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When the Dead Fought the Law: The Grateful Dead's 1967 Marijuana Arrest and Its Legacies

NICHOLAS G. MERIWETHER

On March 14, 1993, the Grateful Dead surprised their audience in Richfield, Ohio, with a surprising debut: an encore of “I Fought the Law.” A 1966 hit, the song is a teen-rock paean to James Dean-style rebelliousness; uncommon fare for the Dead by the 1990s, but not entirely out of character, musically. Many heard the new song as a triumphal expression of the band’s celebrated anti-authoritarianism, but Deadheads familiar with the band’s history saw it as a more personal statement, a wry comment on the Dead’s occasional brushes with the law over the years.

The most celebrated of those occurred on October 2, 1967, when the Dead’s house in the Haight-Ashbury was raided by police and eleven people, including two band members and four staffers, were arrested on felony marijuana charges. Despite the seriousness of the allegations, and the amount of contraband found, the charges were ultimately settled, reduced to fines and misdemeanors. That outcome colored accounts of the event and its aftermath, with journalists and band members dismissing the raid as an inconvenience and later chroniclers treating it as a hiccup, “more an annoying distraction than a serious threat to the band’s future,” as Blair Jackson put it (1999, 141). Yet the raid was far more serious, and its impact more far-reaching, than that narrative has allowed. For scholars, both the event and the band’s response to it are revealing, offering essential insights into the Dead’s project and the band’s reception, both contemporaneously and especially over time. This essay complements the

rhetorical and legal analyses by Susan Balter-Reitz and Andrew McGaan of the band's unofficial press release issued in response to the raid, providing a survey of the larger contexts of the event, the band's response, and the impact of both.

The background for the raid owed as much to the city's history as it did to any immediate provocation. As the Haight became known as San Francisco's newest bohemia, the same police behavior—and some of the same officers—that had harassed the Beats out of North Beach in the 1950s reappeared. As thousands of young people flooded the Haight in 1967, police seeking easy arrests focused on the neighborhood, with some earning reputations for tactics that one high-profile officer, Arthur Gerrans, would eventually admit were “over-zealous” (Gerrans 1991).¹ He was not alone: Gerritt Van Raam would earn a reputation for being “one of the most feared policemen in Northern California” for his work in the Haight, along with SFPD Narcotics Squad leader Lt. Norbert Currie (Eszterhas 1974, 1). Dubbed Norbert the Nark, Currie was immortalized by cartoonist Gilbert Shelton's parody in *The Fabulous Furry Freak Brothers* (fig. 1).² The Dead would learn this the hard way: Currie and Van Raam led the raid on the band's house.

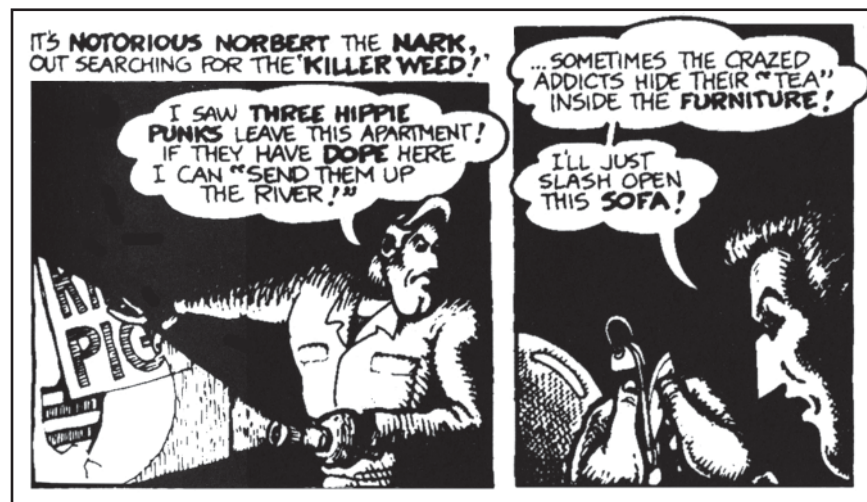


Figure 1. Norbert the Nark, in *The Fabulous Furry Freak Brothers*, by Gilbert Shelton, © Gilbert Shelton, all rights reserved, courtesy Firefly Brand Management.

