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EMCDDA

MONOGRAPHS

A cannabis reader: global issues and local
experiences

Perspectives on cannabis controversies, treatment and
regulation in Europe

Editors

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8
VOLUME I

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Chapter 4

Soma, the Wootton Report and cannabis law reform in Britain during the 1960s and 1970s

Keywords: 1960s – autobiography – the Beatles – cannabis – legislation
– lobbying – protest movements – social protest – sociology
– Wootton Report

Setting the context

This chapter provides a first-person account of a significant event in the history of cannabis policymaking in Europe: the publication of the UK's Wootton Report in 1969. There was some debate about whether to include this chapter in the monograph. The chapter is self-evidently personal in tone. Yet it is also interesting and anecdotal, and we believe the monograph benefits from its inclusion with few significant editorial changes. However, it should be read for what it is: an oral history, told from an individual's standpoint, with which others might disagree.

Recent literature has tended to play down the level of drug use in the 1960s. Prevalence statistics are not available, but cannabis use was likely much lower than today. A recent survey suggests that today's 50-somethings exaggerate their participation in 1960s counterculture in order to appear cool to their offspring. Nonetheless, several decades on, there is little doubt that the high-profile celebrities of the late 1960s still hold cultural resonance in today's global cannabis culture.

Nostalgia, anachronisms and the Beatles aside, Soma in many ways established the prototype for contemporary, often more fragmented, cannabis advocacy groups. It was a well-organised, erudite and media-aware pressure group. It had a talent for both publicity and linking debate to other contentious issues. Moreover, it was able to leverage the polarisation between political liberals and hardliners in the 1960s. Similarly, today there is sometimes political capital to be won from taking an extreme view, be it for or against cannabis use (see Hall, this monograph). The Soma campaign thus remains relevant to contemporary debate on cannabis.

In recent years, the nature of pro-marijuana activism and lobbying has been subjected to some study, amongst others by Calafat et al. (2000), Matthews (2003) and Iversen (2004). The key pro and con arguments have been summarised by Scheerer (1993) and Wodak et al. (2002). An analysis of recent government reports on cannabis, with specific reference to European legislative reforms, is provided by Ballotta et al. later in this monograph. Most recently, considerable discussion has focused on the potency of 1960s and 1970s cannabis vis-à-vis that available today. King explores this issue, and suggests that some of the more outlandish claims made of today's 'skunk' should be viewed with a critical eye.

Selected further reading on recent cannabis history and lobbying

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Soma, the Wootton Report and cannabis law reform in Britain during the 1960s and 1970s

Stephen Abrams

In April 1970 the British government introduced legislation which sharply reduced the penalties for simple possession of cannabis. This was done to implement a proposal by the Home Office Advisory Committee on Drug Dependence (the 'Wootton Report') that casual users of cannabis should not face the prospect of imprisonment. This reform, under new legislation (The Misuse of Drugs Act 1971) was a step in the direction of decriminalisation and marked a limited toleration of cannabis smoking.

Declaration of interest

The author of this chapter was head of the Soma Research Association (Soma (1)), which campaigned from 1967 for cannabis law reform. The article therefore expresses an insider's perspective on the reform process. On 24 July 1967 Soma set out its proposals for decriminalisation in a full-page advertisement in *The Times* (Figure 1). The issue was debated in Parliament and referred to the Hallucinogens Sub-Committee (the so-called 'Wootton Committee'(2)) of the Advisory Committee. In January 1969, the Home Office published the Advisory Committee Report on Cannabis, the so-called 'Wootton Report'. The report endorsed the proposals in the advertisement. The Home Secretary of the day denounced the report and the advertisement. However, a year later he introduced legislation to implement the main proposals of the report. This article describes the background to the appearance of the advertisement and describes the subsequent reform process up to 1979, when the Home Office advisors proposed the 'reclassification' of cannabis.

