



Department of Justice

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ADDRESS

BY

THE HONORABLE WILLIAM B. SAXBE
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

GOVERNOR REAGAN'S CONFERENCE ON CRIMINAL JUSTICE

9:00 A.M.

MONDAY, DECEMBER 2, 1974

SACRAMENTO, CALIFORNIA

I appreciate the opportunity to be here as you carry out the work of this important conference because the swift, effective control of crime must be among the Nation's top priorities.

Your efforts to create new standards and goals for the criminal justice system will be of great value to the people of California for many years to come.

At the same time, the cooperative nature of your work is essential in combatting crime -- whether in one state or in the entire nation.

Your program is broad-based. It rightfully includes elected officials, criminal justice leaders, and a wide range of citizens. In addition, it involves many levels of government -- cities and counties, the state, and finally Federal aid.

The specific standards and goals that are being proposed are of course important. And equally important will be the decisions made by the state of California on which standards to adopt as the working guidelines for future criminal justice improvement efforts.

But at the same time, it seems to me that the very process of creating standards and goals is nearly as important as the recommendations that are finally reached.

The diversity of your effort here in California is a case in point. There are 17 task forces -- composed of nearly 500 persons.

I can think of few better examples of democracy at work. I can think of few better examples of how the process of government can be carried back to the grassroots level.

In addition to the deliberations of the advisory committees and the state, this entire effort also has a vitally important public education component. When it is all over, the public will not only be the beneficiaries of new and crucial programs, it also will have learned a great deal more about the nature of crime problems and how constructive responses can be fashioned.

For my part, I am delighted that the Law Enforcement Assistance Administration was able to provide nearly \$3 million to help California carry out this vital program.

With crime increasing again, our best hope for lasting success nationally is to have the widespread concern, cooperation, and action that we see here in California. This holds particularly true for the crime problem I wish to discuss today -- narcotics and dangerous drugs.

Despite our best efforts, vast amounts continue to enter the country. They are widely available and widely used.

Many things contribute to the problem: Shortages of enforcement personnel; public apathy; criminal justice corruption; rehabilitation programs that are inadequate; and a refrain that drugs pose no real problems.

Despite the obstacles, substantial progress has been made in some areas in recent years. But in others, old problems remain -- and new ones threaten.

The greatest success has been against heroin -- the most serious problem and the Federal priority. Two years ago, there were an estimated 550,000 to 600,000 heroin addicts -- but it apparently has dropped to between 300,000 and 350,000.

There are a number of reasons. One key is the diligent, intensive effort of the Drug Enforcement Administration of the Department of Justice. Another is the fine work by a number of local police departments. And a third was the ban imposed by Turkey on raising opium poppies -- once the source of 80 percent of the heroin here.

But, unfortunately, importation of most other drugs is rising, and Turkey's ban on poppies has ended -- with the first crop to be harvested next summer. If only 20 percent of this crop is illegally diverted, it could supply every addict in the nation for a year.

Some say Turkey's decision is a potential disaster. I prefer to wait and see. but I am not optimistic.

A cornerstone of the Federal narcotics program is composed of cooperative agreements with some 40 other nations -- ranging from joint enforcement efforts to training of their personnel.

The United States has always been the greatest magnet for narcotics, and many nations have let themselves be used as production and transit points -- feeling it was only our problem.

They are finding out to their great regret that the problem is now also theirs -- as heroin and other addicts begin to appear in substantial numbers among their populations.

But some countries still do an inadequate job -- and the reasons range from money to lethargy to an inhuman lack of concern for the welfare of their own people.

The spread of narcotics is like the spread of deadly disease -- and international cooperation is needed to stop it. One country that fully recognizes this is Mexico -- now the source of 75 percent of our heroin. But Mexico is working tirelessly to suppress the drug traffic -- and deserves our deep gratitude.

Despite our best efforts, it is estimated that only about 10 percent of the drugs and narcotics brought into the country are found and confiscated. There are many reasons. DEA has only 2,400 agents. Though it will be increased to 3,000 next year, that is still a tiny number for the existing

tasks. In addition, we have thousands of miles of coast and border to be guarded -- and the Immigration Service has far too few personnel. Finally, about 240 million persons and vast amounts of cargo enter the country each year -- and we cannot search everything.

The difficulties are pointed up by one man arrested in San Diego who had enough heroin in the hollow frames of his eyeglasses to supply 10 addicts for a year.

We also face a great obstacle in the unbelievably light sentences given dangerous offenders who traffic in narcotics.

One person carrying three kilos of cocaine received a three-month term. Another who sold a half kilo of heroin received six months. Three persons who brought in more than 8,000 pounds of marijuana were placed on probation.

During Fiscal 1974, some 3,161 persons were convicted in Federal court for hard narcotics offenses. Eight hundred of them were placed on probation. Of nearly 700 convicted of selling dangerous drugs, more than one-third received probation.

Another problem is that some criminal justice personnel are being bought off. The largest cause of police corruption is probably narcotics -- the money paid by traffickers to let the poison be spread with immunity. Such money exists in vast amounts -- and the recipients are many.

Just trace the journey of a kilo of heroin. The 10 kilos which produced it were purchased for about \$100 in Turkey. By the time it wound up being retailed on the sidewalks of New York, it was worth \$1 million.

Profits are staggering -- and so are the amounts of illicit substances entering the country. The exception appears to be heroin, as seizures dropped from 1,836 pounds in 1972 to 479 pounds last year.

But cocaine seizures grew from 305 pounds to nearly 1,500 pounds over a four-year period, and confiscated marijuana grew from 121,000 to more than 800,000 pounds. Study shows that both are being used increasingly -- as are illicit amphetamine and barbiturates.