According to the police, the raid was prompted by investigations that “kept turning up the address of 710 Ashbury as a supply source” of marijuana (Raudebaugh 1967, 14). The timing, however, if not the investigations, was courtesy of an informant, a member of Kesey’s group the Merry Pranksters nicknamed the Hermit. Hank Harrison first cited him as the source of the information that led to the raid, writing “the Hermit snitched everybody off, fingered 710 to save his own grungy neck and kept runnin’” (1973, 111). Band historian Dennis McNally, who interviewed all of the band members along with Rosie McGee, provided more detail, explaining that the Hermit “was also, it developed, a child molester” who was facing “a long stay at the hospital for the criminally insane in Napa unless he rolled over and helped them make some showy marijuana arrests” (2002, 225). Though Kesey had no illusions about the Hermit, the group had not been able to exclude him or constrain his behavior.³ Prankster Paul Foster noted that his “hobbies were methamphetamine hydrochloride and seducing nine year old boys” (1995, 63), and when Tom Wolfe met him in fall 1966, the Hermit introduced himself by saying, “I just had an eight-year-old boy”; Wolfe wondered if it “may have been some kind of family joke,” but at the time he took it seriously (1969, 13).

Still, informing on one’s friends was unthinkable to the Pranksters, who had bonded in part over their use of LSD and marijuana. So when the Hermit showed up at 710 Ashbury on Monday, October 2, asking for a joint, Carolyn “MG” Adams pointed him to the kitchen, where a pound of homegrown, low-grade “dirt weed” was getting cleaned. He rolled a couple of joints and left, waiting until she and Garcia had left before contacting the police.⁴

A few hours later, eight officers showed up along with a bevy of reporters and TV crews. Although they did not have a warrant, thanks to the Hermit’s tip, they didn’t need one, and simply kicked in the door. They conducted a rough and what they thought was a thorough search, confiscating files and documents, including those of the Haight-Ashbury Legal Organization, which had an office on the ground floor. That directly involved HALO’s two attorneys, Brian Rohan and Michael Stepanian, who also represented the band, in the proceedings.

The police also found the homegrown on the kitchen table, along with some hashish. That was more than enough, although band members

later realized it was something of a lucky break—the police missed the kilo of first-rate Acapulco Gold in the pantry (Browne 2015, 115–16; Lesh 2005, 117). Everyone in the house was arrested, including Weir, Pigpen, Bob Matthews, Pig’s girlfriend Veronica Barnard, fan club administrator Sue Swanson, and three others: Dan Healy’s girlfriend Christine Bennett, Toni Kaufman, who worked for HALO, and Rosalyn Stevenson. Rock Scully, Danny Rifkin, and Florence Nathan (later Rosie McGee) showed up as the police were searching the house and were arrested, too.

After the search, the arrestees were paraded down the front steps into the waiting paddy wagons and driven to the Hall of Justice for arraignment. They were not alone: some 120 people had been caught up in the police sweep of the neighborhood, and “most of us knew each other,” McGee remembered (2013, 111). They were detained for six hours before being released on bail, which was steep: \$550 each (about \$5,100 in 2023).

The sweep may have been broad, but the Dead were clearly the prize. Van Raam made that clear, dancing a little jig at the Hall of Justice as he crowed, “That’s what ya’ get for dealing the killer weed” (Wenner 1967, 8). Any hope that the Dead were just a part of the sweep disappeared when they saw the news, which focused almost entirely on the band.

As dire as the coverage was, some observers saw cracks in the case. The *Chronicle’s* article noted that Garcia and three other band members had not been arrested; Charles Perry, later a *Rolling Stone* editor known for his pro-pot writing, called the raid “a disappointing catch” (1984, 242)—especially since both Pigpen and Weir were known as the least likely to indulge in cannabis. The charges against Nathan, Scully, and Rifkin did not look as if they would hold up; Nathan’s were dropped on the basis on entrapment, but Scully and Rifkin were quickly arraigned on additional charges of leasing a house “for the purpose of unlawfully selling, giving away, or using narcotics.” That, too, struck some observers as a reach: no dealer would maintain a high-profile neighborhood presence, and a residence that also hosted band meetings, informal rehearsals, and housed the HALO office might not strike jurors as the most likely drug distribution site.