A brief history of cannabis convictions in the United Kingdom

Cannabis was prohibited in Britain in 1928 under the Dangerous Drugs Act, which remained in force during the 1960s. Under the Act, cannabis was classified as a

(1) Soma was chosen to have associations with the soma of the Rig Vedas, the nectar of the gods and the problematic tranquilliser in Aldous Huxley's novel *Brave New World*.

(2) The Advisory Committee on Drug Dependence was headed by Sir Edward Wayne, Professor of Practice of Medicine at the University of Glasgow. The 'Wootton' subcommittee on hallucinogens was led by Baroness Wootton of Abinger, a sociologist.

Figure 1: Advertisement in *The Times*, 24 July 1967

THE TIMES MONDAY JULY 24 1967

ADVERTISEMENT

This advertisement is sponsored by SOMA*

the law against marijuana is immoral in principle and unworkable in practice

"All laws which can be violated without doing anyone any injury are laughed at. Nay, so far are they from doing anything to control the desires and passions of man that, on the contrary, they direct and incite men's thoughts toward those very objects; for we always strive toward what is forbidden and desire the things we are not allowed to have. And men of leisure are never deficient in the ingenuity needed to enable them to outwit laws framed to regulate things which cannot be entirely forbidden. . . . He who tries to determine everything by law will foment crime rather than lessen it."—Spinoza

The herb *Cannabis sativa*, known as 'Marihuan' or 'Hashish', is prohibited under the Dangerous Drugs Act (1965). The maximum penalty for smoking cannabis is ten years' imprisonment and a fine of £1,000. Yet almost all medical opinion supports the view that cannabis is the least harmful of pleasure-giving drugs, and is, in particular, far less harmful than alcohol. Cannabis is non-addictive, and prosecution for disorderly behaviour under its influence are unknown.

The use of cannabis is increasing, and the rate of increase is accelerating. Cannabis smoking is widespread in the universities, and the custom has been taken up by writers, teachers, doctors, businessmen, musicians, scientists, and priests. Such persons do not fit the stereotype of the unemployed criminal dope fiend. Smoking the herb also forms a traditional part of the social and religious life of hundreds of thousands of immigrants to Britain. A leading article in *The Lancet* (9 November, 1963) has suggested that it is "worth considering . . . giving cannabis the same status as alcohol by legalizing its import and consumption . . . Besides the undoubted attraction of reducing, for once, the number of crimes that a member of our society can commit, and of allowing the wider spread of something that can give pleasure, a greater revenue would certainly come to the State from taxation than from fines. . . . Additional gains might be the reduction of inter-racial tension, as well as that between generations."

The main justification for the prohibition of cannabis has been the contention that its use leads to heroin addiction. This contention does not seem to be supported by any documented evidence, and has been specifically refuted by several authoritative studies. It is almost certainly correct to state that the risk to cannabis smokers of becoming heroin addicts is far less than the risk to drinkers of becoming alcoholics. Cannabis is usually taken by normal persons for the purpose of enhancing sensory experience. Heroin is taken almost exclusively by weak and disturbed individuals for the purpose of withdrawing from reality. By prohibiting cannabis Parliament has created a black market where heroin could occasionally be offered to persons who would not otherwise have had access to it. Potential addicts, having found cannabis to be a poor escape route, have doubtless been tempted to try heroin; and it is probable that their experience of the harmfulness and non-addictive quality of cannabis has led them to underestimate the dangers of heroin. It is the prohibition of cannabis, and not cannabis itself, which may contribute to heroin addiction.

The present system of controls has strongly discouraged the use of cannabis preparations in medicine. It is arguable that claims which were formerly made for the effectiveness of cannabis in psychiatric treatment might now bear re-examination in the light of modern views on drug therapy; and a case could also be made out for further investigation of the antibiotic properties of cannabidiolic acid, one of the constituents of the herb. The possibility of alleviating suffering through the medical use of cannabis preparations should not be dismissed because of prejudice concerning the social effects of drugs¹.

The Government ought to welcome and encourage research into all aspects of cannabis smoking, but according to the law as it stands no one is permitted to smoke cannabis under any circumstances, and excessive caution should be made for scientific and medical research. It is a scandal that doctors who are entitled to prescribe heroin, cocaine, amphetamines and barbiturates risk being sent to prison for personally investigating a drug which is known to be less damaging than alcohol or even tobacco.

