

# Lawyer Works To Repeal Marijuana Prohibition Laws

by JOE PILATI  
Collegiate Press Service

Boston (CUP-CPS) — During the next few weeks, Boston attorney Joseph S. Oteri might become one of the most admired — and most maligned — figures in American legal profession.

A legal rationalist of the old school, who even looks a bit like Darrow — Oteri is simply "doing his thing". In his own words: "Five years ago, I began defending kids accused of various marijuana violations. I've been singularly impressed with these people — decent kids, not criminals, not violent, full of life and peace.

Each one told me the same story — marijuana is not addictive, not harmful, a relatively innocuous substance. I started checking into it and decided that the next time we got a case, we would challenge the law."

The challenge is here. Commonwealth vs. Leis and Weiss pre-trial hearings are expected to last for several weeks, in Suffolk Superior Court in Boston.

### Witnesses Lined Up

In an interview at his office, the 36-year-old lawyer said he and his associates have lined up 23 expert witnesses who will attest to the unworkability and probable unconstitutionality of current anti-marijuana statutes. The witnesses' names cannot yet be made public — although compendia of names from the more level-headed recent anthologies and articles on pot provide a set of excellent hints.

Oteri's firm — Crane, Inker and Oteri — has offered the attorneys for the prosecution, Hale and Dorr (also attorneys for Boston University) "full disclosure of witnesses before the hearings begin." Hale and Dorr have not yet responded to the offer.

Spearheading the prosecution will be attorney James D. St. Clair, Joseph Welch's assistant in the 1954 Army — McCarthy hearings, St. Clair was appointed a special assistant for the case by District Attorney Garrett Byrne.

Oteri estimates that the pre-trial hearing will take three or four weeks at the very least. "We may cut our 23 witnesses by five or so, just to speed it up", said one of his assistants, who intimates that the attorneys for the prosecution are having trouble finding witnesses to support existing laws.

### Marijuana Laws Ruin Future Leaders

Oteri feels that present marijuana laws "run the risk of excluding perhaps 25 per cent of the future leaders of this country, branding them as "drug addicts". He says he is having trouble convincing people "I'm interested in a legal problem, not a medical problem. There are an awful lot of lives ruined by virtue of this law, and I'm trying to compel the courts and the Congress to take a long look at this problem.

"We are not advocating legalization of marijuana", he stressed, "but we say that it could be regulated, with prohibitions on age groups that can get it, and so forth." He drew the familiar analogy between current anti-marijuana laws and the Prohibition amendment of the Twenties: "Prohibition dealt with a downright dangerous and addictive drug; even now, fully three percent of the population is addicted to alcohol. On the other side of the fence, we have the much more innocuous substance called marijuana — can we afford to prohibit it.

Oteri's arguments for dismissal of charges against Leis and Weiss would be familiar to readers of the underground press. But their assertion in a court of law represents an almost unprecedented progressive step.

The defendants' motion contends that the Massachusetts statute is "arbitrary and irrational and not suited to achieve any valid legislative end in that it fails to properly distinguish between marijuana and so-called 'hard Narcotics' such as cocaine, opium and morphine, and it imposes harsh penalties upon mere possession of marijuana or possession with intent to sell, or being present where marijuana is kept, without showing that use of this substance presents a threat to the public health, safety and morals.

### Laws Violate U.S. Constitution

"The claims of grave danger are contradicted by the weight of scientific evidence, which evidence is being ignored by the government, and hence the statute under which the defendant is prosecuted, and the entire statutory scheme, violates the due process of law guarantee of the Fourteenth Amendment . . ."

The motion further argues that the statute "goes beyond the valid exercise of police power of the Commonwealth in that it seeks to control activity which had not been shown to pose a serious and immediate danger to the public health, safety or morals" and that it would "deny to the defendant his rights to life, liberty and property, without due process of law. As well as the right to security, privacy and the pursuit of pleasure, in violation of the Fourth and Fifth Amendments . . . as they are applied to the states by the Fourteenth Amendment."

And it goes on: present law "would deny to the defendant the equal protection of the laws in that it has singled out possessors of . . . marijuana, while the laws permit use, sale and possession of substances far more harmful than marijuana, to wit: alcoholic beverages and cigarettes containing tobacco . . ." Finally, the motion points out that present law "would impose on the defendant excessive and cruel and unusual punishment (five-to-ten-year prison terms) in violation of the Eighth Amendment to the Constitution, as incorporated into the Fourteenth."

