



memoir By TIMO

Episode 8

*how a pot bust on the
a four-year bad trip of leg
battles for the hig*

IN DECEMBER 22, 1965, I was arrested in Laredo, Texas, along with my wife, Rosemary, my daughter, Susan, and my son, Jack, for the possession of less than half an ounce of marijuana.

During the subsequent three and a half years, my family and I were engaged in a continuous series of bizarre legal contests with American law-enforcement agencies. I was arrested eight times (potential total prison time—69 years), Jack also eight times, Rosemary three times and Susan once—all on charges directly or indirectly

connected with the possession of grass. In fairness to all concerned, I do not use the word harassment to describe the pressure police directed toward us, because I suspect that many policemen (certainly those with teenage kids of their own) have felt more than equally harassed by our activities. In addition, we bailed out and defended over 50 of our communal brothers. This involved the aid of 18 lawyers and more than \$150,000 in legal costs. The expense to the taxpayer to maintain this long engagement was certainly many times greater.

During this 42-month period, I lived in a curious state of limited physical and political freedom. My body could not leave the country. As a felon on bail, my day-to-day liberty was at the whim of the Federal Department of Justice. What I said and wrote was censored. While my case was in the courts, it did not seem mannerly nor sportsmanlike to talk about what happened in Laredo and afterward. A player can't broadcast his version of the game from the huddle or the side lines while the game is still going on. My version of the great control/pleasure, FBI/LSD, narcs/heads, crewcut/long-hair, turn-off/turn-on, uptight/feel-good contest was also censored by a paradoxical consensus between my lawyers and the Feds. Said the former: "We want to win your case on the law, on the basis of an unconstitutional injustice. We don't want to lose it because your social image deteriorates to that of a be-drugged anarchist."

Along the same censorial lines, in April 1968, a Federal judge in Houston approved a motion by a Federal attorney to revoke my bail and make me begin my 30-year prison sentence on the grounds that my "continual public appearances, particularly at college campuses," made me "a danger to the impressionable minds of youth and a menace to the community." My lawyers kept me out on this one by a last-minute promise that I would not

ILLUSTRATION



THY LEARY

Postscript

*exican border began
, political and spiritual
priest of high*

of the human being. It manifests itself as psychological conflict, as interpersonal conflict and as social conflict. Painful duty versus free pleasure. Repressive control versus joyful expression. Social conditioning versus doing what comes naturally, the unconditioned neurological state, being high.

Since Freud, it has become an accepted axiom among psychologists and psychiatrists that society's task is to "manage" the pleasure principle. Modern industrial societies, through the media of parents, teachers—indeed, all adult authority—condition children to become productive, narrowly genital little citizens and to repress any movement in the direction of polymorphous pleasure. We are all familiar with the systems of reward and punishment that accomplish this social conditioning. Many philosophers and educators have sought a method of suspending these Pavlovian patterns. How can we break the powerful neurological grasp of the frigid mother, or the ghetto, or the Southern bigoted household, or the frightened, mortgage-ridden suburban father? The answer now, in hindsight, seems obvious: You blow your mind.

The phrase blowing your mind, like most of the slang floating up from the underground, is precisely, neurologically accurate. Pleasure is the unconditioned state, the experience of getting high, of getting out of your social mind. While suspension of conditioning often produces intense fear and distress, it happens to be the only source of wholly natural pleasure. If you have never been very "high," you may not know the difference between natural pleasure and learned reward, and you will not know what the unconditioned state is. That positive feeling you get from doing well, doing right, attaining some goal is game reward, not pleasure. Most of the things we like are artificial, learned rewards—the artificial,

make any public statements advocating that people feel good illegally. Turn off, tune out—and shut up.

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There is one basic political struggle dividing mankind, of which economic, racial and military frictions are just superficial symptoms. This basic conflict, recognized (and despaired over) by Sigmund Freud some 50 years ago, is between man's desire to *do* good (as defined by social conditioning) and man's desire to *feel* good. This conflict rages everywhere, in every action



RON RAE





man-made bell that made Pavlov's dog salivate. Do you call that pleasure? Do you really want the cultivated, trained reward rather than the natural kick?

This issue underlies many of the conflicts of modern politics. In my view, that's what law and order is all about. That's what the racial hassle is all about. That's also what the welfare-aid-poverty scandals are all about: Many middle-class people fear the poor because the poor are—sometimes—shiftless, lazy, unambitious and pleasure-seeking, preferring today's kick to tomorrow's sober bank balance. Why should we add to their pleasure our painfully earned material rewards? Many whites dislike blacks for the same reason, except more so. Eldridge Cleaver has written exact and poetic descriptions of white envy of the graceful, rhythmic, natural, turned-on black body. And we all know why many old people envy carefree youth.

From 1961 to the end of 1965, all of my energies were offered to the Marcusean program of bringing about a nonrepressive society. Erotic politics. Hedonic engineering. My own modest contribution was to encourage a large group of young Americans to decondition themselves away from the work-duty ethic by means of psychedelic drugs. I believe that the effect of LSD and marijuana is to suspend learned conditioning, to allow the user to move in the direction of the natural, to get back where he belongs. The psychedelic person inevitably becomes more and more like those three outgroups in our society who live closer to a life of natural fleshly pleasure—the uneducated, the blacks and the young. (Notice how the hippies have automatically become our white blacks—choosing to live like the lowest economic class, either in ghettos or on remote farms; taking childlike pleasure in acts of play, in flowers, beads, sunsets and flutes; dressing up in funny costumes.)

When I speak of this deliberate desire to encourage young persons to sever the conditioned reflexes that tie them to the values of their parents, I am not speaking metaphorically. Our political technique was physiological and our hope was to bring about a visible change in exactly that headquarters where all change must originate—the human brain. The motto "Turn on, tune in, drop out," for example, is a specific psychopharmacological formula: (1) Blow your mind with a powerful psychedelic; (2) recondition yourself to rewards and punishments that *you* select; (3) avoid all institutions based on involuntary reward-punishment conditioning. The aim was to produce the first generation in human history that could choose its own mode of conditioning, react selectively to self-selected rewards and, literally, neurologically *make up its own mind*.

