

MARTEL, Marcel — *Not This Time: Canadians, Public Policy and the Marijuana Question 1961–1975*. Toronto: University of Toronto Press, 2006. Pp. 277.

In 1969 the Commission of Inquiry into the Non-Medical Use of Drugs (the Le Dain Commission) estimated that some 1.5 million Canadians had smoked marijuana at least once. A generation of young people appeared to be embracing the drug, prompting law-makers, bureaucrats, medical professionals, politicians, educators, and the police to re-examine their response to marijuana. Through a close examination of government documents, newspapers, and other contemporary sources, Marcel Martel attempts to unravel the complex debate that took place around marijuana between 1961 and 1975. Although his chief concern is the formulation of policy on marijuana, Martel also shows how marijuana use became part of a broader “drug problem,” encompassing the use of other substances such as LSD, glue, and, to a lesser extent, amphetamines and heroin. Yet it was marijuana that prompted the most concern and regulatory interest. Not only was marijuana being much more widely consumed in the 1960s and 1970s than it had been in the past, but it was also being taken by a broader section of the population. Previous moral panics had centred on drug use among racial minorities and the dispossessed, but in this period research consistently showed that young, white, middle-class people were taking marijuana. This kind of drug use posed a particular difficulty for legislators: did their own children really deserve a prison sentence for the possession of marijuana as stipulated under the *Narcotic Control Act*?

To resolve this issue, policy-makers asked the advice of a series of groups and individuals. To their dismay, Canadian government officials found that opinion on the dangers of marijuana use was sharply divided. The medical profession, for example, could not agree on either the level of threat that marijuana posed to health or how to define what constituted drug “misuse.” Even the Canadian Psychiatric Association could not seem to make up its mind about drug use. On one hand, psychiatrists believed that drug users were sick individuals who required medical help; on the other, drug users were thought to be well aware of the dangers of drug use, implying that users were, to some extent, to blame for their condition. Other groups had yet other opinions. In a particularly interesting chapter, Martel explores how the creation of expertise around drugs and addiction interlocked with provincial politics. The response to marijuana offered by four provinces (Ontario, Quebec, British Columbia, and Prince Edward Island) was different in each: PEI and BC were categorically opposed to the legalization of marijuana (although for different reasons); the administration of Ontario was not wholly against the idea; and Quebec was more interested in defending provincial control of health and education policy than in dealing with marijuana use *per se*.

Given these contradictory views and responses, it is perhaps not surprising that the Le Dain Commission, appointed in 1969 to report on the current state of knowledge on non-medical drug use, failed to reach a consensus. The Commission heard three conflicting arguments. The first, supported by young

peoples' groups, some women's organizations, and at least one health professional, was that marijuana should be legalized. The second view, put forward by some religious groups and legal organizations, stopped short of legalization, but instead contended that the legal penalties for the possession of marijuana should be reduced. The final argument was that the dangers of marijuana use were unknown and that the state should therefore retain a strong role in prohibiting marijuana, a view supported by the Royal Canadian Mounted Police. The Le Dain Commissioners could not balance these contrasting views, and, as a result, three reports on marijuana were produced, each calling for a different course of action.

What the Le Dain Commission did demonstrate, however, was the strength of opinion in support of either the legalization of marijuana or its decriminalization. As a result, both options were considered by the Department of National Health and Welfare. Yet it is doubtful if legalization was ever a likely proposition. As Martel points out, the Canadian government was constrained not only by its obligations under the United Nations Single Convention on Narcotic Drugs, but also by its more powerful neighbour to the south. When the Nixon administration embarked upon its war on drugs in the early 1970s, Canada had little option but to join in. The brief closure of the Mexico-USA border in 1969, to put pressure on the Mexicans to control marijuana trafficking, demonstrated the potential consequences of failing to toe the American-drawn line. Despite this, attempts were made to develop an independent drug policy. In 1972 a bill was introduced to move marijuana from the *Narcotic Control Act* to the *Food and Drug Act*, an initiative that would effectively decriminalize personal possession. The bill failed, but in some ways had already been superseded by an amendment to the *Narcotic Control Act* that reduced the penalties first-time offenders faced when found guilty of possession of marijuana. By 1972 just 5 per cent of individuals convicted of marijuana possession went to jail.

This amendment appears to constitute a significant change in the approach to marijuana use, but Martel argues that the status quo was maintained, as the drug was neither legalized nor decriminalized. Such a contention appears to ignore the fact that the original problem encountered by legislators — whether young people should face prison for marijuana possession — had been resolved. The larger issue of what to do about marijuana use in general, of course, has not. As Martel notes in his conclusion, the decriminalization and legalization of marijuana is once again being considered by policy-makers. *Not This Time* provides a fascinating and detailed account of how such a debate played out in the past; whether it is now “the time” for the legalization of marijuana is a much more open question.

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