

OFFICE OF
ASSISTANT SECRETARY FOR LEGISLATION
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

John —

Please note that
Jesse did NOT
advocate legalizing
marijuana.

Prescl

1/25/20

THE UNDER SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D.C. 20201

OFFICIAL BUSINESS

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U.S. DEPARTMENT OF HEW

Honorable John W. Dean, III
Associate Deputy Attorney General
for Legislation
Department of Justice
Constitution Avenue, N.W.
Washington, D. C. 20503

Issues Involved in Changing

By JESSE L. STEINFELD, M.D.

The complex problems of drug abuse in the United States are not restricted to a particular subgroup or minority, but can be found at all socio-economic strata— from the ghettos of the inner city to the plush environment of the suburbs. These problems do not respect any age limit. Increasingly the young represent a population at significant risk, and recently, a 12-year-old boy died in New York from an overdose of heroin.

There are, unfortunately, no scientifically reliable estimates of the

This is the text of a statement by Dr. Steinfeld before a meeting of the District of Columbia City Council on Jan. 16. It was a hearing on whether marijuana should be made legal and whether new ordinances are needed to alter drug penalties here.

extent of drug abuse, but examination of recent surveys suggests that the problem is mushrooming. As of Dec. 31, 1968, the Federal Bureau of Narcotics and Dangerous Drugs indicated that there were approximately 69,000 active opiate narcotic addicts in the United States. Admittedly, this represents a minimal estimate, since it is based solely on voluntary reporting by law enforcement agencies. Most authorities agree that the actual number of addicts is under-reported by a factor of two or three, which suggests that there may be as many as 180,000 narcotic addicts in the United States.

The number of non-narcotic drug abusers, including those dependent on barbiturates, amphetamines, hallucinogens, and the minor tranquilizers, has never been precisely determined.

Again, survey data suggest that at least 8-12 million Americans have experimented with the various preparations of the Indian Hemp plant or Cannabis sativa — the commonly available marijuana, and the more expensive hashish. On a worldwide basis, it is estimated that over 200 million individuals have tried marijuana. Indeed, next to alcohol, it is the most popular intoxicant in the world.

Marijuana is not classified medically as an addicting drug. Its sudden withdrawal in a habitual user does not produce adverse physical effects and does not result in tolerance; that is, increasing amounts are not required to produce the intended effect. In chronic users, however, psychological dependence may occur.

Cannabis sativa is a hardy weed which can grow to a height of 15-18 feet. Separate male and female plants can be easily distinguished

by the casual observer. Hashish or "hash" is a golden yellow, sticky resin which is collected from the leaves of cultivated plants. It is five to eight times as potent as marijuana which consists of the flowering tops, leaves, and stems of unfertilized, non cultivated plants.

Chemical analysis has demonstrated that tetrahydrocannabinol (known as THC) accounts for the psychoactive potential of both marijuana and hashish. The THC content of the marijuana plant depends upon soil, temperature, and other climatic conditions, with plants grown in sunny, dry zones yielding the highest content of THC. THC has recently been prepared synthetically. The procedure, however, is difficult and precludes extensive clandestine efforts at mass production. At present, the illicit THC sold on the streets has been found to consist of mescaline or phencyclidine — both potent hallucinogens.

In this country, the most common form of usage is by smoking, and a deep, sustained inhalation is essential for the THC to be absorbed sufficiently to produce the desired effect. The experienced user may become intoxicated with a single

puff of a high quality "joint," while novices may be unable to "turn on" with large doses of marijuana because of poor smoking technique. Marijuana is less frequently swallowed, but hashish is a favorite ingredient of many recipes, including the celebrated Alice B. Toklas brownies. Case reports of the effects of intravenous injection of marijuana and hashish are rare, and a definitive statement cannot be made.

The onset of action after smoking is within 10-20 minutes, and the effects may persist for three hours. Smokers may maintain the intoxicated state by intermittently inhaling additional material. Even, following repeated administration, tolerance to marijuana does not develop, and cross-tolerance to LSD, mescaline, and other hallucinogens has not been demonstrated. In addition, withdrawal symptoms are not observed. Thus, marijuana and hashish do not have the addictive potential of the opiate narcotics (morphine, heroin, demerol, dilaudid, codeine) in humans.

The psychic effects generally begin with a feeling of relaxation and detachment. Audiovisual sensations are intensified, with color percep-

tion often the most affected. Illusions are common, but hallucinations are rare. Time perception is altered, usually manifested by a slowing of subjective time. Emotions are loosened, with euphoria being more common than dysphoria. Inappropriate laughing jags or crying spells have been described, while anxiety and feelings of suspiciousness are rare. Thought is dreamlike and fantasy-laden, but the person can "pull himself together" when necessary and perform adequately. Some individuals experience drowsiness and feelings of hunger; others feel unable to communicate properly.

The individual is often passive and withdrawn. However, as with all disinhibiting agents, he might behave in an unrestrained, emotional manner. While marijuana does not possess aphrodisiac properties, the prolongation of subjective time may alter the perception of an erotic experience.

The most frequent physical effect is marijuana is a conjunctival hyperemia (red eye). This is not due to an irritative smoke effect because it also occurs when THC is swallowed. Contrary to the popular belief, pupil size remains un-



Police investigator walks through a field of growing marijuana after a raid on a f

the Marijuana Laws

changed. While an increase in heart rate is regularly noted, blood pressure, respiratory rate, blood sugar level, and body temperature do not change significantly. Nausea, a dry mouth from decreased salivation, and a cough from the irritant effects of the smoke are often mentioned. Only some preliminary work on the cytogenetic effects of marijuana has been completed. The drug is, however, known to cross the placental barrier. No carcinogenic activity has been attributed to marijuana.

The complications of acute marijuana intoxication are infrequent, and usually consist of anxiety or paranoid states. Any individual, especially a novice, may become confused about the changes that he is experiencing. The loss of ego controls can result in delusional thinking, usually of a suspicious, paranoid nature. The patient may panic and injure himself or others. Spontaneous recurrences of the marijuana state ("flashbacks") have been described.

Again, let me repeat that reported instances of these adverse mental effects are rare.

The argument concerning escalation of the marijuana user to more

dangerous drugs is not as simple as its proponents and opponents would have us believe. A majority of heroin addicts report that they began their illicit drug career with marijuana. Nevertheless, the great majority of marijuana smokers never expose themselves to opiates. It is the chronic, heavy user (the pothead) who tends to become overinvolved in other classes of drugs; the stronger hallucinogens, the hypnotics, the stimulants, and the narcotics. The pothead, whether from suburbia or the ghetto, is a vulnerable person with feelings of inadequacy, insecurity, immaturity and impulsivity. He is the one who tends to find his way to a heroin "habit."