A recent leader in *The Times* called attention to the great danger of the "deliberate sensationalism" which underlies the present campaign against drugs², and emphasized that: "Past cases have shown what can happen when press, police and public all join in a manhunt

at a moment of national anxiety". In recent months the prosecution of cannabis smokers has been intensified. Much larger fines and an increasing proportion of unreasonably protracted sentences suggest that the crime at issue is not so much drug abuse as bribery.

The prohibition of cannabis has brought the law into disrepute and has demoralized police officers faced with the necessity of enforcing an unjust law. Uncounted thousands of frightened persons have been arbitrarily classified as criminals and threatened with arrest, victimization and loss of livelihood. Many of them have been exposed to public contempt in the courts, insulted by uniformed magistrates and sent to suffer in prison. They have been hunted down with Alsatian dogs or stopped on the street at leisure and improperly searched. The National Council for Civil Liberties has called attention to instances where drugs have apparently been "planted" on suspected cannabis smokers. Chief Constables have appealed to the public to inform on their neighbours and children. Yet despite these gross impositions and the threat to civil liberties which they pose the police freely admit that they have been unable to prevent the spread of cannabis smoking.

Abuse of opiates, amphetamines and barbiturates has become a serious national problem, but very little can be done about it so long as the prohibition of cannabis remains in force. The police do not have the resources or the manpower to deal with both cannabis and the dangerous drugs at the same time. Furthermore prohibition provides a potential breeding ground for many forms of drug abuse and gangsterism. Similar legislation in America in the 'twenties brought the sale of both alcohol and heroin under the control of an immorally powerful criminal conspiracy which still thrives today. We in Britain must not lose sight of the parallel.

MEDICAL OPINION

"There are no lasting ill-effects from the acute use of marihuana and no fatalities have ever been recorded. . . . The causal relationship between these two events (marihuana smoking and heroin addiction) has never been substantiated. In spite of the once heated interchanges among members of the medical profession and between the medical profession and law enforcement officers there seems to be a growing agreement within the medical community, at least, that marihuana does not directly cause criminal behaviour, juvenile delinquency, sexual excitement, or addiction."

Dr. J. H. Jaffe, in *The Pharmacological Basis of Therapeutics*, L. Goodman and A. Gilman, Eds., 3rd Ed. 1965

"Certain specific myths require objective confrontation since otherwise they recurrently confuse the issue, and incidentally divert the energy and attention of police and customs and immigration authorities in directions which have very little to do with facts and much more to do with prejudiced beliefs. The relative innocuousness of marihuana by comparison with alcohol is one such fact, its social danger a comparable myth."

Dr. David Staffer-Clark, Director of Psychological Medicine, Guy's Hospital, The Times, 12 April, 1967

"Marihuana is not a drug of addiction and is, medically speaking, far less harmful than alcohol or tobacco. . . . It is generally smoked in the company of others and its chief effect seems to be an enhanced appreciation of music and colour together with a feeling of relaxation and peace. A mystical experience of being at one with the universe is common, which is why the drug has been highly valued in Eastern religions. Unlike alcohol, marihuana does not lead to aggressive behaviour, nor is it aphrodisiac. There is no hangover, nor, so far as it is known, any deleterious physical effects."

Dr. Anthony Stern, Sunday Times, 5 February, 1967

"The available evidence shows that marihuana is not a drug of addiction and has no harmful effects. . . . (The problem of marihuana has been created by an ill-informed society rather than the drug itself.)"

Guy's Hospital Gazette, 17, 1965

"I think we can now say that marihuana does not lead to degeneration, does not affect the brain cells, is not habit-forming, and does not lead to heroin addiction."

Dr. James H. Fox, Director of the Bureau of Drug Abuse Control, U.S. Food and Drug Administration, *Quoted Chicagoer*, Illinois News-Gazette, 23 August, 1966

"Cannabis is taken for euphoria, reduction of fatigue, and relief from tension. . . . (It) is a valuable pleasure-giving drug, probably much safer than alcohol."

