

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46



By most standards, Jason Kakert's [Iowa Hemp for Victory page on Facebook](#) is a modest grassroots political effort. He started the page in 2011, and this week it had only 58 "likes."

"This is just getting started out," the 31-year-old graphic artist said last week in his studio at the Bucktown Center for the Arts. "Right now this is kind of a one-man show."

But Kakert (a former *River Cities' Reader* intern) is an eloquent advocate for industrial hemp, and he's part of a movement that's gaining significant traction. Last month, the U.S. House – by a vote of 225 to 200 – passed an amendment to the farm bill that would allow "institutions of higher education to grow or cultivate industrial hemp for the purpose of agricultural or academic research," [according to the amendment's summary](#) .
"The amendment only applies to [the nine] states that already permit industrial hemp growth and cultivation under state law."

The amendment is now attached to the House-passed farm bill, but its fate is uncertain at best; the larger politics of the farm bill dwarf this particular issue.

Yet the amendment's passage represented a major surprise victory for hemp advocates. As Tom Murphy, the national outreach coordinator and a board member of the not-for-profit organization Vote Hemp, said in an interview last week: "We were expecting a 50 to 375 defeat."

He called passage of the amendment the culmination of years of education and lobbying, and also said support was easier to garner because "it was an agricultural-research bill for higher education" instead of a more sweeping effort to legalize industrial hemp.

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

For the uninitiated, industrial hemp is hailed as a hardy, versatile crop. Some people claim it can literally save the world, but a more realistic, sober analysis comes from last month's Congressional Research Service report [“Hemp as an Agricultural Commodity”](#) : “Some estimate that the global market for hemp consists of more than 25,000 products. ... Hemp fibers are used in a wide range of products, including fabrics and textiles, yarns and raw or processed spun fibers, paper, carpeting, home furnishings, construction and insulation materials, auto parts, and composites. The interior stalk (hurd) is used in various applications such as animal bedding, raw-material inputs, low-quality papers, and composites. Hemp seed and oilcake are used in a range of foods and beverages, and can be an alternative food protein source. Oil from the crushed hemp seed is an ingredient in a range of body-care products and also nutritional supplements. Hemp seed is also used for industrial oils, cosmetics and personal care, and pharmaceuticals, among other composites.”



During World War II, the federal government encouraged farmers to grow hemp (and it made the film *Hemp for Victory*, from which Kakert's Facebook page gets its name). Kakert said he's found references to 11 hemp-processing plants in Iowa from that era, and his interest in the subject was spurred when he came across a manual for a Deere & Company hemp harvester from the 1940s.

Kakert said he's excited by the possibilities of hemp's myriad uses. He would like to print on hemp canvas, for example.

And he believes that legalized industrial hemp could be a boon to the local economy: “We wouldn't have to get cotton from down south; we could make hemp fabric that's grown in Iowa. If I want to build a house out of hempcrete, why should I have to import it from the UK?”

He added: “The U.S. is importing millions of dollars in hemp products” that could be grown and made in the United States. “Why is this?”

The reason is that industrial hemp is a Schedule I drug under the Controlled Substance Act's definition of marijuana (“all parts of the plant *Cannabis sativa L*”), and it cannot be grown or processed in the United States without a permit from the Drug Enforcement Administration

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

(DEA). However, hemp products *can* be imported into the United States.

Equating industrial hemp with the drug marijuana dates back to the Marihuana Tax Act of 1937. After that law was ruled unconstitutional in 1969 in *Leary V. United States*, Congress responded in 1970 with the Controlled Substances Act.

At that point, Murphy said, there was no hemp industry in the United States to fight the law's definitions that made industrial hemp an illegal drug: "The last industrial-hemp crop grown commercially was done in 1957 in Wisconsin, so when the Controlled Substances Act was being drafted, there were no hemp farmers or processors to say, 'Hey, wait a minute. What about us?'"

Kakert said that "lawmakers didn't necessarily realize they were throwing the baby out with the bathwater," yet the legal linkage remains. As a result, the issue of industrial hemp is often tied to (and confused with) drug legalization, and Kakert and other industrial-hemp advocates are adamant about drawing distinctions between them.

"I split the two up," Kakert said, "because the biggest hurdle right now ... is that there's still this misunderstanding and this stigma that you say 'hemp,' [and] a lot of people say, 'I'm against marijuana.'"

That confusion, he said, makes it difficult for many legislators to support industrial hemp. ([See sidebar.](#))

"Lawmakers don't want to be considered soft on drugs," Kakert said, "since this has been collateral damage in the drug war. It's got that stigma attached."

Although industrial hemp and the drug marijuana come from the same species of plant (*Cannabis sativa*), they're different varieties, they're grown differently, and they look different because of how they're cultivated and the parts of them that are used. Most crucially from a drug-control perspective, they're distinguished by the percentage of tetrahydrocannabinol (THC), the psychoactive component of

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

Cannabis

; industrial hemp is bred or processed to have a relatively low percentage of THC compared to drug marijuana.