The National Institute of Mental Health is funding a comprehensive marijuana research program designed to eliminate current gaps in our scientific knowledge. The program has the following stages:

1. SUPPLY

A. For the past two years, the natural marijuana plant has been grown as a cultivated crop by the University of Mississippi. Currently, nine different strains of Cannabis sativa have been planted. Harvesting of the annual crop will provide a significant natural source of both marijuana and THC.

B. Contracts with private chemical companies have been secured to provide for the synthesis of 22 pounds of pure THC. Plans call for labelling the pure THC with radioactive isotopes to enable biochemists to trace the mechanics of distribution, metabolism, and excretion.

2. ANIMAL AND HUMAN STUDIES.

A. Examination of cytotoxic effects upon liver, brain, kidneys, and respiratory system will be studied after acute and chronic exposure to marijuana and pure THC.

B. Studies of the carcinogenic and teratogenic effects of both THC and marijuana are being pursued.

C. Behavioral aberrations with respect to learning, memory, perception, and psychomotor performance will be studied after acute and chronic exposure to marijuana and THC.

3. EPIDEMIOLOGY.

A. Social psychological surveys of marijuana users in the United States are necessary in order to determine group and individual factors which initiate, maintain, and reinforce drug-taking habits.

B. Similar studies in the Middle East and India, with natives in both regions used as control populations, would provide valid data for cross-cultural comparisons.

The history of marijuana control legislation is a matter of record, and I will not pursue it here. The major point I wish to make is that in the case of marijuana, legal penalties were originally assigned with total disregard for medical and scientific evidence of the properties of the drug or its effects. I know of no clearer instance in which the punishment for an infraction of the law is more harmful than the crime.

Further research is needed to elucidate both the short and long-term physical and psychic effects of marijuana.

At present, the absence of valid scientific data should not lead to the assumption that long-term indulgence is harmless. As in the case of tobacco and alcohol, it is possible that there are serious consequences of chronic use that will only become apparent through careful studies.

I am particularly concerned about the potential effect of a reality-distorting agent on the psychological development of an adolescent user. We all agree that normal adolescence is a time of psychological turmoil, and that patterns of coping with reality developed during the teen-age period are significant in determining adult behavior. The repeated use of a drug that serves to alter reality during this critical developmental period is likely to seriously compromise the individual's future adjustment to our complex society.

It is unfortunate that continued, exaggerated emphasis on the supposed toxic effects of marijuana make it extremely difficult to tell people about the real demonstrated risks of drug abuse. If young people were convinced that efforts to reform the drug laws were sincere and based on scientific evidence, I feel confident they would be more receptive to and less cynical about information on possible harmful effects of drugs. There is no doubt that the scare techniques which have been used by some in the past have now been discredited. The lesson is quite clear: abusing known information is worse than denying our collective ignorance.

In my judgment, Mr. Chairman, even though marijuana is certainly not the horror it is alleged by some to be, it is a drug having a capacity to alter mood, judgment, and functional ability. I believe that until research on the long-term effects of marijuana and other forms of Cannabis is completed, use of the drug should continue to be controlled.

Medically speaking, I cannot give it a clean "bill of health." But penalties for its use should be consistent with the danger and risk to the individual and society.

He has done more to delight the conservative eye. He has created an atmosphere—in the bad word, an ambience—of profound importance to this Republic. Gone are those sirens in the night that once aroused the insomniac eye. Gone are the beagles, held by their ears. Mr. Nixon has taken his claim on middle America, with all its goodness and all its dullness. Here he identifies. How did he spend his New Year's Day? Watching football on the tube.

Reserving the right to object, I will settle for this right now—the quieter voices, the lowered pitch, the good Republican roast beef. Nixon is no oldwater, nor was meant to be. He is steering a course modestly to the right of center. What else could we reasonably ask of the skipper? And if in 1970 he can make effective moves against crime and inflation, we will have sweet music. He's our piano player, boys. Let us kindly m, if we must, very gently.

delusion

people who live in the ghetto and thus serve that community too.

That is "black self-help," which Brimmer supports enthusiastically. It is also capitalism for blacks. But it is not black capitalism in the current racist definition of black people being suckered into taking white hand-me-downs and castoffs.

Black people are a lot smarter economically than they used to be. They had better be, because they no longer have the protections of segregation that once made it easy for a black undertaker, hotel or restaurant owner, or beauty parlor operator, to make money. The password now is competition.

I read Brimmer's paper as a warning to young blacks in college: "Go where the money is, be prepared to get it." Fortunately, it is not yet in the ghetto, and that means the overwhelming majority of black people will either keep it in the mainstream or will be economic failures. The Commerce Department, Small Business Administration, and other government agencies have a variety of programs to foster "black capitalism." Let us hope that these programs are sending messages "where the money is and are not trapping them in the latest delusion that there is gold in them there toes."



—United Press International

farm near Martinsville, Va.

January 28, 1970

Mr. Lamar Alexander
Staff Assistant to the President
The White House
Washington, D. C.

Dear Lamar:

As per our conversation of yesterday, I am forwarding a draft of a letter to the key members of the Senate involved in the passage of S. 30.

I would think some consideration should be given to releasing this letter publicly from the White House at the time it is sent to the members of the Senate as a vehicle for keeping the pressure on the House Judiciary Committee to take early and favorable action on this Administration endorsed proposal.

Would you please advise me both as to whether or not public release will be made of the letters and when the letters will be mailed to the Senators.

Thank you.

Sincerely,

John W. Dean, III
Associate Deputy Attorney General

Enclosure



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, JANUARY 29, 1970

STATEMENT BY ATTORNEY GENERAL JOHN N. MITCHELL

I am very pleased that the Senate has moved so quickly this year to approve the Controlled Dangerous Substances Act.

When the Administration proposed this legislation last year, President Nixon pointed out that drug abuse and narcotic usage had become one of the major problems facing our society and one of the major factors behind street crime and violence.

This legislation will give our federal narcotics agents the tools necessary to reach the major traffickers in narcotics and dangerous drugs, and, hopefully, curtail the abuses of these substances.

I hope the House of Representatives will move quickly now to send this important piece of legislation to President Nixon for his signature.

February 3, 1970

MEMORANDUM

To: Mike Sonnenreich

From: G. Robert Blakey

Subject: "preponderance of the evidence" p. 61, line 15

If asked about this phrase, you should reply that the sentencing provisions in S. 3246 have the same meaning as in S. 30, that no distinction was intended between each bill, and that the phrase refers to the test to be applied to what the court may consider rather than the type (i.e., hearsay vs. cross examined under the rules of evidence) of information or evidence that the court may consider.