Still, the additional charge was a way for the DA to hedge his bet, and bolstered the police’s premise for the raid. Interestingly, the latter

charge may have been why some locals, and even band members, thought the police were as focused on shutting down 710 as a community center as harassing the Dead. “They were busting the house more than the occupants,” Kreutzmann believed. “The cops just wanted an easy target to make some cheap headlines, just as public opinion was beginning to sour on the whole Haight-Ashbury scene” (Kreutzmann 2015, 81). Perhaps, but the invitation to the press to accompany the raid suggested a more directed animus. The media coverage reflected that: the *Chronicle*’s account painted the Dead in the most depraved terms, highlighting the amount of marijuana confiscated and emphasizing their (very minor) appearance in the Capitol Records LP *LSD*, released the year before—and LSD had become illegal in October 1966, largely on the strength of sensationalized media coverage (Raudebaugh 1967, 14; Meriwether 2021a).

That kind of fear played a driving role in the public’s support for stiff sentences for marijuana as well, something the band knew from personal experience. Their friend and occasional lyricist Bobby Petersen had been arrested the year before for a small amount of marijuana, and his case was still grinding through the system. Ken Kesey had been busted for marijuana in 1965 and again in 1966; good lawyering reduced his sentence to only six months at an honor camp, but other friends arrested for the same charge had not fared as well. David Frieberg, an old friend from Garcia and Hunter’s folkie days and the bass player for Quicksilver Messenger Service, had served time for a miniscule amount (Frieberg 2019); his bandmate Dino Valenti had been sentenced just as Quicksilver was starting to gel, damaging his career. Paul Foster had served three months in 1965, a light sentence; fellow Merry Prankster Neal Cassady’s experience was more sobering: he had spent more than two years in San Quentin for only three joints (Foster 1995, 41; Sandison and Vickers 2006, 252–54).

That kind of draconian sentence was still common, especially for high-profile countercultural figures. In March 1966, Timothy Leary had been given a twenty-year sentence in Texas for a tiny amount of marijuana (Greenfield 2006, 250). So it is difficult to believe Scully when he claims, “Nobody really thinks we’re going to be sent to San Quentin. We know we aren’t even going to spend the night in jail” (Scully and Dalton 1996, 131).⁵ The quantity of marijuana seized suggests that Scully was

either being willfully naïve or writing from the optimism of hindsight, but youthful bravado certainly describes the band's reaction. The decision to issue a statement and read it at a press conference seems audacious to the point of recklessness, as Andrew McGaan notes in his essay. That spirit infused the event: photographer Baron Wolman, who attended it and photographed the band afterwards for *Rolling Stone*, thought the band was “weirdly elated—they were so high, on a natural high, over the message they were giving” (Browne 2015, 132).

They had good reasons for feeling proud of the argument, regardless of its prudence, as Andrew McGaan and Susan Balter-Reitz explain, but the sources that informed the band's argument are significant and revealing. Rifkin dictated the major points over the phone to his friend Harry Shearer, who crafted a thoughtful but pointed statement that invoked the American tradition of civil disobedience but also borrowed more recent ideas. Some of these came from the Beats. In *On the Road*, Kerouac recounts how he and Neal Cassady were harassed simply because they looked like bohemians: “The American police are engaged in psychological warfare,” he wrote. “It's a Victorian police force ... [that] can make crimes if the crimes don't exist to their satisfaction” (Kerouac 2007, 238). Other Beat writers had demonstrated, and defended, drug use on the same grounds that the Dead staked out. William S. Burroughs, whose work fascinated both Garcia and Hunter, wrote extensively about drugs and prohibition; Michael McClure, who lived in the neighborhood, also wrote about his drug experiences as sources of inspiration; Allen Ginsberg had recently written about the cross-cultural and historical use of cannabis.

Ginsberg's views were well known in the Haight, which provided an even more immediate source. Many of the statement's arguments were common currency in the Haight, promulgated in broadsides published by the communications company, or com/co, the neighborhood's *samizdat* street publisher. In addition to poetry, announcements, and pensées, com/co broadsides provided “exhortation and provocation; analysis of contemporary events from a free point of view; the condensed (or expanded) result of late-night jawboning,” as band friend and Digger Peter Coyote put it (1998, 86). With a mandate to publish anything germane to the community, especially bulletins from neighborhood activists the Diggers

and other local eminences, com/co was both a forum and a bellwether. Although the line between prophecy and paranoia in some of their communiques could be blurry, com/co often had its finger on the neighborhood pulse. Indeed, in the months before the raid, com/co warned of an impending police crackdown and especially the threat of informants. A flyer entitled “Storm Warning” advised the Haight about an impending “superbust” in February, “a mass gestapo-like superroust”; that same month, a broadside called “To The People” claimed that “a crisis of police-establishment harassment is upon the Haight-Ashbury-Bay Area hip community.” Flyers urged hippies to tread carefully: “Beat the Heat” offered “a few very simple rules to help keep busts to a minimum” and warned of nark activity. “Remember: the City has declared war on hippies. Be advised.”

