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Congress of the United States
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Washington, D.C. 20515

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February 26, 1968

STATEMENT OF CONGRESSMAN BOB DOLE BEFORE THE SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE OF THE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE ON PUBLIC HEARINGS PERTAINING TO H.R. 15355, TO AMEND THE FEDERAL FOOD, DRUG AND COSMETIC ACT

Mr. Chairman, I am most pleased to appear today before this Subcommittee of the Interstate and Foreign Commerce Committee in support of increased penalties for the illegal manufacture, distribution, sale and possession of dangerous drugs.

DANGERS OF LSD

This Subcommittee has already heard testimony suggesting chromosome damage attributable to the use of LSD. A representative of the Department of Health, Education and Welfare has testified on some other tragic consequences of hallucinogenic drug use, such as:

- prolonged schizophrenic states which may continue for weeks or months,
- severe panic-states occurring during the acute effects of the drug,
- recurrent flashbacks occurring weeks or months after the "trip", and
- a gradual deterioration of effective work, study, and social relationships.

Mr. Chairman, I am concerned over the seemingly widespread use of LSD, and also concerned over the widespread illegal traffic in other dangerous drugs. For the purpose of this statement, when referring to "dangerous drugs", I shall be referring to barbiturates and amphetamines, as well as LSD, STP, and other mind-bending hallucinogenic drugs.

DANGERS OF OTHER DRUGS

The Medical Society of the County of New York reported in 1966 that there are 3,000 deaths annually due to accidental or intentional overdoses of barbiturates. Even more distressing, addiction to barbiturates has been characterized as more disruptive than addiction to opiates such as heroin, for barbiturates involve a more prolonged and difficult withdrawal.

The Society reported that addiction to amphetamines may cause intellectual impairment, aggressive behavior, and hallucinations. Amphetamines are being linked to ever-increasing numbers of auto accidents.

I was shocked to hear, as estimated by the Society, that perhaps half of the 13 billion pills and capsules of barbiturates, amphetamines and tranquilizers produced annually in the United States is diverted to illicit sale and use.

Today, criminals often sell LSD to college students. I read of one student -- in wild insanity induced by the acid -- who "flew" out of a dormitory window to this death on the sidewalk below.

Knowing more is needed to control narcotics abuses than penalties, yet realizing that misdemeanor penalties are unrealistically weak in dealing with those abuses, I have studied existing narcotics laws.

Now, I am obviously not an expert on drugs, the usage of drugs, or the dangers of drugs. Few persons are experts in these areas of sketchy knowledge and impassioned impressions.

I do know, however, that the LSD salesman is guilty only, under today's statutes, of a misdemeanor.

REFORM NEEDED TO CONTROL DRUGS

Mr. Chairman, last year I became more convinced than ever that our laws are inadequate to meet the challenge of illegal traffic in these dangerous drugs.

Today, I continue to be concerned because the penalty for the illegal manufacture, sale and distribution of these dangerous drugs is merely a misdemeanor, while possession of LSD and other hallucinogenic drugs is no offense at all.

DOLE BILL INTRODUCED

Upon completion of my review of existing related law, I introduced a bill designed to meet the challenge of the criminal element involved in trafficking dangerous drugs. I introduced a Dangerous Drug Bill, H.R. 14092, on November 20, 1967. This legislation would make illicit manufacture a felony, with increased penalties for repeat offenders. My bill would make the illegal sale or distribution of the dangerous drugs a felony for offenders over 18 years of age, and a misdemeanor for first offenders under 18. Illegal possession of any one of these dangerous drugs would be a misdemeanor for the first offense, and a felony for subsequent offenses.

I was gratified when the Administration indicated strong support for legislation very similar to my own. HR 15355, under consideration here today, was introduced nearly three months following introduction of H.R. 14092.

URGE CONSIDERATION OF H.R. 14092

Mr. Chairman, today I wish to respectfully suggest two areas where my proposal is superior to H.R. 15355.

First, it provides increased penalties for offenders who persist in manufacturing these dangerous drugs. Unfortunately, H.R. 15355 provides the same penalty regardless of how many times the criminal has been apprehended and convicted.

Second, my proposal protects children under 18 years of age from felon status resulting from their first conviction for the sale, delivery or possession with the intent to sell dangerous drugs. It serves no useful purpose to make a child under 18 a felon for a first offense, because he probably does not fully realize the extent and serious nature of the crime. Let me add, however, that any repeat offender, under my proposal, would be charged with a felony.

Mr. Chairman, we are all agreed there is a serious problem in this nation resulting from our permissive attitude toward illegal drug traffic and use. Permissiveness is to a society what unlimited power is to a ruler. Our code must reflect our assessment of the damage to society caused by these drugs.

We know the drugs are destructive. But present statutes "send a boy to do a man's job".

I read in this month's issue of the FDA PAPERS, the official magazine of the Food and Drug Administration, about the seizure in Nassau County, New York, of 300,000 dosage units of amphetamines and barbiturates, and 130 pounds of barbiturate powder worth a quarter million dollars on the illicit market. Can misdemeanor status be appropriate for possession with the intent to sell this amount of addictive destructive drugs?

The January 8, 1968, issue of NEWSWEEK magazine relates a chilling tale. On page 26, under the headline "The Creator", a story of an LSD arrest is told. One Augustus Owsley Stanley III was arrested for illegal activities involving LSD in San Francisco. When he was arrested, \$4.3 million worth of LSD was confiscated. He was a millionaire, the magazine relates. How many thousands of persons were subjected to the chemicals from this man's laboratories, we will probably never know. The LSD confiscated was enough for 868,000 tablets; also found were 261 grams of STP, another extremely dangerous hallucinogenic drug.

Unless other charges can be brought against this man, under present law his crimes involving LSD are only misdemeanors.

In conclusion, I urge you to consider my bill, and specifically to consider those aspects which I have called to your attention.

The nation calls for action. The nation deserves the protection this legislation would offer.

Thank you.