From the standpoint of my small part in this hedonic revolution, it was obvious by the

role in *The Boston Strangler*, a generally regarded as downright for any established star. Curtis—along with such familiar faces as Kirk Holden, Burt Lancaster, Gregory Peck—commands his cause he brings professionalists because of their nature and appearance.



fall of 1965 that the psychedelic point of view was about to become established. Sexual Freedom. Erotic honesty. Marijuana merriment. *Eros*. *Hair*. *Head*. *Kiss*. *Screw*. The Who. Rolling Stones. The Fugs. Beyond The Doors. Beyond even Blood, Sweat and Tears on the Airplane to Electric Ladyland. In spite of and to the despair of the Law-and-order generation, the young were joyously rejecting the Protestant work ethic and were initiating the leisure-time life of the future. The complex tasks of harnessing electronic-psychedelic energies to the new social structure now could be left to younger and more technically talented prophets, such as the Beatles, Tom O'Horgan, Tiny Tim, Stanley Kubrick, the righteous dealers and the underground alchemists. I nominated John Lennon as my successor and dropped out of the Pied Piper business. Thus, honorably emeriti, Rosemary and I turned ourselves to our long-awaited postretirement projects—to stay high, make love and write science fiction.

In December 1965, we closed the big house at Millbrook, put rock shrine markers over all the stashes and started driving to Mexico, where we had rented a house on a beach. This was to be a nostalgic return to our southern neighbor, whose first dollar-earning export was and still is the world's most holy and loving dope. Two years before, we had been deported from Mexico—along with 11 Harvard Ph.D.s, a rabbi, two ministers, the managing editor of *Gourmet* magazine and three pupil-dilated businessmen—for running a psychedelic commune in a beautiful hotel near Acapulco. As we drove back toward Mexico through Louisiana, I told the family about the final amusing incident of that other trip: Two Mexican secret policemen, who had been assigned to put me on the midnight plane, had to argue violently with Mexican immigration officials, who wouldn't let me leave the country without surrendering my tourist card, which the secret police had confiscated.

We got to Laredo at sundown, drove across the International Bridge and parked in front of the Immigration Building to get our tourist cards. There was a waiting room with benches and a door leading into the government office, which was fully equipped with a long counter and clacking typewriters. I walked to the door and was accosted by a man who had been standing hidden behind the threshold. He broke into a warm, welcoming smile.

"Timoteo!" he cried in joy.

His obvious pleasure provoked a reflex response of affection from me. Here, I thought, is some person I have befriended in the past. But what is his name?

Suddenly, the smile turned official. "Where do you think you are" (continued overleaf)



Episode & Postscript (continued from page 221)

going? Do you remember me? You aren't allowed in Mexico. I know because I am Jorge Garcia, who deported you from Mexico in 1963. You are *persona non grata* in Mexico. *Prohibido.*"

I was still radiating from his warm greeting (Libras thrive on popularity) and pardoned my dear old friend his official excitability. I remembered his pounding the counter in the Mexico City airport in 1963.

"No, Jorge, I have a letter from the *Ministerio de Gobernacion*, saying that we can return as tourists."

Jorge thought for a moment. "Stay right here." He ran through the waiting room and out to the parking lot, jumped into a car and shouted, "I'll be right back."

At this point, a black spider of paranoia started spinning a sticky web around the waiting room of my mind. Until that moment, I had prided myself on my complete lack of paranoia. Since my first mind-blowing mushroom session—also in Mexico, in 1960—I had been too busy deciphering cosmic plots, contacting Tibetan masters and desperately avoiding brain-control conspiracies to worry about such planetary matters as being busted. How could I be arrested? I had not one shred of guilt about what I was doing and, instead, felt the presence of an enormous bank account of karmic virtue. After all, I had, at the most modest appraisal, provided more satori, nirvana, tantric bliss, illumination, sensory bliss and longer lovemaking for more of my fellow men than any Ph.D. in the history of the American Psychological Association. To say the least.

I walked up to Rosemary, Susan and Jack and whispered: "We're apparently having a little hassle here with the Mexican government. Someone go out to the car and get rid of the grass."

Jack Leary, then 16, nodded and got up. Jack is a super-Libra and routinely deals with the cosmos in a maddeningly superior, deliberate, balanced way. In a crisis, he is the most swift, resourceful, dependable person I know. In a couple of minutes, he sauntered back, disappeared into the men's room and returned to the bench with a mission-accomplished nod.

Good! We're clean.

Then Jorge Garcia reappeared, by this time *mucho* businesslike, an ultraconfident official. "No, Señor Timoteo, not is it possible for you to go to Mexico tonight. I must call the capital in the morning to confirm. You must return to the United States now. It will all be different *mañana.*"

In retrospect, it is easy to see that we were caught in a B-movie scenario, swept up by some fast-moving current of melodrama beyond our control. If I believed in witchcraft (and, believe me, I do), I would say that we were under some

astrological spell, some black- or white-magic manipulation that moved us, unthinking, to the next spot on the duty-pleasure game board.

You see, we didn't actually have to return to the United States and criminal notoriety. Nuevo Laredo, Mexico, is a border town, a transient tourist town. You can make the scene there day and night without papers. We could have checked into a hotel, showered and then wandered around the streets, watching the hustlers and the pimps and the tourists, eaten enchiladas for dinner and slept like free souls and in the morning returned to the immigration office, got our cards for the interior and proceeded to Yucatán.

But marionette strings pulled us back to the car, which I turned around and steered across the International Bridge. I was nervous, dazed and unaware of scramblings in the back seat. About halfway across the bridge, I saw a sign reading UNITED STATES CUSTOMS, KEEP RIGHT, and it suddenly dawned on me that even though we hadn't been in Mexico, we would have to pass through the American Customs, just like the VW caravans that wend their way from purple Michoacán, golden Acapulco, seedless Guadalajara and the other fabled cities of the southland. My mind flashed alarm: "All the grass is out of the car—right?"

Susan, sitting in the front seat, said, "No, we just found the silver box here."

The car rolled on toward the Customs station. Frantic rummaging in the back seat. The silver box. Can't throw it out the window, blang, bang, metallic flash in the middle of the bridge.

"I hid it," said Susan.

As the Customs officer walked up, I handed him the unused Mexican papers and started talking first and fast. "We didn't enter Mexico, officer." I expected him to check the papers, nod, salute smartly with an understanding smile and let us pass.

He nodded, all right, and ordered everyone out of the car. He leaned in the front door, reached down and came up with something he held in his fingers.

"What is this seed I found on your car floor?"

In a flash, the car was surrounded by agents. "Remove all the baggage."

"Officer, you must be kidding!" The station wagon was packed with the impedimenta of a three-month expedition. Sacred books, beach and city clothing, theological manuscripts and scuba gear.

