

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 21, 1985

The thirty-sixth meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on February 21, 1985, by Chairman Joe Mazurek in Rooms 413-415 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 412: Senator Ed Smith, sponsor of SB 412, presented written testimony to the committee (Exhibit 1). In addition, Senator Smith presented a letter which he had received concerning the subject matter of this bill and requested that this letter be distributed to the committee members (Exhibit 2).

PROPOSERS: Representative Dennis Nathe testified in support of the bill. He stated in these cases, you deal with denial. It's a psychological problem, and they do not believe they have a problem. As our laws stand now, for each offense they are convicted, it carries a penalty of 20 years in prison. He believes we are sending a mixed signal to the public. Their perception of justice is there should be some time served. This tells these people they cannot get off scot-free if they go to a mental health center. North Dakota has a mandatory six months in the state penitentiary. Representative Nathe also testified he has several bills coming from the House that deal with different aspects of this problem.

OPPOSERS: Pastor William Rizer, of St. John's Lutheran Church in Helena, testified on behalf of the Montana Association of Churches. He explained he had the unenviable position of opposing this bill because the Montana Association of Churches is on record as being opposed to mandatory sentencing. He said we could talk about individual cases and how gruesome they are. The natural human tendency is to seek retribution in an effort to get back. At the same time, on the basis of justice, we would be doing a disservice by tying the hands of the judges and not allowing them to respond to the individual cases as they arise.

QUESTIONS FROM THE COMMITTEE: Senator Blaylock addressed Representative Nathe and stated there is no question these things are heinous, and there is a lot of this that is incest within families. Senator Blaylock stated these are sick individuals. He questioned whether he thought that by putting them in jail for 30 days we will help that person or

really get them some help that will change that behavior. Representative Nathe responded imprisonment will not help these people. What the 30-day sentence is for is probably retribution and to let them know they cannot go to Glasgow and be part of the group so they will not have to serve any time. We treat drunk drivers harder. They have to have psychological treatment. His bills address this aspect of it. A parallel can be drawn This problem can never be cured; it can just be controlled. It is similar with people who have a drinking problem. You never cure an alcoholic. He learns how to control it. You cannot do it by locking him up for 20 years; they have to get help.

CLOSING STATEMENT: Senator Smith stated there is nothing personal on his part as far as these individuals are concerned. He believes maybe the best place is to go through our courts, but in some smaller towns and the close relationship between those that committed the crimes and the abused person, that is not always possible. He asked if we wanted this kind of person running loose. This will let them know that when they act like this, they will be placed into the jail or the prison. He believes 30 days is very mild.

Hearing on SB 412 was closed.

CONSIDERATION OF SB 446: Senator Tom Hager, sponsor of the bill, testified this bill provides for the unlawful appropriation of retail property: dairy cases, shopping carts, and egg baskets. Senator Hager suggested amending the bill on page 1, line 18, by inserting the word "permanent." He explained to the committee that these items are very expensive, especially when you have to maintain a large supply.

PROPOSERS: Charles Graveley, attorney for the Montana Food Distributors Association, addressed subsection 2, page 2, line 18. He stated some concern was expressed in other bills that have come before this committee and the House regarding the burden of proof regarding possession of these items. Some feel that prevents a constitutional question as to the defendant (Section 45-6-304, MCA). This section has similar language. It refers to possession of stolen property. It creates a presumption. He commented this is really a terrific expense to the industry. He also addressed the question of why we needed the bill when there is already a theft statute on the books. He explained it is needed because there is no prosecution. He said 17 other states have this type of statute on their books. This bill is from the Florida statutes. There is protection for those who do use the cart to get their groceries home. Frank Copps, Executive Director, Montana Food Distributors Association, testified this addresses a serious problem they have in replacement costs of these items. They need identification of these items spelled out in the law to tell the public it is against

the law to take these items. They will put on a state-wide program to retrieve any items now in use. He suggested the program be entitled "Calling All Carts." Ken Kelly, representing the Montana Dairy Industry, testified in three years one of his clients lost cases that had a value of \$189,817, and another client lost \$159,000. He testified this is a serious problem, and they support the bill wholeheartedly. Ed McHugh, Owner/Manager of Cloverleaf Dairy in Helena, testified their cases are all identified. He believes this bill is critical to the dairy industry. In addition, he explained the consumers are paying for the cost of these lost cases. George Allen, on behalf of the Montana Retail Association, went on record in support of this legislation. George Schulze, representing the Montana Dairymen's Association, supported the bill. Chuck Vanfossan, of Darigold Farms in Bozeman, testified in support of the bill. He also circulated pictures showing several dairy cases being used for various things, such as bookcases and storage boxes.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe addressed Mr. Graveley and explained his concern is with the words "intent to temporarily or permanently deprive." Mr. Graveley explained his intent is where you have an individual who will use the cart to take his groceries home and then just leave the cart. You are depriving the owner of the use of that cart. Anyone that has been apprehended for possession of property of another will tell you he is going to return it, but the question becomes when he will do so. Senator Towe asked Senator Hager to explain the purpose of section 3, page 3, lines 6-16. Senator Hager replied so the Secretary of State would have this on record so it is readily identifiable.

CLOSING STATEMENT: Senator Hager pointed out to the committee that the public doesn't have to steal these items; the public can purchase them, too.

Hearing on SB 446 was closed.

CONSIDERATION OF SB 352: Senator Ray Lybeck, sponsor of SB 325, testified this bill deals with raising the victim cutoff from 16 years to 18 years. Because of the child's age, the probation officer, even at the request of the parents, is unable to bring the child back. Senator Lybeck also stated Glen Hufstetler, Chief Probation Officer in Flathead County, had intended to come and testify in support of the bill but was involved in a car accident on his way to the hearing.

PROPONENTS: None.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Senator Lybeck felt this was very needed legislation.

Hearing on SB 352 was closed.

CONSIDERATION OF SB 429: Senator Dick Pinsoneault, sponsor of SB 429, presented written testimony to the committee (Exhibit 3). He explained that this bill is taken from the Illinois statute and is referred to as the Little RICO bill. This bill is quite lengthy and complicated. It is designed to catch that pervasive and ruthless person law enforcement officials are dealing with. Senator Pinsoneault related several instances in which he had been involved in which a bill of this sort would have been useful. He explained what this bill is trying to do is the same thing Senator Goodover's bill is trying to do with restitution.

PROPOSERS: Les Graham, of the Department of Livestock, testified their experience in the area of bad checks and fraud has shown that not only are they unable to prosecute many of those involved, they are unable to assist those that are victims. This bill will assist victims in the recovery of financial losses. Joe Roberts, of the Attorney General's Office, testified this bill was introduced at the request of their office. It is based on the federal Racketeer Influence in Corrupt Organizations Act (RICO) and the Victims of Organized Crimes Act (VOCA). When you talk of RICO, you think of Mafioso. This bill is much more comprehensive than that. He testified 22 states have adopted similar legislation. It provides enhanced criminal penalties and new civil remedies for all types of organized criminal behavior. It is something we are seeing a lot more of, especially in drugs. We are also seeing it in game violations (falcons). The problem is you have an organization that is set up for criminal purposes. This bill uses the concept of forfeiture, which is an old concept. This act makes nothing criminal which is not criminal today. It is enhanced criminal penalties. It is a far-reaching bill, but it is the kind of thing law enforcement is going to need as we are dealing with sophisticated crimes. Mr. Roberts stated Harold Hanser had to leave, but he wanted to indicate his support of this type of legislation. Mr. Roberts stated Pete Dunbar and Jim Seykora, his staff attorney, felt this bill attacks the economic base that supports organized criminal activity. It is a sophisticated way to deal with sophisticated crime.

OPPONENTS: Alan Robertson, Legal Counsel, Secretary of State's Office, testified they do not oppose the bill, but they do have a concern with the definition of alien corporation in section 31. He stated they would work up some amendments and get them to the committee to address this problem.

QUESTIONS FROM THE COMMITTEE: Senator Towe commented this makes punitive damages minimal by comparison, as every bank in the country is in jeopardy if this bill is passed.

CLOSING STATEMENT: None.

Hearing on SB 429 was closed.

CONSIDERATION OF SB 417: Senator Tom Hager, sponsor of SB 417, testified this bill was a result of a discussion between himself and Senators Brown and Yellowtail. This bill puts an open container law into Montana. Page 1, line 17, defines an alcoholic beverage as one that contains more than .5% of alcohol by volume. This catches the wine coolers. Page 2 defines public highway, and section 2 sets forth the fines, while section 3 deals with the habitual offender.

PROPOSERS: Jim Manion, representing the Montana Automobile Association, testified from the safety standpoint, they are basically in support of this type of legislation. This bill is a lot more palatable than the one in the House and eliminates some of their concerns about fishing and hunting. This is not the total answer, but it is a step in the right direction.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Crippen asked if this would apply if the beer can were empty. Senator Yellowtail commented page 1, line 21, answered that question. Senator Towe questioned if it would be sufficient to convict the driver if the driver weren't drinking but his passenger were. Senator Hager replied he hoped not. The purpose is to not have an open container in the car. Senator Towe stated a keg of beer that is open and tapped cannot be brought back in a van. Senator Blaylock asked what this is going to do that our laws don't already solve, if what we are after is if the driver is drinking and driving. Senator Hager replied when the highway patrol pulls someone over and gives him a sobriety test, he may not be penalized if he is not legally drunk. This bill says we will not allow them to drink and drive. We need to set an example for our younger kids. Senator Mazurek asked who would get the ticket. Senator Brown referred him to page 2, line 8. Senator Towe commented the driver of the car is presumed to have in his possession and under his control anything and everything in the car. Senator Crippen stated this is a good idea, but we want to be sure that if we pass this bill out, it will sustain any challenges to it. Senator Shaw asked Senator Hager to respond to the comment about the House bill which was referred to and the objection relating to hunting. Senator Hager replied the House bill applied to the ways of this state open to

the public. Anywhere you can drive, it applied. The fines are less in this bill than in the House bill, and the amount of points is three in this bill and five in the House bill.

CLOSING STATEMENT: Senator Hager stated there are open container laws in many cities, in many other states, and in Canada. He contends this is a workable piece of legislation.

Hearing on SB 417 was closed.

FURTHER CONSIDERATION OF SB 352: Chairman Mazurek announced Glen Hufstetler, the gentleman who was involved in the car accident, had arrived and would be allowed to testify as a proponent to SB 352. Mr. Hufstetler stated this matter is a great concern to the probation officers of the state. There are many occasions where a 16-year-old will run away with an older person. Their main concern is where an older individual exercises dominion (not forcible but influences) a 16-year-old girl or boy to leave the state or violate the rules of their home.

CONSIDERATION OF SB 364: Senator Dick Pinsoneault, sponsor of the bill, testified what he said regarding SB 429 applied to this bill as well. In addition, he presented proposed amendments and an article entitled "The Poppy" (Exhibits 4 and 5). He commented he did have a film, but due to the time constraints was unable to present it to the committee. This bill was first drafted to include only Schedule I drugs. This is a preventive piece of legislation. The probability of its being used is remote. It is putting in the hands of the prosecutor the ability to bargain with someone. The danger in using Schedule I or II drugs by those who are not professionals can be very devastating.

PROPOSERS: Dennis Yost, Director of Pharmacy at St. Peter's and Shodair Hospitals in Helena, testified he works with the Chemical Dependency Unit at Shodairs. The state board in Montana reviews Schedules I and II, and if it finds faults in the federal law, it can look at that and try to adjust the rules and regulations of the state board to try to deal with those faults. Schedule I drugs are those with high abuse and no currently acceptable use: LSD, qualude, marijuana, heroin, PCP (angel's dust), peyote, and BMT. Schedule II drugs include: cocaine, morphine, and amphetamines. Cocaine can be given a number of ways: snorted, smoked as a paste, or injected. One of the insidious things about cocaine is when you take it, you have a rush which is followed by a depression. With cocaine, you have a high range that can be lethal. Some of the problems you see from the use of these drugs are if you give a drug like morphine and a patient has asthma, it may or may not be lethal. We have the distribution of narcotics under good control in the hospital and retail pharmacy setting, but it is not outside of that.

OPPONENTS: John Ortwein, representing Montana Catholic Conference, presented written testimony in opposition to the bill (Exhibit 6). Roy Andes, a trial lawyer practicing in Helena, represented American Civil Liberties Union (ACLU) in opposition to this legislation and all death penalty legislation (see witness sheet attached as Exhibit 7). He felt the worst and most dangerous criminals are seldom the ones prosecuted. They would agree with the Catholic Church that the death penalty only serves to demean the value of human life. Statistics bear this out. Deterrence by the death penalty does not work. There is no difference in prisons in states where the death penalty is imposed than in abolitionist states where it is not. The ACLU would agree with everyone that drug trafficking is a major societal problem, but they feel this bill is moving in the wrong direction. Montana's death penalty statutes are carefully drafted to meet constitutional standards with discretionary sentencing. This bill states the judge must impose the death penalty when he finds there is the presence of an aggravating circumstance plus the offense committed and no mitigating circumstances. Criminal sale is a strict liability crime which means it is not a deliberate or knowing act whether you intended to or not. If we add this in, we have for the first time added a death penalty. Mr. Andes submitted this bill is probably constitutionally infirm. If every case, Montana's death penalty statutes, except aggravated kidnapping, are deliberate crimes. If we take the results and the sentence and impose them on a strict liability basis, we are imposing the death penalty on an arbitrary basis. The way to deter it is to deter the deliberate conduct. William Rizer, representing the Montana Association of Churches, opposed the death penalty on principle. The Montana Association of Churches opposes capital punishment and called upon the Montana legislature to abolish the death penalty. It is not that they are unsympathetic with the situation or want to diminish the crime involved. The intention of this bill is not to be used, but to allow the judge a certain tool to use this bill. It is not good rationale for shaping a piece of legislation that could be used in any way.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Senator Pinsoneault stated he is a Catholic and appreciates everyone's concerns, but wishes they would get together and tell the law enforcement people how to deal with people who blow up a car killing people and injuring bystanders. He believes you have to give prosecutors a tool to work with and submits this bill is such a tool.

Hearing on SB 352 was closed.

CONSIDERATION OF SB 392: Senator Kermit Daniels, sponsor of SB 392, testified this bill arises out of his bill last session wherein he had a point system which would wind up by a guy's being hung or put to death by injection of some suitable drug. He stated they have a situation at the Montana State Prison where guards in the maximum security portion of the prison have been stabbed, shot at, and every conceivable assault perpetrated against them. When the prisoner has consecutive life sentences or is awaiting the death penalty, there is not a practical thing the county attorney can do against these people that are constantly in trouble and whose rehabilitation is hopeless.

PROPOSERS: Senator Daniels stated his county attorney, Ted Mizner, was unable to attend but supported the bill.

OPPOSERS: Pastor Rizer, representing the Montana Association of Churches, testified they oppose this bill on the same grounds as the other bills heard today. John Ortwein, representing the Montana Catholic Conference, testified they oppose the bill for the reasons previously stated regarding the other bills. Roy Andes, representing the ACLU, testified the best reason to think of for keeping these people alive is the death penalty does not work. Prison homicides do not go down in death penalty states. It cheapens societal respect for human life. He also felt there were several constitutional problems with the bill and referred to page 1, line 14, the word "or." He has not been able to find a definition of persistent felony offender. The population on which this penalty is imposed is limited to prison inmates. Others that would fit into the same category might be on parole. He referred to page 1, line 19, and stated constitutionally you may not impose the death penalty in a discretionary manner. He believes the entire scheme, even eliminating the other problems, may not pass constitutional muster. One deliberate homicide with one aggravated assault will invoke the death penalty.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on SB 392 was then closed. Chairman Mazurek then turned the gavel over to Vice Chairman Daniels in order that he might present the next bill to the committee.

CONSIDERATION OF SB 451: Senator Joe Mazurek, sponsor of the bill, testified he sponsored this bill at the request of District Judge Henry Loble, who was unable to attend the hearing. This is currently adopted in the federal statute, although it is much more broad. This requires the county prosecutor to make victims of crimes aware of services that

may be available to them. This requires them to advise the victims of scheduling of criminal actions. A victim is to be contended with. Senator Mazurek suggested section 7 be deleted because as a practical matter, we could not afford this. This provides for prompt return of property. It requires the county attorney, if necessary, to talk to an employer of a witness or victim. Senator Mazurek further suggested the effective date was unnecessary.

PROPONENTS: Karl Englund, representing the Montana Trial Lawyers Association, testified under general principles, people that are harmed as a result of actions of others ought to be involved in the process and should be fully compensated. This is a way of making sure the victim of a crime is at least included within the process and understands the process and why the things occur as they do. They recognize we treat victims to a lesser degree than the offenders. The knee-jerk way we deal with that is taking away some of their constitutional rights. This bill is a good first step in the right direction. It addresses the problems as a separate notion from the notion of how we have to treat defendants. Mr. Englund felt it was an excellent bill. Pastor William Rizer, representing the Montana Association of Churches, testified they have a position dealing with victims of crimes expressing their concern for victims of crime. He stated on the surface, it appears they are in favor of this bill.

