

Presentation before the Governor's
Committee on Drug Abuse

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PRESENTATION BEFORE THE GOVERNOR'S
COMMITTEE ON DRUG ABUSE

Let me thank you for your invitation to come over and meet with you this morning. The purpose of this Committee is without doubt a good one and I appreciate the opportunity you have extended me to share some of my thoughts concerning drug abuse with you.

I do not come today believing I have all of the answers or even confident that I have any of the answers. However, like most North Carolinians, I have a very deep concern about the effect of drug abuse on our Society and the health and welfare of our citizens, especially our young people.

In a message to Congress more than a year ago, President Nixon pointed out the need for "National awareness of the gravity of the situation" and called for "a new urgency and concentrated National policy ... to begin to cope with this growing menace to the general welfare of the United States."

Since the President's message to the Congress, I think the American people have come to understand the dimensions of the problem. Certainly you have seen the statistics and heard the informed opinions of many persons and I will not take your time today reciting the same things for you.

But though I think we have begun to grasp "the gravity of the situation", we are trying desperately to find effective and realistic ways to deal with it. This is the task which you have undertaken, and I commend you for your efforts.

In a speech at the Statewide Drug Conference held here in Raleigh earlier this year, I stated that "... there are some persons who would have their fellow citizens believe that law enforcement officials are in fact getting a great kick out of the surge of illegal drug use ... that law enforcement has abandoned all else and is on some sort of lark, enjoying in some perverted way the misfortune of others."

Nothing could be further from the truth and I expressed deep concern that day about the perpetuation of that notion. I am pleased that in our State, as the drug problem has increased, our law enforcement officials have seldom if ever given anyone ammunition for an attack of this kind but instead have conducted themselves, for the most part, in my opinion, in a professional manner enforcing the laws they have sworn to uphold with reason, skill, and equally important, compassion. Consequently, we have been spared the misfortune of having law enforcement become the scapegoat of the drug crisis.

This is certainly not the time to look for scapegoats. It is the time to look for answers.

The drug revolution is primarily a phenomenon of youth. When you look at the statistics, as I know you have, you see that it is primarily our young people who have been touched ... It is our young people who are seeking the "pipe dreams", looking for "highs" but often finding instead the "depths", barraging their bodies with a battery of drugs they were never intended to withstand and suffering consequent mental and physical injury.

The policy of this State is now and has been to discourage the abuse of drugs and to enforce strictly the laws regulating or prohibiting their use. The Legislature has made this very clear through the enactment of assorted laws over the span of many years.

This is the policy which I believe we should continue to follow in North Carolina. However, I do believe that our laws can be improved and that they should be examined closely to make sure they are relevant to the problems of the '70's. There is an abundance of medical data related to drug abuse which is now available which was not available even a few months ago. Certainly it should be considered and our thinking adjusted if facts dictate.

I suppose the question which those of us involved in law enforcement have to answer most often is whether the possession and use of marijuana should be legalized. With the use of marijuana apparently on the increase, not just in "hippie" cultures but among many "straight" college, high school and junior high school students - and adults - there is increasing demand for a re-evaluation by government officials concerning the legality of the drug.

Such a re-evaluation must of necessity be based on facts, and at this time the controversy surrounding the legalization of marijuana is characterized by a marked lack of conclusive data. However, there are some facts which should be considered.

First, advocates of legalization point to two important aspects of marijuana use. One, marijuana, as far as current research shows, does not produce physical dependence or withdrawal effects. Also, once the user has established the amount of the drug needed to achieve his high, there is little tendency to increase the dose; tolerance does not develop. And secondly, thus far medical investigations have not yet led to any definite conclusions with respect to sustained harmful effects of the drug.

But the arguments against the use of marijuana, in my opinion, far outweigh its merits. First, though the drug seemingly produces no physical dependence, substantial psychological dependence may develop. This dependence results from taking repeated doses because one feels a psychological need for its stimulating or depressing attributes.

Secondly, marijuana can seriously distort a person's personality and behavior. During a high, a user's attitude may range from very friendly and gentle to belligerent and aggressive, often depending on certain personality traits that existed prior to the drug experience which, though normally repressed, are released under the influence of the drug. An example is extreme paranoia.