"Yup. All of it. Out!"

Other tourists passing by the checkpoint quick-glanced at us with virtue's detached, shunning disapproval. I wanted to run after them and shout, "It's all a mistake, really, we're not smugglers! We didn't even get into Mexico!"

Then we were ordered to sit on sepa-

rate benches in the Customs office and forbidden to talk to one another. There were no magazines. Not even Muzak. Phone calls brought two more chief inspectors. Interrupted at eight o'clock on Saturday night by duty's call. What had they been doing? Watching TV? Drinking bourbon? Dressing to go out to dinner? Sorry, dear, there's a big bust down at the office.

With a triumphant flourish, an agent came into the waiting room, carrying boxes filled with brown flour. A cluster of fuzz buzzed around. What's this? Pollen dust from Persia's brilliant red flower? Processed in Lebanon labs and converted to brilliant nod-out crystals near Marseilles and smuggled across the Atlantic by swarthy members of the Seafarers Union? No, it's worse. Gentlemen, there is enough organic health food there to get every high school kid in the country to kick the white-bread habit. Headlines and promotions for every agent who helped smash this unadulterated bread network!

We were called, one by one, into small rooms and examined for needle marks. Our pockets were emptied carefully and the dust and tobacco flakes caught in the linings were combed out and neatly folded into envelopes.

I still couldn't believe we were busted, until the chief agent called me into his office and laid the now-familiar mantra on me: "You are entitled to call a lawyer and to refuse to answer any questions. I warn you that anything you say may be used against you when the entire stenographic record of your life is read before the shadowed court of dread Anubis." Or something to that effect.

At that second, I had a minor revelatory experience, a quick, highly detailed view into the future, like a speeded-up newsreel. I could see the headlines—"EX-HARVARD PROF NABBED AS SMUGGLER"—the arraignments, the bails, the indictments, the pleas, the lawyers' offices, the endless legal ratiocinations, the trials, the fund raisings, the rallies, the HANDS OFF TIM LEARY buttons, the appeals, the trite, only partially re-edited scripts of Dreyfus, Socrates, the earliest Christians, Galileo, Alger Hiss and Dr. Sam.

It was immediately obvious to me that I would have to test the constitutionality of the marijuana laws, return from delicious high retirement, come strolling across the turf from the bull pen and spend long years of public hassle until, in the hushed and marbled solemnity of the Supreme Court, nine black-robed Justices whom I would never meet would rule on the right of American citizens to turn on, to get high, to feel good in their homes. I flashed on: three years of barnstorming and old-fashioned sloganeering. *Don't Tread on Me. Let's Fly United. Six Miles High. Turn on, tune in, drop out. Acapulco Gold Means Fine Tobacco.*

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Pancho Villa and his tattered hordes. The last bastion of civilization had been captured in less than an hour. Wolves howled along the banks of the Thames, Morelos' barefoot army stabled its horses in the British Museum, and Europe's long night had begun.

Cordle and Mavis viewed the collection in silence. They didn't exchange a word until they were alone and strolling through Regent's Park.

"Look, Mavis," Cordle began.

"No, you look," she said. "You were horrible! You were unbelievable! You were—I can't find a word rotten enough for what you were! I never dreamed that you were one of those sadistic bastards who get their kicks out of humiliating people!"

"But, Mavis, you heard what he said to me, you heard the way—"

"He was a stupid, bigoted old man," Mavis said. "I thought you were not."

"But he said—"

"It doesn't matter. The fact is, you were enjoying yourself!"

"Well, yes, maybe you're right," Cordle said. "Look, I can explain."

"Not to me, you can't. Ever. Please stay away from me, Howard. Permanently. I mean that."

The future mother of his two children

began to walk away, out of his life. Cordle hurried after her.

"Mavis!"

"I'll call a cop, Howard, so help me, I will! Just leave me alone!"

"Mavis, I love you!"

She must have heard him, but she kept on walking. She was a sweet and beautiful girl and definitely, unchangeably, an onion.

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Cordle was never able to explain to Mavis about The Stew and about the necessity for experiencing behavior before condemning it. Moments of mystical illumination are seldom explicable. He was able to make her believe that he had undergone a brief psychotic episode, unique and unprecedented and—with her—never to be repeated.

They are married now, have one girl and one boy, live in a split-level house in Plainfield, New Jersey, and are quite content. Cordle is visibly pushed around by Fuller Brush men, fund solicitors, headwaiters and other imposing figures of authority. But there is a difference.

Cordle makes a point of taking regularly scheduled, solitary vacations. Last year, he made a small name for himself in Honolulu. This year, he is going to Buenos Aires.



Episode & Postscript

(continued from page 226)

When the punishment evokes more honest horror than the crime, then the law is wrong. Lucy in the Sky with Diamonds. A house cannot stand half upright and half turned on. Your only hope is dope. With a little help from your friends.

At that second, I groaned inwardly and then, looking at the agent, I began to laugh. He looked at me curiously.

"Don't you know what you're doing, officer?" I was saying to myself. "You may have just put yourself out of a job. You may have just knocked out the Federal marijuana laws."

I knew at that arresting moment that I couldn't cop a plea, make a deal. "On a plea of guilty, we can get you off, Tim, with a suspended sentence and a few years' probation. After all, it was only half an ounce." But I just couldn't recant, throw myself at the mercy of a well-meaning Texas judge separated light-years from the folkways of my home.

The trip to the Laredo jail was complicated, because we had to load all our luggage into the cars of the two agents. The inspector possessively patted the hood of our station wagon and said, "This car is now confiscated. Property of the U. S. Government." He grinned. "Too bad. It's brand-new, isn't it?"

I shrugged. "You'll have to discuss all that with the rental agency. The car's only leased."

His face fell in disappointment.

At the jail, under the glare of the naked light bulbs, I kissed Rosemary and made a brave, wavering speech to the family. "Well, beloved, there's not one person in history whom we admire who didn't do his time in the Man's prison. It's all part of our education."

Jack was locked in the second-floor tier with juveniles—all Mexican or black. I was taken to the third-floor tier. The jailer unlocked two barred doors and then directed me down the dark cell row. When I got to the fifth cell, he pressed a button and the metal door creaked open. Metal on metal is the worst sound. I entered and the door slid shut. Remote control. *Clang!* The first time you find yourself in jail is an educational moment for everyone, I guess.

The next morning, the four of us were assembled in the jailer's office. Jack and I were handcuffed together and we were all marched two blocks to the office of the U. S. commissioner. There were photographers and TV cameramen dancing backward in front of us.

