

MACKENZIE KING WASN'T A LIBERTARIAN:

Drug History and the Forgotten Sixties

CHRISTOPHER DUMMITT

*Jailed for Possession: Illegal Drug Use,
Regulation, and Power in Canada, 1920-1961*

Catherine Carstairs

Toronto: University of Toronto Press, 2006. 244 pp. \$55.00 cloth, \$24.95 paper.

*Not This Time: Canadians, Public Policy,
and the Marijuana Question, 1961-1975*

Marcel Martel

Toronto: University of Toronto Press, 2006. 277 pp. Illus.
\$55.00 cloth, \$27.95 paper.

Bud Inc.: Inside Canada's Marijuana Industry

Ian Mulgrew

Toronto: Random House Canada, 2005. 287 pp. \$35.00 cloth.

IT WAS A PLEASANT Vancouver spring day in 2001, and I set out to do my civic duty by attending my local all-candidates meeting. The provincial NDP government was running low in the polls, and the feeling was that it was all but doomed to defeat. But that did not stop a fairly large crowd from turning out to listen, question, and occasionally heckle the candidates. The opposition Liberals had clearly put out a gag-order to prevent any of their candidates from saying anything that could cause controversy. They knew that the NDP could be counted on to lose the election and did not want their candidates getting in the way. So one of the most amusing,

if frustrating, features of the event was watching Lorne Maynecourt, the Liberal candidate, repeatedly open his mouth, speak what sounded like words, and yet manage to say nothing at all. The most intriguing figures at the meeting turned out not to be the major candidates at all. The representatives of the smaller parties and the independents could truly speak openly, and they did. The most articulate was a man in a bear suit who went by the name "Boris Bear." But certainly the angriest, and the one who is important to us here, was Marc Emery, the representative of the Marijuana Party.

At the time I was fairly ignorant of the Marijuana Party. I assumed that they were a fairly simple single-issue party with the emphasis on party, a bunch of jokers who wanted to have a good time, legalize pot, and make fun of the political system – the Rhino party on drugs. I was wrong.

Emery was entirely serious. And if anyone had expected some kind of left-wing hippie sixties leftover they were soon brought up short. Emery's politics were decidedly libertarian of the right-wing and anti-government variety. He went into long-winded speeches criticizing the "fascist" government's actions on a variety of fronts, not only in wasting resources policing the marijuana industry but also in criticizing just about any other government attempts to regulate individual behaviour. Emery was not just any candidate: he was the party leader and one of the illegal pot industry's biggest celebrities and entrepreneurs. And his politics reflected (and still reflect) the politics of contemporary marijuana aficionados. While this pungent plant is still celebrated by the hippie crowd, its support base has diversified. Although Bud is still illegal, some of its most vociferous adherents now speak the language of corporate and neoliberal respectability.

And the drug itself is on the verge of genuine respectability. In 1999, the Department of National Health applied for a special exemption to allow terminally ill Canadians to smoke marijuana for medical reasons. The laws against possession of marijuana are irregularly enforced at best and more often completely ignored by police and citizens alike. While the debate over decriminalization continues, the general cultural attitudes towards the drug have changed dramatically. In 1961, a conviction for possession still

brought a minimum six-month jail term. Yet, in 2004, one of the province's biggest marijuana dealers opened up Da Kine Café on Commercial Drive (a.k.a. the Drive), one of Vancouver's trendiest streets, and openly sold drugs for months. Everyone knew what he was doing. There was no attempt to hide anything. In the guise of supporting medical marijuana, customers were asked to sign a sheet on which they explained from which particular ailment they suffered. You could put down anything – headache, inflated testicles, or bruised ego. It didn't matter. The café was open for months. The mayor and chief of police refused to take any action until the provincial attorney general became so irate that something had to be done to save face. But the direction of change was clear: pot was the new beer.