Because of that, Kakert said, discussing industrial hemp and the drug marijuana together makes no sense, and he refused to state a position on legalizing marijuana as a drug. “It’s like asking somebody who manufactures oregano or powdered sugar what they think about drug policy, just because they look the same” as marijuana and cocaine, he said.

Vote Hemp’s Murphy said that the DEA exploits the legal situation: “The only reason that there’s a stigma attached to industrial hemp is because of law enforcement and specifically the DEA saying that there is no difference between the varieties. It’s all defined as marijuana under the Controlled Substances Act. They can intentionally confuse and conflate things.”

The current lumping together of industrial hemp and drug marijuana is in significant part simply maintaining the tough-on-drugs status quo. But Murphy said the DEA also continues its opposition because its arguments are so weak. Legalization, he said, would make the agency’s stated concerns look like little more than unfounded fear-mongering.



Undermining Opposition

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

Law-enforcement organizations – most notably the DEA – generally oppose hemp legalization even when it has nothing to do with legalizing the drug marijuana.

The core rationale was tersely outlined by Gil Kerlikowske, the director of the Office of National Drug Control Policy, in a [statement](#) last year: “Hemp and marijuana are part of the same species of cannabis plant. While most of the THC in cannabis plants is concentrated in the marijuana, all parts of the plant ... can contain THC, a Schedule I controlled substance.”

This is largely a false-premise argument, hemp activists claim. The central problem with U.S. drug policy as it relates to industrial hemp, they say, is precisely the Controlled Substances Act definition, which doesn't differentiate something one smokes to get high from something that would provide no high if smoked.

Other claims opposing industrial hemp are similarly dubious. The DEA's talking points on the issue were [published](#) by the Huffington Post last month, and the agency made two primary arguments against the farm-bill amendment.

Actually, it made two basic arguments against the legalization of industrial hemp generally, neither of which would really apply given the amendment's narrow scope: “First, it is impossible to distinguish a marijuana plant containing 0.3 percent or less of THC from a marijuana plant containing higher THC levels without scientific analysis. The bill would thereby make it essentially impossible for law enforcement to enter a grow site to determine the THC content of the ‘hemp’ plants since there would be no way to establish probable cause to obtain a search warrant without first entering the premises to collect samples. As a result, the bill would provide easy cover to hide more potent marijuana plants. Second, even if all the marijuana plants contained 0.3 percent or less THC, they would still provide an enormous quantity of psychoactive material because it is very easy and inexpensive to convert low-grade marijuana into high-grade hashish oil.”

The primary argument, then, is a purely logistical one – that law-enforcement agencies wouldn't be able to visually tell industrial hemp from drug marijuana. Related to this is a claim that industrial and drug *Cannabis* could be grown in the same field together.

These assertions have been mocked by hemp activists – and with good reason. “The oilseed

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

and fiber varieties are both sown differently from the drug varieties,” Murphy said. “They are row crops – they are not a horticultural crop – and they’re harvested at different times, and they would look distinctly different from the air, especially just based on density.”

The Congressional Research Service report supports that: “Among the visual plant differences are plant height (hemp is encouraged to grow tall, whereas marijuana is selected to grow short and tightly clustered); cultivation (hemp is grown as a single main stalk with few leaves and branches, whereas marijuana is encouraged to become bushy with many leaves and branches to promote flowers and buds); and planting density (hemp is densely planted to discourage branching and flowering, whereas marijuana plants are well-spaced).”

There’s also the issue that intermingled hemp and marijuana crops would cross-pollinate, resulting in both being poor for their intended use. As former CIA Director (and hemp activist) James Woolsey has been quoted as saying: “If you wanted to hide marijuana in a field of industrial hemp, you’d have to be very high.”

Furthermore, because of asset-forfeiture laws, trying to hide drug marijuana in a farm field of industrial hemp would be extremely risky – even if low-THC *Cannabis* were removed from Schedule I. “Anybody violating the Controlled Substances Act in such a brazen manner ... would be literally betting the farm,” Murphy said.

He added that the DEA seems intractable on the issue because its stated fears won’t become reality. “If they allow industrial hemp to be grown, it shows that they’ve been lying all along – that it’s all the same, we can’t tell the difference,” he said.

And drugs won’t become a larger problem, he said, addressing opponents’ claim that industrial hemp is “the camel’s nose under the tent.” Drug warriors assert, he said, that “if you allow industrial-hemp farming, there’ll be kids shooting up heroin in the streets.”

The Market for Hemp

The Congressional Research Service estimates that the market for hemp products in the United

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

States was roughly \$500 million in 2012 and growing. The report states that global hemp cultivation – in roughly 30 countries, including Canada – was 200,000 acres and 380 million pounds in 2011.

One argument against legalizing industrial hemp is that its long-term market prospects aren't strong. When Kentucky earlier this year was debating legalizing hemp production, the law-enforcement coalition Operation UNITE [focused](#) on this aspect in its press release. One sheriff said: "Is there a limited market for industrial hemp? Probably so, but the market is not going to be as great as they're proposing it to be. Where are the independent studies? If there was a huge market for hemp, there would be lobbyists sitting in Washington trying to get this legalized on a national level."