The commissioner was stern, relentless and mainly preoccupied with our financial status. How much cash? How much in the bank? What stocks and bonds? Property? He made Rosemary cry by demanding that she tell her parents to



"Wednesday? My God, I'm supposed to be in Cleveland on Wednesday!"

mortgage their house. Bail was set at some startling figure that merciful memory has misplaced. Twenty-five thousand? Back in jail, the efficient machinery of the Laredo marijuana combine took over. The jailer gave me the name of one bail-bondsman. He's the best in town. The bail-bondsman gave me the name of one lawyer. He's the best in town. He'll get your bail reduced. The lawyer was a nice guy. He sat right down to talk business, radiating that genial self-confidence that only the unjailed can express toward the imprisoned. He was certain we could get bail reduced. He began scribbling on a piece of paper. Let's see; you have \$1400 in cash. It will cost about \$500 for you to fly back to New York and my fee will be \$500. That leaves \$400 for Joe the bondsman. And with his percentage, let's see, we'll ask for \$2500 for you and Rosemary and get the kids out on your guarantee.

Within an hour, we were back in the commissioner's office. This time, it was all cordial, as though we had just purchased a new, expensive car and made the down payment and it was just a matter of some paperwork and we'd be behind the wheel and off on our white-Christmas trip back to Millbrook.

The indictments came down in January. Susan and I were charged with three counts: smuggling marijuana, transporting smuggled marijuana and failure to pay the marijuana tax.

For an overview of the complex, devious strategy the Federal Government used until very recently to enforce its marijuana statutes, the reader is referred to Dr. Joel Fort's *Pot: A Rational Approach*, in the October 1969 issue of PLAYBOY. For the purposes of this account, it is enough to note that by the 1960s, the repression of pot smoking had become an enormous police industry, providing delightful game rewards to thousands of cops at all levels of government. Just at the time when civil rights muscle was making it more difficult to harass the "lazy, concupiscent, music-loving black man," a new and even more vulnerable outgroup appeared: the "heads." Psychedelic enthusiasts provided a made-to-order scapegoat for a middle-aged, self-righteous American society. Heads were infuriatingly young and sexy. They were intolerably pleasure-seeking. They were openly skeptical of Johnson City and San Clemente values. And, what was most delightful to the lower-middle-class constabulary, they tended to be book-reading, art-loving college people—the natural enemies of the crew-cut, gun-collecting TV watcher.

I had the opportunity to watch the emergence of this peculiarly American pogrom in some detail. At Laredo, for example, the Customs agents were automatically on the alert for youngsters who showed any signs of deviation from the old Joe College model. Young blacks,

young long-hairs, kids from Eastern colleges—especially New Yorkers—all came under special scrutiny. "After a while, you get an unerring sense of who is holding marijuana," a border official confided to me after my trial.

Detection of pot smokers was facilitated by the use of Mexican informers, I am here to tell you. For example, some Princeton kids show up on the Nuevo Laredo night-life scene. They are approached by a hustler, who offers them grass. "Sure, that's what we came down here for." The pusher collects his fee, hands over the low-quality weed and then notifies the border patrol, who is waiting the next day. The suspect's baggage is searched, he is stripped, his bare arms examined—sometimes, intimate apertures are probed—and, *voilà!*, 20 joints are found hidden in his FM portable radio. During my period of anthropological research in Laredo, I talked to dozens of Northern college kids who were being processed like naughty sausages through the Laredo morality mill. The take averaged over \$2000 per kid, when you added up the bondsman, the local lawyer, the fine and the confiscated car, not to mention the boon to local innkeepers and restaurateurs. A tidy little involuntary tourist trade for a sleepy border town.

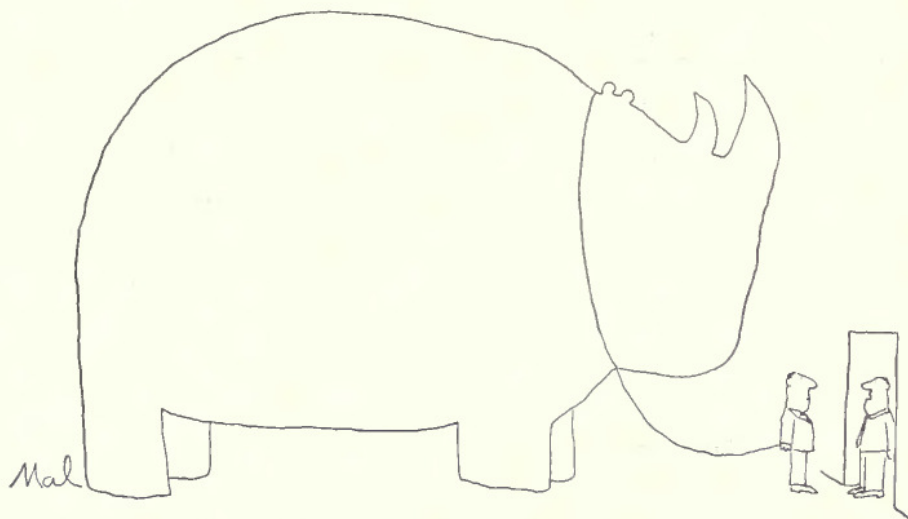
The disposition of Federal weed cases became a delicate ballet of Sicilian complexity. The kid who was busted on the bridge immediately faced the three familiar charges: smuggling, with a maximum sentence of 20 years and a minimum mandatory of 5 years; transportation, with a maximum of 20 years and a minimum mandatory of 5 (only a Presidential pardon can lower these mandatory terms, and Nixon ain't a head, brother); and the "tax count." This last allowed more leeway—from suspended sentence and probation up to ten long years.

The standard routine was to allow the middle-class offender to plead guilty to

the tax count in return for dismissal of the two heavy mandatory raps. There was little choice for the victim. He had to make the deal. If he wanted to go to trial and fight the case, then the Government would not drop the two heavy counts and the defendant was faced with an almost certain and unparolable ten years. Almost certain, because Northerners just didn't win cases in front of a Laredo jury and a Texas judge. It's a very small town, remember, and everyone around the courthouse knows everyone who is likely to show up on a jury panel. The Customs officers play bridge with the lawyers and the jury is made up of merchants and housewives who are members of the same church societies. I never saw a Negro on a Laredo jury.

