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by Tom Schoenewolf
of The Other Press
for Canadian University Press

There are 7,000 people languishing in Canadian prisons for simple possession of marijuana. They are victims caught in a twilight zone between public acceptance and the time it takes for politicians to codify that acceptance into law.

It is not a minor brutality. More than 300,000 Canadians have faced criminal charges for possession of cannabis in this decade. More Canadian citizens are arrested per capita for possession than in any other country in the world.

Many federal politicians have said they believe a criminal record for possession is needlessly harsh, as have some judges. They promise decriminalization, yet delay. For those arrested in the meantime, it is a travesty.

Ted Seifred is a Vancouver lawyer and, as a coordinator for the National Organization for the Reform of Marijuana Laws (NORML), is fighting what he feels are bizarre narcotics laws.

Seifred says it is an "absurdity" that 90 per cent of all convictions under the Narcotics Control Acts, which includes possession of heroin, morphine and LSD, are for simple marijuana possession.

"You're turning people who aren't criminals into criminals," he says. "The government and the police say they're not really hassling people over this anymore. That's bullshit."

Half of the 7,000 people in jail for possession are serving "time in default", meaning they have been arrested after having forgotten to pay a fine.

"In the case of time in default," Seifred says, "the judge didn't really mean for them to go to jail, but because they don't have any money they wind up serving time for reefer. This is absolutely bizarre."

NORML claims that decriminalization will save money because it says more than \$400 million has been spent in the last 10 years in Canada to enforce possession laws. The American figure is \$600 million annually.

Attempts to decriminalize marijuana, an action endorsed by

the Le Dain Commission, the Canadian Medical Association and the Canadian Bar Association, have been met with only scattered promises and bureaucratic delays from federal Liberal governments.

Seifred says decriminalization is being delayed because only about 15 per cent of Canadians smoke marijuana.

"On the one hand you're dealing with a lot of young people in Canada; you're talking about 2 to 3 million people. The government agrees these people shouldn't be going to jail, they agree they shouldn't be getting criminal records; they say they're not arguing with us. But what they are saying in not so many words is that until it's politically acceptable to the majority of the people, until they gain votes by passing something, they're not going to do anything."

Pauline Jewett (NDP New Westminster-Coquitlam) calls the Liberals' refusal to amend the Criminal Code a "betrayal of what they earlier said they would do."

"The Conservatives didn't put it on the agenda at all, let alone high on the agenda," Jewett said. "The Liberals have said they are concerned yet despite all of our questioning in June and July they didn't seem to be placing a very high priority on it at all."

NDP justice critic Svend Robinson is even more pessimistic. He says decriminalization is "a long time coming."

Seifred says that "ever since the Le Dain commission came out in 1972 calling for decriminalization, they've been saying 'We're going to do something about it really soon.' But the fact remains that they still aren't doing anything."

In 1923 cannabis was brought under the federal opium and narcotic act, which was changed to the current Narcotic Control Act in 1961. Indictment for simple possession carried a maximum sentence of seven years. The only alternative to a sentence was probation.

In 1969, possession was broken into indictment and summary conviction. Indictment was still seven years, while summary conviction was a \$1,000 fine or imprisonment for six months, or both, for a first offense.

Today, partly due to marijuana's increasing acceptance, a person charged with possession receives a fine between \$100 and \$250. Yet, they still receive a criminal record.

Another problem working against decriminalization, says Seifred, is the presence of fundamentalist religious and other lobby groups.

"The mail after the Liberal's comments on decriminalization has been strongly against it," he says. "Most of the people who are smoking reefers by and large are not letter writers. We tell them to write to their MPs, but people are obviously extremely cynical about that for a good reason."