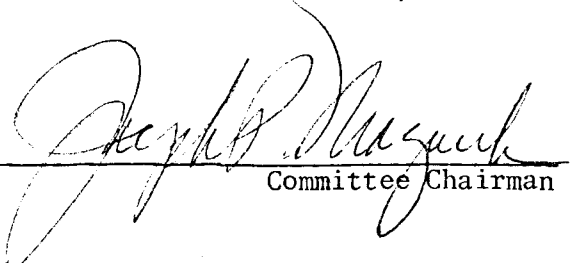
OPPONENTS: None.

CLOSING STATEMENT: None.

Hearing on SB 451 was closed. Vice Chairman Daniels returned the gavel to Chairman Mazurek.

ACTION ON SB 352: Senator Brown moved SB 352 be recommended DO PASS. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned.


Committee Chairman

COMMITTEE ON

Judiciary

DATE

February 21, 1985

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Les Graham	Dept. of Juvenile	429	X	
Joe Roberts	Attorney General	429	X	
Harold Hansen	2nd County Atty	429	X	
Roy Andes	ACLU	364, 392		X
WILLIAM RIZER	MONT. ASSOC. OF CHURCHES	364, 392		X
John L. Ottewill	Mt Catholic Conference	364, 392		X
Gregory Allen	Mt. Retail Assn	446	X	
Charles Sweeney	Mt Food Dist Assn	446	X	
George Schaefer	Mt. Dairyman's Assn	446	X	
Ed McGuirk	Chavez Leaf Dairy	446	X	
Frank Corpe	Mt Food Dist Assn	446	X	
K. VANFOSSA	DARIGOLD FARMS	446	X	
ALAN ROBERTSON	SEC. OF STATE	429		X
Jim Hanson	Montana AAA	417	X	
Tom Hay	Senate	417	X	
✓	✓	446	X	

(Please leave prepared statement with Secretary)

Mr. Chairman, Members of the Committee, for your record I am Senator Ed Smith, District #10, sponsor of Senate Bill 412.

This legislation is sponsored on behalf of the Northeast Montana Child Sex Abuse Task Force.

Rep. Dennis Nathe requested the drafting of this bill but due to my involvement in a case in our county, Representative Nathe asked me if I would sponsor the bill.

As you will note in the title of this bill there will be a mandatory 30 day jail sentence for anyone convicted of sexual intercourse to anyone under 16 years of age.

Personally, I do not think this is enough for someone who commits this kind of insidious act.

Many states are taking more drastic steps. I am sure that all of the members of this committee realize that there has been a substantial increase in sex acts on children.

The State and National Womens Federation has made child sex abuse their number one issue.

Almost every day one hears or reads of some kind of sex act on children.

I want to tell you about an incident that happened in my own county. One thinks this only happens in a large city--it doesn't.

A year ago last June I was requested to attend a meeting in my

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 022185

FILE NO. SB 412

SENATE JUDICIARY COMMITTEE

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Ed Smith

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county seat, which is Plentywood - - attending were clergy, parents of victims and one who had been molested several years earlier.

The person involved had just been elected County Commissioner 18 months earlier.

I was asked to get involved by this group and the parents of an 11 year old girl who was molested by this man. Every means was taken to get this person to get treatment. Both the County Attorney and Sheriff's Department were contacted, but neither would take action. I told the group that if I got involved it would be interpreted as being political because this person was of the other political party and I suggested they talk to their State Representative and the Democrat leadership. They did, but nothing was done until in December when I was again contacted to attend a meeting-- which I did. At this meeting it was brought out that this person had been molesting young girls over a number of years and one young lady told the group how she had been raped on many occasions beginning when she was just 5 years old. It was decided at this meeting that the group would go to the County Commissioner's office and confront this person, which we did.

Among the group was a young women who had been molested 11 years earlier, the young lady who had been raped at 5 - the parents of the 11 year old girl who was molested within the statute of limitations.

When this man was confronted he did not deny any of the accusations. He was told at that time if he would agree to a 5 year rehabilitation program no charges would be filed. He refused - I was then asked if

I would contact the Attorney General's office to see what other action could be taken. I contacted Marc Racicot, County Prosecutor within the Attorney General's office.

He told me what options the parents of the 11 year old girl had and that the only way he could act was by the request of the County Attorney.

When we confronted the County Attorney he attempted to ignor us until I told him that unless he printed the options that were presented by Mr. Racicot and present them to the parents of the 11 year old girl and let them decide what option they wanted to pursue I would do everything possible to see that he was removed from office. It was only then that the County Attorney acted. An investigator was then called in. When confronted and questioned this person did not deny the charges and agreed to a 5 year suspended sentence and rehabilitation.

In the process it was found that many other girls had been victims of this man and that one of the victims had attempted to commit suicide on several occasions.

Isn't it something that after all of this, this person did not spend one day in jail.

We do not know if this person will be rehabilitated, but it is a proven fact that if someone goes to jail or prison there is a much higher success of rehabilitation.

Personally, I do not believe a 30 day mandatory jail sentence is

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enough, but I do believe it is a step in the right direction.

Some states have taken much stronger positions on this type of crime. If this committee wished to do so, I would support it.

After all the misery this person caused, he didn't spend one day in jail! Someone picked up for DUI doesn't get by as easy.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 022185
BILL NO. SB 412

P.O. Box 1132

Plentywood, MT 59254

February 19, 1985

Senator Ed Smith
Capitol Station
Helena, MT

RE: B.11 #412

Dear Ed:

In respect to our experience as the Sheridan County Sexual Assault Task Force we feel compelled to support Bill #412 after working with and assisting victims of sexual abuse for the past three years.

The effects on the children's personalities and their behavior patterns are evidence that stronger legal procedures must be enforced. To support this opinion, we have several young girls who have been victimized over a period of years by the same offender. This was disclosed in February, 1984 -- as of exactly one year to date (Feb. 21, 1985) of the offenders last known attack, this case has not yet been settled. This, of course, has been very stressful and emotionally upsetting to the victims. One victim's grandmother just stated last week "That just isn't my little (name omitted) anymore -- her personality has changed so much."

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 022185

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It has been brought to our attention that by spending time in jail the offender has "thinking time" to realize and perhaps dwell on the abhorrence of the crime they have committed against innocent children. (This can be beneficial in the offender's treatment.)

We, as the Task Force, and many concerned citizens have focused a great deal of time and attention toward better protection of our children. We now need the cooperation of "you" - our law makers.

Thankyou very much.

Sincerely Yours,
Sheridan County Sexual Assault Task Force

Millie Marsh, President
Kordelia French, Sec./Treas.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 02/21/85

BILL NO. SB 412

ED-

2-19-85

This is Condoce's statement - I don't
know how much you want to read -
But you could inform them that this man
is still "very free" and a threat to our
community - Because of the year statute law -
if that can be mentioned at ~~this~~ time -
We have worked very hard to get
better protection of our children - Now
we need the cooperation of ^{"you"} the law
makers.

Please send this back to me -
Yours truly,
Millie

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 022185

BILL NO. SB 412

11-17-83

10am - 12:15 p.m.

During school - April, May
1st grade - staying at Ators, because
Mom + Dad were gone
She wore jeans, Tim's shoes, T-Shirt

Paet
Hy { He'd come over - he + kids would
ride motorcycles - He pick her up - Sift her on
+ hold her. If he was sitting close the lap.
to the table he would rub her
legs + crotch

① Vicki Kistler - 3rd grade - making babies was
disgusting

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 022185

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Went to school - after school - Valita -
Playing with Kate - upstairs Valita
Curled her hair - Called to supper -
Mary was there. Went outside to
play - Harvey was in a tractor digging
a pit for a party. Harvey, Chris Tom
Dale, Harvey was drinking beer.

Mary was in the house. "Harvey
said, 'Let's go collect some wood.'
Valita said, 'I want to go' - Harvey
said, 'No - Cause Kandas is going
with me.' He picked up Kandas
up + put her in a pickup (Red)

Drove up a trail (N) of the house
to cross duke of the dam. She
dove ~~stopped~~ across the dike + drove a short
way and stopped by the trees pass the

dike. He said nothing all the time while going to this place. He shut the truck off. There was no wood laying around - just big trees & tall grass. He opened the truck door & set her outside the truck. The gasp was about as tall as Kandas. She was running around looking for wood. Harvey call you over. Harvey said. "Come here I've got something for you." He laid her down on the grass. She asked "What are you doing." He said nothing. He started taking her clothes off. All clothes were off including socks & shoes. He began feeling her breasts & crotch. He was shaking & breathing heavy which scared Kandas. She thought this time Kandas continues to ask "What are you doing". He began kissing her all over her body. Harvey said, "I wanna take care of you like I take care of Mary, Valita and all the other kids." He then took off his clothes. He was wearing jeans & a silver colored belt buckle. She didn't move. She thought - "Valita, Mary? Why would he be doing this to his daughter." She then felt this was wrong - doing this to his daughter isn't right.

He was wearing a snap shirt & was wearing a white T-shirt.

All of Harvey's clothes were off.

He laid on top of her and kissing her. He made her grab on to his penis. She pull her hand off of it & hid her hands. He then put his penis in her vagina. She screamed ~~because it hurts~~ ~~the ~~breast~~ to squirm~~ to get away. He held her

and kept screaming "It hurts" - during this time she was squirming to get away. He grabbed her by the forearms and told her to "shut up cause they're going to hear you." She said, "But it hurts." She kept crying. He continued intercourse for a while. He was ~~slobbering~~ (kissing) her all during intercourse. When he pulled his penis out of her she screamed ~~because it really hurt~~ and he covered her mouth & he told her to "shut up and get dressed." She laid there and didn't move. She was shaking and crying - He picked up her clothes and told you to get dressed. Then he began to get dressed. He put his pants on first - then socks & shoes - T-shirt & shirt. and after the T-shirt & shirt went on he did up his zipper & his belt. She was getting dressed about the same time. She was crying and he told her to "Quit crying - the next time it won't hurt as bad."

Then she got up & walking towards the truck (pickup) - she was still crying. He picked her up. "She said 'Put me down.' ~~that~~ She was hitting him while saying - Put me down - put me down! (several times) He threw her in the pickup. He got in the pickup turned the truck around & drove back on the same road. He said "Quit your crying." She didn't. He pulled up by the house and said "You better quit your crying, they're going to ask what happened to you." She was sitting over by passenger side - she opened the door and fell out. ~~Afterwards~~ She ran behind the truck & over to the house. As she got to the screen door he was hollering "wait" - she walked in & grabbed Mary. ~~After~~ ~~she~~ asked she was crying. Harvey came in. Mary asked Harvey ~~what~~ why was she crying. He said, "She fell down." Mary held her and got up & got her a glass of milk. Kendas spilled the milk because she was shaking. Mary cleaned it up and asked her if she wanted to go to bed. She said "Yes." During this time Harvey sat right across the table

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and stared at her ~~with~~ with a dirty look. - (Squinted eyes.) Mary took her up to the bedroom (Valita). She got her pajamas out of her suitcase. Mary went to put off her T-Shirt. Kandas pulled away because Mary grabbed her arms like Harvey did. Mary said, "Don't you want to put your pajamas on?" Kandas said, "No because I'm cold." Mary said, "Are you sure?" Kandas said, "Yes because I'm cold." Mary said, "Ok." Mary picked her up & laid her on the bed - tucked her in the bed & kissed her on the lt. cheek - she was rolled over, laying on her Rt. side. (Valita was not in the room.) She said "Good night!" - She turned out the light. Kandas screamed at her to put the light on. Mary ~~left~~ turned the light on. She walked out and closed the door. Valita walked in the room after awhile & put her pajamas on & got in bed. She asked Kandas why she didn't have her pajamas on. She told her that she was cold - she was still shaking. Valita asked her what was wrong. Kandas said, "Nothing." Valita got up and shut the light off. Kandas got real scared when Valita turned off the light, but Kandas didn't

Handwritten notes in the right margin, partially illegible, appear to read: "Kandas screamed when she saw Mary..."

want to say anything. ~~She~~ Kandas went to sleep. Valita shook her because Kandas was crying in her sleep. Valita said, "Kandas wake up - you must have had a bad nightmare." Kandas grabbed onto Valita, Valita said, "Do you want to talk about it?" She said "No." Kandas grabbed on to Valita. Valita had her arm around her and rocked her. During this she was still crying & cried herself back to sleep.

In the morning Kandas got up and changed clothes. After going into the bathroom, Kandas noticed blood. She went back & was changing clothes in the room. Valita said she blood. She said, "Do you have your period." Kandas looked at her like "What's that." She didn't know what she was talking about. Valita had her clothes picked out. She got dressed and stayed up in the room. After ~~that~~ she got dressed Valita asked her if, "Don't you feel good." Kandas said, "No." Valita went down & told Mary. Mary came up and felt her forehead and asked if she wanted to stay home or go to school.

Kandas

She said: "I want to go to school."
She & Valita got on the bus. She sat with
Valita on the bus. Valita & Vicki kissed
talked on the bus. Steve Cybulski got
on the bus. He always teased her
and put his arm around her &
said "Do you wanna go out with me."
He grabbed her around the shoulders
and tried to kiss her on the cheek.
She pulled away from him and
grabbed onto Valita. She was crying.
Valita put her around Kandas &
held her. Valita told Steve to
"Knock it off."

When they got to school, Valita
walked Kandas to the 1st grade
entrance. Kandas leaned up against
the corner and stood there. Deena
Thilsey came went up to her and
asked Kandas if she wanted to play.
She said, "No." She said, "why." Kandas
said, "Because I don't feel like it."
Kandas got in trouble with the teacher
she thinks it's because she wasn't
paying attention. She got up & went
into the bathroom & she locked herself
in & was crying. The teacher was
asking the kids what story did they
want to read. One story was
Red-Riding Hood - the other was
about a tiger. (They had a choice
of 3 stories to choose from.)
(Kandas remembers he had sprung in his feet
because he was scared.)

The kids said they didn't want to hear Red Riding Hood. They wanted to hear Tiger story. The teacher began reading the story. She hadn't finished the story. She went over to the bathroom door. ^{she} ~~she~~ asked, "Open the door, what was ~~you~~ ^{you're} wrong?" She said nothing, she kept on crying. The teacher ~~got mad and said~~ "said 'Open this door right now.' Then Kandoo opened the door & ran over & sat by the toilet and teacher came & knelt by you & asked 'What's wrong, don't you feel good?' Kandoo said 'Go, then she asked if you wanted to go to office and call your home dad or lay down?' Kandoo 'Mama Dad are gone' Teacher - 'Who are you staying with?' Kandoo - 'Valita (sister) teacher' 'Do you want to call them?' Kandoo. 'No - I'll lay down' 'Go sure?' Kandoo. 'Go' - Teacher took her to office - right across the hall - Teacher took her in and Mrs. Hurst was sitting at her desk - Teacher said 'Kandoo isn't feeling good.' Mrs. Hurst said O.K. Kandoo still crying laid down for awhile in the 2nd room. Then Mrs. Hurst came over and hugged you. She held Kandoo till she fell asleep.

Then Mrs. Jensen woke her up
and said "You have to catch the bus".
Kandice got a pair of sneakers.
Then Kandice went to her room - got
her books, popped a jacket (it was light
weight jacket). Teacher asked if you
felt any better - Kandice "No". She
walked & got on bus & sat & waited
for Valita - Then Valita got on & asked
if you felt any better - Kandice said "No".
Valita put her arm around Kandice
& she felt asleep. Got to Citrus and
Valita woke her up. Kandice went
right upstairs & fell asleep without
supper - Next day Kandice went
home.

A couple months -

2nd time Same place -

3rd time at Mann's house -

2nd year - 1st grade -

Dana Nielsen

Rianne Kuffato

Karen Adams was in her class

Carleen Jensen

and written by Marie Marsh

First fact written by Thelma Smith

Story from Candace Mann

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DATE 022185

BILL NO. 5B 412

SB 429

SB 429
As Introduced

VOCA OUTLINE

This bill would give crime victims and prosecutors more ways to recover money and property that criminals have obtained illegally. It would enable the state to force criminals to forfeit the profits of crime, and would allow crime victims to sue criminals for damages resulting from criminal acts. The bill gives victims' claims priority over state claims against criminals, money and property. The following is a short explanation of the bill by section and paragraph.

§ 1 TITLE - MONTANA VICTIMS OF ORGANIZED CRIME ACT

§ 2 PURPOSE - To provide additional civil and criminal means of combatting organized criminal activity in Montana.

§ 3 CONSTRUCTION -

- (1) The Act is to be liberally construed.
- (2) The Act requires that Federal RICO Act case law be considered and weighed in construing this Act.

§ 4 LEGISLATIVE FINDINGS - Organized crime is a growing problem in Montana. The State needs new civil and criminal remedies to fight it.

§ 5 DEFINITIONS -

- (1) Alien Corporation - A corporation chartered in a foreign country.
- (2) Attorney General - (SE) self-explanatory.
- (3) Beneficial Interest - An interest held indirectly through a trustee, but not stock in a corporation or a share in a partnership.
- (4) County Attorney - A county prosecutor or his/her deputy.
- (5) ENTERPRISE (Key Term) - Any person or entity, legal or illegal.