The key case which supports the use of information (i.e., hearsay etc.) rather than evidence (i.e., information tested by the rules of evidence such as cross-examination) is Williams v. New York, 337 U.S. 241 (1949). The Williams case, which was reaffirmed by the Court in 1967 in an opinion by Mr. Justice Douglas (Specht v. Patterson, 386 U.S. 605, 606), held that a sentencing court, unlike a trial court, can consider allegations not tested for reliability by the constitutional procedures of confrontation and cross-examination. Mr. Justice Black, in the opinion for the Court in Williams, spelled out in these terms the policies which underlie enlightened sentencing practices and preclude the extension of constitutional exclusionary rules to sentencing proceedings:

"Tribunals passing on the guilt of a defendant always have been hedged in by strict evidentiary procedural limitations. But both before and since the American colonies became a nation, courts in this country and in England practiced a policy under which a sentencing judge could exercise a wide discretion in the sources and types of evidence used to assist him in determining the kind and extent of punishment to be imposed within limits fixed by law. Out-of-court affidavits have been used frequently, and of course in the smaller communities sentencing judges naturally have in mind their knowledge of the personalities and backgrounds of convicted offenders."

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DEPUTY ATTORNEY GENERAL
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"In a trial before verdict the issue is whether a defendant is guilty of having engaged in certain criminal conduct of which he has been specifically accused. Rules of evidence have been fashioned for criminal trials which narrowly confine the trial contest to evidence that is strictly relevant to the particular offense charged. These rules rest in part on a necessity to prevent a time-consuming and confusing trial of collateral issues. They were also designed to prevent tribunals concerned solely with the issue of guilt of a particular offense from being influenced to convict for that offense by evidence that the defendant had habitually engaged in other misconduct. A sentencing judge, however, is not confined to the narrow issue of guilt. His task within fixed statutory or constitutional limits is to determine the type and extent of punishment after the issue of guilt has been determined. Highly relevant -- if not essential -- to his selection of an appropriate sentence is the possession of the fullest information possible concerning the defendant's life and characteristics. And modern concepts individualizing punishment have made it all the more necessary that a sentencing judge not be denied an opportunity to obtain pertinent information by a requirement of rigid adherence to restrictive rules of evidence properly applicable to the trial."

. . .

". . .The due process clause should not be treated as a device for freezing the evidential procedure of sentencing in the mold of trial procedure. . . ." Williams v. New York, supra at 247-51.

This approach is supported by the Model Sentencing Act, the Model Penal Code and the American Bar Association. If pressed for details, ask for an opportunity to write a brief memo for the Committee, and we will take care of it.

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, D.C. 20510

OFFICIAL BUSINESS



John W. Dean

U.S.S.

MR. JOHN DEAN
ASSOCIATE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

Dear Congressman:

This is to confirm the invitation that was forwarded to you and other members of the House Interstate and Foreign Commerce Committee to join me for an informal discussion of the pending drug legislation.

To facilitate your visit, I have made arrangements to have two cars stationed at the front of the Rayburn House Office Building at 8:45 AM on Thursday, May 14.

I will look forward to our meeting.

Sincerely,

Attorney General

Skubitz
Staggers
Hastings
(Larry Baskin) Nelson
Satterfield
Preyer
Rogers (Hla)
Jarman

→ NO knock [statement of clarification
of D/S.
concern of lack of
understanding of law.

Springer
Kyros
Carter

Juris - Ways & Means

John Dean
Room 4115
Main Justice

from: MLL

May 11, 1970

penalty structure with only minor variations. With Justice's acquiescence, Dodd lightened penalties for users of narcotics and abuse drugs.

An important factor is working for the opponents of the Administration bill's provisions solidifying the attorney general's authority to control drugs and to regulate research. It is the fact that GOPers voted nearly unanimously to block LBJ's 1968 reorganization plan, which consolidated the Treasury Dept.'s Narcotics Bureau and FDA's Bureau of Drug Abuse Control and shifted them to the Justice Dept.

In the 1968 House vote, Nelsen, Carter and Skubitz joined the Interstate Cmte.'s ranking GOPer, Rep. Springer (Ill.) and 10 of its present 12 other GOP members in voting to veto the pro-Justice plan. Chairman Staggers (D-W. Va.) and 15 of cmte.'s present 20 Demos -- including Health Subcmte. Chairman Jarman and Rogers -- supported the LBJ reorganization. On Ways & Means, Byrnes and his nine GOP colleagues opposed the consolidation of narcotics-drug abuse authority in Justice, while Mills and 13 of his fellow Demos supported it.

Present indications are that the Health Subcmte. GOPers will support the Rogers-Jarman effort to curtail Justice's authority. If they do, they will be consistent with their 1968 votes while the Demos will be inconsistent.

Ways & Means is bogged down in hearings on trade and tariff legislation, which will take several weeks. It also faces completion of Social Security Act amendments and action on the debt limit, so hearings on the narcotics-abuse bill couldn't start there until mid-June at the earliest. If a bill is reported out of Interstate before the end of May, as expected, House protocol would seem to prevent floor action until Ways & Means has worked its will. And although he presently stands behind the Administration measure, the wily Mills may become persuaded otherwise.

H-E-W Letter Tells Of Early Finch Misgivings, Belies His Later Reassurances

In a related development, "The Pink Sheet" obtained the text of a letter to Dr. Walter Barton, medical director of the American Psychiatric Assn., verifying H-E-W's early misgivings about the Justice Dept. proposal which became the Nixon Administration bill. Reports of a behind-the-scenes dispute between H-E-W's topside and the Justice Dept. were published as early as last June, and Secty. Finch wrote Jarman recently to assure him that the Senate-passed bill has H-E-W's wholehearted support.

The long-suppressed letter belies Finch's statement. Dated Feb. 20, 1969, and signed by Dr. Joseph English, then administrator of H-E-W's Health Services & Mental Health Administration, the letter opens with the statement that Finch, then Surgeon General Stewart and NIMH Director Dr. Stanley Yolles "have asked me to consolidate their replies to your letter of Jan. 24 with my own."

Then English says H-E-W "has serious reservations about this bill... (and) is particularly concerned with the provisions giving extremely broad decision-making powers to the attorney general... decisions not only with respect to the misuse of dangerous drugs but with respect to legitimate uses of a wide variety of substances for medical practice and for research.