Informants were a theme that spring. A broadside called “Affidavit of Non-Violation of Privacy” purported to preclude an informant’s information from being used in court; in March, the Diggers published the “DIA Notice,” a warning from the “Digger Intelligence Agency” that “The narcs are out in force.” A later handbill presented “The Rules of the Game ... When You’re Busted,” reproducing two paragraphs from the California Penal Code advising detainees of their rights. It could have been written by HALO—and it, too, noted the presence of “large numbers of undercover agents operating in the Haight-Ashbury neighborhood. WATCH FOR THEM.”

Not only did com/co’s warning predict the police activity and tactics that would lead to the raid and its instigation, their flyers also presented the arguments Rifkin would marshal in the band’s statement. Two bulletins, “Documented Facts About Marijuana the Killer Weed” and “Do You Smoke Pot?,” outlined the basic claims in the Dead’s declaration. The latter was especially revealing, a well-chosen excerpt of a recent pro-pot essay by Allen Ginsberg published in David Solomon’s influential 1966 anthology *The Marijuana Papers*. Its claims informed the Dead’s position, offering a distinguished roster of famous pot-smokers in history, reassuring users that their affinity was widely shared and had a lengthy historical and cultural pedigree, and concluding, “it is time to end Prohibition again. And with it put an end to the gangsterism, police

mania, hypocrisy, anxiety, & national stupidity generated by administrative abuse of the Marijuana Tax Act of 1937” (“Do You Smoke Pot” 1967; cf. Solomon 1966, 197).

Hippies who missed the news coverage of the band’s press conference could read a handbill with the text of the statement that circulated shortly afterward. Although com/co had ceased operations in mid-August, this broadside reflected its legacy: a two-page stapled effort, the graphics and typewriter used looked like com/co’s, and their equipment was still in the neighborhood.⁶ That spring, one com/co flyer reproduced a similar marijuana plant illustration, taken from Solomon’s book (Untitled 1967; Solomon 1966, [ii]). However murky its origins, the broadside was the band’s first press release, a landmark tract that also represents perhaps the rarest Dead-related publication today.

The broadside also provides a fascinating glimpse into why the band was so strongly identified with the Haight by their peers, in both form and format: the statement was clearly a Haight-Ashbury document, a thoughtful distillation of the community’s attitude toward drug use and its associated ideas about consciousness, freedom, and history. Those views, along with the defiant tone, enshrined the Dead’s reputation as countercultural avatars and neighborhood heroes. At the time, that was vital: that year, the counterculture reverberated with the story of two members of the Lovin’ Spoonful informing on their bandmates and friends (Sculatti and Seay 1985, 157; Hoskyns 1997, 115). It was a story that struck especially close to home in San Francisco: the Lovin’ Spoonful had headlined the first Family Dog dance, and their image and sound had played an influential role in the genesis of the Haight. Denounced as traitors and rats in the underground press, the Spoonful served as a stark example of the pressure and peril of cooperating with the police, as the com/co broadside “To the Erstwhile ...” warned.

The Dead’s unabashed stance earned them a critical ally: *Rolling Stone* devoted two full pages in its inaugural issue to the bust and the band’s news conference. The story portrayed the Dead as not only uncooperative but unrepentant, making it clear where the fledgling magazine’s sympathies lay—after the press conference, the article made it a point to say that the magazine’s correspondent “adjourned to the porch to take a

few pictures of one of the most beautiful bands in the world” (Wenner 1967, 8).

By recasting the Dead as dissenters, the statement turned them from scapegoats into martyrs, which played on the city’s sympathies as well. Although San Francisco was alarmed by the influx of young people flocking to the Haight, the Dead were local kids. That may not have given the DA pause, but there were other issues with the case. Money in the house went missing during the raid, a common charge in narcotics raids.⁷ There was also the police’s reliance on an informant whose criminal history might strike a jury as far more offensive than the charges against the band. As arrests for hard drugs and violent crimes in the Haight climbed in late 1967 and 1968, the District Attorney appeared to lose interest in the case. When the DA approached Stepanian and said, “Look, how about if you guys plead to the lowest possible health and safety-code regulation it could possibly be?”, it was a deal that couldn’t be refused (Browne 2015, 133). In May 1968, the remaining defendants agreed to misdemeanors, with fines and probation.

