consultant to project at Sidney Farber Cancer Institute, Boston (with Stephen E. Sallan, M.D.)

5. Controlled use of illicit drugs

1973-1976 Project Director, Controlled Illicit Drug Use, Pilot Project funded by The Drug Abuse Council, Inc., Washington, DC

1976-1981 Project Director, Controlled Nonmedical Opiate Use, National Institute on Drug Abuse Grant #1-R01-DA-1360-01A1-5, North Charles Foundation, The Cambridge Hospital, Department of Psychiatry, Cambridge, MA

6. The process of psychotherapy and psychoanalysis

7. The process of supervision of psychotherapy

8. Psychoanalytic perspectives on aging

## Teaching Experience:

- 1952-1966 Organized and developed Residency Training Program, Psychiatric Service, Beth Israel Hospital, Boston
- 1952-1966 Organized, developed, and taught course on Teaching Medical Psychology to Nonpsychiatric Physicians, Beth Israel Hospital
- 1952-1966 Supervision of all residents, Psychiatric Service, Beth Israel Hospital
- 1954-1959 Senior teacher of residents, medical students, and medical house staff, Psychiatric Service, Beth Israel Hospital
- 1957-1968 Taught course on Theory of Neurosis, Extension Division, Boston Psychoanalytic Institute
- 1961-1968 Lecturer, Group Development and Group Structure (with R.F. Bales), Harvard University, Department of Social Relations
- 1964-1968 Lecturer, The Study of the Life Cycle, Harvard University, Department of Social Relations
- 1966-1968 Supervision of doctoral theses, Harvard University, Department of Social Relations
- 1967-1968 Lecturer, Medicine and Society, Harvard University, Department of Social Relations
- 1967-1968 Lecturer, Youth (with E.H. Erikson and G. Goethals), Harvard University, Department of Social Relations
- 1969-1971 Taught course on Theory of Neurosis  
Boston Psychoanalytic Institute
- 1971-1972 Lecturer, Human Development; Emotional Responses in Education, Clark University, Worcester, MA
- 1971-1973 Supervision of doctoral theses, Clark University
- 1971- Weekly seminars; courses on Process of Psychotherapy; supervision of social workers, mental health workers, psychologists, medical students, residents, and nurses; group supervision, at Department of Psychiatry, The Cambridge Hospital
- 1978- Taught courses on Process of Psychotherapy, The Psychotherapy Center, Department of Psychiatry, Division of Continuing Medical Education, The Cambridge Hospital

I have lectured at many medical schools all over the United States and in Canada, all of the medical schools in the Boston area, and most of the hospitals in the Boston area on many occasions.

### Teaching Experience:

I have chaired staff conferences and taught courses for credit for Continuing Medical Education at many hospitals.

I have participated in symposia on various forms of psychotherapy and various aspects of substance use problems on many occasions.

I have attended innumerable Continuing Medical Education courses.

### Principal Clinical and Hospital Service Responsibilities:

1955-1966	Director, Residency Training, Psychiatric Service, Beth Israel Hospital, Boston
1955-1966	Assistant Director, Psychiatric Service, Beth Israel Hospital
1972-1980	Psychiatrist-in-Chief, Washingtonian Center for Addictions, Boston, MA
1975-1981	Co-Director of Training, Department of Psychiatry, The Cambridge Hospital
1979- 1981-1983	Preceptor, Primary Care Unit, The Cambridge Hospital Acting Director of Training, Department of Psychiatry, The Cambridge Hospital
1983-1987	Director of Psychiatric Training, The Cambridge Hospital

## Bibliography:

Journal articles

1. Zinberg NE. Value of county located mental health clinics. Bull Maryland Soc Mental Health. November 1950.
2. Dwyer TF, Zinberg NE. Psychiatry for medical school instructors. J Med Educ. 1957; 32:331-338.
3. Zinberg NE, Shapiro D, Gruen W. A group approach to nursing education. Nurs Outlook. 1962; 10:744-746.
4. Zinberg NE, Shapiro D, Gruen W. Some vicissitudes of nursing education. Nurs Outlook. 1962; 10:795-799.
5. Zinberg NE, Shapiro D. A group approach in the contexts of education and therapy. Ment Hyg. 1963; 47:108-111.
6. Zinberg NE. Dynamic psychiatry and the geriatric patient. Ment Health. 1963; 7:25-29.
7. Zinberg NE. Narcotics in the U.S.: a brief history. Harvard Rev. Summer 1963.
8. Zinberg NE. Psychiatry: a professional dilemma. Daedalus. 1963; 92:808-823.
9. Zinberg DS, Zinberg NE. Hans Castorp: identity crisis without resolution. American Imago. 1963; 20:393-402.
10. Zinberg NE, Edinburg G. Psychiatric consultation in an interdisciplinary setting. Smith College Stud Soc Work. February 1964; 126-139.
11. Zinberg NE, Lewis DC. Narcotic usage. I: A spectrum of a difficult medical problem. N Engl J Med. 1964; 270:989-993.
12. Lewis DC, Zinberg NE. Narcotic usage. II: A historical perspective on a difficult medical problem. N Engl J Med. 1964; 270:1045-1050.
13. Friedman LJ, Zinberg NE. Application of group methods in college teaching. Int J Group Psychother. 1964; 14:344-359.