I am concerned about this apparent increase in marijuana use and I am concerned as well about the growing cries to legalize or decriminalize possession of small amounts for personal use. I have recently said that if Congress and the legislatures see fit to change the laws on marijuana I will not oppose such a change.

Let me emphasize at the same time that I have no intention to advocate or support legislation that would legalize or decriminalize possession and use of marijuana.

Before any change is made I believe that it should be carefully considered, so I would like to give you my views as a law enforcement official.

Marijuana and our treatment of it have resulted in a dilemma for this country.

On the one hand the barriers to marijuana use have not kept a large portion of our society from experimenting with marijuana. A recently released Health, Education and Welfare study shows that one in seven persons over 12 years of age has tried marijuana. And this makes criminals of a large segment of our population -- people who would otherwise be law abiding citizens.

They view the use of marijuana as harmful to no one but possibly themselves. They begin to believe that the harm of marijuana use arises solely from its illegal status. And so thinking, they come to disrespect the entire legal system. This, in itself, is a serious danger to our society.

But there is growing evidence that marijuana is no harmless lollipop. Recent medical evidence suggests that there may be severe consequences, particularly arising from use during the formative years. Other studies concerning marijuana use have alerted us to many of the public health problems created by alcohol abuse.

The sociological problems have been demonstrated by history. No civilized nation has been able to handle hashish, a potent form of the active chemical contained in marijuana. No country has permitted its widespread use and maintained its civilized integrity. It is debilitating for a person -- and for a nation.

Our society has long recognized this dilemma and has responded through Congress and our legislatures by maintaining the prohibition on marijuana use. So long as public sentiment remains opposed to legalization, the Federal statutes will be enforced. I will not unmake laws through administrative decisions.

Widespread use of marijuana has resulted in several problems for law enforcement. Limited manpower compels us to set enforcement priorities. As I have indicated, the Federal priority is to suppress importation and distribution and prosecute the major narcotics figures.

State and local authorities must decide their own priorities. The view of many is apparent in statistics showing 400,000 arrests in the nation last year for marijuana possession.

Some argue that the solution to these law enforcement problems is legalization. Some favor decriminalization -- no criminal prosecution for personal use. And in

a sense the nation already has de facto decriminalization, for only a small number of persons go to jail for possession. The vast majority receive suspended sentences.

Legalizing marijuana would mean that millions of persons would use it who do not use it now -- and the problems would be multiplied. Decriminalization as a formal policy is merely another word for legalization, for it would cripple our efforts to stop major importations and trafficking.

Legalized marijuana would pose not only a law enforcement problem but a public health problem as well and the nation already has too many public health problems from other substances. There are 10 million alcoholics in this country. Each year there are 225,000 deaths that can be attributed to smoking.

Now I know that the marijuana advocate will argue that we don't ban alcohol or cigarettes, so why single out marijuana.

I think the answer is that there is no substantial sentiment to ban alcohol or tobacco -- although extensive treatment and education programs are supported by the government. There is substantial sentiment against marijuana. The prevalent perception is the correct one: We would be asking for a new problem and we would get it.

Those who advocate easing the bans on marijuana argue for the right of adults to do as they choose. But if you legalize marijuana I just don't see any way to keep it from being made available to children -- and used by them -- in huge numbers.

This is already a substantial problem. It would grow worse if the ban were to be eased. The question I think we should be asking ourselves is whether we want a society where 10-year-olds can buy marijuana at the corner candy store -- and no one gives a damn. I do not think that should be the wave of the future.

Besides the harm I believe legalizing marijuana would do to individuals and society, such a move would complicate our dealings with other nations.

Dismantling present restrictions against marijuana would effectively destroy agreements we have with some 20 nations for joint action against growing and distributing marijuana.

Advocates of marijuana contend that the United States is old fashioned and virtually alone in its opposition to marijuana. That is not the case.

One example I can cite is Jamaica which last year asked our aid in reducing its huge illicit crop of marijuana --

a prime source for the U.S. market. The Drug Enforcement Administration responded with personnel, helicopters, and training. I am pleased to announce today that from June through October this joint effort confiscated or burned more than 606,000 pounds of marijuana -- an amount equal to three-fourths of all the marijuana seized in our country last year. In two weeks Jamaica will assume complete control of its own enforcement program.

Unless and until our laws are changed, what we need here are more intensive programs to stop marijuana traffic -- plus effective rehabilitation and public education programs. While arrests for personal use and possession will continue, our priorities should be directed toward restricting the traffic in marijuana and other drugs.

A new, deeper realization is needed of the danger of drugs -- and new public support for their eradication.

More personnel and funds are needed for enforcement and efforts against traffickers. There must be an equally high priority for prosecution -- and constant pressure for tough sentences. Drugs contribute to street crime, and the profits reaped by organized crime in drug sales make possible a wide range of other illicit activities.

Public education programs are essential -- particularly in the schools to effectively warn against drugs.

More promising programs must be developed for those convicted of marijuana possession for personal use. The options surely are not limited to arresting or not arresting such persons.

An arrest can be made, a conviction obtained, and a new option invoked -- rehabilitation as opposed to jail. While salvaging many persons, links in the spreading epidemic could also be broken. Narcotics and drugs are a frightening threat to millions of Americans and in a sense to the future of our society.

If we fail to meet that threat, we could be dooming the innocent, the children -- to lives lost or twisted forever. After so much struggle to retain our most precious attribute, our freedom, we would then submit to a new slavery.

Thank you.