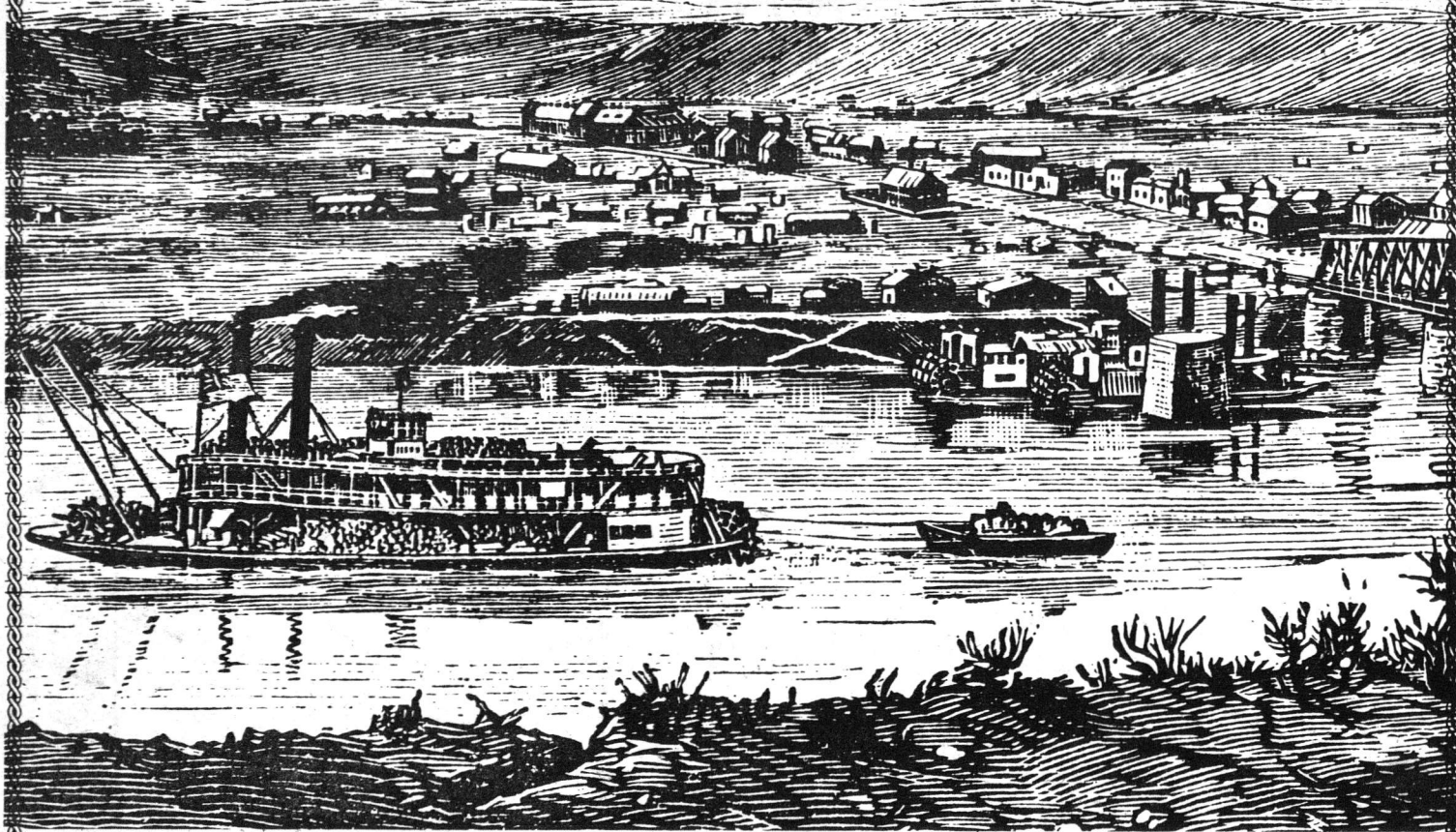
Fears that decriminalization will encourage the use of marijuana have been largely disproved in the US, where 11 states have decriminalized possession. A survey conducted in Oregon, which decriminalized in 1972, indicates a mere one per cent increase in consumption.

Says Seifred, "From a cynical point of view you can almost say Canada is going to change its drug laws after the States does. When the States acts federally, then we'll follow in their footsteps. But unfortunately, not until then."

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