All of this is both reminiscent of, and yet strikingly different from, the Vancouver of a century ago. The Vancouver of the early twentieth century was also home to the country's drug world. It was here that one could find most of the opium dens and the Chinese population who were so closely associated with drug use. Indeed, it was a trip to Vancouver in the autumn of 1907 that led to the creation of Canada's drug laws. In the wake of anti-Asian riots in September of that year, Laurier's government sent the energetic young deputy minister of labour, Mackenzie King, to sort through the mess on his way to the Far East. When King arrived he was faced with compensation claims from proprietors of opium dens whose property had been damaged. King balked. How could this be? The idea of swooning opium-users was repugnant to the sober and self-restraining Presbyterian Scot. Back in Ottawa, he set in motion a series of discussions that led to the passage of

a law prohibiting the non-medicinal sale, distribution, and manufacture of opium. Another law followed in 1908, and these laws were expanded in the 1920s. Marijuana was added to the list in 1923 with little fanfare.

Same city, different century: how can we explain the change between the Vancouver of the early twentieth century and the Vancouver of the early twenty-first century? It is a question that gets to the heart of changes in morality over the last one hundred years. To what can we attribute the great changes in legal regulation, levels of use, and, most important, attitudes towards drugs?

Catherine Carstairs does an admirable job of telling this story for the first half of the century. The direction of change in these years gave no hint of Marc Emery's future prospects. Carstairs tells the story of the "classic period" of Canadian drug laws. This is the period between the early 1920s and 1961, when governments focused on strong laws, strict policing, and tough sentencing. She begins her story slightly earlier. First, she teases out the origins of the drug laws, recounting the now-famous role of Mackenzie King and his 1907 trip to Vancouver in first instigating laws against drug use. But the bulk of the book picks up in the 1920s with the introduction of harsher penalties. One of Carstairs' biggest contributions is to show just how important anti-Asian fears were to the introduction of drug laws. This might have seemed obvious in King's response to the opium dealers' compensation claims in 1907; but King would as likely have been alarmed by recreational drug-use on the part of anyone. It was much clearer in the decidedly racist media campaigns in British Columbia and, especially, Vancouver in the early 1920s. First the *Vancouver Sun* and then the

Vancouver Daily World led high-profile campaigns calling for harsher drug laws. They directly linked the drug problem with the country's "yellow menace." In 1922 and 1923, as a direct result of this agitation, the federal government stiffened penalties under the Opium and Narcotic Drug Act. In other words, it is no coincidence that Canada's tough drug laws were passed at the same time as was the Anti-Chinese Exclusion Act, 1923.

The introduction of these laws significantly shaped the nature of drug use and drug users' lives over the next forty years, and this is the story that Carstairs sets out to tell us. As the 1920s moved into the 1930s, the proportion of Chinese users dropped considerably. Drug users increasingly came from the white working class, with some middle-class users' being an exception to the rule. Harsher police enforcement led, Carstairs argues, to a change in the type of drugs consumed. As drugs became harder to find, drug users turned to morphine and heroine and to different ways of taking opium (ways that were easier to conceal). Marijuana was almost unknown. By the 1940s and 1950s, the country's drug-user population was incredibly small by today's standards, numbering approximately four thousand. With such a small population and so many police resources devoted to it, the possibilities of surveillance and control were omnipresent. Almost every regular drug user in this period would have spent some time in jail. This could be for drug offences or for crimes committed in order to pay for drugs. For women, this frequently meant prostitution.

Jailed for Possession is an intriguing book in that it is engaged as much with contemporary debates about harm reduction as it is with historiography. Carstairs uses her research to suggest that the strong policing and sentences

of this “classic period” were much more harmful than they needed to be. They forced addicts to take drugs that were more harmful than the ones they had been taking as well as to use methods (such as injection) that were dangerous. She notes that police methods were often brutal and that, although police training became more professional through these years, they relied on on-the-job training, which was far from perfect. Undercover work and connections to the drug world opened up opportunities for police corruption.