That settled the case, but the aftershocks would reverberate for years. The raid played a decisive role in the band’s decision to leave the Haight, as they made plain, but it also left longer scars (“Dead Heads Unite!” 1971, 4). The experience cemented the Dead’s distrust of authority, an attitude whose roots dated to when they were just getting started. The entire band had been interrogated by FBI agents investigating McKernan’s petition for Conscientious Objector status (U.S. Federal Bureau of Investigation 1965). In a few years, resisting the draft would become a widespread form of civil disobedience and protest against the Vietnam War, but in 1966 the chances of McKernan facing serious jail time were high. Though he was eventually excused as unsuited for military service, the experience was a bruising brush with the power of the state that left them frightened and angered.

McKernan’s case had only been closed in 1966, and the memory of being grilled by agents was still fresh when the raid happened. This was far more unsettling, however. The department would later come under serious criticism for its tactics in narcotics cases, from reliance on informers to intimidation to outright theft, and the Dead experienced every one

of those. First was the reliance on an informant, especially one whose cooperation was the result of coercion based on charges of pedophilia. Then there was the raid itself. “A narcotics raid is not a peacetime pursuit,” as one investigative journalist explained. “It is a guerilla assault, a psych search-and-destroy mission meant to turn its victims inside out, to make him beg for compassion, to betray his friends in return for personal immunity” (Eszterhas 1974, 33). Kicking in the door with guns drawn fits that description. No wonder insiders credit the bust for hardening the band’s countercultural stance. “Since the Dead have no intention of forsaking the demon weed or anything for that matter, they decide they’re just gonna have to think outlaw, and they keep that outlaw thing going forever,” Rock Scully believed. “Especially Garcia. It’s very important to him. For him it’s a god-given American value. He says, ‘We’re a nation of outlaws. A good outlaw makes a new law, makes it okay to do what he’s doing’” (Scully and Dalton 1996, 131).

Scully is not the most reliable narrator, but he speaks with authority here. Garcia made no secret of his affinity for cannabis in later interviews and twenty years later denounced Reagan’s war on drugs as “a joke.” For him, the core of the issue was not so much the hypocrisy, capriciousness, and cruelty of the government’s policies, it was their underlying Puritanical refusal to “Accept the reality that people want to change their consciousness,” as he put it (Goodman 1989, 67). And changing consciousness was the very heart of the band’s project (Meriwether 2023).

The most serious impacts of the bust were more practical. The raid and its publicity cemented the Dead’s reputation for drug use, which would have long-term consequences for their work and image. Nor did the dismissal of the charges diminish local prosecutorial zeal. Three years later, one informant complained about the police pressure on her to ensnare the Dead or provide evidence linking them to drugs. Calling the band her “idols,” she complained that informing on them was “like busting Santa Claus,” and noting that if she did turn them in, she would become a pariah (Eszterhas 1974, 48).

That record, and reputation, followed them long after they left the Haight. It was cited when they were arrested on drug charges in New Orleans three years later, which had far more serious consequences. Barred from performing in the state as part of the terms of their settle-

ment, they did not perform in Louisiana for the next seven years, putting a hole in their tours. Worse, sound engineer Owsley “Bear” Stanley, still on probation, was no longer allowed to leave California. Taking Bear off tour was a profound blow that also had an immediate, and drastic, practical impact, resulting in PA problems that spurred negative reviews that spring.

Those consequences underscored the power and prescience of the statement. When Stanley was denied bail in March 1970, his shocked attorney realized that “he was defending not an accused felon but a man who was being persecuted for the way he lived and for the style of life he advocated.” Tellingly, the lawyer realized that the same philosophy that animated the persecution of marijuana users was now targeting his client, someone who simply “believed in the spiritual power of acid and in the music of the Grateful Dead” (Eszterhas 1974, 45). In the 1980s and 1990s, thousands of fans who felt the same way would be targeted, jailed, and many classified as gang-affiliated for the same reasons (Jarnow 2018, 277–343).

