

LETTER FROM OTTAWA



The pot boils over

**A preliminary report
on drug use is causing
problems and embarrassment
for Canada's legislators**

by Fred Poland

For some weeks Prime Minister Pierre Trudeau and his Cabinet members have been passing back and forth a report of a Federal Commission on the Nonmedical Uses of Drugs. The commission members, headed by Gerald LeDain, dean of a Toronto law school and including an internationally famous authority on drug use, psychiatrist Heinz Lehmann of Montreal, were known to have a liberal bent, and the suspicion was that the report contained such extreme recommendations on the control of drugs, particularly marijuana, that it couldn't be released.

By last week rumor and conjecture had reached a fever pitch; it was being suggested that the report recommended a five-year moratorium on all pot prosecutions (on the grounds that by that time more would be known about its effects) and that it even proposed legalizing pot altogether. In view of the heat being generated, the Prime Minister finally made the 675-page document public.

The report did indeed contain some bombshells. But it also contained an out for the Government: It recommended more study.

The most extreme recommendation was that the illegal possession of any drug—ranging from marijuana and LSD right up to the opiates such as heroin—should be punishable by no more than a \$100 fine. That recommendation was immediately rejected by the Government.

But the recommendations regarding marijuana and hashish—the subject of most of the report—had to be taken more seriously. Simple possession of marijuana, hashish or other psychotropics, said the commission, should not be punishable by imprisonment; even where fines cannot be paid the alternative should not be prison but civil court proceedings by the prosecution.

The commission also urged a reduction in the present harsh scale of penalties relating to the trafficking in cannabis drugs, which can extend to life imprisonment. The legal definition of trafficking should be amended so that nobody can be convicted of trafficking for giving away a quantity of cannabis that can be used on a single occasion. That offense would be the same as simple possession. Police methods of traps and physical violence to obtain evidence on drug use, the commission said, should be abandoned.

A minority report by one of the five commissioners, Prof. Marie Bertrand, a criminologist at the University of Montreal, went further: She recommended complete legalization of mari-

juana. Her recommendation, she said, was based on "the extent of use and the age groups involved; the relative impossibility of enforcing the law; the social consequences of its enforcement and the relative uncertainty as to the potential for harm of cannabis."

The Government is unlikely to go along with that proposal. As an aide to Justice Minister John Turner said, "A law should not be changed just because a certain number of people do not obey it."

But the Trudeau Cabinet is deeply split on how far to go in easing the marijuana control laws. Solicitor General George McIlraith, head of the Royal Canadian Mounted Police, and Justice Minister Turner both oppose any change in the law. But Health Minister John Munro is sympathetic with the commission report, and the Prime Minister, who can make the final decision, also leans toward liberalization of the law.

The issue is a problem for the opposition as well as the Government. Opposition leader Robert Stanfield said in the House of Commons after the report was issued that marijuana should not be legalized, but that the penalty should be lighter. But many Tories won't agree with him. Similarly, some Social Democrats want to liberalize, but the trade unionists, who support the party, are against it.

One aspect of liberalization that bothers Canadian legislators, besides the political effects, is the possibility that easier laws would cause an increase of drug traffic across the United States border. Right now there is little, and what there is mostly flows into Canada rather than out, but liberalization could change that.

As one Member of Parliament said privately, "Nixon would probably do to us what he did to the Mexicans. It would practically destroy our tourist trade." Last year's "Operation Intercept" to stop drug flow from Mexico caused a mammoth jam-up and bruised international feelings.

Although the commission report was outspoken, it did call for further hearings, and so gave the Government a breathing spell. Munro said the Government would wait for the commission's final report before making all-encompassing changes. But in the meantime, he said, it would consider asking Parliament to transfer marijuana from the harsh Narcotics Control Act to the Food and Drug Act. Since Parliament was moving toward adjournment this week, there is likely to be little action till fall. Hearings by the commission will resume in October.