

Why has the Hemp Revolution Bypassed the United States?

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In 1992 a consortium of 20 British farmers requested permission to grow industrial hemp, a crop that had been banned since 1971. Home Office Minister Michael Jack saw no reason to oppose the request since industrial hemp had been grown for years on the Continent "without any problems". The farmers received licenses to cultivate 1500 acres.

In 1993 a consortium of 10 Canadian farmers requested permission to grow hemp, a crop that had been banned since 1923. The federal government informed them the law would have to be changed before commercial plots could be harvested. However, seeing that "farmers in Canada are very interested in it", Health Minister Diane Marleau issued a permit for 18 acres of experimental plots. The next year Parliament enabled commercial harvests.

In the United States, a vigorous pro-industrial hemp movement emerged at the same time. Informed and inspired by Jack Herer's 1985 best seller, *The Emperor Wears No Clothes*, the movement agitated for the recommercialization of industrial hemp in a country with a rich hemp history: George Washington planted hemp, Benjamin Franklin used hemp paper, Thomas Jefferson smuggled in hemp seeds from Europe.

By the early 1990s, hundreds of retail stores were selling hemp textile products. In 1994, a trade group, the Hemp Industries Association (HIA) was formed. The next year the North American Industrial Hemp Council (NAIHC) was established. Its Board included representatives from some of the country's largest textile and paper companies. In 1996 the American Farm Bureau, the nation's largest farm organization, adopted a resolution in favor of hemp research. By 2000, half the state legislatures had debated resolutions in support of hemp; a dozen enacted pro-hemp statutes. Hawaii permitted experimental plots. North Dakota legalized commercial cultivation. (The other 49 states still have laws that mirror the federal ban. The federal ban still prohibits hemp cultivation in North Dakota.)

Yet despite this upwelling of support by industry and farmers, not a single acre of industrial hemp has been harvested in the United States. Why?

The answer is that while in other countries the road to hemp legalization goes through agricultural, or health or food agencies, in the United States there is only one road to approval--through the Drug Enforcement Administration (DEA). And for the DEA, the cultivation of hemp subverts and even contradicts its mission.

It is one of the ironies of history that the industrial hemp movement reemerged just as the United States escalated its war on drugs. In 1986 the DEA was a modest agency with a modest reach. That year the White House appointed a drug czar and by Executive Order subjected all federal employees to urine testing for drugs. The DEA's budget and reach and powers dramatically expanded.

Consider some numbers. In 1985, the federal war on drugs cost about \$1.5 billion. That was about one third of federal spending on the environment, one sixth of spending on energy and only 3 percent of federal spending on agriculture. Today, the drug war budget is over \$20 billion, three times the environment budget, 50 percent more than the energy budget and approaching 30 percent of the entire agriculture budget. And in the post September 11th climate the drug war has become intimately intertwined with the escalating war on terrorism.

In 1979 the federal government allowed drug agents to seize the assets of suspected drug dealers or users. Since then, US law enforcement officials have seized almost \$10 billion worth of cash and property. By the late 1990s some \$1 billion a year worth of assets was being confiscated annually. The police came to depend on drug money to fund their operations.

The federal government pumped tens of millions of dollars into DARE, a program that sent police officers into elementary schools in virtually every school district to lecture them on the dangers of drugs. A number of children responded by turning in their parents. Community-based organizations like Drug Watch and the National Family Partnership became the eyes and ears of the drug war at ground level.

In the United States, the war on drugs makes little distinction between soft drugs and hard drugs and no distinction between marijuana and hemp. Indeed, last October, when the DEA issued regulations banning the sale of hemp food, DEA administrator Asa Hutchinson insisted, "Many Americans do not know that hemp and marijuana are both parts of the same plant and that hemp cannot be produced without producing marijuana."

Every year the DEA sends tens of millions of dollars to state and local police forces to dig up ditchweed, the genetic remnants of the industrial hemp varieties bred and cultivated by the Department of Agriculture between 1900 and 1935 and by thousands of farmers who cultivated hemp as part of the war effort between 1942 and 1945.

In 2000, when the DEA finally issued a permit to plant industrial hemp in Hawaii, the facility had to conform to the same regulations for planting the most lethal narcotic. That included a 10 foot high fence with barbed wire and a security system, all for a quarter-acre plot.