Another pressure toward making the tax-count deal was the fact that the Government did not want to go to trial on grass cases. In the first place, it took time and onerous preparation for the attorneys. All the arresting agents had to spend a day waiting around court when they could have been down at the bridge, stripping hippies and protecting the border from hedonic invasion. More important, the Justice Department didn't like to try middle-class Americans on the smuggling and transporting charges, because victory became embarrassingly dangerous. Ten years in the penitentiary for the college kid caught with ten joints. Trouble from the Congressman back home.

It's much easier to bust the Princeton kid, relieve him of \$2000, scare him into repentance and send him back to the campus under five years' probation, in familial and academic disgrace, a sorry object lesson for other undergraduates who are tempted to score for their friends. Interestingly enough, most middle-class parents highly approved of this chastising exercise. When Dad flew down to Laredo for the hearing and stood in court next to Junior, his



"No, thanks . . . I've already got one."

eyes would meet the eyes of the judge and an implicit agreement would be sealed. We'll teach Junior a lesson, but we both want to keep him in business school and out of a ten-year rap.

Of course, it all depended on repentance and the remorseful desire to mend your ways. Middle-class kids who acted like ghetto kids—that is, who expressed no guilt, who refused to beg for the chance to go back to school, who suggested that they considered pot smoking acceptable behavior—could be sent up for a discretionary few months until they got the point. Astonishingly, many parents encouraged the brief incarceration of their kids, in the hope that they would mend their rebellious ways. I remember calling a Laredo lawyer who had “defended” a young rock musician from San Francisco whose family instructed the lawyer to let him do a year. “We’ve tried everything else to get him to go back to college, and maybe a little time in a structured military-type environment will knock the nonsense out of him and teach him a trade,” the parents said. “At least they’ll cut his goddamn hair.”

The lawyer was quite blunt with me. “His folks are right. He’s a cocky kid. The discipline will do him good.”

The Government’s most pressing reason for avoiding a vigorously fought marijuana trial was the uneasy knowledge that the Federal weed law was a bizarre monstrosity from the bureaucratic standpoint and unconstitutional from the legal standpoint. Conservative constitutional scholars assured me that the grass laws violated the Fifth Amendment (forbidding self-incrimination, in this case, by being forced to purchase a license for an illegal act), the Eighth Amendment (forbidding cruel and unusual punishment) and the Ninth Amendment (guaranteeing personal freedoms unmentioned in the other amendments).

The only other person who wouldn’t make a deal during the four months that I was in and out of Laredo was a brash young hood from Newark. He couldn’t cop the tax plea, seek probation and play it straight for five years. “Are you kidding? All my friends are ex-cons. My office is in a pool hall. How can I work that out with a probation officer?” I told him to make noises about appealing his verdict, which he did. On the day he was to go to trial, the Government dropped all charges. His own lawyer shook his head and muttered disapproval.

There are dozens of turned-on young barristers in New York, San Francisco and Los Angeles, but in other parts of the country and, particularly, in Southern border towns, forget it. I am willing to testify under oath that in the state of Texas in 1965, there was no criminal lawyer of repute who would vigorously fight to keep America green.

For two months, I phoned and personally interviewed Texas lawyers who

would look at me with the disbelieving curiosity they might exhibit toward a child molester. “Constitutional right to use *narr-cott-ticks*, huh?” What Texas lawyer wants to become known as the man who freed the land for dope addicts? One prospective attorney had me fly down to Houston to spend the day with a psychiatrist, ostensibly because he might testify on my behalf but really to check out the degree of my insanity. That lawyer used to chuckle and make jokes about my nutty LSD-type defense. “First Amendment, ha-ha.” His fees were equally lysergic: \$5000 an ounce.

We straggled onto the playing court, finally, with a rather weak defense quartet: There were two jolly Laredo lawyers for whom fighting the grass laws—a tactic that, if successful, would cut down on their regular source of clients—was only slightly less than treasonable. They took the case because I was a likable maniac with some money in a legal defense fund to throw away. No doubt, they were prepared to give me a fair shake, regardless of their private feelings. They were backed by two young idealistic lawyer friends of mine who had never tried a criminal case before.

In any event, the jury trial was pointless. I freely admitted possession of the offensive half ounce. Our aim was to build up a good record for the appeal. I had to testify that I didn’t apply for the tax stamp because I knew I wouldn’t get it and further knew that I would be incriminating myself as a grass user. And I had to testify that I had used psychedelic drugs as part of my religion, my profession and my righteous home life. Two medical authorities argued that grass was less harmful than alcohol. A Hindu monk swore that I had been initiated on the banks of the Ganges into a Bengali sect that used ganga as a sacramental aid to meditation. And a photo of me standing in front of a government-licensed Calcutta ganga shop with a holy man was submitted as evidence, to the puzzlement of the clerk. Since the jury was bound to come in with a verdict of guilty, precluding courtroom mesmerism and Ciceronian forensic feats on my part, my goals for the trial itself were limited. I decided that the logical step was for me to try to turn on the judge, to get to his mind, to teach him something about the art and science of getting high.

The moment of achievement came during my second day on the stand, when the judge leaned toward me and said, by way of clarification, “What you are saying is that there are several levels of consciousness and taking drugs is like going up in an elevator. Different drugs take you to different floors. Is that it?”

“Thank you, your Honor. That is precisely what I was trying to say.”

At the end of the trial, when the door to the jury room closed, one of my Laredo lawyers glanced at his watch in a

pleased, brisk manner and said, “Well, it will take them five minutes to sit down and light cigarettes. And ten minutes to elect a foreman and read the instructions. And, say, seven minutes to count the votes. They’ll be out with the verdict in twenty-two minutes.”

And so they were. Practice makes perfect. After the verdict, I was called up before the judge and sentenced to 30 years’ imprisonment and a \$30,000 fine for the crime of possessing half an ounce of grass.

The 30-year rap was a noisy but empty gesture. Lost in the headlines was the fact that the judge had ordered a 90-day period of psychiatric observation in a prison hospital for the criminally insane—a sincere or cynical attempt, I suppose, to imply that I was a madman. After 90 days, I would return for resentencing or, perhaps, for commitment. In any case, it was unlikely that I would be forced to serve more than the minimum mandatory sentence.

The sentence caused the expected flap. Press, TV, radio. A seismological revulsion of outrage and sympathy—particularly from foreign lands. A nice television station in Tokyo offered Rosemary and me a two-week guided tour of Japan if we would spend an hour telling our story before the cameras. I was suddenly escalated, thanks to Harvard and Laredo, to a curious place of notoriety somewhere between Christine Keeler and Ché Guevara.

