

person using a smoke in which the resin extracts or crystals of a synthetic chemical which makes up the hallucinogenic part of marihuana, because it is synthetic or otherwise chemically synthesized or extracted, there would be no Federal penalty. This is an example of the inequity of what is criminal and what is not criminal. As a doctor—the effect is the same of the smoking of the two cigarettes, isn't it? Does it make sense to you why one is currently punishable and the other is not?

Dr. BARTON. There are many forms of cannabis. In fact, marihuana is one of the least harmful varieties of the cannabisic drug. And if you compare it to other drugs such as LSD, where penalties do not exist, which is even more dramatic in its use and equal in capacity for harm, if not greater capacity, there is a great inequity in our handling of different types of drugs and the penalties for possession and use.

Chairman BLATNIK. What is your thinking about whether or not the possession or use of marihuana, especially by a young person, should be regarded or treated as a criminal act?

Dr. BARTON. It is my plea that adolescents who are acting out impulsively in protest of whatever troubles them, when he uses what is available around him to make that protest, often drugs, shouldn't be branded as a criminal for a single act or even the first few times of experimentation. This is no different than the pranks that we got away with when we were growing up or the kind of adolescent difficulties, call them lying, stealing, destruction of property, it is just that we kids as we grew up had different ways of doing things that fell into one of those categories, and it just seems improper that the adolescent protest in our presentday society should be branded a criminal in one instance for an occasional experimentation or even having been present while others were using it.

Chairman BLATNIK. Statements were made by those who emphasized the need for enforcement that it was, however, helpful to at least apprehend the user or possessor of marihuana, even though he may be young, it was helpful to use that person to trace down the supplier or pusher. Does that have any validity?

Dr. BARTON. I know it is infinitely more difficult to get the person who is the seller, the pusher, the manufacturer, the illegal operator, than it is to get the user. But I still believe that there is not much evidence that punishment, severe punishment for the occasional initial user is the proper approach. This violates my sensitivities and I would hope that there would be leniency and discretionary powers in the judge, rather than mandatory misdemeanor and criminal charges for the first offense.

Mr. BROWN. Mr. Chairman, will you yield?

Chairman BLATNIK. I will yield if I may ask one more thing.

I am actually trying to learn more about this whole problem, not trying to have you advocate one thing or another. The general principles you have just stated do appeal to me, but I have other questions. You say we should have more leniency. On the other hand, those who espouse enforcement, certainly the criminal element and in the hard addictive form of drugs, they say if we didn't have some threat, there would be a far wider use of marihuana today, which is even today considerable, and if you remove any threat of punishment, the use of marihuana would be far more widespread than it is now?