The counter-point to this story of police regulation is the growing support for an expert-led “disease model” of drug use, which gained ground in the 1940s and 1950s. Doctors had frequently been in an ambiguous position with regard to drug policy, given their role as drug dispensers. They could easily be seen as problems themselves, as potential sources of drugs. But in the postwar years a more confident (if divided) medical profession began to come up with new ways of thinking through the problem of drug use. In the face of the obstinate continuity of drug use and the inability of tough legislation to effectively fix the problem, some doctors suggested that drug use be considered a disease. It could, they argued, be treated through medical intervention and even through prescriptions of regular small doses of the drugs themselves or their less harmful alternatives (e.g., methadone). The idea gained ground in conjunction with support from social workers and like-minded professionals. Interestingly, the growth of the disease model of drug use mirrored a change in professional attitudes towards homosexuality. In that case too, the view that saw such practices as morally abhorrent had to compete with an expert approach that labelled them diseases of the mind.

In the context of the expert-friendly 1950s, the (treatable) disease idea clearly made sense.

These concepts were most clearly laid out in the Narcotic Control Act, 1961. The Act removed minimum sentences and introduced the goal of treating drug offenders. Summing up, Carstairs argues that, “in the middle years of the twentieth century police officers, government bureaucrats and parliamentarians all held the hope that with proper psychiatric care, drug users might be cured.” But the moment of hyper-expertise was limited. “By the time the first treatment prison was built,” Carstairs goes on to argue,

growing scepticism about the value of prisons, asylums, and other total institutions, and the rise of middle-class marijuana use meant that the compulsory segregation and treatment of addicts would lose the appeal it had had in 1961. The 1961 Narcotic Control Act was a product of the 1950s, arising from a faith in experts, especially psychiatric experts, from conservative social norms, and from a willingness to experiment with new social programs to address Canada’s perceived ills. But in 1961, Canada was at the dawn of a new age, and the solutions of 1961 were quickly abandoned. (158)

This is where Carstairs leaves us: in 1961, at the end of the so-called “classic period,” with the ostensible age of expert-led cures on the horizon but also with the knowledge that all of this would be overtaken in short order by the cultural changes of the 1960s. It is at once an obvious but also a somewhat disappointing end point. Were there no signs of this “new age” that was

about to dawn? Was there nothing to indicate why a whole slew of middle-class youth were about to slough off the cultural beliefs of their predecessors and begin to use drugs on a historically unprecedented scale? The book leaves us to think that the changes of the 1960s were still to come. And this is too bad. Because there are intriguing hints throughout *Jailed for Possession* that the roots of later changes could be traced at least to the 1950s, if not earlier.

Drug users, it seems, felt themselves to be unique. In a culture that celebrated the “normal,” they were anything but. Yet it may be this very desire to break with what was normal that brought them so close to key trends in the popular culture that, ostensibly, they were trying to avoid. “I was beginning to comprehend what it means to be a member of the addict world,” one parole officer recalled. “It automatically makes all other strata of society as alien as a village in Outer Mongolia. Benny, like most of the snappers, was convinced that he was so different from the squarejohn world that he could never fit into it and be accepted by it. Heroin was nothing compared with this problem. The drug was merely the way out from worrying about it” (90). Yet how unique was this belief? How different was this feeling of being alien in an all-too-straight and hypocritical culture? In fact, some of the most engaging literature of the 1950s took on exactly this problem. Replace “squarejohn” with “phonies” and you could quite easily be talking about Holden Caulfield in *Catcher in the Rye* (1951). The Canadian example would be Duddy Kravitz’s energetic critique of middle-class WASP and Jewish culture in *The Apprenticeship of Duddy Kravitz* (1959). It is these kinds of cultural developments that go unrecognized in *Jailed for Possession*, which ignores

the ways in which the revolt against “normality” had already begun.