Further, these distorted behavior patterns often create danger both for the user and for others. Marijuana gives the illusion of intensifying all the senses; things look, sound, and smell better; the user has a false sense of super-human self-confidence. If he decides to fly, he is likely not to have the sense to realize he cannot. Driving a car or even walking down the street under the influence of marijuana can be a death-defying experience because of the lack of judgment that accompanies the distortion of perception.

Third, I believe marijuana use can lead to the abuse of more stronger drugs. Though many occasional marijuana smokers never progress to stronger substances, many heavy, regular users, or "potheads", do; often these people are emotionally disturbed and seem to have a basic need for increasingly stronger drugs. And in the case of youngsters prone to experimentation, the search for better highs and bigger thrills, which introduced them to marijuana in the first place, may drive them to stronger drugs. In this instance, it is only a stepping stone to a life of drug dependence. I do not believe we should place that stepping stone there for them.

Further, it has been shown that people who spend a lot of time under the influence of marijuana tend to ignore ordinary matters of health, such as bathing, resting, eating properly, getting the right amount of exercise. If the drug itself doesn't harm them, the exclusion of normal activities can cause damage to health.

The main argument of proponents of marijuana is that the drug is no more, and probably less, harmful than alcohol, therefore it should be legalized. And I will be the first to admit that many of the same effects induced by marijuana are also induced and even intensified by the extensive use of alcohol - poor health habits, a lack of motivation, distortions

of behavior, even strong physical dependence; and I am confident that if alcohol were a new product on the market like marijuana, it would be outlawed too.

Our Society today is plagued with problems resulting from the excessive use of alcohol. Millions of dollars are spent annually in research and attempted rehabilitation. I cannot accept the argument that because we have one plague on our house, we might as well have two. Two wrongs don't make a right and the legalization of marijuana, with the abuse which would be sure to accompany it, would only serve to double or triple the problems now posed by alcohol.

Therefore, I believe that marijuana should rightfully remain an illegal drug, since it has no medical value. I also have a very strong feeling about those who traffic in large amounts of drugs for profit. For example, recently an arrest was made and it was discovered that the defendant had kept a written record of his drug sales, just as any businessman would have. The record showed that he had sold almost \$15,000 in drugs during recent months.

President Nixon, in his speech to the Congress, stated:

"However far the addict himself may fall, his offenses against himself and society do not compare with the inhumanity of those who make a living exploiting the weakness and desperation of their fellow men. Society has few judgments too severe, few penalties too harsh, for the men who make their livelihood in the narcotics traffic."

I would not support any proposal to reduce penalties for those who traffic in drugs for a livelihood.

Not long ago, you will remember that my office made a public statement calling on wholesale drug distributors in North Carolina to terminate the practice of leaving certain classes of narcotics and other dangerous drugs unprotected on the doorsteps of druggists during the night hours. I stated then that drugs delivered in this manner were being stolen with regularity and distributed in the illegal drug market.

Since I have made that announcement, some drug companies have responded in a very cooperative and positive way and changed their delivery procedure to insure that drugs will not be left on the streets unattended. I cite Owen, Minor, and Bedecker of Wilson as a company which did respond as a responsible corporate citizen.

However, I have received word that some other companies were highly resentful of our action. One wholesaler wrote all of its customers personal letters telling them that nighttime deliveries would be discontinued and that the inconvenience caused by the discontinuance was all the fault of the Attorney General.

Because of this reaction by some of the wholesale druggists, and possibilities that such deliveries will continue to be made, I intend to see that a bill is introduced in the General Assembly prescribing the manner in which drugs may be delivered.

We also discovered when we tried to determine who was engaged in the wholesale distribution of drugs in North Carolina, that there is no definitive list available. Drug Wholesalers are ^{not} licensed as a class in North Carolina but are required to obtain only a general wholesaler's license. I believe this should be corrected and some system should be established to know who is distributing drugs in our State and to keep some check on their inventories and sales.

Recently I formed within my office a Drug Abuse Committee and asked it to begin meeting to consider some of the questions which have been raised concerning the drug abuse

problem, particularly whether there are legislative changes which should be made here in North Carolina. That Committee has met several times and has begun to explore a number of questions.

