

*The Commonwealth of Massachusetts*

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FIFTH INTERIM REPORT

OF THE

SPECIAL COMMISSION

STUDYING DRUG ABUSE IN THE COMMONWEALTH

(authorized by Chapter 164 of  
the Resolves of 1967 and revived  
and continued by Chapter 1 of  
the Resolves of 1971.)

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NOVEMBER 1971

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THE COMMITTEE ON

INTERNAL SECURITY

OF THE

HOUSE OF REPRESENTATIVES

REPORT ON THE ACTS OF THE COMMITTEE

IN INVESTIGATION OF THE  
INTERNAL SECURITY OF THE UNITED STATES  
AND THE ACTS OF THE COMMITTEE  
IN INVESTIGATION OF THE

# The Commonwealth of Massachusetts

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## RESOLVE CREATING THE COMMISSION.

### CHAPTER 164.

*Resolved.* That a special commission, to consist of three members of the senate, five members of the house of representatives, and three persons to be appointed by the governor, is hereby established for the purpose of making an investigation and study relative to the extent of the use of narcotics, marijuana, L.S.D., and other harmful, injurious or illegal drugs within the Commonwealth, the underlying causes leading to such use, and the types of remedial action which may be taken to eliminate such use.

Said commission may require by summons the attendance and testimony of witnesses and shall report to the General Court on or before the first Monday in June, nineteen hundred and sixty-eight.

*Approved December 26, 1967.*

**The Commonwealth of Massachusetts**

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**MEMBERS OF THE COMMISSION**

*Appointed by the President of the Senate*

Senator Jack H. Backman of Brookline

Senator Samuel Harmon of Boston

Senator Ronald C. MacKenzie of Burlington

*Appointed by the Speaker of the House*

Representative Michael F. Flaherty of South Boston

Representative Robert D. Wetmore of Barre

Representative M. Joseph Manning of Milton

Representative Arthur J. Lewis of Jamaica Plain

Representative Walter J. Hannon of Quincy

*Appointed by the Governor*

Professor Hugh J. Crossland

Mr. Charles B. Dunnington

Dr. Dale G. Friend

*Staff*

Deborah Shilkoff, Research Director

Karen Foley, Secretary

**The Commonwealth of Massachusetts**

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FIFTH INTERIM REPORT OF THE  
SPECIAL COMMISSION ON DRUG ABUSE

November 24, 1971.

*To the Honorable Senate and House of Representatives:*

The Special Commission on Drug Abuse created by Chapter 164 of the Resolves of 1967, and most recently revived and continued by Chapters 1 and 22 of the Resolves of 1971, herewith submits its Fifth Interim Report. (See Appendix A.)

Respectfully submitted,

Sen. JACK H. BACKMAN,

*Senate Chairman.*

Rep. MICHAEL F. FLAHERTY,

*House Chairman.*

Sen. SAMUEL HARMON

Sen. RONALD C. MacKENZIE

Rep. ROBERT D. WETMORE

Rep. M. JOSEPH MANNING

Rep. ARTHUR J. LEWIS

Rep. WALTER J. HANNON

Professor HUGH J. CROSSLAND

Mr. CHARLES B. DUNNINGTON

Dr. DALE G. FRIEND

**The Commonwealth of Massachusetts**

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REPORT AND RECOMMENDATIONS FOR LEGISLATION  
OF THE SPECIAL COMMISSION TO MAKE A STUDY RELATIVE  
TO THE EXTENT OF THE USE OF HARMFUL, INJURIOUS, AND  
ILLEGAL DRUGS WITHIN THE COMMONWEALTH.

*To the Honorable Senate and House of Representatives:*

The Special Commission created by Chapter 164 of the Resolves of 1967, and most recently revived and continued by Chapter 1 of the Resolves of 1971, herewith submits the following Report and Recommendations for Legislation.

Respectfully submitted,

Sen. JACK H. BACKMAN, *Senate Chairman.*

Rep. MICHAEL F. FLAHERTY,  
*House Chairman.*

Sen. SAMUEL HARMON

Rep. ROBERT D. WETMORE

Rep. M. JOSEPH MANNING

Rep. ARTHUR J. LEWIS, JR.