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- (6) "PATTERN OF RACKETEERING ACTIVITY" - This is a key term. It means two or more acts (one of which occurred after the effective date) described as follows:
- (1) a felony under state or federal law (see Definition 13);
 - (2) acts related to the affairs of an ENTERPRISE, not isolated;
 - (3) not part of same event; at least one act was a felony.
- (7) Pecuniary Benefit - any economic gain.
- (8) Person - any individual or group who can hold an interest in property.
- (9) Personal Property - property that includes bank accounts, stocks, patents, receivables, copyrights, etc.
- (10) Principal - one who engages in a violation of the Act.
- (11) RACKETEERING ACTIVITY (Key Term) -
- the same term defined under federal law
 - or
 - any of listed offenses in Montana (mostly felonies), including:
 - homicide, kidnapping, sex crimes, assaults, bribery, theft, deception robbery, burglary, arson, perjury, felony drug offenses and most other felony offenses.
- (12) Racketeering Lien Notice - (See Sec. 25)
- (13) Real Property - real estate including leases and mortgages of real property.
- (14) Trustee - one who holds property for another, but not for a debtor, or an estate or a court-appointed trustee.
- (15) Unlawful Debt - (SE) unenforceable because it is illegal.

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§ 6 VIOLATIONS -

- (1) Felony - participation in the affairs of an enterprise through a Pattern of Racketeering Activity or collection of an unlawful debt.
- (2) Felony - obtaining or holding an interest in an enterprise or real property through a Pattern of Racketeering Activity.
- (3) Felony - use of proceeds from a Pattern of Racketeering activity to buy an interest in any enterprise or real property.
Exception - This provision does not include securities from the open market of less than 1% interest in issue.
- (4) Felony - conspiracy to violate this section.

This Act allows consecutive sentences or cumulative fines for multiple violations.

§ 7 FINES - The Act provides fines up to triple the amount of the gain or loss caused, as well as costs of investigation and prosecution, less forfeiture.

§ 8 CIVIL REMEDIES - The Attorney General, a county attorney, or a victim (with permission of AG) may seek civil relief from conduct (or its threat) in violation of § 6;

The Court may:

- Order divestiture.
- Restrict investments of defendant.
- Dissolve or reorganize the enterprise.
- Order surrender of charter or certificate of corporation.
- Enjoin threatened injury.

§ 9 TREBLE DAMAGES - The Act would allow triple damages plus costs of investigation and litigation. An injured person has a first right over a state claim to forfeited property.

§ 10 The Attorney General or a county attorney may seek a civil penalty up to \$100,000, less property forfeited.

§ 11 CIVIL ACTION - A government lawsuit allowed under state or federal law.

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§ 12 The Attorney General must be notified of all civil actions, and may intervene in the public interest.

§ 13 ESTOPPEL - If a court rules against a defendant under this Act, the defendant is bound by the court's findings in any subsequent civil lawsuits.

§ 14 STATUTE OF LIMITATION - Civil lawsuits may occur up to 5 years after the unlawful conduct; the time does not run while the State is involved in a case; after the conclusion of a case in which the State is involved, victims have 2 years in which to bring civil cases on the same unlawful conduct.

§ 15 This section provides for out-of-state process serving in civil cases.

§ 16 This section provides cumulative civil and criminal remedies.

§ 17 The State will be awarded any property obtained or used in violation of § 6, including the following

- property specified in an indictment,
- special verdict required,
- substitute property, if property is out of reach.

§ 18 SPECIAL DISTRICT COURT HEARING - This section provides for restraining orders, bonds or receivers to preserve forfeitable property: it provides a time period up to 90 days, unless extended; temporary restraining order up to 10 days with hearing.

§ 19 SEIZURE OF FORFEITED PROPERTY - This section provides for property seizure by order of a Court.

§ 20 DISPOSAL OF PROPERTY - The Attorney General or county attorney may dispose of forfeited property in the following ways:

- public sale.
- government agency transfer.
- transfer to victim or bona fide purchaser.
- destroy.
- allow to expire.
- defendant ineligible to purchase.

§ 21 TITLE TO FORFEITED PROPERTY - After judgment, the title dates back to the lien or the notice of action under § 30, or to the date of recording the final judgment.

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§ 22 This section deals with property against which the State has filed a "racketeering lien notice":

- Sale of property under lien notice, or sale of property after filing of a civil or criminal action, may be considered fraudulent.
- Duties of a trustee with actual knowledge of a racketeering lien notice with name of beneficiaries.
- Liability of trustee who violates lien notice.

§ 23 PROPERTY SUBJECT TO LIEN NOTICE - may be used, but not sold.

§ 24 CONVEYANCE ALLOWED - Court ordered or good faith conveyance by trustee without notice or transfer by trustee to all beneficiaries is allowed.

§ 25 RACKETEERING LIEN NOTICE - This section provides for the filing of racketeering lien notices by the Attorney General or county attorney with county clerks and recorders, and specifies the information it must contain.

§ 26 PROPERTY LIEN CREATED - This section creates a lien against all property owned by the named person, under any name listed in the racketeering lien notice.

§ 27 TERM OF RACKETEERING LIEN NOTICE - 6 years, unless renewed once or released.

§ 28 RELEASE OF RACKETEERING LIEN - The Attorney General or the county attorney may release any property from racketeering liens according to conditions that they specify.

§ 29 This section provides for the following:

- Acquittal in criminal case ends racketeering lien.
- Action to extinguish the racketeering lien notice may be filed by defendant--hearing in 10 days.
- Notice released if property shown not subject to forfeiture.
- Proceeds from allowed sale paid into court.
- Security substituted for property.

§ 30 NOTICE OF ACTION AFFECTING PROPERTY - A person who acquires an interest subsequent to filing of a racketeering lien notice or 70-19-102 notice is subject to forfeiture.

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- 0 -

§ 31 REGISTRATION OF ALIEN CORPORATIONS - Corporations from foreign countries must register with state to acquire real or personal property.

§ 32 ATTORNEY GENERAL SUBPOENA - This section gives the Attorney General subpoena authority with district court enforcement; it specifies the subject matter service procedure, and contents of subpoena.

§ 33 to § 39 PRODUCTION OF SUBPOENAED MATERIAL; UNDER OATH - Prior examination of documents; stenographic exam of witness, with counsel allowed; results of examination are limited to law enforcement use; witness fees; tampering with subpoenaed material is a misdemeanor; failure to comply is contempt of district court.

§ 40 GRANT OF IMMUNITY - upon petition by the Attorney General immunity may be granted to person subject to subpoena. Evidence gotten under such immunity cannot be used against the witness in subsequent criminal cases except for perjury, etc.

§ 41 FUND FOR PROCEEDS - This section creates a fund to assist State and local agencies in investigations, prosecutions and actions under this Act. It also creates a second fund for law enforcement grants.

§ 42 CONNECTION TO INTERSTATE COMMERCE - will not bar action under this act.

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Proposed amendments to SB 364, introduced copy.

1. Title, line 5.

Following: "SELLS"

Strike: "AN OPIATE"

Insert: "A DANGEROUS DRUG"

2. Page 2, lines 2, 6, and 16

Following: "shall be"

Insert: "punished by death, as provided in 46-18-301 through 46-18-310, or"

3. Page 2, line 11.

Following: "minor,"

Strike: "the sentence"

Insert: "a sentence of imprisonment"

4. Page 3, line 19.

Following: "sale of"

Strike: "an opiate"

Insert: "a dangerous drug"

5. Page 3, line 22.

Following: "of the"

Strike: "opiate"

Insert: "drug"

6. Page 4, line 2.

Following: "that the"

Strike: "opiate"

Insert: "drug"

7. Page 4, line 3.

Following: "defendant"

Strike: "was the introduced opiate that"

8. Page 4, line 4.

Following: "person"

Insert: "or that the death would not have occurred if the drug had not
been introduced"

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DATE 022185
BILL NO. SB 364

THE POPPY

By PETER T. WHITE
NATIONAL GEOGRAPHIC SENIOR WRITER
Photographs by STEVE RAYMER
NATIONAL GEOGRAPHIC PHOTOGRAPHER

AMONG the 400,000 or so species of plants known in the world today, *Papaver somniferum*—that pretty little poppy whose petals may be white or red or mauve or purple—is unique in its profound and far-reaching effects on humanity, both good and evil.

That's hardly the way Mrs. Ouida Parsons saw it when police pulled up and burned the poppies in her garden in Tecumseh, Oklahoma. "My land," she said, "I've never seen such a to-do over a bunch of flowers." True, those were opium poppies, illegal in the United States. But she'd been growing some for 40 years. "I never did pay it a bit of mind, that opium business."

Yet what awesome business it is, the opium poppy and all that comes from it—and how closely it touches so many of us.

For example, the drug codeine. It comes in pills to relieve pain after operations or tooth extractions, in syrups to soothe coughs. In 1983, the most recent year for which such figures are available, codeine was the key ingredient in 65 million prescriptions dispensed by American drugstores; among all the new prescriptions filled, Tylenol with codeine was number one. If there's codeine in your medicine cabinet, chances are two to one it was processed by a government-authorized company from black opium gum imported from India, where tens of thousands of farmers raise poppies under licenses from their government. All perfectly legal, a good thing for everyone involved.

But from *Papaver somniferum* also comes the drug heroin—usually a powder, white or beige or chocolate brown, nearly all produced by outlaws, primarily from poppies illicitly grown in remote corners of Asia or Mexico. Smuggled into the U. S., it reaches nearly every community and every level of society, bringing addiction and misery to hundreds of thousands. Theft committed for money to buy heroin is a major cause of crime in American cities.

Incidentally, in case you're wondering about poppy growing in a neighbor's garden: That may be the corn poppy, *Papaver rhoeas*, the species that impressed the poet John McCrae in Flanders fields; or, most likely, the Oriental poppy, *Papaver orientale*; perhaps the California poppy, *Eschscholzia californica*, the state flower of California. Nothing illegal about those.

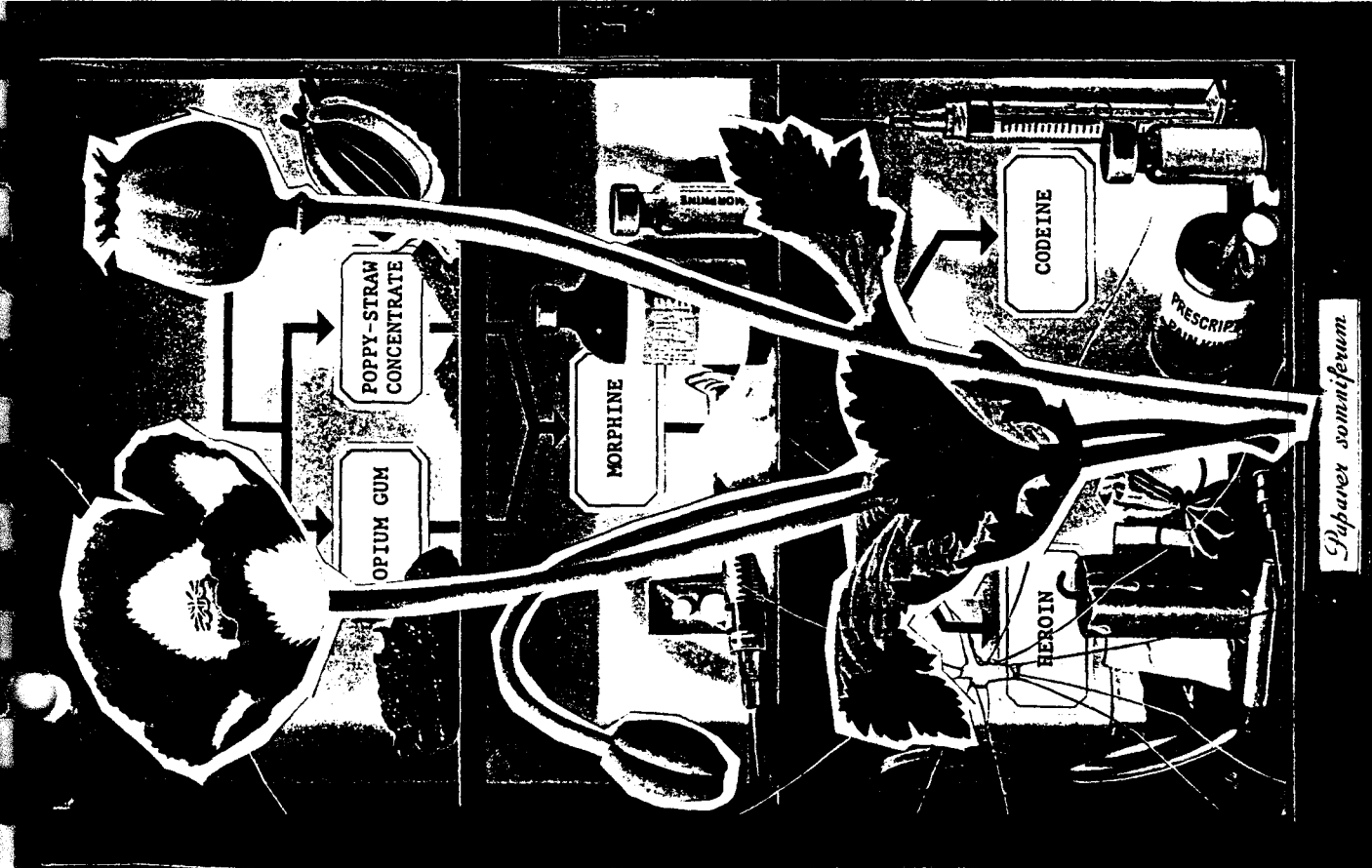
Papaver somniferum resembles them all but is crucially different and—for a variety of reasons, as we shall see—of considerable

Blessing and curse, the opium poppy offers mankind freedom from pain but, in misuse, also enslaves. Ancient cultures valued opium for medicine and religious ritual, but knew its addictive, even lethal, nature as well.

Nineteenth-century scientists isolated and intensified the poppy's strengths. Opium gum and poppy-straw concentrate hold the natural alkaloid morphine, still regarded as unsurpassed in treating violent pain. Codeine, a weaker opiate, relieves moderate pain and coughs. Heroin, chemically treated morphine, is now a worldwide problem as a street drug that claims countless addicts, wrecks lives, and deals death.

Poppies of many species blanket the world with floral beauty, but only *Papaver somniferum* yields such great potential for good and evil.

NATIONAL GEOGRAPHIC ARTIST RED SEIDLER



Papaver somniferum



Harvest of opium begins with incising the poppy's unripened seed capsule to release the alkaloid-rich latex soon after the petals fall (above). Within 24 hours the gum darkens and is scraped off (below). It can be stored and retain its potency for years. Even with successive plantings, each capsule yields only a small amount of opium. It takes nearly 3,000 poppies to produce a joi—1.6 kilograms (3.5 pounds)—a standard trading weight of Southeast Asia. The joi being weighed by a Thai trader near the Burma border (facing page) will sell for about \$170 and will most likely end up as heroin.



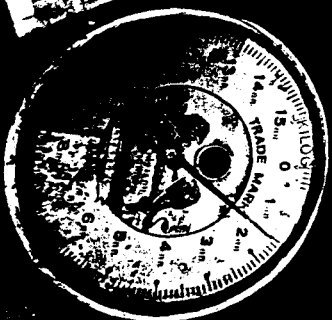
concern to a great many people around the world. To Turkish farmwives, say, and to the premier of Tasmania. To grade-schoolers in China and Iran's Ayatollah Khomeini. To a warlord in Southeast Asia, to scientists of many countries now looking deeply into the workings of the brain. . . .

WHAT GIVES the opium poppy its power for good or ill? First off, it's chemistry. Day and night certain nitrogen-containing compounds, or alkaloids, are produced by the plant and stored in its cells. After the petals fall, the seed capsule swells; if the capsule is shallowly incised while still green and unripe, a milky, alkaloid-rich sap seeps from tiny tubes in the capsule wall. It dries, darkens, turns gummy—that's opium. In its long recorded history it initially appears as an accessory of magic and religious ritual, as a sedative and sleeping potion.

Among the exhibits devoted to medicine in the Science Museum in London I see five-inch-high ceramic jugs shaped like poppy capsules, one with stylized incision marks. They are from Cyprus, late Bronze Age, circa 1500 B.C.—presumably to hold opium dissolved in water or wine, for export to Egypt. Soon Egypt grew poppies too. They figure on Greek coins, pottery, and jewelry, on Roman statuary and tombs.

In Homer's *Odyssey* the potion Helen of Troy mixes—"to quiet all pain and strife, and bring forgetfulness of every ill"—is thought to have contained opium. There has even been speculation about the "vinegar mingled with gall" offered to Christ on the Cross (Matthew 27:34); the ancient Hebrew word for gall, *rosh*, means opium.

Certain is that from the fourth century B.C. onward the fathers of Western medicine recognized it as a pain reliever—Hippocrates, Dioscorides, Galen. Around 1530 Paracelsus is said to have dissolved it in alcohol; this tincture of opium became known as laudanum. The Science Museum has scores of old medicine chests, and almost all have laudanum in them, says a curator, it was so widely used. By 1815 a German pharmacist, F. Sertürner, had isolated the principal opium alkaloid— $C_{17}H_{19}NO_3$ —and named it for Morpheus, the Greek god of dreams. Hence morphine, to this day in every U.S.



