

Mr. ROUSH. I notice you talk of Americans abusing marihuana. Is there a difference between abusing marihuana and using marihuana? I can see a difference in the case of certain other drugs where the use of it may be necessary for medicinal purposes or the like, but in the case of marihuana I am wondering, in my own mind, if there is a difference between abusing and using.

Mr. GIORDANO. Well, marihuana at one time was used in medicine. It was determined at the time the Marihuana Tax Act was passed that its use in medicine was practically negligible. It was not much benefit, so the medical profession has not been utilizing marihuana as such in medicine. However, it is still being researched, so the use of marihuana in this context for research would be a bona fide use as opposed to people using it or abusing it for their own pleasure.

Mr. ROUSH. You gave us in your testimony a fairly detailed description of the penalties applicable to the illegal sale and to the illegal possession of marihuana. As you know, certain people including our witness yesterday, Dr. Goddard, are of the position that the penalty for simple possession of marihuana is too stringent because, they say, it makes felons out of many young people who are experimenting with the drug.

Would I be correct in assuming from your statement that you do not agree with this position?

Mr. GIORDANO. Well, I don't agree with that position, and I think we are talking in the context here of the Federal law and the Federal effort in this matter which is aimed at the traffickers and at the distributors.

I think some people are talking about what is a State or local problem relating to a person who has a cigarette for the first time. Now, these penalties here were never aimed at that type of individual and to use that as an example to say, therefore, on the Federal level we shouldn't have strong penalties for possession just doesn't make sense to me.

Mr. ROUSH. Well, does the severity of the punishment—and it's apparent that the punishment is very severe—in any way restrict prosecution in some instances where the prosecutor himself may feel that the punishment is too severe and that he cannot conscientiously promote a prosecution against an individual realizing the consequences of what he is doing.

Mr. GIORDANO. Well, I think again we get to a distinction as to where the individual is being prosecuted and what the laws are. The laws in States are different in many cases from the Federal law. Some cities have ordinances against the matter, and there is discretion on the part of the prosecutor, as you well know in cases as to how he handles it and how the individual is charged. But I am talking here about the Federal penalties which we operate under. This has proved to be a deterrent, and it has proved to be a deterrent in the narcotic area particularly.

Mr. ROUSH. We agree with you that penalties do act as a deterrent and I also believe that the certainty of punishment acts as a deterrent. It does occur to me in many instances on the Federal level that a district attorney may be hesitant to prosecute because of the severity of the punishment, and I am not condemning that at this time. I am merely asking the question if this might not be the case with regard to the punishment dealing with this Marihuana Tax Act.