Marijuana: Decriminalization, deemphasis and discouragement

"Considering the range of social concerns in contemporary America, marijuana does not, in our considered judgment, rank very high. We would deemphasize marijuana as a problem."

The judgment is that of the National Commission on Marijuana and Drug Abuse. After one year of hearings, surveys and more than 50 projects, the commission released this week what it calls "the most significant information gathered to date about the drug and its uses."

As expected, and following the lead of National Institute of Mental Health director Bertram S. Brown (SN: 2/19/72, p. 117), the commission recommended to the President and Congress a policy of deemphasis based on decriminalization and discouragement of marijuana.

This can be done, says commission chairman Raymond P. Shafer, by demythologizing the controversy surrounding marijanua, by placing it in the proper perspective and by "bringing uniformity and rationality to our marijuana laws." The report attempts to help lead the way. It concludes unanimously that marijuana is not such a grave problem that individuals who smoke it, and possess it for that purpose, should be subject to criminal proceedings. But neither, the report goes on, should individuals be allowed legal access to the drug. This would give it a stamp of approval, and increased usage would probably follow. Madison Avenue, for example, could have a field day with such a product. That would be undesirable, says the commission, because "society should not oppose or encourage the recreational use of any drug [including alcohol and tobacco], in public or private." The commission further notes that in a small percentage of predisposed individuals heavy marijuana use can cause psychotic reactions.

Therefore it proposes a policy of partial prohibition, with symbolized discouragement and social control coming from parents, schools, churches and the medical community. The goal would be to remove the criminal stigma and threat of incarceration from a widespread behavior (possession for personal use) and to relieve law enforcement agents of the responsibility of trying to enforce a law of questionable utility. This, notes the commission, would allow police to concentrate on drug trafficking and crimes against persons and property. The proposed policy would also help relieve the judicial calendar of a large volume of marijuana possession cases that delay the processing of more serious cases. (Recommendations on law enforcement are based on the findings of an American Bar Association committee that calls for ridding the courts of victimless crimes such as drunkenness, gambling, prostitution, homosexuality and drug use.)

The commission recommends the following changes in Federal law: "Possession of marijuana for personal use would no longer be an offense, but marijuana possessed in public would remain contraband subject to seizure and forfeiture; Casual distribution of small amounts of marijuana for no remuneration, or insignificant remuneration not involving profit would no longer be an offense; and a plea of marijuana intoxication shall not be a defense to any criminal act committed under its influence, or shall proof of such intoxication constitute a negation of specific intent."

States would be responsible for imposing fines ($100) for public possession, use or distribution of more than one ounce of marijuana. Disorderly conduct and driving while under the influence would be punishable by fines up to $1,000 and one year in jail. The commission further recommends continued drug abuse education and research and border control to halt the inflow of drugs.

Nixon's R&D message: Emphasis on private role

President Nixon transmitted to Congress last week his promised message on research and development. It was, as his science adviser, Edward E. David Jr., pointed out at a press briefing, the first time a President has presented Congress a message specifically on the subject of the nation's science and technology.

Several considerations, however, made the occasion slightly less auspicious than on the surface it might seem to be. The first is that the statement was not actually a status report on the over-all health of the scientific enterprise in the United States. It was rather, as had been indicated earlier, concerned in large part with the more limited subject of how to channel more development efforts toward solving practical national problems and especially how to stimulate industrial R&D. The second is that the broad outlines and much of the details had already been presented by the President in his State of the Union and budget messages in January (SN: 1/29/72, p. 70). No new funding not already included in the budget message was proposed.

Nevertheless several new actions "intended to enhance the climate for innovation" were announced. The President said he would submit legislation to encourage the development of more small, high-technology firms. Such companies have had a distinguished record in pioneering new technologies, he noted, but the combination of high technology and small size makes them risky from an investment standpoint. He proposed that the limit on Small Business Administration loans to small business investment companies, which provide capital for high-technology firms, be increased from the current $10 million to $20 million and that the ratio of Government support to small business investment companies be increased.

Nixon also took action to allow the National Science Foundation for the first time to support applied research in industry "when the use of industrial capabilities would be advantageous to accomplish the Foundation's objectives." No estimate of the possible amount of NSF support to industry was offered, but David said NSF would undoubtedly start receiving a flock of grant applications from industry.

Nixon noted that, to help overcome one barrier to technological innovation, he had approved last August a change in Government patent policy to liberalize the private use of Government-owned patents by allowing companies to obtain exclusive rights to them (SN: 9/4/71, p. 143). Use of those privileges will be actively promoted.

He also took note of his program announced in the budget message to provide $40 million to NSF and the National Bureau of Standards to find ways to stimulate non-Federal investment in R&D and to improve the application of results of R&D.

Over-all the tone and content of the message might be summed up most briefly by these two statements of the President's: "The importance of technological innovation has become dramatically evident in the past few years. . . . [But] A better performance is essential to both the health of our domestic economy and our leadership position abroad." And, "In general, I believe it is appropriate for the Federal Government to encourage private research and development to the extent that the market mechanism is not effective in bringing needed innovations into use." ❑