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Forbidden fields of poppies alternate with wheat in Pakistan's North-West Frontier Province. In 1979, when opium was declared illegal, 32,376 hectares (80,000 acres) were planted. In 1984 fewer than 2,500 hectares were said to remain. Since 1981 aggressive crop-replacement programs funded largely by the United States have offered villages improved roads, water, and electricity if they abandon poppies for such

cash crops as wheat, barley, potatoes, and apples. Despite these efforts, in the past five years Pakistan has become the world's major exporter of heroin. Opium from Pakistan and Afghanistan, formerly converted to heroin in Iran, is now mainly processed along the Afghan border and smuggled out through Pakistan. Increasingly it stays there; heroin addicts, once virtually unknown in Pakistan, are now estimated to number 150,000.

splashed in the world's standard against which all pain medicines are measured.

My doctor tells me that for the worst sort of acute pain—a kidney stone, acute pancreatitis—morphine is unequaled. Ambulances carry it in case someone is severely burned or pinned in a wreck; and especially for cases of congestive heart failure—morphine dilates blood vessels, preventing fluid from backing up into the lungs. In every U. S. Army infantry platoon the aidman's kit holds morphine; a badly wounded soldier may get it injected into a muscle right through his clothing. That's why opium and

morphine in the Geological and Critical Materials Stockpile.

But a long time ago, too, it was found that too much opium, drunk or eaten, can kill. Too much laudanum, taken too long, can bring misery, as it did to the 19th-century writer Thomas De Quincey. In *The Confessions of an English Opium-Eater* he tells how he at first experienced music like perfume, living a hundred years in one night, ecstasies of divine enjoyment. But eventually, addiction and horror—thousands of years in stone coffins, cancerous kisses from crocodiles.

Similarly, morphine could also become a

man, especially after the hypodermic needle, invented in 1853, facilitated shortcuts to euphoria. In 1898 came the marketing of heroin—morphine to which has been added one of certain chemicals related to acetic acid, increasing its strength as an anesthetic, or pain killer, about two and a half times. Introduced in Germany as a remedy for cough and diarrhea, heroin was also proposed as a morphine substitute, less likely to lead to addiction. The opposite proved true.

In the human body, heroin is rapidly decomposed into morphine again; but when heroin is injected directly into a vein, the first effect is a rush, an overpowering

sensation of pleasure. The long-term effect tends to be devastating: addiction, or dependence, of a double sort. Physical—if you don't have it, you get sick, nauseated, hurting all over; that can be overcome in a week. And psychological—you want it more than anything else; that may stay with you for life.

Many addicted to morphine or heroin will do almost anything to get it—lie, steal, prostitute themselves. The writer William Burroughs, formerly hooked himself, calls it the ultimate merchandise. "The client will crawl through a sewer," he says, "and beg to buy." That, plus human greed, can make the poppy so formidable a troublemaker.

Current U. S. government estimates of consumption of illegal drugs, and the wholesale and retail prices they bring, suggest that Americans spend four billion dollars a year for heroin. For other illicit drugs not related to the poppy, it's more: 18 billion for cocaine, refined from the leaves of the coca shrub; 44 billion for marijuana, the dried leaves and flowers of the cannabis plant. But compare the markup as these drugs pass from wholesaler to consumer. For cocaine and marijuana, as much as 200 percent. For heroin, 900 percent!

Heroin smuggled into the U. S. runs to about four metric tons a year, according to DEA, the Drug Enforcement Administration; nearly half has its roots in the land of the rifle-carrying Pathans that straddles the border of Afghanistan and Pakistan.

AND NOW I am in Pakistan's North-West Frontier Province for the opium harvest in April. In the Dir district, along the road at 2,200 feet elevation in the Shewa Khwar Valley, poppies are still in bloom—white, pink, scarlet; they sway in the wind. Over the mountains to the west is Afghanistan. Water rushes over rocks. A cock crows. It's idyllic.

I branch off (Continued on page 155)

"Give us one more year to grow poppies," pleaded village elders to unyielding Pakistani officials, left, who promise them aid to develop alternate crops. When poppies were planted again, local militia plowed up the fields, sparking a violent protest.



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Where the poppies grow

Legitimate poppy production is monitored by a United Nations treaty, signed by 116 countries, that acknowledges the poppy's medicinal benefits while requiring the elimination of illicit poppy cultivation. Seed capsules (below) display hectares of poppies grown, based on 1983 reports filed with the UN's International Narcotics Control Board or estimated by U. S. government agencies.

India, the largest and only legal producer of opium, harvested 997 metric tons in 1983. Illicit production worldwide may be nearly double that amount, with most of it converted to heroin. Burma cultivates a larger area than India, but poor farming practices result in a lower opium yield.

Smuggling routes (map at left) change with enforcement crackdowns — one closes, another opens. The Golden Crescent — Pakistan, Afghanistan, and Iran — is now the greatest source of illegal heroin, surpassing the Golden Triangle of Burma, Laos, and Thailand. Iran claims it has ended poppy growing and disputes the U. S. estimate.

To U.S. from Hong Kong and Singapore

LEGAL CULTIVATION

Opium

Poppy straw

Poppy seeds

ILLEGAL CULTIVATION

Opium

Heroin smuggling routes

Figures shown are in hectares. One hectare equals 2.47 acres.

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5

BILL NO.

022185

5B364

SOUTH AMERICA

Atlantic Ocean

AFRICA

Indian Ocean

AUSTRALIA

Tasmania

Sydney

SINGAPORE

Bangkok

THAILAND

HONG KONG (U.K.)

Taiwan

JAPAN

CHINA

India

Pakistan

Afghanistan

Iran

Burma

Laos

Thailand

Malaysia

Philippines

Indonesia

Brunei

Sri Lanka

Myanmar

Sierra Leone

Liberia

Ivory Coast

Ghana

Senegal

Gambia

Guinea

Sierra Leone

Liberia

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Gambia

Guinea

Sierra Leone

Liberia

Ivory Coast

Ghana

Senegal

Gambia

POLAND 15,000

CZECHOSLOVAKIA 12,000

YUGOSLAVIA 3,000

SPAIN 3,380

NETHERLANDS 2,400

HUNGARY 5,000

EAST GERMANY 4,500

FRANCE 4,200

BULGARIA 2,300

ROMANIA 12,300

AUSTRALIA (Tasmania) 6,050

INDIA 32,000 hectares, 997 metric tons of opium in 1983

BURMA 10,000 hectares, 20 metric tons

PAKISTAN 4,500

LAOS 3,500

THAILAND 3,500

EGYPT 300

MEXICO 4,100

NETHERLANDS 2,400

HUNGARY 5,000

EAST GERMANY 4,500

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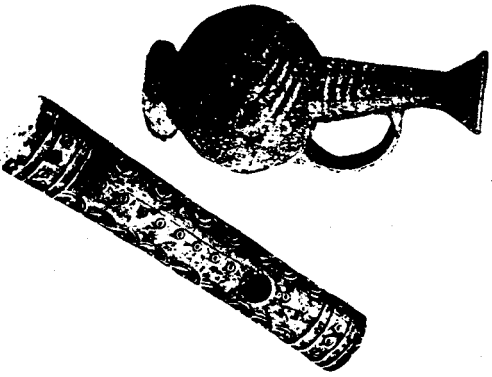
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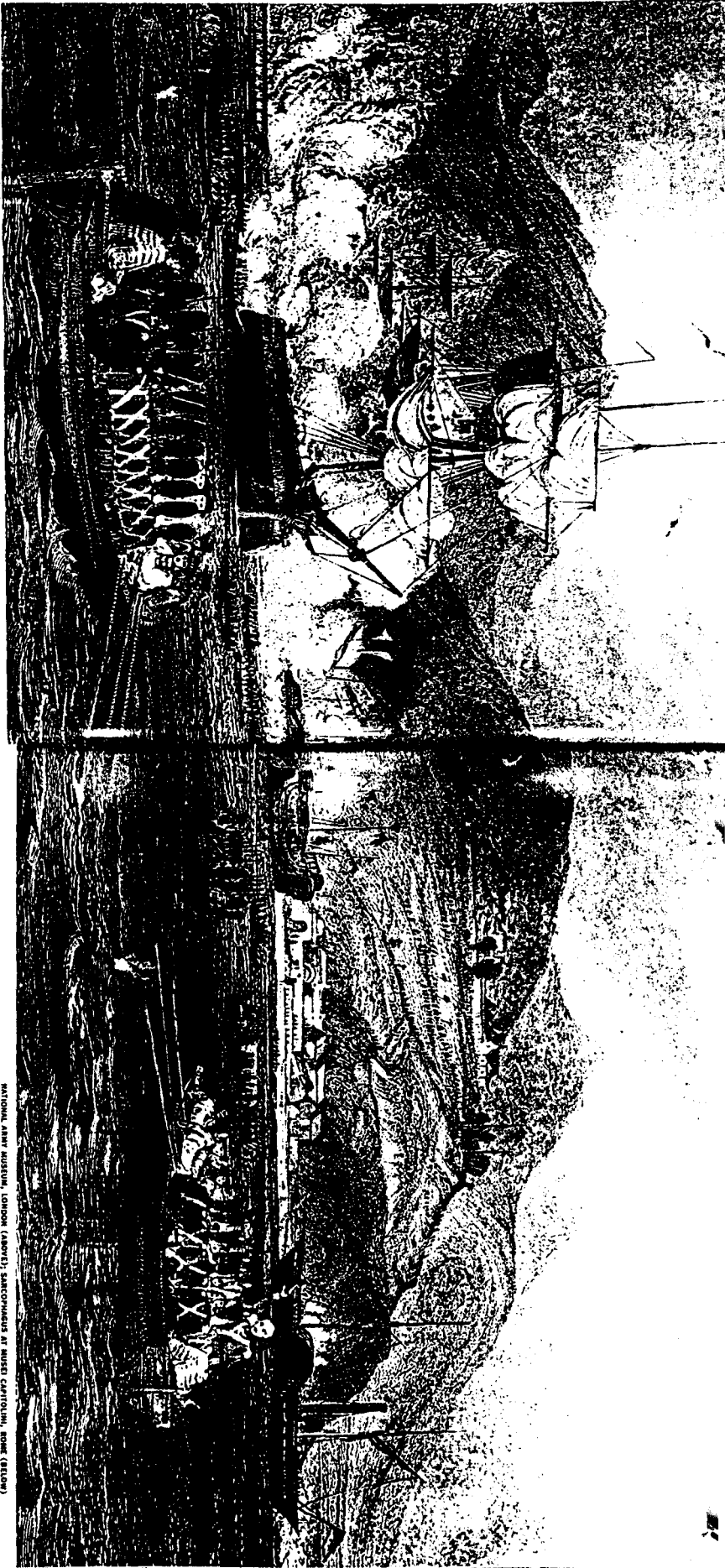
INDIA 32,000 hectares, 997 metric tons of opium in 1983



CLAY JUG AT PETRIE MUSEUM, UNIVERSITY COLLEGE, LONDON; ROMAN SARCOPHAGUS AT MUSEI CAPITOLINI, ROME

"Subtle and mighty opium." Thus English essayist Thomas De Quincey described the drug known to man throughout history. Traders from Cyprus carried opium mixed with wine or water to Egypt in a 1300 B.C. clay jug (far left). Opium fumes were inhaled with a 12th-century B.C. ivory pipe (left) found in a temple on Cyprus. A marble child atop a third-century A.D. Roman sarcophagus (right) holds poppies, symbolizing release from life's pain.

Poppies, thought to be native to the eastern Mediterranean, probably spread east with Arabic traders to India around the seventh century. By the 17th century opium was being smoked in China, scene of the Opium War of 1840-1842. Defying a Chinese edict, foreign merchants imported the drug in exchange for silver. When the Chinese destroyed opium stocks near Canton, the British attacked. An English painting (above) portrays the capture of Dinghai in 1840. The subsequent Treaty of Nanking ceded Hong Kong to the British and opened main Chinese ports to other foreigners.



NATIONAL ARMY MUSEUM, LONDON (ABOVE); SARCOPHAGUS AT MUSEI CAPITOLINI, ROME (BELOW)



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the Khyber Pass, a so-called tribal area, quasi-autonomous; here, by tradition, the government's resident political agent may deal with the tribesmen only through their councils of elders. The political agent explains that after intense persuasion the local elders agreed to hand over dozens of labs. Venerable elders tell me they care about ethics, not money. They are proud to have ordered an end to the making of powder here.

In Peshawar, the booming provincial capital, a prominent physician tells me don't be naive. "When the economic interest comes, when the windfall profits accrue, who listens to the elders? Foreigners have such illusions."

What about government claims of opium



Ingenious smugglers concealed a kilogram of top-grade heroin in lapis lazuli (facing page) bound from Peshawar, Pakistan, to Amsterdam. Its ultimate street value? Perhaps one million dollars. Golden Crescent heroin is increasingly smuggled through India, where local use has grown. A New Delhi student (above) adds the cheap, abundant drug to a cigarette—a slow but certain route to addiction.

(Continued from page 149) into the Siah Valley at 3,000 feet; terraces are dotted white up to 7,000 feet. Villagers say they grew even more when the opium price was higher; it's down to 400 rupees a kilogram, about \$30.00—would I like to buy some?

Opium was banned here in 1979, when a new government in Islamabad declared it incompatible with Islamic law, which forbids all intoxicants; but officials tell me that these Pathans are tough, and independence-minded too, so the government has to move cautiously. In the Buner subdivision the poppies are gone—thanks to government firmness and money for rural development from the United Nations Fund for Drug Abuse Control. A similar program is nearing completion in the Malakand area with funds from INM, the U. S. State Department's Bureau of International Narcotics Matters. At the village of Kot, I watch as the provincial minister of agriculture meets the farmers (pages 148-9).

You must stop growing poppies, he says; grow apples and pomegranates instead.

We will, they say, but give us what we've been promised—tube wells, electricity, fertilizer, cheap loans.

The minister says you'll get them.

They say let's have them, then we'll stop growing poppies.

Around here the flowers are mostly gone. The incising of capsules has begun, with homemade multibladed knives; the opium will be collected tomorrow. Even at present prices it will pay at least five times better than anything else that could be grown here. And for what other crop would a buyer pay half in advance?

IN 1979 Pakistan had a bumper crop. Stuck with lots of opium, enterprising Pathans said why not turn it into heroin for Europe and America? It's not too difficult. Dissolve 10 or 12 kilos of opium, add a precipitating agent, and press—the particles left amount to about one kilo of crude morphine, called morphine base. Treat that with acetic anhydride, and it's one kilo of "powder," as heroin is called here.

I see the modest laboratory paraphernalia—basins, tubing, bottles of chemicals on a collapsible picnic table, a simple press. This is in the little town of Landi Kotal, in

The Poppy



cultivation drastically cut since 1979? True, he says, but everybody knows opium is available from Afghanistan; it is even cheaper there. And labs are still around—farther off the road, perhaps, or over in Afghanistan. "For a Pathan, that border doesn't exist."

Certainly the weekly heroin seizures are unprecedented, astronomical, and rising. Customs officers show me an oil truck that carried 490 kilos of heroin. In a police safe, 1,000 kilos; abroad, that could bring a quarter of a billion dollars, *wholesale*.

A DEA man stationed in Islamabad says the biggest stream of morphine base and heroin now loosed on the Western world comes from or through Pakistan. Most of it goes out from Karachi by ship, and by air courier to London and Frankfurt, to New York, Chicago, Houston, Montreal. Now Pakistan has tens of thousands of heroin addicts too. In 1979 there were hardly any.

PAPAVER SOMNIFERUM is cultivated in dozens of varieties adapted to do well in various climes and soils—from the latitude of southern Sweden to the Equator, in the mild spring of English gardens or the scorching pre-monsoon heat of lowland India. About ten varieties grow in India, capsules shaped from oblong to elongate, yielding sap that's white or pink.

India is the world's biggest poppy grower, eager to export opium for medicines. Nowhere else does poppy culture mean so much to so many. How much hand labor it takes to obtain opium comes home to me in Rajasthan, where each capsule is incised, or lanced, four or five times.

Villagers tell me the second lancing yields better than the first, the third is best, the fourth and fifth very poor, but every little bit is wanted. The morning after each lancing, the congealed blackish opium must be scraped off with an iron scoop before the heat makes it stick too tightly. Thus each capsule may be handled ten times.

I notice that people light incense sticks

and remove their sandals before entering a poppy field. Pious Hindus do that in Rajasthan, says a district opium officer—out of respect for the goddess Kali. Mother Kali. Opium is a bounty from her. Not only is it the best cash crop. Your opium-growing license is a status symbol—you want your daughters to marry into a family that also has one; it certifies a man as hardworking and honest. How so? Well, if you don't produce enough, or are suspected of not selling all your opium to the government, as required, you'll be de-licensed.

Another good thing about poppies. They condition the soil especially well for maize, the staple here. "Rotate maize and opium, and you'll have both food and income."

