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# Department of Justice

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ADDRESS

BY

HONORABLE JOHN N. MITCHELL  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE THE  
FLORIDA BAR ASSOCIATION

Americana Hotel  
Bal Harbour, Florida

June 19, 1970  
11:00 a.m.

## 1. INTRODUCTION

Legend has it that more than one law school dean has greeted new students with this advice: Each of you should examine the students on either side, for at least one of you will not be present at graduation. It is a pleasure to be here today with fellow survivors.

On a more somber note, however, I would again ask each of you to look at his neighbor on either side. Present-day odds force me to point out that one of these neighbors either has been or will be touched in some way by the problem of drug abuse. I tell you this not as an alarmist, but as a realist.

Viewed from any angle, drug abuse is a critical national problem. It is leaving virtually no area of this country untouched. During 1969, 968 deaths from heroin overdose were reported in New York City. But this is not New York's problem alone. There are at least 100,000 heroin addicts throughout the United States whose tragic appetites consume some 2-1/2 metric tons of heroin annually. And heroin, deadly as it is, makes up only a part of the national drug phenomenon.

During the last decade, this country has experienced an increase of over 300 percent in the arrest rate for narcotics and marihuana offenses. In 1968, 162,177 persons were arrested for these offenses by state and local authorities. Forty-three thousand two hundred of these were under 18 years of age. The average age of the entire group was 21. Obviously, for each

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individual arrested countless scores went undetected. And users of stimulant and depressant drugs are not even included in these figures.

We are experiencing an epidemic. It is reaching out to every social and economic level, to every geographic location. And as the incidence of drug abuse rises, the average of the user continues to drop. A growing quantity and variety of drugs are currently available in high schools, junior high schools, and even in some grade schools. The National Institute of Mental Health has estimated that from 8 to 12 million adults and children have experimented with marihuana. You can appreciate, I think, why I asked each of you to take that look at your neighbor.

## 2. OUR PROGRAM

Your federal government has responded to this alarming situation with an attack on both aspects of the problem -- supply and demand. Comprehensive research and educational programs are being planned and coordinated toward the eventual goal of eliminating the demand for harmful substances. Of immediate importance, however, is the campaign against the major trafficker which is aimed at cutting off the supply of illicit drugs. We are making substantial inroads into this traffic.

I am particularly encouraged by the results of our overseas activities. For the first time we have obtained

positive efforts by foreign countries to curtail drug production and exportation. Justice Department officials, operating through the Agency for International Development, have persuaded the Turkish government to cut back opium production and to ultimately phase out legal production entirely. This is significant because approximately 80 percent of the heroin in the United States is smuggled from France, where it is clandestinely manufactured from opiates produced in Turkey. As for France itself, agents of the Bureau of Narcotics and Dangerous Drugs have been assisting the French Surete in perfecting new detection techniques. Several large clandestine laboratories have recently been eliminated as a result. Last August, the largest opium seizure ever recorded in France was made with Surete and BNDD cooperation.

Our neighbors in Mexico have also stepped up their efforts to control drug traffic within their territory and across our common border. I recently met with the Attorney General of Mexico in Washington in order to conclude an agreement for further mutual cooperation in eliminating border traffic.

We have made a promising beginning. Our federal law enforcement agencies are doing a commendable job, and I am particularly proud of the accomplishments of our Bureau of Narcotics and Dangerous Drugs. Yet we are dealing with a unique, many-faceted problem. Law enforcement is but one aspect of the over-all solution. The demand for drugs continues virtually unabated. Professional criminals continue to retain an interest in peddling

products like heroin and cocaine, both of which bring about \$22,000 per kilogram in the United States on the wholesale level. In addition, traffic in amphetamines and barbituates continues to grow and spread as more youngsters experiment with and become regular users of these multi-colored pills and capsules.

Rather than a smuggling problem, these drugs pose problems of domestic control because over 90 percent of those found in illicit channels were diverted from stocks legitimately manufactured in the United States. Added to this we have marihuana, with all its ramifications, and a new crop of synthetic hallucinogens like LSD which can spring up overnight from backroom laboratories.

As lawyers, you can readily observe the tremendous enforcement and control problems generated by such a situation, and the statutory difficulties we face.