They have looked at legislation proposed and enacted in some other jurisdictions. Frankly, I do not believe that there is any "uniform" bill or act passed by another jurisdiction that we want to bring to North Carolina and adopt en toto. Our laws in this area for the most part, are solid and reflect credit upon the action of former sessions of our General Assembly.

However, there are a number of ideas which have been considered in other states which at least merit consideration and discussion here in North Carolina.

Other jurisdictions have adopted certain drug classifications for the purposes of drug control. They have been divided into four classifications or "schedules" on the basis of (1) the need for legitimate access to them, and (2) the relative dangers and extent of abuse of them.

By doing so, it is argued, it is easier to see the problem in perspective and avoid inconsistencies in control, regulation and criminal penalties. We might do well to examine our statutes in North Carolina with an eye toward developing such a schedule.

As adopted in one jurisdiction, the four categories are as follows:

Schedule I drugs have no recognized medical use in this country. They are mainly heroin, marihuana and LSD. The bill prohibits all manufacture, distribution and dispensing of these drugs except for legitimate research.

Schedule II includes drugs which tend to be highly addictive and which have some medical use but which have been shown to be subject to widespread abuse. They include cocaine, morphine and methadone.

Schedule III drugs normally lead to moderate dependency. These are drugs which have widespread medical uses but which are also subject to increasing abuse. These include amphetamines, barbiturates and lesser narcotics.

Schedule IV drugs are drugs which present the least potential for abuse and which induce only a limited amount of physical or psychological dependency. Generally, Schedule IV drugs are combination drugs such as common cough medicines.

It has also been suggested that some means be devised for "cleaning the slate" of a young person who commits a drug violation at an early age, but commits no further offenses. As you know, once a person has been convicted of a crime that record hangs as an albatross around his neck as long as he lives.

Conviction for a felony deprives one of the right to vote, to hold public office, to enter certain branches of the service, and to be licensed to practice some professions. Many privileges are withdrawn and though citizenship can be restored through a prescribed court procedure, the criminal record remains.

Often the most disastrous effect is that the person with the record has great difficulty finding employment. Often job applications ask whether the applicant has ever been convicted of a criminal offense. If the answer is "yes" often he goes to the back of the line despite the fact that he has no subsequent offenses and has shown himself to be of good character.

Youngsters, by their nature, often do not stop to consider all the consequences of their acts. With little or no contact with the work-a-day world, they often have no idea how a criminal conviction can affect their future.

I know of few things more tragic than to see a person who committed some relatively minor crime while he was a juvenile saddled with that record for the rest of his life.

It has been said that the very disenchantment with society which might have led a young person to experiment with drugs in the first place is intensified later when he is denied a job or some other privilege because of his previous conviction.

On the other hand, it can be argued that if a young person knew that if he committed no subsequent criminal acts that the record could be expunged, he might be motivated to prove good character and avoid further unlawful activity.

I would suggest that this Committee consider the merits of legislation which would expunge the record of a young first offender. Certainly, any expungement should be subject to strict regulation by the courts and come only after a successful period of probation and supervision.

Such legislation as adopted in other jurisdictions erases all legal evidence of the conviction from the record of the offender and lifts from him the legal and social stigma attached thereto. It, in effect, attempts to provide for the "resocialization" of the one-time drug offender.

There is one thing which I think we should constantly keep in mind. The drug problem is not to be solved by the efforts of law enforcement alone.

Certainly, those persons charged with the enforcement of the criminal laws will carry out their duty and offenders will be brought to trial. But in my opinion, we should not forget these people at the courthouse door.

Drug addiction, either physical or psychological, is a problem which must be dealt with. To punish for the crime committed and ignore the causes which prompted it would be sheer folly.

Therefore, I think we must make an effort in this State to develop specialized treatment facilities for drug users and give judges the power to commit offenders for treatment. I know we have the interest of State Mental Health officials and can expect their cooperation in developing programs designed to rehabilitate and return to society drug users.

The topic of rehabilitation certainly should receive your thorough consideration. I assure you that those of us in law enforcement are as interested in this phase of the problem as anyone else and you can expect to receive our full cooperation.