Licenses for small plots have been granted to 170,000 families in India, in 6,900 villages; so, given the usual family size, at least a million people are directly involved. Beyond that, laborers hired for the harvest also benefit, like a certain Mrs. Sitabai who works at it every year. She gets ten rupees, about 95 cents, for three hours in the morning and three in the afternoon—maybe 200 rupees a season, or \$18. It really helps, she tells me; her children need clothes, and it's 50 rupees for trousers, 35 for a petticoat.

As we talk, a little green parrot watches from a tree, waiting for us to go. Then he'll dive, make off with a capsule, and eat the wet white seed inside. The freshly collected opium smells like new-mown grass.

I see more patient handwork in the Government Opium and Alkaloid Works at Nimach in Madhya Pradesh. Eight hundred rectangular pans, each filled with about 35 kilos of opium, sit in the sun. Every half hour or so each pan is stirred by two men with wooden paddles. The opium is shiny, like blackish chocolate icing (following pages).

When raw opium comes in, says the superintendent, it's about 70 percent solids, 30 percent water. Eight to twenty days of sitting, depending on the sun, will make it 90 percent (Continued on page 162)

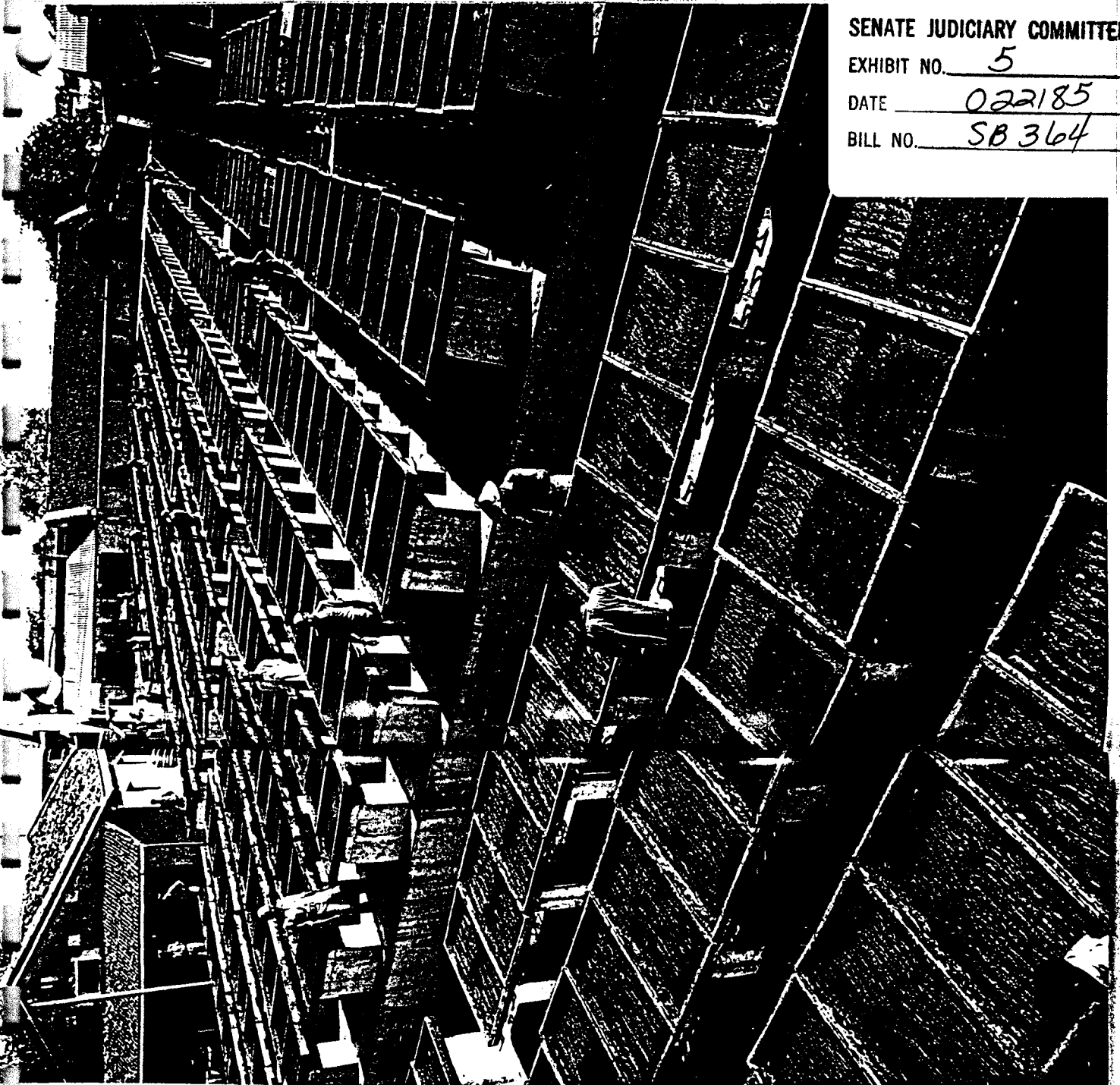
Giving thanks for the bounty of the Hindu goddess Kali, farmers in Rajasthan celebrate the beginning of the opium harvest. India licenses 170,000 growers, who must sell their opium to the government. Because the price is currently depressed—about \$15 per kilogram—some farmers earn more by selling the poppy seed.

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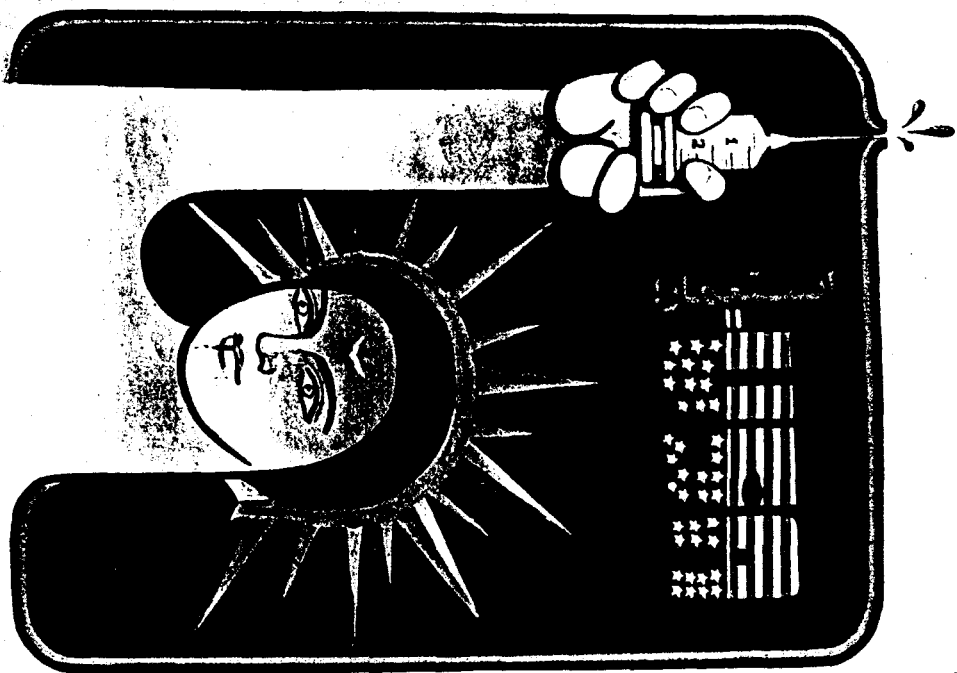
Stirring a legal brew, workers at India's Ghazipur processing plant, built by the British in 1820, wield wooden paddles in trays of raw opium (above). The gum dries in the sun for eight to twenty days to reduce the water content from 30 to 10 percent. When dried, the opium is formed into five-kilo loaves (below).

Tray upon tray, each holding 35 kilograms (77 pounds) of opium, fill the yard at the Indian government's other plant in Nimach (right). Guards patrol constantly to deter diversion to the illicit drug market. Workers must shower at the end of the day to remove traces from their clothes and bodies, and opium is then extracted from the runoff water. The author and photographer were required to clean their shoes before leaving the plant.

India supplies two-thirds of the opiates required annually by pharmaceutical companies in the United States, its best customer. It also sells to the U.S.S.R., France, the United Kingdom, and Japan.



بخش هو و بین در سر اسر کشور بر اساس تو طمناي است دالم خمینی



روابط عمومی داد س رای انقلاب اسلامی میگزده ناموران مختار و مرکز

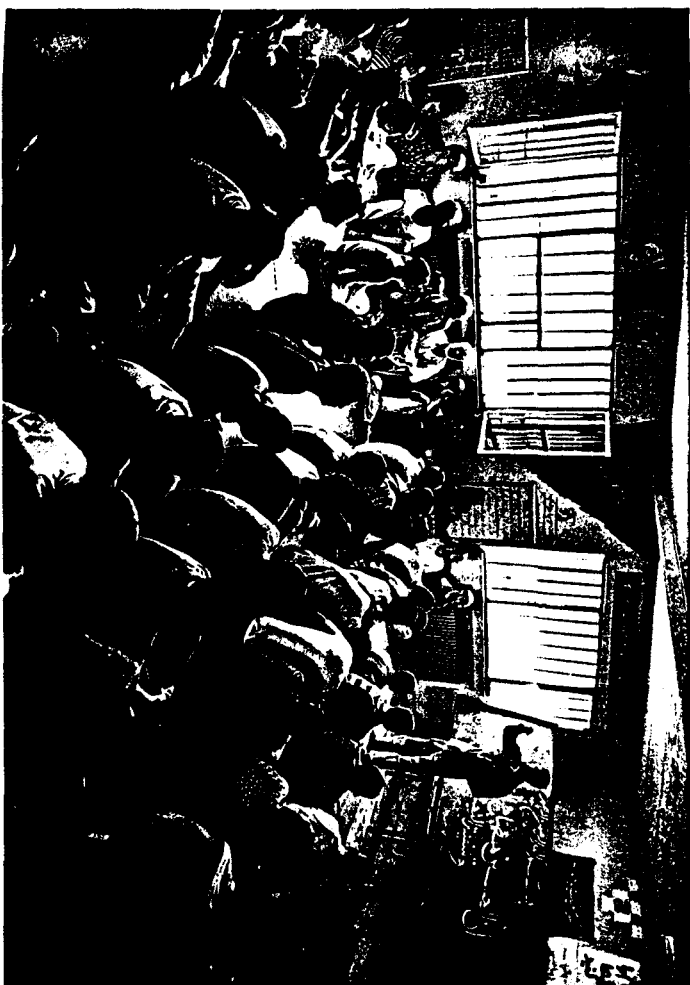
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"You are Muslims and your country needs you." With heavy doses of religion and patriotism, Iran treats opium and heroin addicts in a Tehran rehabilitation center (below). Traffickers face execution. Despite a crackdown on poppy growing, Iran still has one of the world's highest addiction rates, fed by drugs from Afghanistan and Pakistan. A poster (left) bears Ayatollah Khomeini's charge that the U. S. conspires to distribute heroin in Iran—an accusation also leveled at the Soviet-bloc nations. In traditional Iranian style, an opium-smoking doll in a Tehran hotel gift shop (right) heats his pipe bowl with charcoal to release the drug's essence. The shah outlawed opium in 1955 in an attempt to modernize the country and increase efficiency. In 1969 the ban was lifted, growers were licensed, and opium became legal for registered addicts. The 1979 revolution declared all intoxicants illegal.



solids—that's export quality. "We do it this way because we want to be labor-intensive, we want to provide jobs."

Those pans in front of me hold nearly 40 tons of opium. Indoors I see great concrete tanks, black up to the top. One is ten feet deep, as big as a backyard swimming pool—for 450 tons, the world's largest opium receptacle. That one's empty, ready for the current crop. How much is in storage here? "About a thousand tons."

At a second factory, in the Ganges Plain at Ghazipur, it's 1,500 tons! Workers are smeared with opium; after they shower and wash their clothes, watched by men from the Central Industrial Security Force, that opium will be recovered from the runoff.

DESPITE the Indian government's best efforts, some opium leaks to an illicit domestic market. After all, it's long been used in India.

Opium was given to war elephants of the Mogul Empire—and to Indian soldiers under the British—to make them brave and feel less pain if hurt. Inside the Taj Mahal, built by the Emperor Shah Jahan as a tomb for his favorite wife, I see his marble cenotaph inlaid with carnelian poppies; he drank opium in his wine.

Today construction workers and wheat harvesters will put a tiny ball of opium—a *goli*—under the tongue and drink it down with tea: they say it gives endurance and cures their ills. In Calcutta a goli seller says wherever there are long-distance truckers there's a supplier. They'll drive 200 miles on the Great Trunk Road, sleep a few hours, have a woman, take opium, and go again—a thousand miles to the Punjab; in the long run their health will deteriorate, but they say if they have opium, they'll be all right.

And of course opium is legally available to doctors of India's ancient Ayurvedic medicine, for sprue, asthma, scorpion bites. A noted practitioner in Varanasi (Banaras) tells me he mixes herbal juices into his opium medicine to counteract the bad side effects, such as constipation; he'll adjust the dosage downward without telling the patient, so when the treatment ends, there'll be no withdrawal sickness, no addiction....

That old redbrick factory in Ghazipur, built by the British East India Company,

now ships opium in five-kilo polyethylene bags, 12 bags per chest, to Britain and the U.S.R., to St. Louis and to Newark; beginning in the 1820s it packed opium for China, and thereby hangs a fateful tale, a piece of history that has cast a long shadow. Here's that tale.

Dutch sailors introduced tobacco smoking to Formosa (now Taiwan) in the 1600s; Chinese colonists there mixed tobacco with opium and introduced that mixture to the mainland, where tobacco was dropped and opium smoked alone. This became crucial in the China trade. Foreigners wanted Chinese silks and tea; the emperor permitted them to come, to the port of Canton—but Chinese demand for foreign goods was small, so traders had to pay with silver, increasingly expensive, a problem. The solution was opium, brought by American ships from Turkey, by Britishers from India. The emperor in Peking had forbidden opium, but mandarins at Canton could be persuaded....

Opium smoking spread, and the mandarins became tougher, so the foreigners moored storage ships in the mouth of the Pearl River, just outside Chinese jurisdiction. As more opium poured in, Chinese smugglers had to pay for it with more and more silver. For the product of the poppy keeps increasing the demand for it.

And so the British East India Company grew ever more poppies in India, for opium to be auctioned in Calcutta. Then, swift opium clipper carried it 3,700 miles to those storage ships off Canton. About a sixth of India's revenues and, via Britain's import tax on tea, much of the money for the Royal Navy came from the opium trade. A British historian says it was probably the largest commerce of its time in any commodity.

As the flood of opium imports kept rising, China was drained of silver, and the emperor decreed drastic countermeasures. He sent an incorruptible commissioner, Lin Tse-hsi, who took the foreign merchants in Canton hostage until they turned over all their stored opium. He destroyed it. Thereupon the British sent warships and troops. The Chinese defenders were crushed.

Results of the fateful Opium War: First off, the Treaty of Nanking, 1842, giving Hong Kong to Britain, plus vast indemnity payments and the opening of more ports to

foreigners. Eventually, foreign-ruled enclaves, or "concessions"—British, French, German. And lasting bitterness in China—a virulent ingredient in the social and political ferment that would lead to one of the most momentous upheavals of the 20th century.

IN Canton, now Guangzhou, in the place where those foreign merchants' houses stood on Thirteen Trading Company Street, I find a cultural park with Chinese opera and chess, a video arcade, an anticorruption exhibit.

And three hours' drive to the southeast, near Taiping, close to the mouth of the Pearl River, now the Zhu, I visit the Resist-British-Imperialism museum. Here Commissioner Lin had two basins dug on Humen beach; the confiscated opium—1,126,681 kilos from the British, 61,446 from Americans—was put in, with lime. What was left was flushed out to sea. The museum director says the Opium War marks the beginning of modern Chinese history. And also—the points to a quote from Chairman Mao on the wall—the start of the Chinese people's revolution against imperialism and feudalism.

Outside, hundreds of schoolchildren arrive with flags, trumpets, and drums. Before a commemorative obelisk, a teacher barks commands. All freeze for three minutes of silence. Then a troop of ten-year-olds, wearing the red scarves of the Young Pioneers, recites a poem honoring heroes of the Opium War. "Our red color is dyed by your death blood...." All pledge allegiance to the motherland and to the Communist Party, and march off to tour the forts that fired in vain against the British men-of-war.

In Taipei, on the island of Taiwan—now the anti-Communist Republic of China—I ask at the Academia Sinica how members of its Institute of Modern History look on the Opium War. "Mention the words to anyone on the street and photograph the faces," says a research fellow. "You'll see expressions of being offended, humiliated, a memory one cannot forget." He says it's an overwhelming psychological factor for Chinese here, on the mainland, everywhere. The institute director mentions a Chinese motto, that hardship and disaster will stimulate a country to do better.

The opium-fed China trade made

The Poppy

fortunes for Englishmen, Scotsmen, Parisians in India. Also for Americans, from families subsequently prominent in Boston, Philadelphia, Baltimore. In the time of the slave trade, it was to many just another business, no worse than dealing in alcoholic spirits. In the Baker Library at the Harvard Graduate School of Business Administration, I read correspondence of Russell & Co., the biggest American opium-trading firm in the 1830s.