The Congressional Research Service said studies have provided contradictory findings about the market prospects for domestic hemp production in the United States. Some studies have found that by legalizing hemp production, "agricultural producers ... could benefit." But the U.S. Department of Agriculture concluded that hemp markets "are, and will likely remain, small, thin markets."

Kakert said it's silly to inject market potential into the debate over legalizing industrial hemp. "Who's to say that an industry should be illegal based on market speculation?" he said. "If I want to go make ketchup popsicles and people think it's a terrible idea, that doesn't mean it should be illegal."

He conceded that "starting out, it would probably be considered a specialty crop, and it would be something that farmers could use to diversify their crop rotations. ... If it's something farmers aren't interested in, so be it. But they should at least have the opportunity. ... When you prohibit a market, nobody really knows until that market is a free market."

The current prohibition of industrial hemp, he added, looks particularly odd in light of the government's Hemp for Victory campaign. "Where's the disconnect?" Kakert asked. "Where did it go from being a patriot to basically a felon? ... Where's the burden of proof here? We should be asking, 'What's the justification for prohibition?'"

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

Sidebar: Quad Cities Reps Largely Silent on Industrial Hemp

[\(Return to main article.\)](#)

The *River Cities' Reader* contacted the six members of Congress representing the Quad Cities and 13 state legislators representing Scott and Rock Island counties to gauge lawmakers' knowledge of and opinions on the issue of industrial hemp. Only three of the 19 lawmakers responded by the deadline, and one responded after the deadline.

Press secretaries for members of Congress were asked their bosses' views on the House farm-bill amendment allowing for limited industrial-hemp growth and their opinions on legalizing industrial hemp beyond institutions of higher education.

State legislators were asked about their familiarity with the issue and their opinions on state-level industrial-hemp legislation. (Both Illinois and Iowa had an industrial-hemp bill introduced this year, but neither got out of committee.)

Legislators were e-mailed questions on July 17 and asked to respond by July 22. The limited number of responses and the content of them appear to suggest that industrial hemp remains a poorly understood issue that is a low priority among people representing the Quad Cities – or perhaps that its tenuous associations with drug policy make legislators hesitant to answer questions.

Among U.S. senators and representatives, only a representative of U.S. Senator Chuck Grassley (R-Iowa) responded by the deadline: "Senator Grassley is looking into this issue," wrote Press Secretary Beth Pellett Levine. "It hasn't come up in the Senate."

After the deadline, a representative of U.S. Senator Tom Harkin (D-Iowa) offered the following statement from the senator: "It is reasonable to look at ways we might modify federal law relating to research and to growing and processing hemp solely for producing fiber or other uses that do not involve the compound THC. The varieties of hemp grown for these purposes have very low THC content and so any policy change on this particular point would not have to

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

open up a broader discussion on federal anti-drug laws.”

Neither U.S. Senator Dick Durbin (D-Illinois) nor U.S. Senator Mark Kirk (R-Illinois) responded, and neither has indicated a position on industrial hemp.

And while neither U.S. Representative Dave Loebsack (D-Iowa) nor U.S. Representative Cheri Bustos (D-Illinois) responded, they did cast votes on the amendment – Loebsack in favor and Bustos against. (Bustos’ husband is a captain with the Rock Island County sheriff’s office.)

Among Iowa legislators, only Iowa Representative Linda Miller (R-Bettendorf) responded: “I do not know much about this issue, and it has not come up in the Iowa House,” she wrote.

She did hit on a key source of confusion, however: “I do not see the Iowa legislature being able to come to a consensus on the issue. It always seems to get mixed up with issues in regards to legalizing marijuana.”

Among Illinois legislators, only Senator Mike Jacobs (D-Moline) responded. In a phone interview, he said he was approached roughly six years ago by a California company about the issue of industrial hemp, and his responses showed that he’s done some homework on the issue. “I’m not afraid of hemp,” he said. “Hemp is not marijuana. ... It’s not a recreational drug. It’s a product we can use like corn.”

Asked whether industrial hemp should be re-legalized, he said: “Yeah, I do. I think it’s kind of ridiculous. ... Living in a farming community, ... if we could have another product, another crop that we could use for household goods, and use for fuel, paper, building materials, clothing, why wouldn’t we?”

Still, Jacobs said, it’s unlikely the Illinois legislature will move on the issue without pressure from the public, or from farmers wanting to grow or companies wanting to process hemp in the state: “I doubt it’ll come from within the legislature. ... People have to raise the issue. It’s not the kind of issue that a politician’s going to just run with. ... But ... if somebody comes forward with a plan”

– Jeff Ignatius

The Drug War's Collateral Damage: Support for Industrial Hemp Grows – Even in Congress

Written by Jeff Ignatius
Thursday, 25 July 2013 05:46

[*\(Return to main article.\)*](#)