Although the early postwar decades were certainly conformist in many respects, the era also saw the acceleration of a culture of pleasure, and this had lasting repercussions. Attitudes towards alcohol softened considerably. Indeed, Vancouver saw its first cocktail lounges in 1954. Middle-class commentators increasingly found less fault with gambling and just about all the other “vices.”¹ In fact, they were beginning not to be considered vices at all. Carstairs notes that the social workers of the 1950s focused more on issues of personality and psychology than did those of two decades earlier. She presents the rise of this socio-psychological view as a conservative development, suggesting that the transformation went from the economic view (in the depression) to the psychological view (in the postwar years). Yet, the more obvious transition was not from the economic to the psychological; it was from the *moral* to the psychological. It was the transformation from a Victorian emphasis on moral character to a modern emphasis on personality. Other historians trace the change to the early twentieth century, but it did not take place with any kind of completeness until the 1950s or later.²

¹ These kinds of developments are discussed in a variety of recent books in Canadian social history, although the emphasis is usually on the way in which regulation continues in altered forms. See Craig Heron, *Booze: A Distilled History* (Toronto: Between the Lines, 2003); Robert Campbell, *Sit Down and Drink Your Beer: Regulating Vancouver's Beer Parlours, 1925-1954* (Toronto: University of Toronto Press, 2001); Suzanne Morton, *At Odds: Gambling and Canadians, 1919-1969* (Toronto: University of Toronto Press, 2003).

² This transition from character to personality is central to Anthony Rotundo's

The link between this culture of pleasure (we could also think here of the embrace of consumption, the retreat to family life, etc.) and the medical model of the experts is still somewhat unclear. The conservative American historian of “bad habits,” John Burnham, has argued that there was a direct link. For Burnham, treating the drug problem as a medical addiction was one step along the path towards making the vice acceptable behaviour. When doctors began talking about drug use as an illness, they created empathy. Media stories about the troubles of drug users established a kinship between the public and drug users, breaking down the (in his view, appropriate) barriers of harsh judgment.³ We do not necessarily need to agree with all of Burnham’s politics to see that there is at least something in what he says. If we want to figure out why attitudes towards drug use became so much more liberal in the 1960s and afterwards, medicalization needs to be part of the answer. Yet *Jailed for Possession* never fully engages with these questions. No doubt this is because the major changes postdate her work, but there were still plenty of clues to what was to come in her empirically rich book.

The gaps in Carstairs’ otherwise excellent work would not be such a disappointment were it not for the fact that we do not yet have anywhere else to turn to find the answers. It might seem as though Marcel Martel’s *Not This Time: Canadians, Public Policy and*

the Marijuana Question, 1961-1975 would do the job. After all, Martel starts up in 1961, directly where Carstairs left off. His is the first book to take on the subject of drugs in 1960s Canada. One might expect that it would focus on what were probably the most important developments of drug use in these years: the vast increase in the number of users, the drug culture of students, the counter culture, and the radical challenge that drugs presented to long-standing notions of self-control and respectability. But Martel only glances at these issues. *Not This Time* takes as its starting point the decision of the federal government *not* to decriminalize marijuana. In other words, it assumes that the big story of drugs in the 1960s is one of continued regulation.

From this rather unexpected start, Martel takes us through the efforts of various “social actors” to influence government drug policy. There is an analytical enemy here, and it is the “moral panic” school of analysis, which emphasizes the media’s role in blowing moral issues out of all proportion to reality, thereby creating a climate of fear and persecution. Martel tells us that to take this approach to drug laws in 1960s Canada would be altogether wrong. It is rather a shame that no one has actually made such a claim about drug policy in 1960s Canada – at least no one that he cites. But he does not appear phased by the absence of any real-life opposition; rather, he contrasts this straw man to the logic of his own explanation – that the role of “social actors” was supreme in determining public policy.

Not This Time is organized into chapters that look at the role of social actors, and it ends with a chapter on the LeDain Commission’s inquiry into Canada’s drug laws (1969-73) and a chapter on government drug policy. Martel does an admirable job of taking

argument in *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York: Basic Books, 1993).