Old habits die hard in the Golden Triangle, where a Lisu man in a Thailand village smokes opium to celebrate the Chinese Lunar New Year. A cross indicates that this may have been a Christian home. The Thai government and international agencies promise aid if hill villages substitute such crops as coffee and mushrooms for poppies. But official pressure is lax in this region, where insurgent groups often hold sway.



Surprise visit by Thai rangers found Hmong harvesting opium, despite an agreement to stop commercial poppy growing. But government assistance



was not withdrawn, since they had reduced their crop by half. On a hill known as Poppy Mountain, Lisu women also collect opium (above).

Among its partners then: Joseph Coolidge, Robert Bennett Forbes, Warren Delano, Jr. Sometimes opium profits contributed to excellent causes, such as the founding of Girard College for orphan boys in Philadelphia. Some were eventually invested in transcontinental railroads and industrial expansion after the Civil War. And, sometimes, perhaps, there was remorse. It's been said that when T. H. Perkins lost his eyesight, he thought it punishment for his opium trading; in any case, he gave handsomely to what is now Boston's Perkins School for the Blind. Helen Keller studied there.

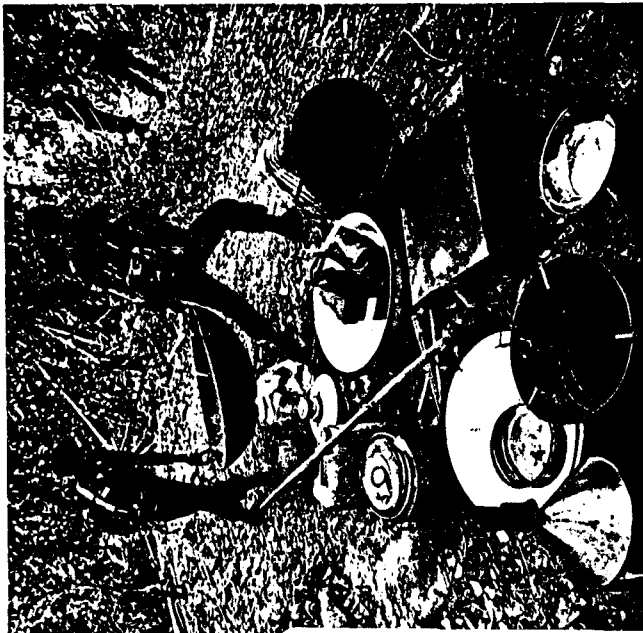
Moreover, the United States government, spurred by anti-opium sentiment rising in the late 19th century, joined with China in seeking controls on opium. The U. S. has been the moving force behind all such efforts since—from the International Opium Commission that met in Shanghai in 1909 to the worldwide treaty now in force. It's known as the Single Convention on Narcotic Drugs. The 116 parties agree "that the medical use of narcotic drugs continues to be indispensable for the relief of pain and suffering"; that adequate amounts must be kept available, but "that addiction to narcotic drugs constitutes a serious evil for the individual . . . a social and economic danger to mankind." This treaty calls for international cooperation against drug abuse, within the framework of the United Nations. During the biennial meeting of the UN

Commission on Narcotic Drugs, in Vienna, I hear of global heroin availability up alarmingly; seizures have doubled in Spain and in Australia; heroin trafficking around the world is at an all-time high. Debate on what to do about it reflects differing casts of mind. The U. S. delegate urges reduction of supply—we should give priority to eradication of illicit poppies. Governments must demonstrate the necessary political will! Norway and Sweden talk of reduction of demand—make people stop wanting heroin, through psychiatric treatment for addicts, more education about the dangers of addiction. The U.S.S.R. says no, anti-drug propaganda only arouses more interest in drugs, we just forbid them. . . .

IN VIENNA the Islamic Republic of Iran said it has big problems with opium and heroin and is fighting them sincerely. I ask, may I visit to learn more? The answer is yes, and now I am in Tehran with a colonel of the gendarmes. He says the action is near the eastern frontier. Smugglers from Afghanistan and Pakistan bring the stuff over the mountains at night so the gendarmes helicopters can't see them, and bury it in the desert until a deal is made. They come with jeeps. Or with camels that have been fed opium and conditioned to follow a special route to get more; thus they'll keep running all by themselves. Won't somebody hijack those unattended opium-addicted camels?

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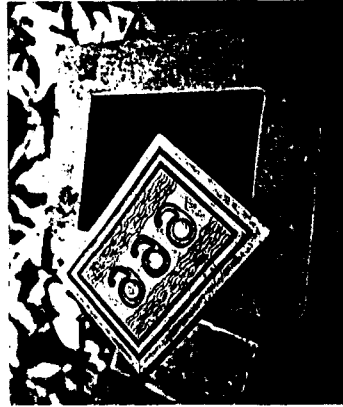


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Jungle refinery for converting raw opium into morphine base is dismantled by a contingent of the Thai Border Patrol Police (above). A few crude pots, simple chemicals, and a source of fresh water are all that is needed to create this substance from which illicit heroin is made. About ten kilograms of opium make one of base, which is compacted into a cake in a press (right), also found in the camp. The lid bears the number 999, once the trademark of a Golden Triangle dealer. Drug enforcement officials say the number does not indicate 99.9 percent purity, but usually does signify high quality. The mark is now ubiquitous, appearing on a block of morphine base (facing page) seized with a huge drug shipment on the Thai-Malaysian border. The contraband being examined by Thai National Police was found in March 1983 in the false bottom of a van that had been tracked from northern Thailand for 800 miles. The second largest seizure in more than five years, valued at more than \$500,000, it contained 233 kilograms of raw opium, 72.6 kilograms of morphine base, and a

small quantity of processed heroin.

Heroin is created by treating morphine base with a chemical, acetic anhydride. More potent than morphine, heroin commands more money for the same amount of powder. Heroin was first marketed in 1898 as a cough and diarrhea remedy and falsely hailed as a morphine substitute less likely to cause addiction. Interestingly, once in the body heroin converts back to morphine.



Spectacular treatment of addicts at Tham Krabok Monastery north of Bangkok (left) results in a 70 percent success rate, according to its records. The ten-day free treatment begins with a vow to Buddha never to use narcotics again. Then patients are given herbal medicine that makes them vomit immediately (below left). The monks, who have treated 80,000 since 1959, say the medicine "clears poisonous drug residue from the body and helps eliminate the physical desire for drugs."

Herbal steam baths, milder tonics, and herbal pills, along with continuous counseling, are part of the regimen. Most of the 100,000 to 300,000 heroin addicts in Thailand inject the drug. Easily purchased, it is sold in colored tubes (below) for less than one dollar each.

Malaysia, one of the largest importers of Golden Triangle heroin, now counts 350,000 addicts. Herbal teas are also part of the cure dispensed by a Malay healer called a bomoh, who paints Islamic verses on the chests of his patients (right). Some 25 bomohs treat addiction in Malaysia, and authorities say the cure rate is about 60 percent.



No, the smugglers have binoculars and they're heavily armed. "We go after them with armored vehicles." Even so, gentlemen have died.

A police colonel says his men just made a gigantic catch at the edge of the desert near Yazd: in a truck, under eight tons of onions, 1,050 kilos of morphine base! Bound for conversion into heroin at a clandestine lab near the Turkish border—half to go via Turkey to Europe, half to stay in Iran. There are an estimated 150,000 heroin addicts in the country, and 450,000 on opium.

I am told that Iran has a centuries-long history of opium—until the fall of the shah, opium smoking after dinner was acceptable in circles high and low; registered addicts could get legally produced opium cheap. The revolution made that *haram*—sinful, forbidden—and heroin spread, being easier to hide. Now this is seen as a political problem. I read the all-powerful words of Imam Khomeini: It's a plot, a conspiracy of the West and East to addict Iranian youth so they will be useless to the economy and in the war against Iraq. Victims must be cured and reeducated, he said, it's a religious duty.

Behind steel doors at Tehran's Bahar Adict Center, inmates from 13 to 60 stay two

months—no medicine, plenty of pep talk. I listen to a bearded revolutionary guard in green fatigues: "If you could topple a regime supported by the superpowers, you can also defeat your habit, with determination. . . . You are Muslims, society accepts you, you can do it!" And a hundred men pray, then chant, "Allah is Great! Khomeini is our leader! Death to America, to the Soviet Union, Saddam of Iraq, Israel!" If after release they don't shape up, they go to jail.

For traffickers it's different, says Hojatoleslam Ahmad Zargar of the Revolutionary Court for Narcotic Crimes in Tehran. Every Iranian city has one. If they've done it before, and the evidence is clear, and the High Judicial Court approves, they're executed. This morning in Qasr Prison seventeen men and four women were hanged.

In the first year of chaos after the revolution of 1979, Iranian poppy planting rose dramatically, to 30,000 hectares. Then, clampdown. In Khorramabad, in Lorestan Province, I meet gendarme Capt. Ahmad Maleki who directed the destruction of 12,000 hectares in 1980—with tractors, in 500 villages. Now he drives me through the dusty mountainous region that was Iran's prime growing ground. At Noorabad we



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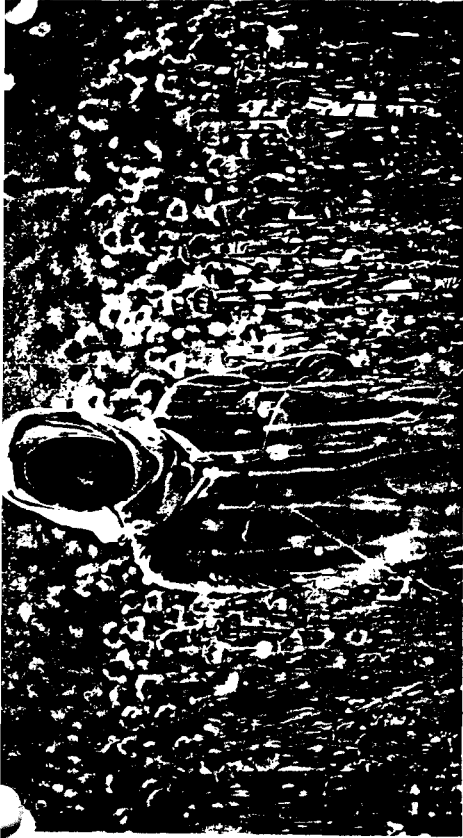
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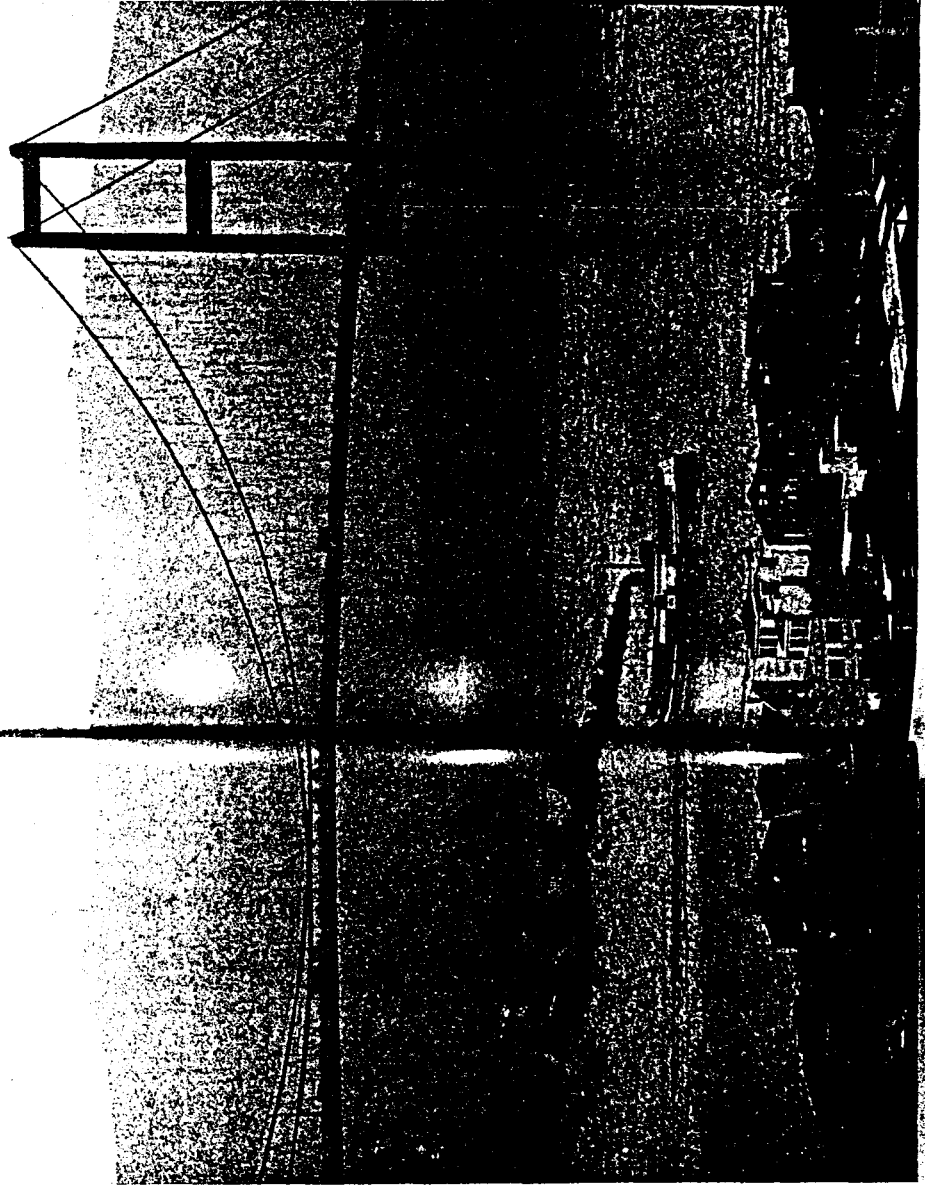
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Dried on the stem, capsules harvested from a Turkish field (right) are known as poppy straw and can yield no opium, only poppy-straw concentrate (PSC). Turkey banned poppy growing in 1971 under U.S. pressure. To satisfy unhappy farmers, it began licensing growers in 1974, but only to produce poppy straw for sale to a government factory, whose technology is required to convert it to PSC and then morphine and codeine. Even so, Turkey is still a conduit for illicit heroin traffic. Officials cannot inspect the thousands of vehicles that each month cross the Bosphorus bridge (below) linking Asia and Europe.



visit a new unit to go after heroin labs in the mountains; he says they order their opium from Afghanistan by the ton.

Last week in Khorramabad a convicted trafficker was shot as thousands watched.

NEXTICO to see what's new in the Golden Triangle—the Burma-Thailand-Laos area of Southeast Asia. I've been there repeatedly on other assignments. U.S. government estimates say about 20 percent of the heroin consumed in the U.S. comes from poppies growing here, near hundreds of villages scattered at 3,000 feet or higher, by the mountain people, as they're called in Thailand—the Yao, Hmong, and Akha; the Lahu and Lisu. They produce rice to eat and opium for medicine and for cash, to put into silver bars or ornaments, maybe a good rifle or a radio, or more pigs or a buffalo.

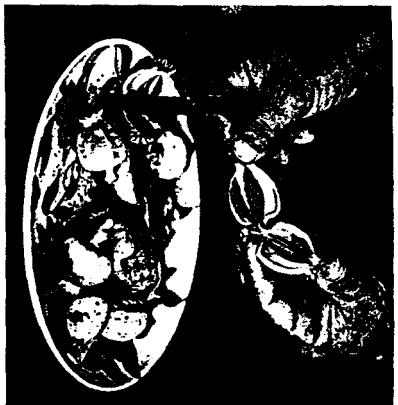
Extensive poppy growing began here in the 19th century. It's a good deal: If you grow something else to trade, you might have to carry it for two days' walking; for opium, the trader comes to you. You might even have one right in your village.

Taking the opium to laboratories—to be turned into morphine base or heroin—makes for a lot of coming and going by caravans of pack mules. I remember the first one I saw on a mountain trail, led by a friendly-faced fat fellow on a little horse, escorted by men on foot armed with automatic rifles and percussion grenades. This is a hallmark of Golden Triangle traffic: the involvement of sizable forces of armed outlaws. They're from minorities in revolt against the Burma government, such as SUA, the Shan United Army. And the KMT, or Kuomintang soldiers—remnants of anti-Communist armies that left China after Mao's victory, now settled in northern Thailand.

One day in 1967 at the place where Burma, Thailand, and Laos meet—a conjunction that gives the Golden Triangle its name—an SUA caravan with 16 tons of opium, coming south from Burma, sought to avoid paying the customary tax to the KMT. So the SUA crossed the Mekong River into Laos; the KMT gave chase. At the height of the fight, at the village of Ban Khwan, Lao warplanes swooped in, dropping bombs. Then came Lao paratroopers, seizing the



Extra bonus for Turkish poppy growers, seed is shaken out before the dried capsules are processed into PSC. This brown seed will be pressed for cooking oil. High-protein cake residue will be fed to cows. Some poppies produce white seeds, a favorite in Scandinavia, but blue poppy seeds (top right) bring the highest price on the international spice market. A heavy dusting covers bageles (center) in New York City. Turkey, the Netherlands, and the Australian state of Tasmania are the top suppliers of blue seed to the U. S. Each capsule may hold 800 to 2,000



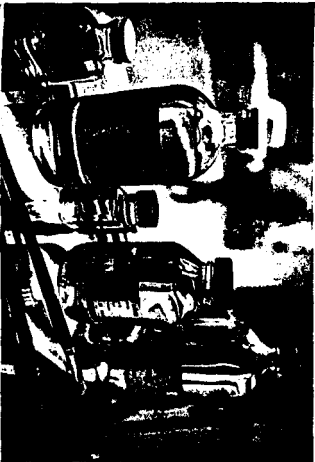
opium, it went to the commander in chief of the Royal Lao Army, who was in the opium business too. When I got to Ban Khuan, shortly after, all was calm again along the Mekong. The noisiest thing around was a work elephant getting his daily bath, as the sun set on the Burma side, the sky turned red and the river turned gold.

