

As far as the laboratory support effort that you asked about, we have several choices that we can make.

First, you must accept, please sir, that the agents operating at night have to have laboratory services to find out what they have got, what they have bought, what it is. We can do several things. We can continue operating at present with the FDA laboratories just as Mr. Giordano will continue using some of the laboratories of the Treasury Department.

Mr. EDWARDS. Let me stop you and ask you one question.

Are the BDAC and FDA laboratories one and the same?

Mr. FINLATOR. There are no BDAC laboratories. We use the FDA laboratories. They have laboratories in their 17 district offices. Or if we don't use those, we can then go to State and police laboratories and use them. Or we could contract out for private laboratories to do this work. Or as Mr. Giordano said, we can eventually develop our own small crime laboratories which probably is something the Bureau will give serious consideration to in the future under the guidance of the Attorney General.

About the only thing we can do at present is to depend upon those laboratories that we have a fine relationship with and use, and have men in there who are BDAC men. So this is why we are saying we are trying to separate that part of it that would not go over, because we need laboratory services.

It seems to us the best of those choices, the best alternative, is to use the laboratories that are now in existence, where they do have manpower that are paid out of the BDAC budget, and to continue that service.

Now whether that will continue in the future, I don't know. And time will tell, as an organization grows, changes happen and it could be that another type of use of laboratory service could be developed. But at present we have to use that that we know about and have confidence in and are paying for.

I think that is the answer to the laboratory problem.

Mr. EDWARDS. Under the reorganization plan, would the Justice Department or the Bureau of Narcotics or FDA, as the case may be, have the responsibility for exempting drugs from the requirements of the narcotic and drug abuse control laws on the grounds that they are not habit forming or dangerous to the public?

Mr. FINLATOR. The Attorney General.

Mr. EDWARDS. Do you think that is proper?

Mr. FINLATOR. Yes, sir.

Dr. LEE. Yes; we do, sir.

Mr. EDWARDS. You really do?

Dr. LEE. Yes, sir. We wouldn't be up here if we did not.

Mr. EDWARDS. Now I understand that you wouldn't be here unless you were supporting the administration's reorganization plan. But it seems a little farfetched to me to put that under the Department of Justice. How about investigating whether pharmacies are dispensing drugs in accordance with the narcotic and drug abuse control laws?

Mr. FINLATOR. Under the drug abuse laws, we are trying to get the States themselves involved in it. There are 22 States that have joined in with this Bureau to accept the responsibility of the drugstore problem itself, the pharmacist. We have another seven as we mentioned,