

bution, and sale of large quantities of those drugs which are abused by some members of our society. This was the position advocated by the Department of Health, Education, and Welfare. This was the position adopted by unanimous vote of the Congress in enacting the Drug Abuse Control Amendments of 1965.

In my opinion, it has worked well.

As you know, Mr. Chairman, the Drug Abuse Control Amendments, which we carry out, include a class of drugs called the hallucinogens. Among these drugs are lysergic acid diethylamide—or LSD—peyote, mescaline, psilocibin, and others, such as DMT and STP, which have recently come upon the scene. Since the establishment of our Bureau of Drug Abuse Control, in February of 1966, we have conducted over 2,000 criminal investigations. A third of these have involved the hallucinogens. Marihuana has been offered for sale or seized in nine out of every ten investigations by our BDAC men following the hallucinogen leads.

Our agents, Mr. Chairman, have moved in on these cases swiftly but with a good sense of who has jurisdiction. BDAC agents in Dallas recently seized 1,000 doses of LSD. At the same time they seized approximately 100 pounds of marihuana, which they turned over to Bureau of Narcotics agents. At New York's Kennedy International Airport, BDAC agents, again working on an LSD case, seized not only a quantity of that drug but about 230 pounds of marihuana as well, which was turned over to local police and agents of the U.S. Customs Service. There are countless instances of marihuana appearing together with the hallucinogens under our jurisdiction. Our agents, working in close cooperation with other Federal agencies and with the excellent cooperation of State and local law enforcement agencies, can account for 931 arrests to date. Sixty percent of these arrests involved the hallucinogens. And, as I have indicated—in both the investigational as well as the arrest stages—marihuana is usually present.

The Food and Drug Administration and the Treasury Department's Bureau of Narcotics have been cooperating in dealing with this problem. There is a formal working agreement between the Bureau of Narcotics and our Bureau of Drug Abuse Control which provides for a close working relationship between our agents in the field as well as our staffs in Washington.

From this brief bit of history let me point out a rather significant anomaly in the penalties with respect to the two hallucinogens, LSD and marihuana. During the past year and a half I have become personally aware of the problem as FDA's Commissioner. For example, our agents may find two individuals in the same room, one possessing LSD—an extremely dangerous drug—and the other possessing marihuana. Our BDAC agents would seize the LSD under the executive seizure provisions of the Drug Abuse Control Amendments, but the person possessing the drug would not be subject to prosecution under the Federal statute. His companion, however, would be taken into custody and be liable to a felony conviction under the laws governing the possession of marihuana, a drug which is less potent than LSD. This is why I consider the penalties to be inconsistent. We find at our Agency, that this inconsistency prevents full and effective protection of the public interest in the matter of abused drugs of any kind. We believe that no useful purpose is served by making a felon of the individual who abuses the dangerous drugs.

Let me emphasize again that I have never advocated the legalization of marihuana. Rather, I have raised the question of the severity of the penalties attached to possession of marihuana and I suggest that the Congress might also wish to review these penalties in the light of enforcement experience throughout local, State, and Federal Governments and as the results of drug research may dictate.

Thank you. I will be happy, Mr. Chairman, to answer any questions you or other Members of the Committee may have.

Senator NELSON. The hearing is adjourned.

(Whereupon, at 11:55 a.m., the hearing was adjourned.)