Dr. Joel Fort, Consultant on Drug Addiction to the World Health Organization, Lecturer in School of Criminology, University of California. From Blum, Richard Ed., *Drugs and Man*, 1963

"(Smoking cannabis) only occasionally is followed by heroin use, probably in those who would have become heroin addicts as result without the marihuana."

Dr. L. Bander, *Congressus Psychica*, 1963, 4, 181-184

The signatories to this petition suggest to the Home Secretary that he implement a five point programme of cannabis law reform:

1. THE GOVERNMENT SHOULD PERMIT AND ENCOURAGE RESEARCH INTO ALL ASPECTS OF CANNABIS USE, INCLUDING ITS MEDICAL APPLICATIONS.
2. ALLOWING THE SMOKING OF CANNABIS ON PRIVATE PREMISES SHOULD NO LONGER CONSTITUTE AN OFFENCE.
3. CANNABIS SHOULD BE TAKEN OFF THE DANGEROUS DRUGS LIST AND CONTROLLED, RATHER THAN PROHIBITED, BY A NEW AD HOC INSTRUMENT.
4. POSSESSION OF CANNABIS SHOULD EITHER BE LEGALLY PERMITTED OR AT MOST BE CONSIDERED A MISDEMEANOUR, PUNISHABLE BY A FINE OF NOT MORE THAN £10 FOR A FIRST OFFENCE AND NOT MORE THAN £25 FOR ANY SUBSEQUENT OFFENCE.
5. ALL PERSONS NOW IMPRISONED FOR POSSESSION OF CANNABIS OR FOR ALLOWING CANNABIS TO BE SMOKED ON PRIVATE PREMISES SHOULD HAVE THEIR SENTENCES COMMUTED.

Jonathan Aitken
Tariq Ali
David Bailey
Humphrey Berkeley
Anthony Blond
Derek Boshier
Sidney Briskin
Peter Brook
Dr. David Cooper
Dr. Francis Crick,
F.R.S.
David Dimbleby
Tom Driberg, M.P.
Dr. Ian Dunbar
Brian Epstein
Dr. Aaron Esterson
Peter Fryer
John Farnall
Tony Garnett
Clive Goodwin
Graham Greene
dsh
Richard Hamilton
George Harrison,
M.B.E.
Michael Hastings
Dr. J. M. Heaton
David Hockney
Jeremy Hornsby
Dr. S. Hutt
Francis Huxley
Dr. Brian Inglis
The Revd. Dr. Victor
E. S. Kenna, O.B.E.
George Kiloh
Herbert Kretzmer

Dr. R. D. Laing
Dr. Calvin Mark Lee
John Lennon, M.B.E.
Dr. D. M. Lewis
Paul McCartney,
M.B.E.
David McEwen
Alasdair MacIntyre
Dr. O. D. Macrae-
Gibson
Tom Maschler
Michael Abdul Malik
George Melly
Dr. Jonathan Miller
Adrian Mitchell
Dr. Ann Mulry
P. H. Nowell-Smith
Dr. Christopher Pallas
John Piper
Patrick Procktor
John Pudney
Alastair Reid
L. Jeffrey Selznick
Nathan Silver
Tony Smythe
Michael Schofield
Dr. David Stafford-
Clark
Richard Starkey,
M.B.E.
Dr. Anthony Storr
Kenneth Tynan
Dr. W. Grey Walter
Brian Walden, M.P.
Michael White
Pat Williams

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*SOMA is applying for recognition as a company limited by guarantee with Charitable Trusts. It is being formed to examine without prejudice the scientific, medical, legal, moral, social, and philosophical aspects of legitimized medical recreation, with special reference to the effects of pleasure-giving drugs. SOMA will sponsor research and discussion on the mechanisms, possibilities and dangers of legitimized medical recreation and will publish its findings. Contributions can now be accepted. Cheques and postal orders should be made payable to SOMA, and sent to Michael Heston, Accountants, 26, Friary Square, W. 1.

narcotic and offences were subject to penalties essentially identical to those for heroin and cocaine. The maximum penalties were one year on summary conviction and 10 years on indictment ⁽³⁾. No distinction was made between possession and supply, and most offenders were sent to prison. On the other hand, up to the mid-1960s enforcement was lax and directed mainly at black immigrants from the Caribbean. The first year in which a minority of offenders (48%) were imprisoned, 1964, was also the first year in which white offenders outnumbered black offenders (UK Home Office, 1968).