The prospect of serving any substantial prison time had never played any part in my mythology. I had no intention of becoming a martyr. Suffering for others was a bad trip 2000 years ago, and we are still trying to undo that miserable blood-guilt mischief. No good cause, and certainly not our jolly crusade for kicks, can be helped by that sadomasochistic dance we call martyrdom.

So the illegal law wouldn’t get me. We would get the illegal law first. The appeal was turned over to a dedicated young civil-libertarian lawyer, Joel Finer, then on the faculty of the University of Texas law school. Finer struck off into a jungle of visionary tracts and theological manuscripts and eventually came up with a classic defense of psychedelic religious freedom. A few years too early.

The next step for me was to accept the fact that I had been rudely snatched out of retirement and to try to use the absurdity at Laredo to my advantage. We figured—rightly—that it would take about three years for the case to get to and come down from the Supreme Court. So I had some 30 or 40 months to pitch myself back into the hedonic revolution, to once again take up what I now saw as a grand nationwide psychological and political experiment.

• • •

The experiment, which had started at Harvard in 1961, would determine

empirically if psychedelic drugs could bring about a reconditioned society. For the test to work, to prove anything, my sample of subjects had to run into the millions. The time limit on it would be the day of the Supreme Court verdict. By the time the decision came down, either the society would be reconditioned or it wouldn't. If it wasn't—if society hadn't changed significantly in the direction of pleasure freedom by 1969—then my own freedom would be forfeited. Rosemary and I would spend the rest of our lives in jail or in exile.

I must confess that I had certain continual misgivings about my new professional duties. By the end of the first year following the arrest, I had become a notorious and noisy agitator for the revolution, which was gathering momentum in all quarters where young people put their heads. Yet I am, by nature, a skeptical, ironic, introspective person with a strong sense of Celtic dignity. Here I was, a scholarly researcher from Harvard with graying sideburns and two teenage children, sitting barefoot and bellowed on a strobe-lit stage, accompanied by sitar and *tabla* and urging an audience of several thousand theatergoers to "slide together in molecule embrace."

When I would fail to appreciate this faintly ridiculous situation, my friends would be quick to remind me. I remember sitting, profusely made up, under the floodlights of a Hollywood studio, listening to Dick Alpert's quizzical, disapproving question, "Timothy, why are you doing this?" I could only reply, "Well, Professor, I'd be delighted to have you take my place."

A political strategy involving neurological changes may seem radical, but you'd better get used to that idea. If drugs change minds—and they do—how long will it be before a totalitarian state not the least bit interested in freedom and pleasure initiates researches where the mind-changing drugs are *not* self-administered? In 1962, we clearly saw that control of mind-changing drugs would be the key political issue in tomorrow's society. Like, for instance:

DECEMBER 25, 1979, WASHINGTON, D. C.: TOP-SECRET MEMO TO SCHOOL ADMINISTRATORS. SUBJECT: REVISED DOSAGE RECOMMENDATIONS FOR SOCIO-PHARMACOLOGICAL ADDITIVES TO SCHOOL LUNCHES.

1. The standard dosage for third-grade students is changed to 30 mg. of *Industrin*.

2. The addition of anti-conceptionals and anti-aphrodisiacs will now commence in the eighth grade.

3. Uncooperative students from grades one to seven will receive 50 mg. of *Docilin* daily.

4. Dosages of *Intelligen* and concentrationols will remain the same, pending results of ongoing research

being conducted by the Defense Department.

This may sound like science fiction, but Rosemary and I and our friends have been living in a weird sci-fi world for several years. The point is this: In the politics of the nervous system, the touchstone of freedom is self-administration. My own modest contribution to the free society to come was to persuade the youngsters who will be running things in 2001 that they should instinctively distrust and reject any Governmental control of mind drugs and learn, on their own, the complexities of self-directed reconditioning. The standard liberal cliché about psychedelic drugs is that they should certainly be controlled by the Government but available to authorized, responsible, serious-minded, conscientious, competent researchers. In my visions of the future, just such a plausible prospect becomes the ultimate horror. The last person I want controlling drugs that can change my mind is a serious Government scientist. The only persons who should control the chemicals that change your head are you and your girl.

Our educational campaign to proselytize this new political message was effective enough to capture the imagination of a large percentage of our youth and, by 1966, to stimulate an enraged backlash from the custodians of the established order. Anti-psychedelic-drug laws were hurriedly passed and the police offensive escalated. L. B. J. himself added a useful datum to our files when he took the time in his 1968 State of the Union message to denounce LSD by name as one of the many evil forces surrounding the House of White.

The laws and the Presidential denunciation pleased me enormously. The more illegal it was to turn on, the happier I became. The dream of any revolutionary is to find a mode of change that is symbolically effective and psychologically contagious. Picketing? Demonstrations? Marches? Sit-ins? Self-immolations? Hunger strikes? Card burnings? Old stuff! Such familiar revolutionary techniques have become repetitious and stale. The truth of the matter is that turning on with *illegal* psychedelic drugs is the most powerful revolutionary technique ever developed. Neurological anarchy, and nothing less! By 1966, the taking of a psychedelic drug in the United States, western Europe, Russia and even Cuba had become a subversive political act directed against the adult establishment. Any person who has turned on in the past few years has had to say to himself and implicitly to Chairman Mao-Nixon-Kosygin, etc.: "I reject Governmental control of my head and my pleasure." The dovetailed joint of marijuana and the deconditioning sugar cube become the ultimate instruments of political change.

The quiet protestant turning on illegal-

ly in his home has engaged in several revolutionary actions. In order to score, he has connected himself to an underground of gentle collaborators. Turning on automatically makes the cops and the state your persecutors, a point not to be overlooked these days, when the old-style appeals to stir up the downtrodden no longer cut it. What wouldn't Karl Marx have given for a method guaranteed to convert 75 percent of the aristocratic student body of St. Petersburg University into objects of harassment by the hated Cossacks?

But the greatest revolutionary impact of the psychedelic act is this: The drug itself liberates and anarchizes your nervous system. Unlike the picket sign or the draft card, the drug suspends exactly those socially conditioned reflexes that tie you to the rewards and punishments of the aging system you want to overthrow. Turning on is an ominous threat to any social system. It leads to the smiling dropout. You no longer bother to fight the old system. You just start living in the old society in a new, smiling, conspiratorial style.

