



Department of Justice

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STATEMENT BY THE ATTORNEY GENERAL

before

THE WHITE HOUSE GOVERNORS' CONFERENCE

DECEMBER 3, 1969

regarding

THE UNIFORM STATE CONTROLLED DANGEROUS SUBSTANCES ACT

It is a pleasure to appear here before you to talk about something which I believe can be of benefit not only for your own individual States, but will also be of distinct benefit to the Federal Government in our joint efforts to control, halt, and hopefully reverse the trend of narcotic and dangerous drug abuse in these United States.

At the direction of the President, the Department of Justice has prepared a Uniform State Controlled Dangerous Substances Act, a copy of which is before you today in draft form. This is not to be considered in the same vein as most uniform acts which are presented to the States for their consideration. This is a model that will require immediate, positive action by the States if we are to successfully mold a coordinated, effective war on narcotic and dangerous drug traffickers and if we are to successfully control the flow of legitimate drugs and prevent their diversion into the illicit drug market.

In this specialized area of law enforcement, we need a true and equal Federal-State law enforcement partnership, and the first meaningful step for such a partnership is compatible laws, which will lead to coordinated and better directed law enforcement.

We presently have before the Congress our proposed Federal Controlled Dangerous Substances Act which is pending in the Senate Judiciary Committee. We are optimistic that the Federal proposal will be acted upon quickly and favorably.

Both this Act and the model presented to you today bring together narcotics, marihuana, and other dangerous drugs such as LSD, the amphetamines, and the barbiturates, under one legislative control procedure and under one penalty scheme. This is in keeping with the Federal reorganization which took narcotics and dangerous drug jurisdiction from the Departments of Health, Education and Welfare and Treasury, and placed it within the Department of Justice. I know that there have been similar consolidations within your various State agencies. This reorganization creates a more efficient means of achieving law enforcement objectives. By consolidating and revamping the legal structure, we can give the new organizational effort better tools with which to work.

My purpose here is not to go into elaborate detail as to the provisions of the Act itself. Time simply does not permit this. Instead, we have included a summary of the Act along with our preliminary draft for you to take back to your individual States and consider it carefully and fully.

I only want to point out that it contains control and regulatory provisions over legitimate distribution, enforcement tools to improve investigative efforts, and provisions for education and training approaches to the drug abuse problem. The prohibited activities are set out in detail, but not the penalties in terms of years. This is left to the discretion of the States. However, we do earnestly suggest you consider the penalty alternatives suggested for the Federal Act, which are set out in chart form in your handout material. Lastly, provisions for rehabilitation are not included in the proposed model at this time. We are preparing a draft of such provisions and will attach it to the model later as an option for consideration.

I reiterate that this is a preliminary draft. We are holding a meeting this December 5, in Washington, D.C., with members of the legitimate industry, State Boards of Pharmacy, the medical and legal professions, and law enforcement groups, to discuss in detail this first draft. From this meeting, we intend to refine this draft you have before you and place it into final form. We feel such a meeting will be useful and will allow the representatives of interested groups to make suggestions and recommend changes. We feel that this discussion will be helpful in making this proposal an even better one.

In conjunction with the Department's efforts, we are working with the Special Committee on Narcotic and Hallucinogenic Drugs Act, of the National Conference of Commissioners on Uniform State Laws. This Committee, which is not affiliated with the Department, also has a responsibility to produce a uniform state act for the National Conference. We feel it is especially worthwhile to work with them so that we can draw upon, not just our own expertise, but the expertise of that Committee's membership and others in the academic community who are intensely involved in reshaping narcotic and dangerous drug laws.

The December 5th meeting will be co-sponsored by Mr. John Thomas, who is Chairman of that Special Committee, along with members of the Bureau of Narcotics and Dangerous Drugs of the Department of Justice. This preliminary draft has been in their hands for evaluation and comment for over a month and we have indications that this forthcoming meeting will be fruitful from their point of view as well.

It is my intention, as soon as we have refined the Act, to have my representatives meet with you and your staffs at your request to discuss in detail this legislation and the Federal legislation as well so that you will have a better understanding

of the total picture of what this Administration is attempting to do in this area and the interrelationship of the Federal and State proposals.

I feel that this is one area that should not be considered political; it is too much of a national tragedy to allow it to be placed on the plane of political polemics. It is a problem that is common to the entire nation and one that requires a united front at all levels of government. I might add, that on October 23, 1969, the White House held a bi-partisan meeting on narcotics and dangerous drugs, and the leadership from both Houses and both parties agreed that this was of a non-political nature and endorsed the need for the Federal legislation. I trust you will feel similarly inclined when you consider this Model Act.

The Department stands ready to give assistance when requested on this matter. Better law enforcement must start with modern, effective laws. We must discard horse and buggy notions of law enforcement in this area and meet this problem, in partnership, with all available resources in an up-to-date, efficient manner.

Thank you.