During the 1950s there was little evidence of increased use of cannabis in the United Kingdom. In 1951 there were 127 convictions and this figure was not exceeded until 1959, when it rose to 185. A plateau of about 600 convictions was reached in 1962 and not exceeded until 1966, when a figure of 1 119 was reached. In 1967 convictions doubled again to 2 393. That year the total seizures by police and customs amounted to 295 kg and 457 plants. For a comparison, 30 years later, in 1997, the year of peak enforcement, seizures amounted to about 150 000 kg and 115 000 plants (The Police Foundation, 2000), an increase by a factor of 500 and 250 respectively.

1967: a watershed year for cannabis

Witnesses heard by the Wootton subcommittee in December 1967 variously estimated the prevalence of cannabis use at between 30 000 and 300 000 persons. Perhaps the lower figure corresponds roughly to the number of regular users at the beginning of the year. However, there must have been a very dramatic increase in cannabis smoking in 1967, when the subject was widely and favourably publicised. By the end of the decade, a government-funded study indicated that nearly a million people had tried cannabis ⁽⁴⁾. The scale of cannabis use had by then probably reached a level where it was self-sustaining and could not be moderated by widespread enforcement. The sanction of imprisonment was still applied in a quarter of cases heard in 1967, the great majority of them for simple possession of small quantities. Seventeen per cent of first offenders were imprisoned (UK Home Office, 1968). The possibility of jailing tens, if not hundreds of thousands, of people for minor cannabis offences was both unthinkable and quite impractical.

In the first half of the 1960s in the United Kingdom, cannabis smoking was a feature of the half-world, where it was used by jazz musicians, artists and writers and, increasingly, in the universities. In January 1967 an article estimated that 5% of Oxford

⁽³⁾ 'Summary conviction' means conviction in a magistrates court. Cases of possession for personal use would normally be heard in a magistrate's court. If the accused elected trial by jury the case would be heard in a Crown court and higher penalties would apply.

⁽⁴⁾ A survey by Market Advertising and Products Study Ltd (MAPS), commissioned in 1969 by the Home Office and the Registrar General's Office of Population Synthesis and Survey.

undergraduates smoked pot from time to time (Abrams, 1967). This converted into a figure of 500 and was debated in the broadsheet newspapers. At the instigation of the Oxford Committee on Student Health, the Vice Chancellor wrote to the then Home Secretary Roy Jenkins on 28 February, asking him to commission a national inquiry into cannabis and LSD (UK Home Office, 1968). This led to the appointment on 7 April of the Hallucinogens Sub-Committee (the so-called 'Wootton Committee') of the Advisory Committee on Drug Dependence.

Up to the beginning of 1967, cannabis received little publicity and nearly all of this was negative. Though prevalence remained low, cannabis use among 1960s celebrities and pop stars served to publicise the substance. For example, the arrest of the Scottish singer Donovan in mid-1966 was widely reported. Following a denunciation in the mass circulation newspaper *the News of the World*, Mick Jagger and Keith Richards of the Rolling Stones were arrested in February 1967 and sent for trial at the end of June for minor drugs offences. On 1 June 1967 the Beatles, at the zenith of their creative power and influence, released their *Sgt. Pepper* album, which was saturated with references to cannabis and LSD. The last track, 'A Day in the Life' ⁽⁵⁾, was banned from airplay on the BBC. The Beatles, and Paul McCartney in particular, were advocates of LSD: a serious confrontation was brewing between fashionable alternative society and the Establishment.