### 3. THE CONTROLLED DANGEROUS SUBSTANCES ACT

As some of you perhaps know, the patchwork of statutes which governs our activities in controlling dangerous substances has emerged sporadically over half a century of legislative action. Much of it is outmoded. Some of it has been declared unconstitutional. For several years authorities have recommended revision of these laws. Now the magnitude of the drug abuse situation has turned what once may have been a luxury into a legislative necessity. This is why, at the direction of the President, I sent

to the Congress last July 15 a proposal designed to modernize and unify the laws relating to the control of all dangerous substances. The Controlled Dangerous Substances Act, as it is entitled, represents the painstaking work of experts in several federal agencies. It is a bill which would provide indispensable tools for the war against drug abuse. It is presently pending in Congress, and I would like to discuss with you some of its more significant provisions so that you may understand why we need this legislation so badly.

--The bill creates four distinct schedules into which all controlled drugs and chemical substances, classified according to medical usefulness and potential for abuse, are placed by name. After enactment, the Attorney General will decide what drugs should be added to, deleted from, or moved within schedules. Controls over legitimate use and penalties for misuse are based upon the position of a drug in one of these schedules. This simple, flexible scheme will replace several complex and unrelated classification systems in the present law, and will make things easier for everyone from manufacturer to consumer. Government control will be far more effective and responsive to the changing drug scene.

--Everyone engaged in manufacturing, distributing or dispensing these drugs must register with the Attorney General. Criteria are provided for suspension, revocation, or denial of

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a registration permit for unsuitable individuals or firms. This closes a glaring loophole in the present law, under which researchers are not required to register, and others dealing in drugs need essentially only request a registration number from the Food and Drug Administration. It is understandable that over 90 percent of the depressant and stimulant drugs being abused by our youth come from legitimately manufactured supplies.

--Drug penalties have been completely revamped. The tremendous inconsistencies in current federal law have been eliminated, and flexible penalties provided to fit both the offense and the offender. Minimum mandatory sentences, to which federal judges are almost unanimously opposed, have been removed except for professional criminals. Regarding these individuals, President Nixon stated last July in his message to the Congress on drugs: "Society has few judgments too severe, few penalties too harsh for the men who make their livelihood in the narcotics traffic."

Special penalty provisions are accordingly included so that convicted persons who are established as professionals may receive a maximum of life imprisonment and substantial forfeitures. On the other hand, simple possession of any drug as a first offense would be treated as a misdemeanor. Presently, marihuana possession is punishable by five to 20 years imprisonment, which exceeds existing penalties for white slavery, rebellion or insurrection, for example. And for the first offender, there is a special new provision whereby he may fulfill probationary terms set

by the court and earn a dismissal of his case and elimination of a conviction record.

--The enforcement powers of agents of the Bureau of Narcotics and Dangerous Drugs have been clarified and expanded, particularly in the areas of arrest without warrants and searches. "No-knock" authority has been included, which simply means that an officer may -- if he can convince a judge -- obtain a warrant which authorizes entry into dwellings without the customary prior notice of authority and purpose. This tool is indispensable in dealing with drug peddlers who are adept at quickly disposing of large quantities of drugs down the nearest drain while advance warning is given by a knock at the door. The element of surprise is invaluable in such situations, both to preserve evidence and to safeguard the lives of arresting officers. As I said earlier, we are dealing with clever and ruthless criminals.

--The bill provides, for the first time, extraterritorial jurisdiction over persons trafficking beyond American borders, so that international peddlers may be prosecuted if they enter the United States. Today, these criminals may return to this country with impunity unless evidence can be produced linking them to a domestic conspiracy. As you know, this is a difficult proposition.

--Another new provision is the authorization for the Attorney General to grant a form of immunity to individuals who are being used as subjects of research. Thus researchers under

such a grant may withhold the names of such persons in order to retain the integrity of his project, and no court can compel him to disclose their identity. We believe the original provision will foster and encourage necessary research into dangerous drugs.

--The bill provides for the establishment of a blue ribbon committee to study the entire scope of the marihuana problem and report its findings to the President and Congress.

These, then are some of the principal features of the Controlled Dangerous Substances Act. The bill is, of course, far more extensive than my capsule summary would indicate. It is somewhat better than 100 pages, and it is essentially a lawyer's bill. I therefore commend it to your attention and consideration.

This measure passed the Senate as S. 3246 on January 28, 1970, by a vote of 82-0. Unfortunately, it has not received the expeditious consideration it merits in the House of Representatives. In spite of our best efforts and the obvious need for this legislation, I must in candor report that there are no immediate prospects for the passage of S. 3246 or any substantially similar bill.

Frankly, I find this delay appalling. Each day another three or four addicts in New York die of heroin overdose; each day 100,000 or more addicts spend an average of \$45 each to support their habits, with many resorting to crime for their funds; and each day a countless number of young boys and girls will, for the

first time, pop brightly colored pills into their mouths, smoke pot, or jab a filthy needle into a waiting vein.