"We feel that it is not appropriate for a non-health agency," the letter continues, "to make determinations about abuse potential of new drugs, the acceptability of specific drugs for treatment purposes, the qualifications of particular researchers to work with dangerous substances, the amount of a given (narcotic) drug that is necessary to serve the medical and scientific questions. We note that even the cmte. of scientific 'experts' established by the bill can only render advisory opinions on certain questions; on others, they need not be consulted."

instances where mfrs. know or should know that claims of effectiveness for their drugs will be questioned, the agency said.

● The part of the regs establishing that a hearing will be granted only when a mfr. can show a "reasonable likelihood" of producing "substantial evidence" is essential to the orderly and timely implementation of the NAS/NRC study. "Without them the project could not be carried out within the foreseeable future," FDA said.

FDA issued a press release May 8 on publication of the revised regs. In explaining why the regs were effective immediately, rather than waiting an additional 30 days, the release said the final implementation of the NAS/NRC study cannot proceed until the regs are put into effect.

The "substance of the rules" was sustained in the Panalba decision, "affected industry sought and was granted an extension of time to file comments," and mfrs. with products involved have 30 days to request hearings under the regs, the release added.

The regs first were promulgated Sept. 19, 1969. They were challenged by PMA in Wilmington district court, which ruled that FDA had to provide opportunity for mfrs. to comment. The Wilmington decision did not address itself to the merits of the regs, which any future PMA suit would do. As a result of the Wilmington decision, FDA repromulgated the regs Feb. 17, allowing time for comment.

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NIXON'S ABUSE BILL IN BITTER CONTROVERSY; GOPers ENRAGED AT JUSTICE MOVE; INTERSTATE CMTE. SEEN BACKING BILL TO CREATE NEW DRUG CONTROL COMMISSION

The Nixon Administration's narcotics-drug abuse bill is embroiled in a new controversy, with senior GOPers on the House Interstate Cmte. outraged at Justice Dept. top-siders who took their case to Chairman Mills (D-Ark.) of the Ways & Means Cmte.

Mills and Ways & Means' ranking GOPer, Rep. Byrnes (Wis.), aligned themselves with the Administration and Sen. Dodd (D-Conn.) on the issue May 6 by introducing H.R. 17463. It is virtually identical to Dodd's Senate-passed version of the Administration bill, S. 3246. That bill has been "lying on the Speaker's table" since it reached the House more than three months ago because of a jurisdictional squabble between Mills' powerful cmte. and Interstate.

As a result of Justice's maneuvering with Mills -- attributed in some quarters to Atty. Gen. Mitchell himself -- anti-Justice sentiment on the legislation has been solidified in the Interstate Cmte., whose Health Subcmte. soon will report on H-E-W-oriented rewrite. The subcmte.'s pro-H-E-W Demo leaders previously had feared that the Administration's lobbying might induce the subcmte. GOPers -- Reps. Nelsen (Minn.), Carter (Ky.), Skubitz (Kan.) and Hastings (NY) -- to support the Administration proposal.

Interstate's Health Subcmte. held secret sessions May 5-7, going through the Administration bill item-by-item. Formal mark-up begins today (May 11). The measure is expected to contain several changes vital to the drug industry and pharmacy:

● Authority to control: A "Commission on Dangerous Drug Classification" -- nine persons appointed by the President and chosen because of medical or scientific qualifications -- would make decisions regarding scheduling of drugs. The Administration bill would statutorily bestow this authority on the attorney general, where it has resided since LBJ's reorganization plan went into effect 25 months ago.

● Right to administrative hearings: Proceudres of the FD&C Act's Section 701, governing hearings and mfrs.' right to appeal findings directly to a federal circuit court, would be available when the mfr. disputed the Commission's control decisions. The Administration bill would revoke these rights.

● O-t-c non-narcotic drugs: The Commission would be required to exempt such drugs from control if they may be lawfully sold o-t-c under the FD&C Act.

● Amphetamine production quotas: The Commission would study the feasibility and necessity of establishing such quotas for any controlled drugs. It would make recommendations to Contress by Jan. 1972. Rep. Pepper (D-Fla.) had urged the subcmte. to include such quotas in the legislation.

● Licensing of drug mfrs.: Licenses to produce controlled drugs would be issued by the H-E-W secty., who presumably would delegate the function to FDA. H-E-W would have authority to deny, suspend or revoke such licenses, but mfrs. would have a right to formal hearings on such proceedings. Under the Administration bill, mfrs. would apply to Justice for registrations.

● Registration of MDs, distributors and dispensers: Authority vested in Justice, with a proviso stipulating that individual pharmacists not need be registered when their pharmacy is. Although Justice repeatedly has denied any intention to register individual pharmacists, the Administration bill would allow such a requirement.

● MD exemption from recordkeeping: Licensed practitioners who do not regularly engage in dispensing and charge their patients separately for drugs cannot be required to keep records and make periodic reports on controlled drugs they dispense. The exemption also applies to researchers and federal and state employees on official business.

GOPers' 1968 Votes Against Reorganization May Help Anti-Justice Forces

● Emergency Rx's: H-E-W would issue regs explaining how narcotic drugs under Schedule II could be dispensed by paramcists upon oral (telephone) Rx's. The Administration bill vests this authority in Justice.

● Librium, Valium and meprobamate: These tranquilizers would be left out of the bill's Schedule III, leaving the question of their control up to the proceedings now under way under the Drug Abuse Control amendments to the FD&C Act. The Administration's original bill also omitted them, but BNDD privately supported Sen. Dodd's move to include them in the bill which passed the Senate.

● Research: A "Natl. Addiction & Drug Abuse Research Center" would be established under H-E-W's Natl. Institute of Mental Health (NIMH). Justice would be authorized to conduct research relating directly to its law enforcement functions.

The new commission would select its own chairman and would meet at least once monthly, more often on call of the chair or a majority of its members. It could call on the Natl. Science Foundation for administrative support services, could demand information from any govt. agency, and could review the control classification of any drug on its own motion or that of any interested party.

In what might be interpreted as a gesture of throwing a bone to BNDD, the Health Subcmte.'s draft bill requires that the agency's enforcement staff be increased within FY 1971, the year beginning July 1, by at least 1,000 agents. Such an increase would, of course, actually be controlled by budgeting and appropriations procedures. The subcmte.'s draft bill makes a few direct concessions to Dodd; it adopts his Senate-passed bill's criminal

14 MAY 1970

Mr. James M. Menger
Committee on Interstate and Foreign Commerce
2125 Rayburn House Office Building
Washington, D. C. 20515

Dear Jim:

This is in response to the several questions you posed regarding S.3246, the Controlled Dangerous Substances Act of 1969.