Soma was looking for a way to put the topic of cannabis law reform on the political agenda, and also to influence the terms of the deliberations of the Wootton Committee. In particular, the aim was to persuade the subcommittee to report on cannabis alone, rather than in conjunction with LSD. This in turn was based on the assumption that there was a consensus of informed opinion that cannabis was less harmful than stimulants, sedatives and alcohol and confidence that the committee would discover this for themselves. The gesture which occurred to me was to take a page of *The Times* newspaper for a paid advertisement in support of the decriminalisation of cannabis. The advertisement would draw its force from a number of influential people who would put their names to it. Barry Miles ⁽⁶⁾ mentioned this proposal to Paul McCartney on 2 June. McCartney immediately realised that the advertisement would have the effect of switching the focus from LSD to cannabis and associating the Beatles with prominent authorities in a legitimate protest 'within the system'. Following a meeting between McCartney, Miles and myself on 5 June, the Beatles agreed to add their names to the

⁽⁵⁾ The song's lyrics include the lines 'Found my way upstairs and had a smoke/Somebody spoke and I went into a dream'.

⁽⁶⁾ Barry Miles was an author and co-runner of London's Indica bookshop and gallery, later biographer of Allan Ginsberg and Paul McCartney.

advertisement and McCartney guaranteed the funding, finally credited to a Beatles advertising account (7).

At the end of June, as the preparation of the advertisement neared completion, Mick Jagger and Keith Richards were convicted and sentenced to imprisonment. There was a public outcry, including three nights of demonstrations in Fleet Street against the newspaper *the News of the World*, who were accused by Michael Havers, Jagger's counsel, of sending in an agent provocateur. After spending two nights in prison, Jagger and Richards were released on bail on 30 June. Jagger had been sentenced to three months for possession of amphetamines and Richards was sentenced to a year for the 'absolute' offence that cannabis had been smoked at his home, with or without his knowledge (8).

On the following day, 1 July, *The Times* published a famous leading article with the felicitous title, 'Who breaks a butterfly on a wheel?'. This leader has been much misunderstood, not least by its author, William Rees-Mogg, who claims that it 'helped to get Jagger out of prison on a minor drugs charge' (9). Also, the official history of *The Times* says that the leader was delivered to Jagger in prison by a warder with the advice that he would soon be freed on bail (10). As mentioned above, Jagger was freed a day before the leader appeared. Many, if not most, accounts of the case, including the most recent one in *The Times* and others in *The Guardian*, *The Independent* and on the BBC, assert that Jagger was convicted of possession of cannabis (11). Rees-Mogg's leader made it clear that he considered amphetamine to be a 'soft' drug and Jagger's offence to be trivial. However, he seemed to regard cannabis as a dangerous narcotic and was not, therefore, prepared to question the sentence of a year in prison for Richards. *The Times* got cold feet and postponed the publication of the advertisement, which finally appeared on 24 July. In the interim, a *Legalise Pot Rally* was held in Hyde Park on 16 July, attended by 10 000 people, marking the colourful advent of 'flower power'. Most national newspapers covered the event with a two-page spread. There were no arrests.

(7) B. Miles, *Paul McCartney: many years from now*, Secker & Warburg, London, 1997, pp. 386–395; S. Abrams, 'The Wootton Retort'; D. Taylor, *It was twenty years ago today*, Bantam Press, London, 1987, pp. 122–127.

(8) T. Hewat (ed.), *Rolling Stones file: the trials of Mick Jagger and Keith Richards*, Panther Record, London, 1967, p. 128.

(9) In a news article, 'We've got to face it, Britain's gone to pot' (*The Times*, 2 July 2001), Lord Rees-Mogg finally expressed the view that 'prohibition has not proved to be the answer'.

(10) John Grigg in *The Times Magazine*, 30 October 1993, p. 39.

(11) Lewis Smith in *The Times*, 2 August 2005: [Jagger was] convicted of possessing cannabis in 1967 in a case that became a cause célèbre when first he was jailed for a year and then freed on appeal three days later after a leading article in *The Times* headlined 'Who breaks a butterfly on a wheel'.