Dr. CHARLES B. DUNNINGTON

## The Commonwealth of Massachusetts

The increased usage of marijuana over the past few years has shown us that although it is primarily used by the young, it can no longer be tied to any one ethnic or socio-economic group. In many circles, marijuana has become the social intoxicant of choice, accepted as alcohol is to other circles. At the same time, its burgeoning use has frightened many who see the adoption of a second intoxicant as a mark of social degeneration, and who remember the hypocrisy and failure of the last major governmental attempt at prohibition of a widely used intoxicant-liquor. These two fears cause a dilemma. If indeed marijuana is a sign of degeneration, and if indeed its use would unleash dangers upon our society then the logical conclusion is to protect our cohesion by prohibition. If, however, our estimation of the dangers of this intoxicant is exaggerated out of fear rather than fact, and if use has become more widespread than we have heretofore guessed, then we are chancing further societal degeneration by enforcing a prohibition that will be openly flouted by users who will view the law as non-serving and hypocritical.

The key element here is fact versus fear. The formation of a Special Commission to dissect the elements of this problem is most essential. We must know what types of people are using marijuana, and how large a segment of society they represent. We must know whether marijuana is used primarily as an intoxicant of choice, or a part of a larger incident of general drug use. We must examine how the present laws regarding marijuana are administered, their fairness, and how these laws affect the lives of those punished under them. We must learn exactly what kind of drug marijuana is and how it effects the mental state and behavior of the user. Finally, we must examine the hypothetical situation of licensure, because should society ever decide that the social cost of prohibition has become too high and lost its original merits, we must be prepared for the alternative of licensing controls.

The purpose of creating a new Special Commission (whose tenure would be for one year) separate from the existing Special Commission Studying Drug Abuse is to focus on marijuana as a

distinct problem outside of general drug abuse and use. The lumping together of all drugs in any form of consideration only confuses. This particular study will be one on more than purely pathological usage, and as such should remain separate from the more general mandate of the Drug Commission.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Two.

**APPENDIX A****AN ACT PROVIDING FOR AN INVESTIGATION AND STUDY BY A  
SPECIAL COMMISSION RELATIVE TO MARIJUANA.**

*Be it enacted by the Senate and House of Representatives in  
General Court assembled, and by the authority of the same, as  
follows:*

1 Resolved, that a Special Commission, to consist of two  
2 members of the senate, and five members of the house of  
3 representatives, the attorney general or his designee, and three  
4 persons appointed by the governor, and one of whom shall be  
5 under 25 years of age and be selected because of qualities  
6 which enable such person to speak as a representative of the  
7 young people of the Commonwealth, is hereby established for  
8 the purpose of making an investigation and study of, (a) the  
9 extent of marijuana use in the Commonwealth of Massachu-  
10 setts, including the source of use, the number of arrests,  
11 number of convictions, amount of marijuana seized, the type  
12 of users and the nature of said use, (b) an evaluation of the  
13 efficacy of existing marijuana laws with particular attention to  
14 the deterrent effect and social costs of said laws, (c) a review  
15 of studies of the pharmacology of marijuana and its immediate  
16 and long-term effects, both physiological and psychological, (d)  
17 the relationship, if any, of marijuana use to aggressive behavior  
18 and crime, (e) the relationship if any, between marijuana and  
19 the use of other drugs, and in general the public health, mental  
20 health, social, moral, and ethical aspects of marijuana use. The  
21 Commission shall submit to the governor and the legislature  
22 such interim reports as it deems advisable and shall within one  
23 year after the date on which funds first become available to  
24 carry out this section submit to the governor and legislature a

25 final report which shall contain a detailed statement of its  
26 recommendations and such proposals for legislation and ad-  
27 ministrative action as may be necessary to carry out its recom-  
28 mendations.

The Constitution of the United States

Article I  
Section 1  
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article II  
Section 1  
The executive Power shall be vested in a President of the United States of America.

Article III  
Section 1  
The judicial Power shall be vested in one or more Supreme Courts, and in such inferior Courts as the Congress may from time to time ordain and establish.