As this social mutation started to manifest itself, the harassing muscle of the law moved to stop the experiment in general and our activities in particular. The first police raid on Millbrook, in April 1966, introduced us to 24 booted, helmeted and armed deputies, who entered our bedrooms at Saturday midnight. It was the classic surprise invasion so familiar to nonconforming Russians, fun-loving Greeks and free Czechs. Now it is happening here in the college dormitories and youth ghettos. The new terror. Anyone who hasn't faced the threat of a night raid by the thought police has been cheated of one of the authentic, classic experiences of our era. The raid on Millbrook and the five-hour ransacking of bedrooms was just the beginning of our testing.

Next started a grand-jury investigation of our home life. All of the members of our commune, including ten-year-old children, were subpoenaed and urged under threat of jail to talk about our domestic affairs. Who sleeps with whom? Who takes dope? Rosemary refused, righteously, on the grounds that the daily life of her family and the spiritual practices of her coreligionists were no business of District Attorney Rosenblatt. She did a month in jail for this.

Then the rousting and harassing on the streets and highways. Many people do not know that to a large group of Americans, the streets are unsafe, a no man's land ventured into only at the risk of harassment. And not just in the ghetto. As you drive around Southern California, you will notice police cars everywhere. Observe who is being stopped. Keep a tally. Nine out of ten are blacks, Mexicans or long-haired kids. When

we'd drive from Millbrook to New York, it became a game. How many miles before we'd be stopped?

This has been another invaluable educational experience. For four years, we have had the privilege of sharing, in a small way, the alert, animal sensitivity of the American black man, the freedom-loving Czech, the Jew in Germany. The constant awareness that the armed agents of your uptight, warlike state are hunting you.

Then came the blockades around the Millbrook estate. For months, anyone leaving our grounds was likely to be stopped and busted.

Then there's the exquisitely complex social dilemma provided by the presence of unknown informers in your house. Only after the search-warrant affidavits are made public do you know which of the smiling faces around your dining table last summer was the police spy. Then the lectures scheduled by the student bodies and canceled by the administrations. And the police tails. And more raids. The smashing of our door by officers with John Doe warrants, seeking nonexistent teenage runaways. The incessant demands for bail and for funds for our overworked, routed-out-of-bed-at-midnight lawyers.

The saddest thing was the dropping away of old friends who were attempting to maintain conditioned reward-punishment games in the form of responsible jobs. They were posed with tricky moral dilemmas. If they came to visit us, they were in danger of being stopped and searched, of being caught in a raid, of getting their names on a list.

Gradually, month by month, we found ourselves spending more and more of our time with spiritual outlaws and psychedelic criminals, and less and less time with even grass-smoking straights. We hardly see anyone these days who has not been arrested for political or spiritual crimes. This is a tribal reflex that always occurs in times of social change. It is not a conscious choice.

. . .

We lost the trial at Laredo and the second round in the Federal Court of Appeals. Meeting in New Orleans on October 14, 1967, the Fifth Circuit Court upheld the 30-year rap and rejected our claim that the right to get high, to worship in the way that got you highest, was guaranteed by the First Amendment. The next recourse was the Supreme Court—highest in the land, we hoped.

At this point, the case was turned over to Robert J. Haft, a securities lawyer known as the Vince Lombardi of Wall Street. His inexperience in constitutional law was matched by the asset that he never loses. Yet the case looked like a long shot. The Supreme Court grants certiorari in less than one percent of the appeals to it. The First Amendment religious defense seemed more and more

lysergic. But just at the time that Haft was preparing his brief, fortune presented us with a gift. The Federal Gambling Tax—which required illegal bookies to purchase a \$25 gambling-tax stamp—was held by the Supreme Court to violate the Fifth Amendment. The harassed gambler was clearly being forced by law to buy a license to perform an unlawful act and thus, among other things, mark himself as a pigeon for the police. Self-incrimination.

Therefore, reasoned my lawyer, the marijuana tax must also be unconstitutional. From the standpoint of the conscientious stamp collector, marijuana is a heads-I-win, tails-you-lose gambling game run by the Feds. Again, you are being punished for failing to purchase a Federal tax stamp that would put your name on record as one who intends to commit a felony according to the law of your state. (In North Dakota, for example, you could get 99 years for trying to use your Federal grass-tax stamp.) The bizarre Treasury Department machinations of 1937, prohibiting marijuana under the guise of a revenue law, were finally coming under rational judicial review.

On May 7, 1968, in Washington, D. C., the highest Court granted certiorari in *Leary vs. the U. S. Government*. It agreed to hear arguments both on the Fifth Amendment issue—the legality of the marijuana tax—and on our argument that the Government is wrong in its automatic presumption that any grass seized in the United States was smuggled. Much to our disappointment, our claims that the First Amendment protects the right to use drugs in religious practice—as sacramental aids to prayer, meditation and higher union—were refused a hearing.

On December 12, 1968, again in Washington, the appeal was argued before the Supreme Court. The Government had a bad day. Bob Haft and his assistants came out smiling. "Nine to nothing. We think we shut them out."

Rosemary and I retired to our desert mountain retreat and started waiting out the decision. We lived in an 18-foot Sioux tepee, with Cheyenne smoke flaps made of sailcloth translucent to the moonlight. We watched the stars very carefully every night, planted seeds, milked the cows and stayed high.

Every Monday morning at nine o'clock Pacific time (traditionally, the time for Supreme Court decisions), I'd walk down to the nearest brother's house and listen to the news on a battery-operated radio. When the weekly decisions were reported, I'd walk back to the tepee.

"Well, we've been given another week."

And then we'd stay high for the next seven days.

May 19, 1969, was a sunny day, with bees buzzing and apple-blossom pollen scenting the mountain air.

We looked down the valley and saw

two city sedans approaching. The road to the ranch is left deliberately rough, to discourage city visitors. All mountain people know that city cars bring nothing but trouble.

"Do you think it's a bust?"

We watched with pagan wariness as the white men in short hair and business suits picked their way up the hill.

They were friendly. ABC and NBC-TV. This was the first Monday morning in months that I had not listened to the news. "The Supreme Court has cut you loose. Unanimous decision. The Federal marijuana prohibition is repealed."

Rosemary and I asked the newsmen to make themselves at home on the grassy hillside and we joined our tribal brothers in the tepee and felt, *Oh, happy day*.

Then Rosemary and I were arranged in good camera angle of the tepee and were interviewed by the networks.

"How do you feel?"