In 1996, the same week the first national conference on industrial hemp convened in Lexington, Kentucky, a 5th grade school teacher, Donna Cockrel, invited the actor Woody Harrelson, and Jake Graves II, an eminent Kentucky banker who had cultivated hemp during World War II to talk to her class about industrial hemp. They handed out sterilized hemp seeds. Unfortunately, DARE held its annual anti-drug assembly that same day. Ms. Cockrel was fired. Only in early 2002 did a federal court order her school board to reconsider its action.

The DEA justifies its hostility to industrial hemp with the slippery slope metaphor: first hemp, then medical marijuana, then recreational marijuana, then the legalization of all drugs.

The industrial hemp movement responded by trying to distance itself from pro-marijuana advocates. The most aggressive distancing effort was undertaken by the movement's most visible and well-funded organization, NAIHC. To demonstrate its credibility to the DEA and the White House Office of National Drug Control Policy, NAIHC purged its membership of many of the pioneers of the industrial hemp movement, people like Mari Kane and Don Wirschafter. It dismissed or forced to resign two founding members of its Board who did not achieve the desired purity levels. (Truth in reporting: I was one).

In 1999, the NAIHC widely distributed an advisory on "the proper terminology in the cannabis debates". For industrial hemp advocates it advised, "Limit your arguments to industrial hemp". For those who promoted recreational or medical uses it cautioned, "If you also favor the use of industrial hemp, don't advocate it in forums where you are advocating marijuana".

Ironically, while NAIHC was trying to promote industrial hemp by ensuring that the word "hemp" would never be uttered by those promoting marijuana, those using the word "marijuana" were making great strides while those using the word "hemp" were making no progress at all. By 2001 eight states, by direct vote of their residents, had passed laws that allowed the use of marijuana for medical purposes. Today in eight states it is legal to use cannabis with THC levels upwards of 30 percent (although the federal government continues to intervene to thwart those initiatives) while in no jurisdiction is it legal to cultivate cannabis with a THC level below .3 percent.

In 1993 a number of industrial hemp advocates met in Bloomington, Minnesota to talk about whether it was time for a national organization. Dr. Dave West, an agricultural breeder and hemp expert who later oversaw the Hawaii experimental hemp breeding shocked the group by predicting that the United States wouldn't legalize hemp until after it legalized marijuana. We scoffed. Ten years later his prediction seems right on the mark.

Both medical marijuana and recreational marijuana have strong constituencies. For medical marijuana it is those dying of pain and dysfunction. For recreational marijuana it is those who believe the drug war endangers civil liberties and imposes a personal and financial cost on the nation that far exceeds that from the use of drugs.

Industrial hemp, on the other hand, has a small and largely unaggressive constituency. Farmers would like another rotation crop. Industry would like a better natural fiber. But there are other rotation crops and other natural fibers. Choosing these other alternatives causes businessmen and farmers no problems. Choosing hemp does. When the Missouri farm bureau voted to endorse hemp research, highway patrol officers reportedly personally visited the farmers to change their minds. They succeeded. In the mid 1990s the CEO of Adidas proudly announced the introduction of a new sneaker, The Hemp. After a phone call from the White House drug czar he decided to rename the shoe, The Gazelle.

In February 2002 police in Syracuse New York arrested two people for handing out hemp foods. The two were released when tests found the foods contained no trace of THC. But the action put the country and hemp food suppliers on notice. The DEA will fight even the smallest encroachment of hemp into the U.S. market. Even the traditional use of hempseed as birdseed is disappearing in the United States in the face of DEA pressure.

In August 1999 US customs agents seized 20 tons of sterilized hemp seed coming in from Canada. In 2001 the Canadian company that supplied that seed, Kenex sued the U.S. government for \$20 million in damages under the provisions of the North American Free Trade Agreement (NAFTA). As of this writing the DEA plans to spend millions to fight the suit. I suspect that if it eventually loses, the U.S. government will simply pay the damages. After all, it is the equivalent of about 8 hours spending on the drug war, a small price to pay to prevent industrial hemp from getting even a toehold in the U.S. market.

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