

that marihuana acquisition and possession become a misdemeanor rather than a felony.

What are the present penalties for simple possession of marihuana?

Dr. GODDARD. As I understand it, and I do not wish to split hairs, but I have been called on this, really there is no penalty for the simple possession of marihuana itself, no Federal penalty. Rather, it is the absence of proof that one has paid a tax that is the act that is subject to penalty. That may seem like hairsplitting, but I am told by the legal counsel that this is correct. In effect, possession without the proof of having paid tax is subject to 2 to 10 for the first offense. It is within the judge's discretion to place the individual on probation after sentencing, but he still has carried the felony conviction, or the judge may place the individual entirely without any penalty, remand him to the narrow probation situation.

Mr. ROUSH. What is the present penalty for possessing a drug such as LSD?

Dr. GODDARD. On possession not for sale, there is no penalty, but the drug is subject to executive seizure.

Mr. ROUSH. Which of the two, marihuana or LSD, do you consider to be more dangerous?

Dr. GODDARD. Without question, LSD is far more dangerous than marihuana.

Mr. ROUSH. The New York Times article, which I quoted previously, says that you did not favor legalizing marihuana completely, but favored the removal of all penalties for simple possession.

Now, I understand this is not your position. Is that correct?

Dr. GODDARD. Well, it is not what I said, Mr. Chairman. The transcript clearly shows that I said I believe the penalties are too severe and the penalties should be more like those for LSD. And the record clearly shows that.

Now, I do not say that that kind of translation—I can understand how that kind of translation was made by a reporter.

Mr. ROUSH. Well, you are not saying that it should be the same, then, as the penalty for the possession of LSD, are you?

Because, as I understand your statement, all we have in that instance is executive seizure.

Dr. GODDARD. What I have said on several occasions is that perhaps it should be comparable to LSD, but this needs to be reviewed. I am not suggesting what the penalty should or should not be, Mr. Chairman.

Mr. ROUSH. But a moment ago, you expressed approval of the task force recommendation that possession be made a misdemeanor instead of a felony.

Dr. GODDARD. That is certainly one of the things, Mr. Chairman, that I think could be considered. I am not going to advocate the specific penalty. I simply said the matter needs to be reviewed. On several occasions I have raised the question and specifically said that it would be helpful if Congress carried out such a review.

Mr. ROUSH. Would you be in favor of lessening the penalty for simple possession of hard narcotics such as heroin?

Dr. GODDARD. I would have to study that as I have studied the problem of marihuana before I would comment on it.