Section 504 employs the word "endeavor" in place of the old term "attempt" in order to avoid the maze of mypertechanical differences which have arisen over the years with respect to criminal attempts and to make clear that the section is intended to reach any effort to accomplish the purposes that the Act is designed to prevent. See United States v. Russell, 255 U.S. 138, 143; Osborn v. United States, 385 U.S. 323, 332-333.

Section 507(a) provides that any person not previously convicted of a drug violation who pleads guilty or is found guilty of simple possession of controlled dangerous substances may, within the discretion of the court, be placed on probation. Upon fulfilling the terms of probation the court shall discharge the individual and dismiss the proceedings against him. The section further provides that discharge and dismissal of the proceedings shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime including second offense penalties. This section does not provide for expunging the individual's conviction since he has not been adjudged guilty.

Section 507(b) provides that any person who at the time of the offense of simple possession was twenty-one years of age or younger, after fulfilling the terms of probation, may apply to the courts to have his record of arrest, trial and conviction expunged. The result of this procedure would be

the withdrawal of all official records of the incident maintained by law enforcement agencies. Thereby, it would not be possible to ascertain from a police or F.B.I. check that the subject individual was involved in the violation of the drug laws.

Section 708(a) which provides that it shall not be necessary for the United States to negative any exemptions or exceptions set forth in this Act is merely a codification of current case law. This specific issue was considered in a recent case which construed the Drug Abuse Control Amendments of 1965. In this case, the United States v. Rowlette and Vecelli, 397 F. 2d 475 (1968) the court stated, "Whether a defendant and his activity occupy an exempt status is a matter peculiarly within his knowledge and with respect to which he can be fairly expected to adduce the proof. The burden of proving the facts necessary to establish such an affirmative defense is on the defendant."

In answer to your last question concerning the constitutionality of Section 509, Continuing Criminal Enterprises, please see page 83 of Senate Report No. 91-617 of the Committee on the Judiciary concerning Title X of S.30. Title X is similar to Section 509 of S.3246.

I trust this answers your questions. If I can be of further assistance, please let me know.

Sincerely,

John W. Dean, III
Associate Deputy
Attorney General

CCD/MRSonnenreich/pap/4644

ADMA-F

CC-F

cc: Justice Department ✓

18 MAY 1970

The Honorable Richardson Preyer
House of Representatives
Washington, D. C. 20515

Dear Congressman Preyer:

At our recent meeting with the Subcommittee on Public Health and Welfare and the Attorney General, it was requested that a critique of the Subcommittee Working Print of H.R. 13743 be made by the Department of Justice and submitted to all members of the subcommittee to aid them in their deliberations in preparing drug legislation. Attached is a critique of the working print and some of the problems it raises.

If you need any further assistance from the Department of Justice, please feel free to contact me.

Sincerely,

John W. Dean, III
Associate Deputy Attorney General

enclosure

IDENTICAL LETTER
SENT TO:
CONGR. A. NELSEN
T. L. PARTER
P. KYROS
D. SATTERFIELD
P. ROGERS
JOE SKUBITZ
H. STAGGERS
J. HASTINGS
W. SPRINGER

R. PREYER
S. JARMAN



ASSOCIATE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

Janman

The Honorable
Richardson Preyer
House of Representatives
Washington, D.C. 20515

Dear Mr. Preyer:

it was *OUR RECENT* *with the*
At the meeting held between your Subcommittee on Public Health and Welfare and the Attorney General, on May 14, 1970, the members of your Committee requested that a critique of the Subcommittee Working Print of H.R. 13743 be made by the Department of Justice and submitted to all members of the subcommittee to aid them in their deliberations in preparing drug legislation. Attached is a critique of the working print and some of the problems it raises, from the standpoint of the Department of Justice.

If you need any further assistance from the Department of Justice, please feel free to contact me.

Sincerely,

John W. Dean, III
Associate Deputy
Attorney General

Enclosure

THE WHITE HOUSE

WASHINGTON

April 17, 1970

MEMORANDUM FOR JOHN DEAN

SUBJECT: CONGRESSIONAL CONFERENCE ON DRUGS

Please give me your candid views on the attached program.

I don't think we need to be quite so elaborate or stray this far away from the Controlled Dangerous Substances Act. This is the general format we put on for the TV producers and the Governors. However, I think our effort is different with the Congress.

I await your views.



Bud Krogh

Attachments

10/18 Sunday in Hill

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

April 17, 1970

FOR BUD KROGH ✓
JEB MAGRUDER

SUBJECT: Congressional Conference on Drugs

I propose the following format for a Congressional Conference on Drugs:

1. Include wives and children.
2. Present the program in the State Department Auditorium, not in a hotel.
3. Present the problems in each area of drug abuse and the Administration's response or proposed response.
4. Despite the effort to focus on the Attorney General as the Administration's drug combatant, I disagree with Timmons' idea of having Justice issue the invitation. The problem is broader than law enforcement; the program will be more encompassing than law enforcement and the President has stated that more severe prison sentences are not the answer. I believe the liberals in Congress would vociferously denounce such an invitation.

I believe the invitation should issue from either the President or a joint invitation from Secretary Finch and Attorney General Mitchell.

5. If we could quickly package a new Administration initiative to fund community treatment agencies a la District of Columbia Narcotics Treatment Agency, I believe the President should make that announcement in his address to the Conference as evidence of the Administration's concern. A major announcement would add substance and greater P. R. value to the day.


JEFF DONFELD

Attachment

THE WHITE HOUSE
WASHINGTON
ANNOTATED AGENDA

A. M.

9:10-9:15

Vice President Agnew--Introduction of the President

9:15-9:30

Remarks by President Nixon--Announce new initiative in rehabilitation to match vigorous law enforcement efforts. In the alternative, an overview of the drug problem. In the alternative an overview of the Administration's posture.

LAW ENFORCEMENT

9:30-9:45

The Source: John Ingersoll, Director, BNDD, narrates with slides the smuggling routes, clandestine foreign laboratories and discussions with Turkish government aimed at eradicating poppy crops.

9:45-10:05

Smuggling: Myles Ambrose, Commissioner, Bureau of Customs, narrates with slides the ingenious means of smuggling illicit drugs into the country. Well-known Senator and well-known lady can be planted in audience with smuggling vest and hair piece.

10:05-10:45

Domestic Law Enforcement: John Ingersoll describes the magnitude of the illicit drug market, organized crime's involvement, the legitimate pharmaceutical industry. False samples of drug packets could be passed through the audience. Present special agents in guise and invite questions from audience.

