

Leary Free, but Grass Ain't

Fifth Estate Collective

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WASHINGTON, D.C. (LNS)—Timothy Leary is free! The Supreme Court has overturned his grass possession conviction.

Rumors are spreading fast and furious. What does it all mean for the rest of us?

Let's start with what the court ruling doesn't do.

It doesn't effect prosecution on the basis of state anti-grass laws (all 50 states have them). It doesn't imply that congress can't pass federal laws against pot possession; and it doesn't effect existing federal laws against the sale of grass.

The government's problem is that, so far, federal (as opposed to local) busts for grass have been based on violation of import laws.

Federal law imposes a tax of \$100 an ounce for buying grass. Seems you're supposed to pre-pay the tax, declaring your intention to buy the stuff beforehand. This information, of course, is turned over to local law-enforcers who bust you on state laws.

Obviously nobody ever declares their insidious intent to buy grass to the government. The way the law works, though, is that when you are busted for grass, they can charge you with violation of federal law for having failed to pay your tax.

The Supreme Court has ruled that this legal tactic violates fifth amendment rights against self-incrimination, since anyone paying the tax would be turning themselves in for state prosecution.

The Supreme Court's other ruling is that mere possession of 'grass is not sufficient evidence of having violated import laws because, says the judge, "it is not fair to assume that the average marijuana smoker knows that his marijuana is probably illegally imported from Mexico."

This is no help to you, however, if you happen to be an above average marijuana smoker who they can somehow prove DID know it was illegally imported.

What does it mean for people who have already been busted? Says the *New York Times*: "The Justice Department said that about 100 cases were now pending under the laws that were covered in today's cases. These cases will presumably have to be dropped."

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