"High and happy for ourselves and for the thousands of young people who are imprisoned for psychedelic crimes."

"What is your estimate of the number of people now in jail for marijuana possession?"

"In the state of California alone, fifty thousand kids will be arrested this year for psychedelic-drug possession."

"What are you going to do about it?"

"Run for the highest office in the state. Pleasure is now a political issue."

"What are you going to do when you're governor?"

"As little as possible. The state is best governed which is least governed."

"What are you going to do about student protests?"

"Turn all state colleges and universities back to private enterprise. The state has no business supporting or interfering in trade-union squabbles among students and professors."

"Will it be a grass-roots campaign?"

"You're hired as speechwriter."

"What about crime?"

"There is only one crime, and that is violence to another creature. The violent should be therapeutically isolated. All other illegal behaviors fall under two headings: financial dishonesty and differences in moral preferences. The state cannot legislate or forcibly enforce laws about moral differences. And financial criminals should be offered the chance to avoid prison and pay off their dishonest gamble. We are also going to eliminate taxes for the sober, industrious, conventional person."

"Eliminate taxes! What have you been smoking?"

"We'll institute a thousand-dollar-a-year license fee for any activity that is considered to be unhealthy, asocial, frivolous. To be specific, the following actions will be legal in California upon payment of the annual Frivolity Tax: abortion, divorce, bigamy, drinking hard liquor (beer and wine become tax-free), gun

possession, killing fish for sport, frivolous purchase of a new smog-producing car more often than once every five years (ditto smog-producing motorboats) and smoking marijuana or nicotine cigarettes (cigars and pipes are tax-free). The following activities will be available to license holders in restricted areas and neighborhoods: prostitution, gambling, public nudity, homosexual courting and the use of LSD and heroin."

"What will you do for the blacks?"

"Mainly get the whites rewarded, high, happy, healthy and off the black's back."

"What do you want people to do for your campaign?"

"Rosemary has come up with our first political slogan. *Come together, join the party.*"

The Supreme Court decision did more than launch my political career, of course. It also meant that Congress will now have to come up with a whole new set of marijuana laws if it wants to regulate our happiness—and it surely does. The Nixon Administration has already entered the field, with a law that classifies marijuana and LSD with heroin and that makes possession of any of them, even without intent to sell, punishable by imprisonment for not less than two years nor more than ten and/or a fine of not more than \$20,000. The law also includes a neat, patently unconstitutional provision to the effect that any cop can bust into your pad to get the stuff without a search warrant.

One can only hope that liberal politicians will counter with bills specifically allowing possession of grass. Right, Senator McGovern? Right, Senator Cranston? In any case, there will be hearings and lobbying. These should be accompanied by smoke-ins—peaceable, jolly outdoor gatherings. The Gallup Poll will certainly join the fun. The nationwide samplings will show that 50 percent of

the American public thinks the weed law should be toughened. ("Hanging's too good for dope addicts.") And half will want the new laws liberalized. Ninety percent of those over 50 will be shown to vote no on grass, but 90 percent of those between 15 and 30 (come on, George, you've got to include the teenyboppers in your survey) will vote *si* on tea. Sixty percent of whites will vote no, 80 percent of blacks, browns and redskins will vote to turn on. Certainly, most of Gene McCarthy's constituency can be rallied to the hemp camp.

It is an interesting characteristic of democratic pendulum politics that as soon as an issue moves from the state of unmentionable taboo and attains the status of a debatable difference of opinion—that is, as soon as it moves to the bumper-sticker stage—its eventual social acceptance is assured. In the past 30 years, we have seen the white attitude toward Negritude break away from general condescension—the condition of blackness was almost universally thought to be a dark evolutionary trait—to a whole galaxy of responses. ("My God, while I wasn't looking, my sister *did* marry one!") Sexual behavior and pornography have similarly lost the aura of hushed depravity and become matters of taste. Recently, we have seen the celibacy of priests become debated by Catholics. The idea of parish curates happily and righteously balling their wives after Saturday-night confessions, a notion unthinkable five years ago, is now enthusiastically discussed by young seminarians and lay Catholics alike.

A taboo defended by the aging and under skeptical attack by youngsters has little chance of surviving. In a democracy, that is. I make the flat prediction that the Democratic Party convention in 1972 (if you can consider that unmentionable inevitability) will debate and vote on

proposals to legalize marijuana.

Of the many proposed plans to control and distribute psychedelic drugs, there is one that recommends itself by its Spartan simplicity and economy. Every American citizen will be allowed to grow enough grass to supply the erotic-spiritual needs of himself and his family. You won't be allowed to transport it or sell it, but you will be able to grow your own. God must have had this in mind when He made marijuana one of the hardiest, most peripatetic plants on this green planet. Anyone can grow it in his garden. The only problem is fencing; most animals seem to love the weed. City dwellers who have a view to the sun can harvest their window boxes; city dwellers who *don't* have any sunlight will prefer whiskey anyway.

Peyote, the hardy desert cactus, will become legal and popular. (Sophisticated acidheads are already switching to this pure, natural herb of the Indians.) LSD? Anyone desiring to take the big mind-blowing trip will obtain a card entitling him to purchase a dose each week of Sandoz Blue or Owsley White Lightning from his local druggist. If he shouts too loudly in the street about God and love, take his card away from him.

Sure, there'll be some problems. Some people will take too much and most people won't take enough. Fools will continue to be foolish and the uptight will continue to worry. And jet-set connoisseurs will demand special imported and domestic brands. In any case, if this bill passes, there will be less abuse and reckless use of LSD than there is right now. In spite of the army of narcs and informers patrolling the campuses, the new prohibition hasn't worked. More LSD is being released on the black market every month. Six new underground laboratories that I know about were built in one three-week period by alchemists in the suburbs of just one large and swinging city.

Another interesting by-product of repeal will be the delightful discovery by millions of grass smokers that what they have come to love and love with is incredibly low-quality weed. Friends who have devoted their professional lives to the subject inform us that only one in a hundred pot smokers has ever tasted high-grade, high-resin hemp. A generation of prohibition kids brought up on the limited pleasures of the gaseous equivalent of bathtub gin will suddenly discover quality-controlled, bonded, 20-year-old cognac.

Someday, I am sure, the political battles will be won here in California and in Washington. Then Rosemary and I will be able to pack the same blue station wagon (we had to buy it from the rental agency after its year in the Laredo government garage) and head back to the land of hemp and honey from whence we were so rudely detoured.