The SUA leader in that miniature opium war, Khun Sa, is now the area's top trafficker. He's had battles lately with Thai forces on the Thai-Burma border and has taken his men and his heroin labs farther into Burma. He says he's fighting for the liberation of the land of the Shan, that modern weapons cost lots of money, and that opium and heroin are his only way to get it. He repeatedly offered to sell all his opium to the U. S. government, finally for 36 million dollars. President Carter said no.

American Embassy officials in Bangkok tell me Khun Sa is strictly out for the money. Thailand's annual opium production, as high as 180 tons in the 1960s, declined as the Thai government pushed economic development to counter the threat of insurgency; it's now about 40 tons. Laos produces about 50 tons. The main problem is Burma—another bumper crop, more than 600 tons, the biggest illicit opium harvest in the world. The government there seeks to eradicate poppies but can't do much in areas it doesn't control. And so heroin continues to flow south to Bangkok, to Malaysia, to India, and to Hong Kong—thence to Europe and the U. S., Canada, and Australia. Thailand has hundreds of thousands of addicts.

HAS ILLICIT OPIUM ever been done away with without doing away with *Papaver somniferum*? Yes, it has. It's August, and I'm in Turkey for poppy harvesting, new style.

Turkish for poppy is *hag-hag*, pronounced hash-hash, and opium is *ajyon*, plentiful here since antiquity. Until the early 1970s morphine base from Turkish black-market opium was refined in Marseille for heroin of the infamous French connection. That collapsed when Turkey, under U. S. pressure, banned all growing in 1971. There was much resentment, and since 1974 there is *hag-hag* again, but under firm new rules. No *ajyon*! "Not one gram," says the general



seeds, although the botanist Linnaeus once counted 32,000.

Poppy-seed oil, for sale in a Rome art-supply store (above), has been prized by artists since the Renaissance as an oil-paint thinner that dries more slowly and yellows less than linseed oil.

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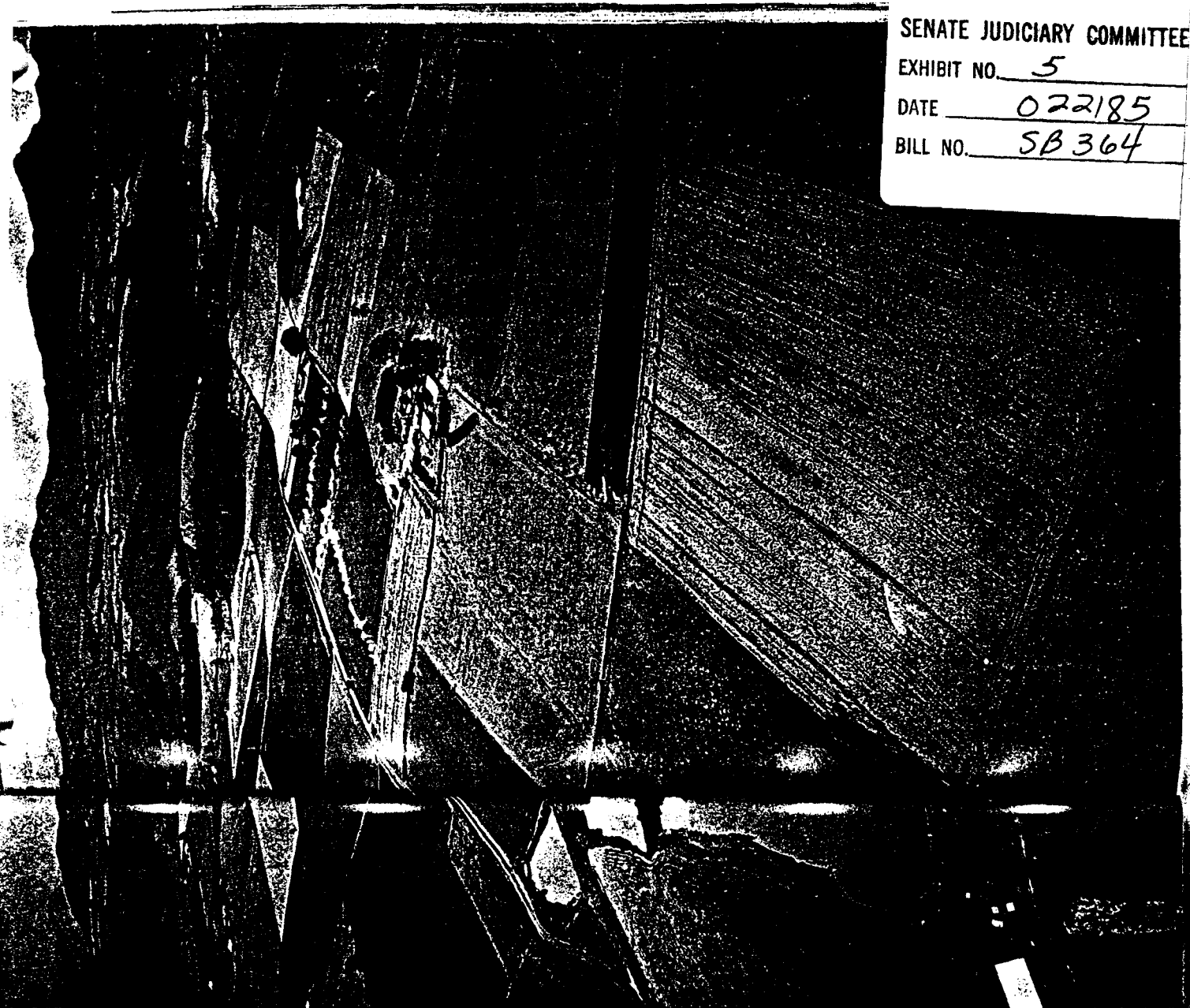
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Newcomer to poppy growing, Tasmania now holds the record yield per hectare for morphine, meeting perhaps 20 percent of the world's codeine needs. Experimental fields of poppy straw in the mid-1960s have blossomed into 6,050 hectares, largely on the island's north coast (right). Agricultural research and sophisticated cultivation boost the region's natural advantage in poppy production—long daylight hours during the growing season. Two pharmaceutical companies contract the crop from licensed growers. North-coast farmer Les Richardson (above) took top honors from the Glaxo company for his 1983 yield. As harvest nears, state police inspect fields to ensure crop security (below).



director of TMO, the government soil products organization, which buys all agricultural products—wheat, barley, rye. And dry poppy capsules. "No incising is allowed."

When capsules thus ripen without incisions, the morphine stays in the capsule walls. It can be efficiently extracted only in a sophisticated factory. Turkey has built one, at enormous expense. "We have done all this for humanitarian reasons, for our friends in the Western world."

At the huge new alkaloid factory at Bolvadin, in Aydon Province on the eastern Anatolian plateau, dry poppy capsules—called poppy straw—are crushed and dissolved in stainless-steel tanks. Out comes darkish liquid. More tanks, more acids, out come wet crystals for drying in a centrifuge, then in ovens. Now it's ivory-colored powder. More dissolving, filtering, centrifuging, and there it is—white poppy-straw concentrate, or PSC, crude morphine.

Armored cars will take it to Izmir for export. Most will be processed into codeine.

In a village 20 miles away a TMO poppy control officer has certified permission to "break"—to harvest. Baggy-trousered women with red and blue blouses are busy in a dozen little fields of beige shoulder-high poppies, snapping off capsules that are rock hard and dry as walnuts. Snap, rustle, snap, snap, one a second, into the apron.

"Now we grow has-has only because of the oil," says the village headman—barley would pay better, but the women insist. Wheat, salt, and poppy-seed oil—that's tradition here, and women are tradition minded. A young farmer tells me his mother enjoys the harvesting, but his wife, 23, does it only because she must; she'd rather be home with her TV.

Farmers split their capsules for the seed and take the empty halves to TMO. Brown seed is best for oil; blue pays best, for export to the U.S., Germany, and the Netherlands. Scandinavians prefer white. As for me, I like *kahmer*, parcakes filled with crushed poppy seed—nutty, delicious. Cows love the cake left after seed has been pressed for oil—it's 30 percent protein and makes for excellent cream. By the way, experts tend to agree there's no morphine in the mature seed of *Papaver somniferum*—hence none in the poppy seed on your spice shelf.

In numerous villages I see rows of 300-foot-long mounds—poppy straw stored in polyethylene bags with earth on top; warehouses are piled to the rafters. A big expense, a TMO man says, for rent, for guards. Stocks mounted because of delays in opening the factory, so growing has been drastically cut: in the seven provinces allowed to resume growing in 1975, a reduction by two-thirds—to 7,000 hectares and 35,000 farmers. In the city of Aydon I get an earful about that from Halli Arabaciroglu, fourth-generation poppy-oil presser.

"You Americans, always interfering with other people! We had to stop poppy planting because of you."

I say, but you're planting again.

Yes, but not enough! There is so little seed to press he has to sell detergent powder and macaroni. He stares at me. "How is it you have so much addiction? We have no addiction here. Maybe American youth is too spoiled, you have everything, you look for excitement."

A WORLDWIDE notion for a long time was that heroin is mainly an American problem. But that's been changing. Addiction is rising not only in Thailand and Burma, in Malaysia and Pakistan, but also in Western Europe, and Turkey is on a transit route. On the great suspension bridge across the Bosphorus at Istanbul I watch the big trucks heading west. Thousands pass each month. A DEA man says some have compartments in their gas tanks, for heroin to Munich, morphine base to Milan.

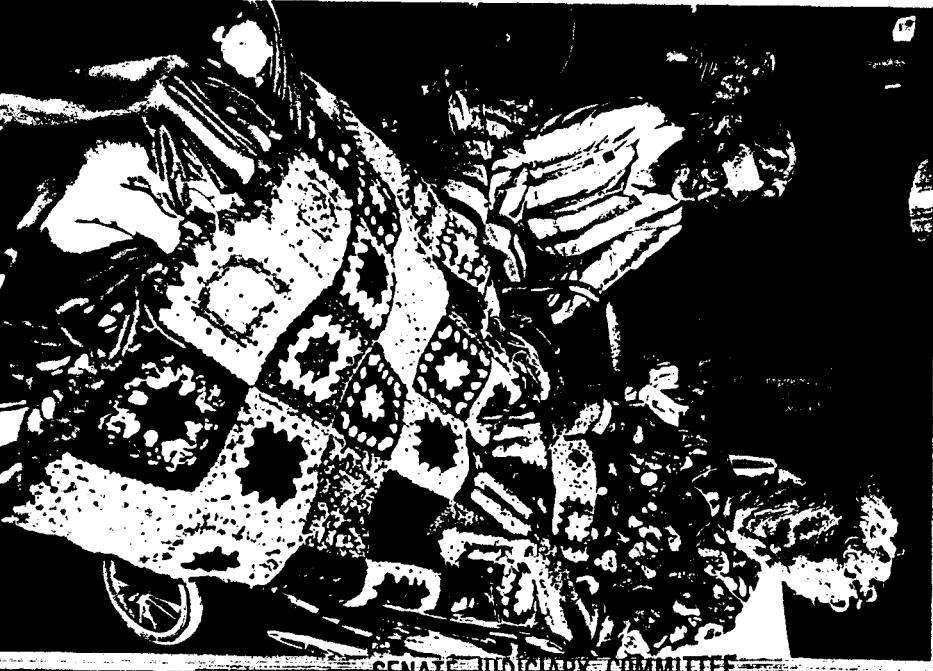
I follow them to Bulgaria. In Sofia, at the Hotel Vitosha—notorious rendezvous of arms and drug smugglers—I visit the casino, for foreigners only. How many of these roulette-playing Syrians, Lebanese, Turks are Kinter clients? Ah, well, I really must stop suspecting everybody.

Kinter, the official Bulgarian export-import agency, has been described by U.S. authorities as trading weapons to assorted militants in the Middle East for heroin to be sent on to Western Europe and the U.S. Said to be prominently involved is Bekir Celik, from Istanbul, now residing in Sofia. I reach him by telephone. He is indignant in broken German. "Heroin? Never! That's an American thing." Turkish humor, I guess.

Combating chronic pain is a major concern of Dr. Forest Tennant (top), examining a patient who lost her jaw to cancer. He prescribes daily doses of codeine, taken through a stomach tube, so that she can live free of pain. "One of our biggest problems is the reluctance to treat chronic pain with narcotics," says Tennant, who takes patients after other pain-relief efforts have failed.

A pioneer in pain control, Dr. Cicely Saunders (right, at left) founded St. Christopher's Hospice near London in 1967. Most residents are cancer patients, many with severe pain. "The pain can be treated," she says, and the prescription is usually morphine, given orally and carefully tailored to the patient's needs. "You get a feeling of joy at St. Christopher's," says Dr. Saunders. "Not because they're high, but because they're without pain and depression."

In their last days many cancer patients can't swallow, and Dr. Saunders prescribes heroin injections, legal in the United Kingdom. However, she stresses morphine as a pain reliever for those countries that do not allow heroin.



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Mexico's war against the poppy sends pilots on often perilous herbicide-spraying missions over fields scattered in the western mountains. Vertically mounted cutting blades are designed to snap wire traps stretched across narrow valleys. A second

helicopter directs the spraying. Mexico was the source of 80 percent of the heroin in the U. S. when aerial eradication began in 1975. After a dramatic decrease, poppy growing is once more on the upswing, spreading across the country.

T'S DECEMBER, and *Papaver somniferum* blooms white and mauve on the Australian island of Tasmania, halfway around the world from England; but the scenery here in the Derwent River Valley looks very English indeed—rolling green hills, sheep and Friesian cows, gentlemen at cricket.

Sir Angus Bethune of Dunrobin Farm calls poppies the ideal crop—"relatively little work, financial returns quite substantial." Tasmania's Poppy Advisory and Control Board is careful to call them *oil* poppies; after all, they were hybridized mainly from European varieties primarily grown for oil. Besides, no opium is produced here, only poppy straw. As in Turkey, but with a difference: Here it's a high-technology crop: Precision seeding—a machine inserts antifungus-coated seeds and fertilizer simultaneously, seven inches apart, two and a half inches down; computer-controlled herbicide spraying—precisely 200 liters per hectare; harvesting with a newly designed combine and knife on a combine to pull the dry poppy capsules down and slice them off.

The entire crop is contracted for by two

companies—British-owned Glaxo and Tasmanian Alkaloids, owned by Johnson & Johnson of the U. S.; it's private enterprise, but strictly supervised in keeping with the rules laid down by international agreement. To the premier of Tasmania, Robin Gray, poppies represent an important part of the economy. "Our most progressive farmers grow them."

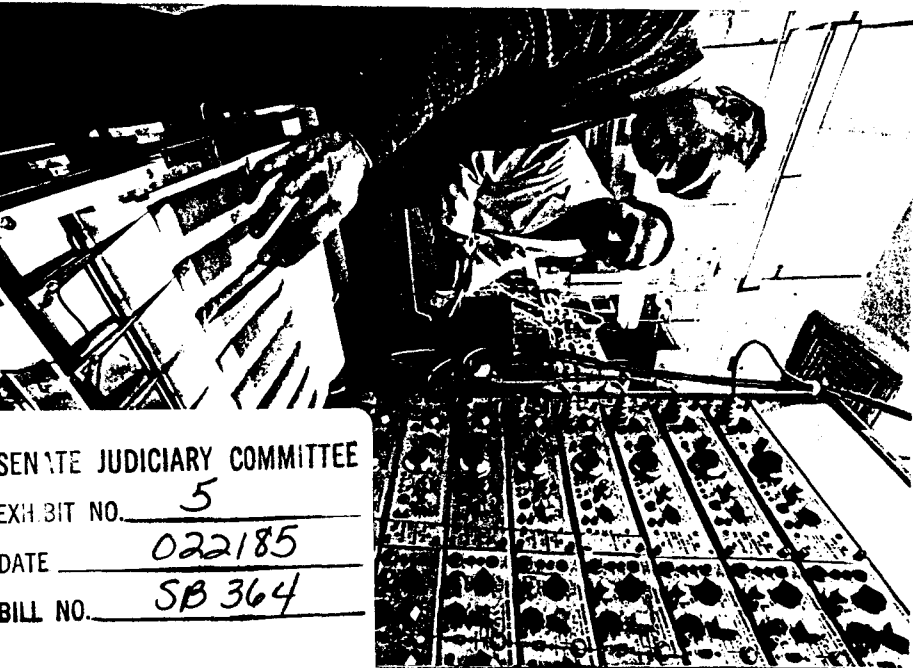
Why was Tasmania chosen for large-scale poppy cultivation in the early 1970s? Because it's politically stable, hence a reliable supplier. And it's far from the Equator, meaning many daylight hours in the growing season; much sun means much morphine, and that's the name of the game, the aim of extensive research for better poppies. Hormone applications. Genetic engineering. Controlled cross-pollination. In the past five years alone, morphine yield has doubled to ten kilos per hectare, the highest in the world. It's still going up. Click, click, click—a plane has sprayed pellets of nitrogen, now irrigation sprinklers turn. Water will fill the seeds, increase weight. Will nitrogen at this late stage increase the morphine yield? It's an experiment, we'll see.