Paragraph 2 of the Wootton Report reads:

Our first enquiries were proceeding — without publicity — into the pharmacological and medical aspects, when other developments gave our study new and increased significance. An advertisement in *The Times* on 24th July, 1967 represented that the long-asserted dangers of cannabis were exaggerated and that the related law was socially damaging, if not unworkable. This was followed by a wave of debate about these issues in Parliament, the Press and elsewhere, and reports of enquiries, e.g. by the National Council for Civil Liberties. This publicity made more explicit the nature of some current ‘protest’ about official policy on drugs; defined more clearly some of the main issues in our study; and led us to give greater attention to the legal aspects of the problem. Government spokesmen made it clear that any future development of policy on cannabis would have to take account of the Advisory Committee’s Report. Accordingly, we decided to give first priority to presenting our views on cannabis.

The advertisement in *The Times* (Figure 1) was published by the Soma Research Association and signed by 65 people, including the Nobel Laureate Francis Crick, novelist Graham Greene, 15 doctors of medicine, one member of the Wootton Committee, members of Parliament and the Beatles ⁽¹²⁾. The advertisement was the subject of an adjournment debate in Parliament in the week of its appearance (on 28 July), when the Minister of State referred the issue to the Wootton Committee ⁽¹³⁾. The Wootton Report was submitted on 1 November 1968 and published in January 1969.

The advertisement in *The Times* described the existing law as ‘immoral in principle and unworkable in practice’ but it stopped short of advocating the legalisation of cannabis. Instead, it proposed that users of cannabis should not face the prospect of imprisonment. Specifically, the advertisement said that possession of a small amount should not be punished by anything more than a relatively small fine of £25. The question of supply was ignored. This position has become known as ‘decriminalisation’.

The Advisory Committee Report included many echoes of the advertisement, that:

(...) The long term consumption of cannabis in moderate doses has no harmful effects (...) Cannabis is less dangerous than the opiates, amphetamines and barbiturates, and also less dangerous than alcohol. (...) An increasing number of people, mainly young, in all classes of

⁽¹²⁾ The Soma Research Association was founded in January 1967, incorporated in 1969 and disbanded in 1971. The directors were Dr David Cooper; Francis Crick, FRS; Francis Huxley; Dr R. D. Laing; The Rev. Kenneth Leech; Dr Anthony Storr; Professor Norman Zinberg and the present writer. The secretary, from 1968, was Don Aitken. Staff included Adam Parker-Rhodes, pharmacologist; Dick Pountain, chemist; Derek Blackburn, psychologist; and Sam Hutt and Ian Dunbar, physicians. Premises (in London) were at 438 Fulham Road (from 1968) and 4 Camden High Street (from 1969). Soma was funded by private donations and subscriptions. The total expenditure did not exceed £5000. This figure does not include the cost of advertisement, which was £1800.

⁽¹³⁾ On 31 July the Court of Appeal quashed Richards’s conviction. This was remarkable because Richards had no case to argue. However, the court ignored the fact that the premises offence was ‘absolute’. Jagger’s conviction was upheld but he was let off with a conditional discharge.

society are experimenting with this drug, and substantial numbers use it regularly for social pleasure. There is no evidence that this activity is causing violent crime, or is producing in otherwise normal people conditions of dependence or psychosis requiring medical treatment (...) there are indications that (cannabis) may become a functional equivalent of alcohol.

The burden of proof thus passed from the campaigners to the government's own expert advisors; and this was regarded by many as a green light for the consumption of cannabis. The Advisory Committee appeared also to accept the principle of decriminalisation. The main proposal in the report was that 'possession of a small amount of cannabis should not normally be regarded as a serious crime to be punished by imprisonment'. The accompanying letter of submission to the Home Secretary said: 'The committee is generally of the view that imprisonment is no longer an appropriate punishment for those who are unlawfully in possession of a small amount.'