³ John C. Burnham, *Bad Habits: Drinking, Smoking, Taking Drugs, Gambling, Sexual Misbehavior and Swearing in American History* (New York: New York University Press, 1993), 134-6.

us through the views and actions of a variety of key figures and groups. He shows us the divisions within the medical profession and how they weakened its ability to definitively shape public policy. He takes us inside the perspectives of various provincial governments, notably Quebec, Ontario, British Columbia, and Prince Edward Island (the latter taking a role out of proportion to its size in the anti-marijuana crusade). We also learn about the strong action on the part of various policing organizations, including the RCMP. Indeed, he ultimately argues that it was the strength of the RCMP lobby plus Canada's international obligations that negated any major change in marijuana laws, although he does note the significance of a change in 1969 that allowed for first and second marijuana possession offences to be handled by summary conviction, a change that ultimately meant that the vast majority of those convicted never faced jail time.

Although Martel's conclusion sounds reasonable, one might have wished he had taken a much less bumpy road to reach it. The frequent reiteration of the term "social actor" begins to grate almost immediately. This is mainly because the definition is so large as to be almost meaningless. That an organization like the Canadian Medical Association could be labelled a social actor makes sense. But, for Martel, a social actor could be just about anything or anyone. It could be an individual doctor or a government; it could even be a widely diverse category like "youth." There is no coherence or consistency here, simply an overly earnest attempt to assign a term ("social actor") to a complex social reality. It is an awkward fit at best.

This dissonance between analysis and evidence is made more unsettling

by the ahistorical nature of many passing comments. Early on he tells us that *Not This Time* "looks at the transformation of a new social reality, recreational drug use, into a social problem" (11). But surely recreational drug use was already considered to be a social problem; it did not need to be turned into one. The phenomenon of mass marijuana use was new, but the social opprobrium that greeted it was not. A couple of pages later he explains that "gaining pleasure, facilitating social interaction, or embarking on mystic quests through drug use became morally suspect activities for those opposed to non-medical drug consumption" (13). It is that strange word "became" that is troubling. Again, these types of activities were new, but they did not have to become seen as strange: they already *were* seen as strange. The lack of historical context is baffling. One gets the sense that Martel has just grabbed this issue as a case study to test out his theory of how social actors influence public policy. He could just as well have chosen anything else as he makes very little attempt to historically contextualize the policy debate. The fact that the book is organized around various social actors makes this ahistoricism even more of a problem. We are never fully introduced to the drug issue of the 1960s generally, and we certainly never get a nuanced discussion of how it changed over time.

One of the golden rules of book reviewing is never to criticize an author for not writing a different book; however, a little transgression might be in order this time. If you were going to set out to write a book about drugs in the 1960s, why would you not write about the most important development of that time? Why would you not take on the enormous and significant development

of the drug culture of the era? Yes, marijuana remained illegal, but this was a side-issue. In 1961, getting busted for possession got you six months; in 1971, you were almost guaranteed to go free. In between these years is a fascinating and important story about the changing nature of modern Canada. It is a story that neither Martel nor any Canadian historian has yet told.

All of this means that Canadian historians have not yet provided an explanation for what we find in Ian Mulgrew's *Bud, Inc.: Inside Canada's Marijuana Industry*. Mulgrew takes us inside the business and politics of Canada's (mostly British Columbia's) marijuana industry at the beginning of the twenty-first century. Mulgrew is a journalist who regularly contributes to the *Vancouver Sun* and who, it becomes clear, has some fairly good connections in the illegal bud trade. *Bud, Inc.* is an insider's look at key personalities, including Marc Emery and his Marijuana Party, the leading advocates of medical marijuana, the hydroponics industry, and a wide assortment of others whom you might find on Pot TV or contributing to *High Times*. What Mulgrew shows is a thriving culture and business, and it is the latter that he wants to emphasize. His own perspective is clear: he compares the criminalization of pot with alcohol prohibition in the early twentieth century, and he makes a mostly (though not entirely) economic argument for the legalization of the trade (i.e., that it would be good for both governments and businesses).