14. Zinberg NE, Lewis DC. Enlightened attitude toward narcotics urged. *Issues Curr Med Pract.* 1964; 1:2-7.
15. Zinberg NE. Geriatric psychiatry: need and problems. *Gerontologist.* 1964; 4:130-135.
16. Zinberg NE. Psychoanalysis and the American scene: a re-appraisal. *Diogenes.* 1965; 50:73-111.
17. Zinberg NE. A return to commitment. *Antioch Rev.* 1966; 26:332-344.
18. Zinberg NE, Lewis DC. Some problems in prescribing narcotic drugs: the doctor-patient relationship. *Bull Narc.* 1967; 19:33-35.
19. Zinberg NE, Fellman GA. Violence: biological need and social control. *Social Forces.* 1967; 45:533-541.
20. Zinberg NE. The problem of values in teaching psychoanalytic psychiatry. *Bull Menninger Clin.* 1967; 31:236-248.
21. Zinberg NE. Dynamic groups: problems of means and ends. *Int J Group Psychother.* 1967; 17:254-257.
22. Zinberg NE, Friedman LJ. Problems in working with dynamic groups. *Int J Group Psychother.* 1967; 17:447-456.
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24. Zinberg NE. Psycho-analytic training and psycho-analytic values. *Int J Psychoanal.* 1967; 48:88-96.
25. Zinberg NE. American youth: a brief social-psychological history. *America.* 1967; 108 & 135.
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49. Boris HN, Zinberg NE, Boris M. Fantasies in group situations. *Contemp Psychoanal*. 1975; 11:15-45.
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64. Sallan SE, Zinberg NE, Frei E III. THC and oncology. *Hosp Physician*. 1979; 15:21-24.
65. Zinberg NE, Harding WM. Control and intoxicant use: a theoretical and practical overview. *J Drug Issues*. 1979; 9:121-143.
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2. Zinberg NE. The relationship of regressive phenomena to the aging process. In: Zinberg NE, Kaufman I, eds. The normal psychology of the aging process. New York: International Universities Press, 1963:143-159.
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7. Zinberg NE. The development and operation of a psychiatric service: an introduction. In: Zinberg NE, ed. Psychiatry and medical practice in a general hospital. New York: International Universities Press, 1964:1-14.
8. Zinberg NE. The psychiatrist as group observer: notes on training procedure in individual and group psychotherapy. In: Zinberg NE, ed. Psychiatry and medical practice in a general hospital. New York: International Universities Press, 1964:322-336.

9. Zinberg NE. Psychiatric rounds on the private medical service of a general hospital. In: Zinberg NE, ed. Psychiatry and medical practice in a general hospital. New York: International Universities Press, 1964:124-134.
10. Zinberg NE. Psychiatry: a professional dilemma. In: Lynn K, ed. The professions. Boston: Houghton Mifflin, 1964.
11. Zinberg NE. Introduction. In: Berezin MA, Cath SH, eds. Geriatric psychiatry: grief, loss and emotional disorder in the aging process. New York: International Universities Press, 1965.
12. Zinberg NE. Special problems of gerontologic psychiatry. In: Berezin MA, Cath SH, eds. Geriatric psychiatry: grief, loss and emotional disorder in the aging process. New York: International Universities Press, 1965.
13. Zinberg NE. The relationship of regressive phenomena to the aging process. In: Levitas GB, ed. The world of psychoanalysis. New York: Braziller, 1965.
14. Zinberg NE. The problem of values in teaching psychoanalytic psychiatry. In: Bibring GL, ed. The teaching of dynamic psychiatry. New York: International Universities Press, 1968:203-225.
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16. Zinberg NE, Weil AT. Cannabis: the first controlled experiment. In: Solomon D, ed. The marijuana papers. London, England: Panther Books, 1969.
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COMMONWEALTH OF MASSACHUSETTS)

COUNTY OF MIDDLESEX )

AND NOW COMES NORMAN E. ZINBERG, M.D., who, being duly sworn according to law, deposes and says:

I am presently Clinical Professor of Psychiatry at the Harvard Medical School, Boston, Massachusetts and Senior Psychiatrist at The Cambridge Hospital, Cambridge, Massachusetts. I am a Fellow of the American Psychiatric Association and a member of several other psychiatric associations. I have written more than one hundred articles including numerous ones on marijuana, psychedelics, amphetamines, cocaine, barbiturates, opiates, and alcohol. I have also written or edited several books on drugs and drug use. Since 1962, I have conducted numerous experiments using marijuana on humans, including use of marijuana for the treatment of the side effects of cancer chemotherapy and for the treatment of anorexia nervosa. I teach regularly about drugs and drug use at Harvard and lecture extensively at other prominent universities. I have testified before Congressional committees, and the National Commission on Marijuana and Drug Abuse, and at numerous court proceedings. (A true and correct copy of my curriculum vitae is attached hereto.)