In short, the House of Representatives is delaying to death a key Administration bill designed to combat the national emergency in narcotics and drug abuse.

If the House of Representatives takes much longer, it will paralyze our whole coordinated assault against narcotics of which this bill is an integral part.

I recognize there will always be minor problems with any legislation as comprehensive as this -- legislation designed to impose strict government controls on the manufacture, importation and sale of narcotics, LSD, pep pills, and other dangerous substances which are flooding our nation.

Basically, the bill is being delayed to death by a combination of bureaucratic slowness and minor criticisms. There are those who have asked for more time because they believe the bill is perhaps too restrictive on medical research, or on the practicing physician; or that the bill may prove administratively burdensome on the drug industry or on importers; or that perhaps our bill emphasizes law enforcement too much and does not emphasize medical problems quite enough.

We could go on for years having hearings and making minor adjustments to our proposal. But we do not have years to waste -- really, we do not have any time left at all.

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Even critics of the bill agree that basically it is a good, comprehensive, tough proposal and that it should go far in the war against drug abuse. I believe that the bill should be passed now and that most of the minor wrinkles can be worked out successfully after our proposal is put into operation.

Our bill will not, of course, provide the magic wand. We are workmen, not magicians. As workmen, however, we must be given by the Congress those tools we need to reduce the supply of drugs that are so readily available to our young people today. I, therefore, urge you, as members of the Bar and responsible citizens, to re-examine the existing drug laws in Florida as well as the federal law. A review will, I am sure, make it apparent why we need new legislation.

With respect to Florida, however, I am happy to advise you that help is on the way. The Department of Justice has prepared model state drug legislation, patterned after the Controlled Dangerous Substances Act, for the consideration of the fifty states. You will be pleased to know that Florida, in the forefront as usual, has had an abbreviated version of this bill introduced on April 14 of this year. Representatives of the Justice Department will meet with Governor Kirk on June 30 to render further technical advice and assistance on the bill. As attorneys, you owe it to yourselves and to your state to take an active interest in this pending legislation, helping to perfect it.

You can also use your influence as respected members of your communities to explain to those less educated in the law what this legislation, both state and federal, is all about. If you need more information, it is yours for the asking from the Bureau of Narcotics and Dangerous Drugs. Do not hesitate to contact the Regional Office here in Miami, or to write to the Headquarters at the Department of Justice in Washington.

I also encourage your assistance in helping to develop community programs which deal in real facts, not rumor or conjecture. While those of us in law enforcement concentrate on reducing drug supplies, a concerted popular effort is needed to eliminate the current demand. An outstanding example of such an effort exists in your city of Tampa, where the Mayor's Committee on Drug Abuse is providing invaluable community services. This Committee reflects a broad spectrum of experience and ideas, with membership from the Hillsboro County Sheriff's office, Medical Association, and School System; the Tampa Police, Medical Health Association, Bar Association, and Parent-Teacher's Association; and a local women's group called "Citizen's Alert." The Committee, chaired by Dr. Harold Brewer, must sanction any drug abuse program established in Hillsboro County. It has organized school assembly sessions on drug abuse for each county school, and each school has been provided the number of a doctor who is regularly available to provide free advice on drugs to students. The Committee has also established a "hot line" for addict assistance.

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There are other fine programs in Florida as well, such as the Dangerous Substances Guidance Center in Hollywood, headed by Dr. David J. Lehman. We cannot have too many of these programs and organizations, for they are the life force which will provide the greatest contribution to a reversal of the drug abuse trend.

I see that I have gone on too long already. Perhaps it is the subject matter, which is of such great personal concern to me -- or perhaps it is the gathering of friendly fellow lawyers, a situation which I do not seem to encounter very often these days. In any event, I want to leave you with this thought. While the national drug abuse picture is unquestionably grim, it is not an insoluble problem.

As attorneys, we must share the responsibility for the rapid growth of this epidemic because we tolerated old laws and old ideas for too long -- because we were too involved with our own affairs to see what was going on around us. It is time to remove the blinders and take a good look -- particularly at ourselves. Perhaps we should not be so surprised at the behavior of our children today. The fact that more and more young people are taking drugs may not be so much a sign of rebellion, as of conformity, in a pill-oriented society.

We lawyers must now reassume our traditional role of leadership and point out the way back to normalcy, to sanity.

While the federal government can strive to keep the way open,  
it is the people who must take that trip to end all "bad trips."

I urge you to begin now.