However, what makes the book fascinating is not the analysis but the journalism. Mulgrew is the twenty-first century version of Emily Murphy. Murphy was the moralistic reforming judge who, between 1920 and 1922, exposed the dangers of the opium trade

in a series of articles in *Maclean's* and then in her book *The Black Candle*. She recounted to readers her harrowing trip into the opium dens in order to tell of the dangers of the trade, especially to white womanhood. Nearly a century later, Mulgrew, too, went into the dens of Vancouver's drug trade, but he came back with a rather different story. He clearly does not like all that he sees; however, his prejudices are not those of the moral reformer but, rather, those of the neoliberal. The first expert he draws upon is an economist from the right-wing C.D. Howe Institute. He sees wasted trade opportunities and lost taxes. He finds businesspeople suffering under needless regulation and a legal climate that supports inefficient and sometimes buffoon-like business practices where there should be daring entrepreneurship.

This economic neoliberal fits effortlessly with the retrograde gender politics of the marijuana industry itself. All of the key players are male, and there is an excessive amount of macho bravura on display. Some of the key entrepreneurs (including Emery) have female business partners who seem to know much more about the efficient running of the business than they do. But the image of women in the industry is all "tits and ass." Emery met his assistant, Michelle Rainey, when she worked at a nearby bank. She applied for a job as his personal assistant and recounted to Mulgrew how she got it: "He [Emery] went, 'You're the nice-looking woman with the red lips and big boobs,' ... I said, 'Yes, I'd like to apply for your job.' [He] took my ten-page resume, [we] went to his house, and we've been together for almost five years" (35).

The kind of industry Mulgrew exposes and the kinds of politics he himself shares represent important

developments in late twentieth- and early twenty-first-century Canada. These are the strange connections made by libertarian politics – between former hippies and neoliberal entrepreneurs, pornographers and right-wing politicians, mainstream journalists and drug lords. This is the kind of cultural nexus that deserves explanation. Some of this explanation ultimately lies in the kinds of changes that overcame Canada – and, indeed, much of the Western world – in the postwar years and, especially, in the period of the long 1960s. These are the kinds of cultural transformations that contemporary Canadian social history, with its emphasis on the continuity of moral regulation (as in Martel's book), have been unable to explain. The kind of moral regulation that historians frequently emphasize in histories of drugs, sex, or alcohol is now more often associated with social conservatism. Yet this is but one feature of the modern Canadian ideological landscape – and not the most marked one at that. In the 2006 federal general election, the Conservative Party felt the need to downplay its social conservatism to win even a modest victory.

The more dominant characteristic of contemporary Canada is actually moral relativism. This comes in a variety of guises, from neoliberal and libertarian to socially progressive and

conscientious. Mulgrew comes from the libertarian side. But whether libertarian or otherwise, the development of this kind of moral relativism has gone almost entirely unexplained by Canadian historians who are too keen to keep emphasizing the continuity of regulation and the way in which it demonstrates the inequalities of Canadian society, especially those of class, gender, and race. Yet the existence of some kinds of moral regulation should not be at all surprising: it is simply a normal feature of social life. We should not let the important job of studying the continued inequalities in moral regulation prevent us from seeing the larger changes in morality more generally.

Aside from being both unrealistic and ahistorical, our focus on the continued existence of regulation throughout the twentieth century has ultimately failed to explain how and why our own position of moral relativism has come to occupy such a dominant (though certainly not unchallenged) position in contemporary Canada. Ironically, it was the very changes of the twentieth century, the questioning of moral authority and the increased acceptance of moral relativism, that have allowed us to be so sceptical of any past attempts to regulate moral behaviour. We would appear to be the children of historical changes we refuse to take seriously.