By the time the Dead performed “I Fought the Law,” it had been more than twenty-five years since the raid on 710. During that period, band members had endured arrests for everything from speeding to drug possession to even interfering in an arrest, when Mickey Hart had accosted police roughing up a fan (McNally 2002, 532). But over the years, the greatest legal problems confronting the band had to do with the challenges of simply plying their trade—of trying to perform. A chief concern cited by municipalities and venues that sought to exclude the Dead was that concerts served as sites for distributing drugs to impressionable local youths, as legal scholar Adam Kanzer (1992) has documented; his work also informs the legal studies survey of the Dead by David Fraser and Vaughan Black (1999), which also notes how the Dead’s reputation has clouded and informed treatment of Deadheads in the legal system.

Those essays attest to the longevity of a police record, but for Dead studies more generally, they underscore the malingering power of stigma and its coloring of the Dead phenomenon. The raid on 710 may have only resulted in misdemeanors, but it marks an early, defining event in the mainstream opprobrium that attached to the band. In 1967, the linger-

ing fears aroused by the *Reefer Madness* scare tactics of the 1930s still defined the mainstream's reaction to cannabis; the newspaper accounts of the bust played to those fears.⁸ The story's emphasis that young people frequented the house, and that two of the arrestees were minors, echoed long-established media tropes, the lurid stereotypes of predatory dealers corrupting innocent teens. Decades later, complaints parroting those fears denied the band the right to perform.

Today, with the Grateful Dead lauded as musical icons and cannabis legal in many states, it is easy to lose sight of the power of those attacks. This is why the statement merits attention by scholars, but the larger point is that legal studies represents one of the primary contexts for the study of the Dead and their fans, not only intrinsically but especially for how it links the primary work of the Dead to the secondary work on their impact. That connection is especially relevant now, as scholars contend with criticisms of the discourse and many of its shapers for what detractors dismiss as uncritical fandom.⁹

Yet, as the band's statement made clear, the Dead and their friends were very much in the crosshairs of the law—and that is by definition the most serious arena for citizens, when they encounter the full weight of the state, with their livelihoods and liberty at stake. The raid on 710, and the Dead's statement in response to it, mark the genesis of that engagement, and they trace how the band directly participated in what would become a formative, foundational theme in Grateful Dead studies.

Notes

An earlier version of this paper was given at the Popular Culture Association, San Antonio, TX, April 7, 2023 (Meriwether 2023). My thanks to Jim Newton and Andrew McGaan for their insights, and to the audience at the session for their questions and comments.

1. Gerrans was notorious in the Haight as “the scourge of potheads” (Perry 1984, 118). Van Raam is a central figure in Eszterhas (1974).

2. Norbert the Nark appeared in the first issue of the comic as an informer (Shelton 2008, 6). The character later morphed into Notorious Norbert, a narcotics law enforcement officer (Shelton 2008, 47; 119). McNally quotes Currie's nickname in his account of the raid (McNally 2002, 225).

3. For a good description of the Hermit and how he was perceived by the group, see Kesey (1974, 16–18). Though he was later identified, this essay follows other chroniclers in maintaining the Hermit’s anonymity.
4. See, for example, McNally (2002, 225). His account fits with Lesh’s belief that the reason Garcia and Adams avoided arrest was due to the Hermit’s affection for Adams (Lesh 2005, 117; McNally 2002, 225).
5. McGee remembers differently, saying they did spend the night in jail and were released after dawn (2013, 114); it is likely that her inebriated condition (by her own admission, she had ingested a large ball of hashish in order to prevent its discovery) had affected her sense of time, and even if released after six hours, it would have been later that night.
6. For com/co, see Peck (1985, 46–48). Com/co publisher Chester Anderson announced his split with the Diggers in mid-August and the mimeograph machines were moved to Trip Without A Ticket, the Diggers’ neighborhood storefront (Perry 1984, 230).
7. McNally notes that a hundred-dollar bill in a drawer was missing after the raid, a frequent complaint by arrestees (McNally 2002, 226; Ezterhas 1974, 1).
8. For a detailed survey of the history of the creation and persistence of those fears, see Bonnie and Whitebread (1970).
9. One recent article misconstrues the band’s modesty and self-deprecation as proof that they did not take their work seriously, which is why their concerts were variable; thus, scholars who take the band’s work seriously are guilty of adopting an inappropriately reverential approach (Zwagerman 2020). For a consideration of that argument, see Meriwether (2021), Gallagher (2024), and Ganter (2023).

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