The Home Secretary of the day, James Callaghan, suggested he would reject the report. He told Parliament that on his reading, the committee had been 'over-influenced' by the 'lobby' for 'legalisation' responsible for 'that notorious advertisement', adding, 'it was wrong for the committee to report on one drug in isolation in the way that it did' ⁽¹⁴⁾. However, a year later he introduced comprehensive new consolidating legislation that had the effect of implementing Wootton's proposal ⁽¹⁵⁾.

Callaghan's Misuse of Drugs Bill increased the penalties for most drugs offences, including trafficking in cannabis. However, this legislation introduced a distinction not drawn by Wootton between penalties for use and supply. The penalties for possession of cannabis were sharply reduced, by 50%, to five years on indictment and six months on summary conviction. The Wootton Report noted that offences with a maximum sentence on summary conviction of six months or less were not normally punished by imprisonment, and that such sentences as were passed were suspended as a matter of routine. They opted for a maximum sentence on summary conviction of four months.

Callaghan's legislation perished in the General Election of 1970. However, it was soon reintroduced by the incoming Conservative government and became law as The Misuse of Drugs Act (1971). When the act received the Royal Assent in 1973, the Lord Chancellor, Hailsham, instructed magistrates on sentencing. He said, 'Set aside your prejudice, if you have one, and reserve the sentence of imprisonment for suitably flagrant cases of large scale trafficking' ⁽¹⁶⁾.

⁽¹⁴⁾ *Hansard*, 27 January 1969.

⁽¹⁵⁾ One account suggests James Callaghan got cold feet and tried at the last moment to alter the legislation, but he was outvoted in cabinet: entry for 26 February 1970 in A. Howard (ed.) (1979), *The Crossman Diaries*, London.

⁽¹⁶⁾ *The Times*, 12 October 1973.

The operation of the new law in its first four years was made the subject of a special in-depth statistical analysis by the Advisory Council on the Misuse of Drugs (ACMD), prepared in December 1978 and published in 1979 ⁽¹⁷⁾. This study showed that the law was working as intended and that, with a handful of exceptions, the courts had abandoned custodial sentences for cannabis users. During this period, there was a further reduction, under the Criminal Justice Act (1977), of 50% in the maximum sentence on summary conviction, to three months' imprisonment, one month less than the maximum proposed by the Wootton Report.

Subsequently, in 1978 the Advisory Council on the Misuse of Drugs (the successor to the Advisory Committee) proposed to 'reclassify' cannabis, moving it to the weakest of three punishment regimes. It took 25 years to implement this recommendation. However, in the 1980s the Thatcher government moved sharply in the direction of decriminalisation by introducing 'cautioning': an offender who was cautioned would escape without a fine or a criminal conviction. By the beginning of the 1990s, the majority of minor cases were dealt with by means of the caution, so that in 1992, when *The Times* itself came out in support of legalisation, on the 25th anniversary of the Soma advertisement, the leader could conclude that the law was 'all but unenforced'.

In 2000 the question of reclassification was revived in the Report of the Independent Police Foundation Inquiry. In response, the Home Secretary sought advice from the Advisory Council and from the House of Commons Select Committee on Home Affairs (see Ballotta et al., this monograph). The interesting point, perhaps, is that all three bodies stressed that the importance of reclassification (which did not directly affect the penalty on summary conviction) was that it demonstrated the fact that cannabis is less dangerous than amphetamine. With the reclassification of cannabis — where there is a 'presumption not to arrest' reasonably discreet adult users of cannabis — there has thus been a complete reversal of the assessment of the relative dangers of these two drugs in the 1960s. It is worth adding, perhaps, that Paul McCartney and Mick Jagger were both eventually convicted of cannabis offences, for which they received small fines. Today, Sir Paul McCartney and Sir Michael Jagger have received knighthoods.

⁽¹⁷⁾ Advisory Council on the Misuse of Drugs (1978) – *Report on a review of the classification of controlled drugs and of penalties under schedules 2 and 4 of the Misuse of Drugs Act 1971*, 15 December 1978. This proposal also called for the law to be recast to remove the sanction of imprisonment on statutory conviction for possession of cannabis.

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