10:45-11:00

Coffee Break

11:00-11:30

The Response: Attorney General John N. Mitchell discusses salient features of Controlled Dangerous Substances Act.

A. M.

11:30-12:00

Communication Gap: John Broger, Director of the Office of Information for the Armed Forces, presents a one-half hour version of his presentation in order to break the pace of the day.

P. M.

12:00-1:30

Lunch--State Department Dining Rooms

PREVENTION

1:30-1:50

Bud Wilkinson, Chairman, Ad Hoc Committee on Drug Abuse, discusses the results of the Committee's efforts: Education Curriculum, Teacher Training, National Clearinghouse for Drug Abuse Information, Professional Training and Mass Media.

I make this recommendation being of sound mind. Some to-do has been made in testimony on the Hill about the Committee. I believe the image of a viable committee should be perpetuated for fear of the consequences of not doing so.

MEDICAL ASPECTS

1:50-2:20

Research: Secretary Robert Finch discusses, with movie background, the on-going research into the medical aspects of drug abuse. Dr. Stanley Yolles demonstrates with live rats the consequences of narcotic addiction.

2:20-3:20, 2:20-2:50

Rehabilitation: A cleaned-up version of "The Concept," or closed-circuit television, psychiatric group therapy session.

3:20-3:30, 2:50-3:00

Conclusion--The President or John Ehrlichman.

THE WHITE HOUSE

Mr. John Dean
Associate Deputy Attorney General
Department of Justice
Washington, D. C.

STOP 219

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. John W. Dean, III
Associate Deputy Attorney General

DATE: April 28, 1970

FROM ^{MRS}: Michael R. Sonnenreich
Deputy Chief Counsel
BNDD

SUBJECT: American Medical Association Objections
to the Controlled Dangerous Substances
Act, S.3246

The following are the major objections raised by the American Medical Association in opposition to the Controlled Dangerous Substances Act:

1. The AMA objects to the registration and attendant recordkeeping and inventory requirements imposed on physicians dispensing controlled dangerous substances. The apparent basis for this objection is that it places undue burdens on the dispensing physician which are unwarranted since the dispensing physician, they claim, is not a source of illicit drug diversion.
2. The AMA objects to both the special registration requirements for researchers conducting research in schedule I drugs and the criteria for denial of such registrations. Their objections are based on the opinion that the registration requirements will be an impediment to legitimate research and the language of the denial criteria is such that it opens the door for arbitrary action on the part of the Attorney General in denying registrations and thus precluding necessary research.
3. The AMA opposes the Attorney General being vested with the authority to bring dangerous substances under control. They would prefer to see control authority vested in the Secretary of Health, Education, and Welfare since drug control, as they see it, is essentially a medical and scientific determination.
4. The AMA objects to the provision authorizing the Attorney General to conduct research to identify

and characterize dangerous substances having a potential for abuse. They see this as a function of the Secretary of Health, Education, and Welfare since they claim the Department of Justice does not have the capabilities for conducting this type of research.

May 4, 1970

Honorable Paul G. Rogers
House of Representatives
Washington, D. C.

Dear Congressman Rogers:

This is in response to your inquiry regarding the responsibility of the Bureau of Prisons for the implementation of the Narcotic Addict Rehabilitation Act of 1966. The Act is composed of four major Titles, three of which are implemented by the National Institutes of Mental Health. The Bureau of Prisons has been delegated the authority to implement Title II. This section of the Act includes those convicted of federal offenses, and who are found to be addicted to narcotics and likely to be rehabilitated through treatment.

In order to fulfill the legislative objectives which includes intensive treatment and aftercare, the Bureau of Prisons has staffed and developed special narcotic treatment units at the Federal Correctional Institution, Danbury, Connecticut, Federal Reformatory for Women, Alderson, West Virginia, Federal Correctional Institution, Terminal Island, California, and a young adult facility at Milan, Michigan. On or about July 1, 1970, an additional unit will be opening at La Tuna, Texas.

Prior to opening its own units, the Bureau of Prisons temporarily used the facilities of the clinical research centers at Lexington, Kentucky, and Fort Worth, Texas. By August 1968, all Title II commitments were being designated to Bureau of Prisons facilities. Since the Bureau began using its own institutions for Title II cases, a total of 453 have been committed for treatment. To date, 159 have been found ineligible for treatment. The majority of these were found ineligible because they either failed to meet the legal criteria for commitment under Title II or refused the program. Of the 158 cases released from Bureau institutions, twenty-two -- or 12.2% -- have violated the conditions of their parole. Of the 136 that remain

Honorable Paul G. Rogers
Page Two
May 4, 1970

under parole supervision, thirty-five have been in the community six months or longer.

Aftercare is an important element in the legislation. The Bureau of Prisons has, therefore, consummated approximately forty-six contracts for aftercare services in more than thirty states. Contracts have been made with community mental health clinics, medical schools, family service agencies, and private individuals. Services include social work counseling, individual and/or group psychotherapy, family counseling, self-help groups (utilizing ex-addict leadership), urine testing, educational and vocational training, etc. Each Title II case released to parole supervision is placed with an aftercare agency whose responsibility is to fulfill his aftercare treatment needs as outlined by the institution.

Continuity between the incare and community care phases of the program is the key element upon which the program has been designed. A "treatment team" approach involving institution personnel, the aftercare agency, and the supervising probation and parole officer has been developed to attain continuity and intensity of service. As a means of further achieving the objectives of the Act, the Bureau of Prisons has initiated a series of orientation meetings whereby aftercare agency staff and probation and parole officers meet frequently with institution staff to participate in and contribute to all phases of the program.

A research component has been developed and was implemented at the inception of the program. Intake, pre-release and post-release data collection schedules have been designed to determine program effectiveness. While it is still too early to make any objective evaluation as to the success or failure of the program, the first of several periodic reports should be available within the next few months.

We hope this provides you with the information you desire. In addition to the above, you will find

Honorable Paul G. Rogers
Page Three
May 4, 1970

enclosed a reprint of an article published by members of
the Bureau of Prisons staff outlining their program.

Sincerely,

John W. Dean, III
Associate Deputy Attorney General

Enclosure

Memorandum to the Attorney General on the need for one
codified narcotic and dangerous drug law.