Marijuana is the upper leaves and flowers of the hemp weed, cannabis sativa. References to its medical use appear in the Chinese literature starting in 2000 B.C., which makes it one of the oldest known drugs. It was cultivated in the United States in Colonial times

and used as an analgesic.

It enjoyed popularity in the Southwest around the turn of this century. There was use in the South after World War I and some popularity during the 1920s. Use dropped off prior to the passage of the Marijuana Tax Act of 1937 which outlaws the substance and prohibits its use for medicinal purposes. After World War II marijuana use picked up again but did not become widespread until the 1960s. Now approximately 60 million Americans have used marijuana.

The most active ingredient of marijuana is delta-9-tetrahydrocannabinol (THC) which has been manufactured synthetically. Marijuana has an intoxicating effect on users. The distinctive, obvious physical effects are short-lived redness of the whites of the eyes and an increase in the heart rate. The low level of toxicity and the absence of any proven long-term deleterious effects, either physiological or psychological, seem to indicate that it is a drug with a low potential for destructive abuse.

The most recent report, Marijuana and Health, by the so-called Relman Committee (Report of a Study by a Committee of the Institute of Medicine, Division of Health Sciences Policy. Washington, D.C.: National Academy Press, 1982), has not found that earlier reports of chromosome damage, brain damage, or damage to the immune system because of the use of marijuana have been proved by the research to date. This definitive report calls for more research. However, if marijuana is smoked sufficiently heavily, it can cause lung damage

similar to that caused by cigarette smoking. A recent report in the New England Journal of Medicine by Tashkin et al. has confirmed the lung damage that can be caused by heavy marijuana use. There were reports of toxic psychoses with marijuana use in the 1920s and 1930s, and in recent years there have been other such reports. However, here again, current research has discounted the existence of such psychoses, and there is no evidence of any occurring at this time. The National Commission on Marihuana and Drug Abuse (the Shafer Commission) and other researchers have specifically found that marijuana use is not causally connected to lack of motivation or vocational failure.

There are many myths concerning marijuana. One of the most frequently mentioned is the so-called "stepping-stone theory." This theory holds that people begin drug use with marijuana; after a time that is not sufficiently strong, and they move on to stronger and stronger drugs, ending up as opiate addicts. This theory fails to take into account that these drugs have quite different effects, and the use of one is unrelated to the use of another. Many commissions, beginning with the Kennedy Commission in 1963 and including the Shafer Commission and the LeDain Commission in Canada, have indicated that there is no evidence to support such a theory.

One of the most important aspects of marijuana is its extremely low toxicity. There have been no known deaths from the use of marijuana, and as far as I know, not a single case of death due to an

overdose of marijuana has been reported in the literature.

At the present time, there are a number of areas where marijuana is being tested for its therapeutic potential. One of these is glaucoma, a disease of the eye which eventually causes blindness. There is some evidence that this disease can be controlled through the use of conventional medications with some people, but many experience little or no relief, and others experience potentially serious side effects from these medications. Surgery is viewed as a last resort, and there is a high incidence of failure with present procedures. Current evidence indicates that marijuana may be useful in providing reduction of interocular pressure which is believed to cause blindness. A variety of preparations are currently being tested and so far the tests indicate the potential usefulness of the drug with glaucoma.

Another area where marijuana is being tested for its therapeutic potential is in the treatment of asthmatic patients. Several studies have shown the most active ingredient of marijuana, delta-9-tetrahydrocannabinol, to be an effective bronchodilator in both asthmatic and normal subjects. The studies indicate that nonsmoking methods of administration are best.

There are also possible benefits in the use of marijuana for controlling convulsions in human epileptics.

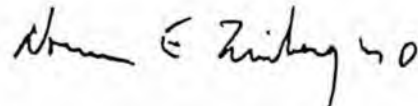
One of the current problems in the treatment of cancer patients is that there are few effective ways of combating the side effects of chemotherapy which include nausea, vomiting, and loss of appetite.

THC and marijuana show definite promise as a means of reducing or at times eliminating these side effects. Some studies are beginning to show that marijuana is a mild analgesic, producing relaxation, mild mood elevation, and appetite stimulation in advanced cancer patients.

A limited number of studies suggest that preparations containing THC might be effective as a topical antibacterial agent, especially with respect to penicillin-resistant strains of bacteria.


Much of what has been stated above also indicates that marijuana can be safely used under medical supervision. Marijuana's low potential for abuse makes it a drug which physicians can prescribe, in appropriate circumstances, with relatively minimal risks to the patient. Compared to the variety of drugs and controlled substances that are available upon prescription today, marijuana is a relatively benign drug. Under the supervision of a doctor, the use of marijuana would not present any substantial risk to the patient and could very well provide immediate relief from suffering.

It is my considered opinion that marijuana cannot be rationally classified as a Schedule I substance.



Norman E. Zinberg, M.D.

Sworn to and subscribed before me this 8th day of April, 1988.

  
Notary Public