Oteri noted that since most states' marijuana laws are based upon the Uniform Narcotics Act, brainchild of the venerable if vulnerable Harry J. Anslinger, onetime head of the Federal Narcotics Bureau, if the Massachusetts statute is declared unconstitutional, "it is reasonable to expect other states to follow along."

### Widespread Support

"I've received more than 50 letters from other lawyers in at least ten states, who have started the same kind of proceedings," Oteri added. Many earlier cases brought to Oteri himself, prior to that of Leis and Weiss, are also held in abeyance pending a decision in the next few months.

Oteri emphasizes that he considers marijuana to be "a very harmful substance at the present time because it's illegal. I would strongly urge everyone not to use it, but not to give up the fight to change the law." To Oteri's thinking, "the only substantial argument against marijuana is that we don't need to legalize another intoxicant. But why put people who choose to use this particular intoxicant in jail?"

And now that the argument that marijuana leads to heroin has been shot down," Oteri suggested, "the authorities are starting to say it leads to LSD. This is curious, because it amounts to saying marijuana should be a felony because it leads to a misdemeanor — which, in any case, it doesn't."

## Red 'n' Black Returns For 21st Year

Red 'n' Black was first introduced to UNB in the spring of 1948. Although moved to the fall spotlight, much of the show remains the same. Now an institution at UNB, the production of Red 'n' Black is done solely by students.

This emphasis on student production prompted the UNB class of 1948 at its tenth reunion to give an annual award to the most outstanding contributor to Red 'n' Black. A vote taken among cast and crew decides the recipient. Until last year, the "corn cob" award was presented to either the director or the producer. For his excellent job as stage manager last year, Joe Salter was awarded the honour. A lot of hard work is involved in producing a revue of this kind, and the recipient this year, as in previous years, will be one who has contributed most to make Red 'n' Black a success.

This year's twenty-first annual revue will be produced November 16, 17 and 18, by Peter Chipman and Bob Vincent. A bigger and better kickline this year is under the direction of Mrs. Shelia Roberts. Tickets will be on sale at the Students' Centre and the Smoke Shoppe.

This year's production needs your support to make it the best revue ever staged.



## Columbia University Reveals Six - Year CIA Study of East Central Europe

New York (CUP-CPS) — Columbia University has confirmed that it has been receiving funds from the Central Intelligence Agency since 1961 for a research project.

The project, designed to study the economies of countries in East Central Europe, has been in existence since 1955, but has been funded by the CIA for only the last six years. The CIA has been giving Columbia University \$125,000 annually for the project.

The only secrecy regarding the project has been the source of funds. Columbia listed it in the school's catalogue, and a number of students reportedly have been involved in the research.

The CIA funding of the project was disclosed by the Columbia chapter of Students for a Democratic Society at a special news conference this week. SDS members would not say how they found out about it.

The University confirmed the CIA has been financing the project, but gave no indication that the project would be stopped or that future CIA

funds would be turned down. From all appearances, the project will continue under the existing financial setup.

A spokesman in Columbia's news office issued the official statement. The Columbia Spectator, the student newspaper, also said Ralph S. Halford, a special assistant to the president, confirmed the link between the CIA and the research program.

The project is officially called the "research project for the national income of east central Europe." Three books involving the economies of Czechoslovakia, Hungary, and Poland have been published as a result of the research. The project is headed by Dr. Thad P. Alton, whose only connection with Columbia University is as a project director.

When SDS members disclosed the CIA finding, they demanded three immediate steps from the university.

First they called for the reinstatement of a student suspended last year for participation in an anti-CIA sit-in on campus. SDS said the university's involvement with the

CIA probably affected its action in suspending the student.

The SDS members also demanded that the university hold public hearings on its relationship with the CIA where top-ranking university officials would answer questions from students and the public.

Third, SDS called for the university to immediately suspend any and all contracts with the CIA and the Department of Defense.

The university's statement said the CIA finances only the one project. Any ties with the Defense Department have not been made public.

### LOST

One tobacco coloured attache case, containing first year French, Physics and Chemistry text books. Anyone knowing the whereabouts of such a case contact Jan Loimand at 696 Charlotte Street or phone 475-7492. URGENT!

## THE T

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