1. The distinction between many of the narcotic drugs and many of the "dangerous drugs" (amphetamines, barbiturates, etc.), is a legal differentiation that has its roots in history not in reason. For example, many of the Class B narcotics have the same or less of an abuse potential than the amphetamines and barbiturates. The hallucinogens, such as LSD, have as high or even higher abuse potential than marihuana. Therefore, it is no longer scientifically acceptable to continue to distinguish between these drugs or to create parallel systems for control.
2. Because of the need to treat the drugs as individual chemical substances rather than using class denominations, e.g. narcotics, it is essential that there be one regulatory scheme that is flexible enough to adequately control all these drugs based on their abuse potential and their pharmacological basis. This is essential so that the Federal Government will have uniform regulatory controls for each of the schedules, under which the drugs are listed. It makes no sense to perpetuate the separation of narcotics from the rest of the dangerous drugs and impose an unrelated recordkeeping, inventory, and registration scheme. It is better to have both together under common criteria so that if, for example, methamphetamine and morphine are considered equal in abuse potential, then they can be controlled similarly for regulation purposes under one standard. This allows

for a better understanding of these laws by the legitimate industry, from the manufacturer to the practitioner, and allows law enforcement to have one frame of reference with which to work. It makes no sense to perpetuate a bifurcated system of control that is based on different statutory timing rather than logic or reason.

3. It is imperative from a credibility point of view that there be one set of penalties applying to all drugs being controlled at the Federal level. Although there will be distinctions based on the scheduling of various drugs and the drugs themselves, it makes good sense to have just one schedule of penalties that will be responsive to scientific information on a drug's harm and permit the tailoring of penalties and regulatory controls to fit the facts. To permit parallel systems with narcotics and marihuana on one side, and dangerous drugs on the other will perpetuate the credibility gap as to the Federal intent in this area. If marihuana were to be removed and placed with the hallucinogens (where it belongs), this would help the credibility gap and the general acceptance of the law, but would then negate any reason for not combining all the drugs under one roof since the jurisdiction of marihuana resides in the House Ways and Means Committee, and the jurisdiction for dangerous drugs is now in the House Interstate and Foreign Commerce Committee.

4. The reasoning behind the utilization of the Taxing Power for the marihuana and narcotic laws was that there was concern in 1914 and 1937 as to whether or not the Commerce Clause could be extended to cover the Federal control of these drugs. The Supreme Court's development and extension of the Commerce Clause clearly lays to rest the original worries as to its applicability. The passage of the Drug Abuse Control Amendments of 1965, based on the Commerce Clause, *provides for the document.* ~~shows Congressional acceptance of the Commerce Clause~~ as a proper constitutional basis.
5. The money penalties assessed under the Taxing Power have been replaced in the Controlled Dangerous Substances Act by high fines of both a civil and criminal nature. The ability to punish by imposing economic sanctions is therefore retained. For example, commercial violations (Prohibited Act B, of S.3426) carry fines of up to \$25,000 which would be available in the same manner as the taxes imposed for unlawful transfer in the Narcotic Tax Act and the Harrison Narcotic Act.
6. In the eyes of many people, especially the public at large, there is real scepticism in using tax penalties for marihuana and narcotic violations. In the judgment of many, this smacks of "deviousness" and creates more of the credibility gap in this already emotionally charged area.

7. The Supreme Court has not looked favorably upon the present statutory scheme for narcotics and marihuana control. Questions of self-incrimination under the Fifth Amendment have been successfully raised in the Leary and Covington cases, which follow up the Marchetti, Grosso and Haynes decisions. Further presumption of illegal importation upon which Federal possession cases have been made, have been successfully attacked on marihuana, cocaine and all narcotic drugs except heroin. The general sentiment sensed in the Court is that the predicate for the system of control could stand revision and be updated and placed on a firmer constitutional base.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. John W. Dean, III
Associate Deputy Attorney General

DATE: April 8, 1970

FROM : Michael R. Sonnenreich
Deputy Chief Counsel

*MRS
by
GEP*

SUBJECT: Proposed Changes and Areas Subject to Negotiation in
the Controlled Dangerous Substances Act, S.3246.

Enclosed are three attachments which outline recommended changes, changes presently being considered, and changes subject to negotiation in the Controlled Dangerous Substances Act, S.3246.

Attachment 1 lists those changes which I feel should be made. Most of these are of a technical nature and should pose little or no problem with the members of the House Subcommittee on Health and Welfare.

Attachment 2 lists one change which I am presently considering, but I am presently not in a position to commit myself one way or another.

Attachment 3 lists proposed alternate language to two sections which came under attack during the recent Subcommittee hearings in the House. The first deals with alternate language to subsection 303(f) concerning special registrations for schedule I researchers. The second concerns education and research authority under subsection 602(a). The proposed alternate language to section 602(a) is for the most part one of Hughes' amendments offered on the Senate floor when S.3246 was under debate.

It should be noted that the one non-negotiable item is the control authority vested in the Attorney General.

I anticipate that these changes will be updated and refined in the near future.

*unpublished
ver 1 10/11/70*

Mr. John W. Dean, III
Associate Deputy Attorney General

April 8, 1970

Michael R. Sonnenreich
Deputy Chief Counsel

Proposed Changes and Areas Subject to Negotiation in
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ADMA-F
CC-F

April 2, 1970

Michael R. Sonnenreich
Deputy Chief Counsel

Meeting with Governor William G. Milliken of Michigan
to Discuss the Uniform State Controlled Dangerous
Substances Act.

On April 1, 1970, I met with Governor William G. Milliken
at the State Capital in Lansing, Michigan, at 1:30PM.

This meeting with the Governor was followed-up with another
meeting lasting some 70 minutes with the following persons:
Richard D. McLellan, Administrative Assistant to the
Governor; Joseph H. Thibodeau, Legal Advisor to the Governor;
Bobby Crim, Executive Secretary to the House Speaker; Herman
Fishmen, Executive Secretary, Michigan Board of Pharmacy;
Lou Sesti, Executive Director, Michigan Pharmacy Association;
Bruce Timmons, Counsel, House Judiciary Committee; Dale Warner,
State Representative.

The Governor seemed most interested in the Model legislation
and asked many general questions about the scope of the
drug problem, both nationally and within the State of
Michigan. He evidenced some concern over the amount of
illicit diversion over drug abuse, and wanted to know
whether the Model Act covered this problem. I assured him
that it did and discussed why the regulatory controls over
the legitimate industry and the illicit trafficking provisions
were all incorporated in this one Act. He further asked about
research, rehabilitation, and education programs at the
Federal level. I explained to the Governor that this Act
was a law enforcement measure and it did not deal with
rehabilitation at all, and that it dealt with education
and research only in a peripheral sense. The Governor
assured me that he would review the Act with his staff and
would let us know whether or not the State of Michigan would
proceed with the Act at this time. He wanted to know if
Federal assistance would be available to the States in
preparing the bill after the decision is made to go ahead.
I assured him that we would be ready to assist in any way
possible.

cc: Mr. John W. Dean
Associate Deputy Attorney General

I then met with the members of the Governor's staff and discussed the relation between the Model bill and the Federal Act. A great deal of the discussion was focused on the penalty structure. I explained to them that the actual setting up of penalties would be left up to the States as it was outside the area of Federal concern. The staff recognized the need for uniformity in this area between the States and the Federal Government.

