

argues against the consolidation. The real question is whether it is the Justice Department that can do the best job.

Mr. CLARK. I have stated the reasons before and I will state them again. First, I think that organized crime is a major aspect of narcotics importation, distribution and sale.

Secondly, criminal elements are involved. The people we arrest are hardened criminals. We are dealing with a very pervasive law enforcement problem. As I have said, the Police Commissioner of New York City regards narcotics as his chief law enforcement problem. He considers his No. 1 problem to be narcotics, and crime stemming from the use of narcotics. Now it is inextricably interwoven into the general crime control problem as an enforcement matter. It needs to be closely related to the organized crime section of the Department of Justice. It needs to be closely related to our comprehensive efforts to work with State and local law enforcement. As the law enforcement assistance act office is expanded to serve the States' crime control office, and as the Federal government begins to invest millions in local law enforcement, it will be awfully important that narcotics enforcement be related to the overall control activities. I think Justice is unquestionably the place for the new Bureau of Narcotics and Dangerous Drugs.

Mr. ERLNBORN. Doesn't the Bureau of Drug Abuse have certain regulatory functions also? For instance, investigations into the manufacture and distribution of drugs, checking with the pharmacist and the doctor, as to their distribution of drugs that come under BDAC's jurisdiction?

Mr. CLARK. Yes, they do. In fact, Narcotics does too. The reason is the reason I explained. There are legitimate uses of narcotics and of dangerous drugs. They can be not only beneficial, but essential medically. But because they are dangerous, like other dangerous things in our environment, they have to be under careful control. And the same people that enforce the violations need to be in control of the use, because it is so closely related to the enforcement problem.

Most of the drugs and narcotics that find their way into illegal use come from legal channels. So control and regulation are an integral part of the enforcement problem. Accountability is another area where unification is important. Picture a manufacturer who is visited one day by an agent from the Bureau of Narcotics, who asks a lot of questions, and looks through the company's records. If a couple of weeks later an agent comes by from BDAC and conducts the same kind of investigation, you wonder what is the matter with those fellows.

Mr. ERLNBORN. Will this have a representative of Justice Department then going into the manufacturer's office to check his records as to his production and distribution of dangerous drugs? Will it have a representative of the Justice Department going into the pharmacist's backroom to check his books?

Mr. CLARK. The accountability function that BDAC now renders, and the similar function of the Bureau of Narcotics, will be transferred to the Department of Justice. These men will be doing this just as FBI agents and our other agents do now.

Mr. ERLNBORN. And if in the course of their investigation of the manufacturer's plant or in the pharmacist's backroom, they find fraudulent drugs or let's say counterfeit drugs, will they have jurisdiction over those drugs or will FDA?