At the conclusion of the meeting it was agreed that Mr. Thibodeau would contact me in the near future in regard to any decision made by the staff as to the introduction of the Model legislation. I also pointed out the fact that this was a Model Act rather than a Uniform Act. I explained the role of the National Conference of Commissioners of Uniform State Law. The feelings expressed by the staff members were that they did not have to wait for a Uniform Act but would, of course, conform to any Uniform Act once it was approved by the National Conference of Commissioners on Uniform State Law.

ATTACHMENT 1

1. On page 6, line 20, delete subsection (h) defining the terms "deliver" or "delivery."
2. On page 7, line 21, change the definition of "dispense" in subsection (k) to read as follows:

"'Dispense' means to distribute a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such distribution. 'Dispenser' is a practitioner who distributes a controlled dangerous substance to an ultimate user or human research subject".

3. On page 8, line 3, change the definition of "distribute" in subsection (l) to read as follows:

"'Distribute' means the actual, constructive, or attempted transfer of a controlled dangerous substance, whether or not there exists an agency relationship. 'Distributor' means a person who actually or constructively transfers, or attempts to transfer, a controlled dangerous substance, whether or not there exists an agency relationship."

4. On page 12, line 3, insert the words "except as otherwise provided herein." immediately after the word "States." so as to make subsection (z) beginning on line 1 read as follows:

"(z) 'United States' means all places and waters, continental or insular, subject to the jurisdiction of the United States, except as otherwise provided herein."

5. On page 14, line 21, change subparagraph (3) by inserting "in treatment" immediately before the word "under" so as to read: "a lack of accepted safety for use in treatment under medical supervision."
6. On page 17, lines 1 through 17, insert in the appropriate alphabetical order the following schedule I opium derivatives and renumber where appropriate: Acetorphine, Cyprenorphine, Dihydro morphine, Dihydro codeine, Etorphine, and Pholcodine.

ATTACHMENT 1 (continued)

7. On page 18, line 11, change clause (12) to read "Tetrahydrocannabinols."
8. On page 19, beginning with line 3, delete all through line 13 and insert in lieu thereof the following:

"(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecogine."
9. On page 20, line 23, change clause (2) by deleting "well documented and approved" and inserting in lieu thereof "currently accepted," so as to read "(2) currently accepted medical use in the United States; and,."
10. On page 41, line 14, delete the words "United States" and insert in lieu thereof the words "continental United States, State of Hawaii, or Puerto Rico from any insular possession or other place subject to the jurisdiction of the United States, or to import or land into the United States, as defined in subsection 102(z), from any place," so as to make section 401(a), beginning on line 13, read as follows:

"Sec. 401(a). It shall be unlawful to import or bring into the continental United States, State of Hawaii, or Puerto Rico from any insular possession or other place subject to the jurisdiction of the United States, or to import or land into the United States, as defined in subsection 102(z), from any place any controlled dangerous substance listed in schedules I or II . . . ,"

11. On page 56, line 6, insert the words "of this section or for purposes" immediately before the word "of," so as to make the sentence beginning on line 4 read as follows: "Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law"
12. On page 57, lines 16 and 17, delete the words "the commission of the offense," and insert in lieu thereof the words "his conviction for that offense," so as to make subsection (b) beginning on line 15 read as follows: "For purposes of this section, an offense shall be considered a second or subsequent offense, if prior to his conviction for that offense, the offender has at any time"
13. On page 88, between lines 17 and 18, add a new subparagraph (g) which reads as follows:

"(g) an evaluation of the efficacy of existing marihuana laws."
14. On page 103, line 17, insert new section 908 which reads as follows:

"REPUBLISHING OF SCHEDULES

Sec. 908. The schedules set out in section 202 of this Act shall be up-dated and republished on a semi-annual basis for two years from the effective date of this Act and thereafter on an annual basis."

15. On page 103, line 18, renumber "Sec. 908" as "Sec. 909." Appropriate changes should be made in the table of contents on page 3 by renumbering "Sec. 908. Effective Date" as "Sec. 909. Effective Date." New section 908 should be reflected as "Sec. 908. Republishing of Schedules."

ATTACHMENT 2

1. On page 69, between lines 15 and 16, add a new subsection (c), which reads as follows:

"(c) Except in emergency situations covered in subsection 401(a)(2)(A), prior to issuing a registration under section 303(a) of this Act to a bulk manufacturer of a controlled dangerous substance included in schedule I or II of Title II of this Act, and prior to issuing a regulation under section 401(a) of this Act authorizing the importation of such a substance, the Attorney General shall give manufacturers holding registrations for the bulk manufacture of the substance an opportunity to be heard at a hearing held under section 554 of title 5, United States Code."

ATTACHMENT 3

1. Alternate language to section 303(f):

On page 32, beginning with line 1, delete all through line 18 and insert in lieu thereof the following:

"(f) Practitioners shall be registered to dispense substances in schedules II through IV if they are authorized to dispense under the law of the State in which they practice. A registration application by a practitioner who wishes to conduct research with schedule I substances shall be referred to the Secretary of Health, Education, and Welfare for advice. The Secretary shall promptly advise the Attorney General concerning the qualifications and competency of every practitioner requesting registration, as well as the merits of the research protocol. Registration for the purpose of bona fide research with schedule I substances by a practitioner deemed qualified by the Secretary may be denied by the Attorney General only on a ground specified in Subsection 304(a) or on the ground that the proposed procedures are inadequate to safeguard against diversion of such substances from legitimate medical or scientific use."

2. Alternate language to section 602(a):

On page 64, beginning with line 12, delete all through line 24 and insert in lieu thereof the following:

"Sec. 602(a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth in this Act. Such programs may include --

"(1) educational and training programs on dangerous substance law enforcement for local, State, and Federal personnel:

"(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

"(3) studies or special projects designed to assess and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid

ATTACHMENT 3 (continued)

field identification methods which would enable agents to detect micro-quantities of such substances;

"(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

"(5) studies or special projects to develop more effective methods of manufacture or distribution to prevent diversion of controlled dangerous substances into illegal channels.".

"(6) studies to identify and characterize controlled dangerous substances with potential for abuse.