What causes addiction?

Looking for answers, scientists in the early 1970s discovered natural receptor sites for morphine in the brain, spine, and intestines. Further investigation led to the discovery that the body produces its own morphine-like substances, known as endorphins, that regulate mood and appetite and relieve pain. Dr. Avram Goldstein (left), discoverer of one family of endorphins, compares the complicated molecular model of dynorphin A with a model of morphine in the foreground. The hope that endorphins could be nonaddictive replacements for morphine was dashed when experimental injections led to addiction and withdrawal symptoms.

The body's natural receptor sites came to light as scientists developed antidotes that can reverse the effects of a narcotic overdose. At a National Institute of Drug Abuse research center, sections of the small intestine of a guinea pig (top right), containing receptor sites, will be placed in saline solution and attached to an oscillograph. Electrical impulses induce the intestine's natural twitching action that is in turn suppressed by doses of morphine.

Pharmacologists Dr. Charles Gorodetzky and Dr. Tsung-Ping Su (right) monitor the revival reaction as the antidote naloxone is added to counteract the morphine.



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FOR MY LAST FORAY in pursuit of *Papaver somniferum* I'm in Mexico, in a helicopter over the rugged mountains of the Sierra Madre Occidental where the states of Sinaloa, Durango, and Chihuahua meet. According to the current "Narcotics Intelligence Estimate," summarizing the best information available to the U. S. government, about a third of the heroin entering the country is estimated to come from illicitly planted Mexican poppies; we're out to destroy some, with herbicide spray. It's called *campaña permanente contra narcotráfico*. The U. S. government supplied most of the aircraft, Mexican pilots and navigators do the work. It's the most strenuous anti-poppy effort anywhere. The U. S. investment so far is more than 110 million dollars, Mexico's more than twice that.

The helicopters work in pairs—one low, spraying; the other higher, directing (pages 178-9). "A little more to the left . . . do the part near the stream again . . . climb a little, there's another field . . ." The spray copter banks, turns, slows to spray, rises, turns again sharply, barely clearing a tree—all in a narrow valley with steep slopes. It's *rises-goso*, risky.

Mexico doesn't really have a tradition of poppy growing. Chinese laborers planted some in Sinaloa in the 1920s, to get opium for

smoking. During World War II, American gangsters—fearing a cutoff of the morphine and heroin they were smuggling from overseas—promoted large-scale planting. By 1951 there were newspaper headlines in major U. S. cities about heroin from Mexico, as there are now.

I am surprised to see from the air how small the fields are—some less than a third of an acre; the growers have dispersed them widely of late, to make the spraying harder.

We land in successive fields so I can see how sophisticated these growers have become. What are those hoses emerging from a stream? We follow one, on a downslope. Affixed to its end, on top of a shoulder-high tripod made of tree limbs, sits a green plastic detergent bottle, punched full of holes. It's a gravity-fed irrigation system! Other tripods hold green branches, for camouflage.

I see plants at all stages—some only a foot high; taller ones, blooming red; quite a few ready for lancing. Some are twisted, drooping, dead. That's the work of the herbicide 2, 4-D. It speeds growth—so much so that the plant quickly dies.

What we don't see are growers, for good reason. We circle high before landing, so they can get away. "We are armed and they are armed," says the pilot, "and we don't want to meet. We're not out to catch people,



Nose for narcotics sends a U. S. Customs Service dog along a conveyor belt at New York's John F. Kennedy International Airport. Dogs trained to detect heroin, cocaine, and marijuana cover major

ports of entry, sniffing luggage and planes after passengers disembark. Federal authorities annually spend nearly 1.5 billion dollars on all drug enforcement. Yet they estimate they seize less than a tenth of the heroin entering the U. S.—believed to be more than four metric tons each year.

The El Paso Intelligence

that's a job for informers and the police." In Culiacán, the capital of Sinaloa, the commandant of the federal judicial police shows me something new: Heroin so dark it's almost black, made in the mountains, nearly 100 percent pure! Also new is that poppy growing has spread over much of the country; Mexican opium output, after dropping steadily under the impact of helicopter spraying, is once more on the rise.

What I'll remember most vividly from Culiacán are the *corridos*, ballads performed by so-called *norteño* bands—accordion, guitar, drum, and bass. Corridos usually deal with real people and real events, and a while ago Los Bravos del Norte had a hit with this one about heroin traffickers:

"In Culiacán many brave men have been killed, some Mafia big shots, some government men . . . the famous gunmen are disappearing, some killed, some imprisoned, the Mafia is dying." And this refrain, referring to a part of town favored by heroin traffickers: "Tierra Blanca is desolate, no new cars, no longer the roar of machine guns, the beautiful mansions are abandoned."

More recently, Los Intocables del Norte had another big hit: "Those brave men are back, looking for the ones who betrayed them . . . the betrayers don't sleep easily,

the gunmen are after them, they're watching the roads." And this refrain: "Tierra Blanca is full of traffic again, full of brand-new cars, you hear again the roar of the machine guns, and the beautiful mansions are no longer abandoned."

I must add that guns firing in Culiacán don't always mean killing. More often it's shooting into the air, for fun, say for a *fiesta quinceañera*, a girl's 15th birthday.

MORE TRAVEL NOTES from the poppy trail:

- Amsterdam. Formerly a distribution hub for Golden Triangle heroin sent via Hong Kong to local Chinese; now massively supplied from Pakistan. Knife-carrying street dealers, many from Suriname, operate not only on notorious Zeedijk Street downtown, but lately also from apartments in residential districts. City council decides to give heroin gratis to registered addicts in special cases. Conservatives in Parliament disapprove.

- Switzerland. Court report from St. Gallen: A man and woman bought one ounce in Bangkok; it turned out to be detergent powder, but they *thought* they were smuggling heroin—so, 15 and 12 months respectively. Suspended, that is.

- West Berlin. Sri Lankan couriers land at



Center in Texas was created in 1974 to deter the renewed influx of heroin from Mexico, following the severing of the trade that led from Turkey through Marseille, France, to the U. S.—the so-called French Connection. The center now collects and dispenses worldwide narcotics information. A member of the Coast Guard (right) helps man the watch room, staffed seven days a week, 24 hours a day by U. S. agencies—Immigration, FBI, FAA, Internal Revenue, Drug Enforcement, Marshals Service, and Customs.



Raid on a "shooting gallery" by Washington, D. C., police (left) yields no arrests. Suspects must be caught with drugs or paraphernalia on their person; all evidence had been quickly dropped to the floor (below). Two dollars is the average admission price to a gallery; two dollars more may buy a syringe. But the heroin—about \$35 a dose—is usually bought on the street. Most raids are aimed at dealers. "We're successful," says one officer. "But there's so much money in it, someone else always moves in." New York City, Los Angeles, and Detroit suffer higher abuse rates, but one trend is national: Heroin purity is up, a sure sign of abundance.



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East Berlin airport with bags of heroin in their stomachs, then take the train to West Berlin. If a bag bursts, the courier dies.

- France. Seizures by customs doubled in a year. The head of a new interministerial anti-drug commission calls heroin a serious problem in "all classes in our society."

- Italy. Vast revenues from heroin refining for the New York market sparked building and banking boom in Palermo. Mafia competitors killed one another, also a general of police and a judge; scores sentenced for trafficking. In Rome angry mothers in the low-income Primavalle section campaign

against dealers, use special mailbox to inform police. Two mothers, in desperation, killed their addicted sons.

- Poland. For a Christmas Eve treat, people soak crushed seeds overnight in milk, add honey, raisins, nuts. Poland legally plants 15,000 hectares of poppy for seed, but nowadays antisocial elements get poppy capsules from farmers, crush and boil them, add chemicals—it's heroin of sorts. Addicts number in the thousands; a few lurk in Warsaw hallways and stairwells, injecting.

- Ireland. Militants in a Dublin housing project threw three pushers out of their flats;

then dealers in other projects were invited to appear before meetings, confronted with evidence, and told to stop or get out. Dublin's heroin tide rose from a handful of addicts to several thousand in a couple of years. Can it be turned back?

LIVERPOOL the smoking and sniffing of heroin is spreading among young people; police report a big seizure aboard a Pakistani ship. A BBC-TV survey of health authorities from Dundee in Scotland south to Wexsex on the English Channel, from Great Yarmouth west to Holyhead in Wales

reveals that yes, it's there too. Unheard of, until recently.

But in England I also learn about what, to me, a truly heartwarming effect of *Papaver somniferum*. My mentor is a forceful, green-eyed lady, Dr. Cicely Saunders, pioneer of a blessed medical innovation known as the modern hospice movement.

The subject is pain, the severe unrelieved sort of pain that occurs in perhaps two or three out of ten cases of terminal cancer. Alas, I've seen it in my family. Someone you love lies in a hospital bed, in agony, and the nurse says sorry, not time yet for your

medicine. . . . And then, when the medicine is given, the fear of the pain returning, again and again.

Quite unnecessary, says Dr. Saunders. That's a basic precept in a hospice, a place for the terminally ill where hospital routine is de-emphasized and the final period of life made as full as possible—as at St. Christopher's Hospice near London, where she is in charge. Patients can have friends and grandchildren visit whenever they want, also their dogs.

For that essential part of hospice work—pain control—morphine is top of the list, says Dr. Saunders. No synthetic analgesic has yet been made that deserves to replace it; it's the drug of choice. In the right amounts, of course.

"It's similar to what's done with diabetes and insulin—you don't wait for somebody to go into a diabetic coma before you give the next insulin. You use it to prevent that from ever happening. And it's absolutely simple and basic to do the same for pain control. You adjust the dosage to each patient's changing needs.

"Basically, patients here have a four-hour routine drug round," Dr. Saunders says. "If we've got it right, they won't have pain by the time the next drug round comes. The public has the myth that the pain of cancer cannot be controlled, that's why people are so frightened of it. Or they think you can have relief only at the price of being knocked out. Go around, you'll see patients free of pain, alert and cheerful with their families."

Morphine is given by mouth, but for a small proportion of patients, perhaps one in five, there'll be heroin, injected. In Britain it is legal for carefully controlled medical use.

"Many people can't swallow near the end. At that point we switch to heroin; because it's more soluble, you can have a lot in a small amount of water. It's the equivalent of about two and a half times the same amount of morphine. So for the occasional patient who needs a big dose, you can give it in smaller volume. But usually morphine by mouth is sufficient." In the U. S., she adds, in place of heroin the equally soluble opium derivative Dilaudid would be suitable.

I mention that many U. S. doctors seem reluctant to give sufficient morphine and abhor heroin.

"Nothing but nonsense, myth. That you'll make patients into junkies. But taking drugs for kicks and to control pain are entirely different things. If you're addicted, you yearn for the drug all the time. But in your last days you have better things to think about. And so when patients get their drugs to prevent pain from ever happening, they don't have that terrible fear. It can make such a difference. It can save memories." Memories?

"You see, we're not simply relieving pain for the sake of relieving pain. We do it also because of what the patient and the family can do with the time given them once the burden of pain is taken away."

What happens?

"Family reconciliation, sorting out problems that may have been hanging on for years. Being able to say sorry, and thank you. Remembering that amid sadness there was courage, and understanding, so that you'll remain proud of those days."

The Queen has made Dr. Saunders a Dame Commander of the Order of the British Empire. I think she should also be made a saint. And maybe someday, somewhere, in some hospice garden, there'll be a little piece of modern sculpture to honor the plant that in such adversity can bring such a boon.

Dame Cicely's gospel, I'm glad to say, has spread to America. Scores of hospices now operate in the U. S. and Canada, many extending hospice-style pain control to patients in their homes. Best of all, it's also finding its way, slowly, into U. S. hospital practice. Within the past 14 months both the American Medical Association and the American College of Physicians—the principal organization of internists, including cancer specialists—have urged doctors to stop the underutilization of drugs for severe chronic pain in cancer and in all terminal illnesses. Morphine, they say, is the drug of choice, the mainstay.

AND NOW I'm home, mulling over some of the things I've learned. One is that in heroin matters there's a lot of uncertainty.

How much came into the U. S. in 1983—4.12 tons, as officially estimated, or 6 tons, or 10? Nobody really knows. What proportion of the inflow is seized? Two percent, 5

percent, 10 percent? Again, nobody can say—and no wonder, when every day some 31,000 cars come in from Mexico at Tijuana alone, when international flights bring a daily average of 60,000 passengers. Who could search them all?

Also, who can say how many heroin addicts there really are in the United States? NIDA, the National Institute of Drug Abuse, estimates 500,000. That's extrapolated from the number of people who come to the attention of health authorities and police. But, says NIDA, "the extent to which these are representative of all users in the community is unknown."

Then there's disagreement over the best ways to help addicts. Giving them inexpensive daily doses of the synthetic drug methadone, a morphine substitute, is widely favored now in the U. S. But numerous therapists say that's just substituting one addiction for another—far better to enforce complete drug abstinence in highly motivated rehabilitation communities.

Some things, on the other hand, are emerging clearly. As a senior UN official put it in Vienna, heroin increasingly figures as a medium of exchange, a sort of illicit currency for shady dealings on a large scale; there's growing evidence of close links in many parts of the world between drug trafficking and arms smuggling, subversion, and international terrorism. A former narcotics commissioner of Hong Kong told me bluntly that what greases the channels of drug trafficking is official corruption in all countries.

And this is a rule I was given in one country after another: As soon as one trafficking route is put under pressure, a new one takes over; if supply is reduced from one area, it will be replaced from another. I call it squeeze and effect. Take a pillow or a half-inflated balloon, squeeze it here, and it pops out there.

IS IT DIFFERENT here at home? I mean in the parts of town evoked by those new American ballads called rap songs, where there are, "Junkies in the alley with a baseball bat." Where pushers are the big money makers, "driving big cars, spending 20s and 10s, and you want to grow up to be just like them."

In New York, police saturated a hotbed of

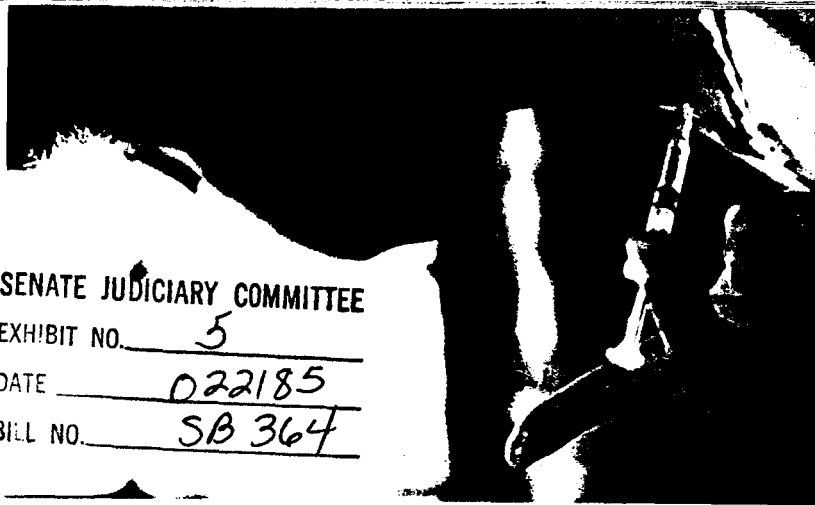
heroin dealing on the Lower East Side; I could see patrolmen, in pairs, on practically every other corner. They called it Operation Pressure Point. So a lot of dealers went elsewhere in the city.

A dozen blocks from my office in Washington, D. C., police crashed into a "shooting gallery," a place where people can inject heroin as soon as they buy it. A week later that place was boarded up, and I followed police crashing into another.

Squeeze and effect.

Does this mean that all the anti-heroin measures—from aerial poppy surveys to

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BILL NO. SB 364



Going for the jugular, a Washington, D. C., heroin user puffs her cheek to force blood into a major neck vein, one of hundreds that users tap. Heroin addicts may number 500,000 in the U. S.

heroin-sniffing dogs—are useless? That those millions of taxpayers' dollars spent here and abroad have been wasted? Wouldn't it make more sense, as quite a few advocate, simply to legalize the stuff?

Not at all, says Dr. Robert DuPont, formerly head of NIDA, now president of the American Council for Drug Education. "If we didn't have the efforts we make against heroin, we wouldn't have 500,000 addicts, we'd have 20 million."

I believe he may be right. I also believe what some of us were taught in religion class, what most of us learn by just living. That the fight between good and evil has no end. It's a part of existence. And when seen in that light, isn't *Papaver somniferum*, bringing both good and evil, another symbol of life?

LET ME CLOSE with something new from the good side.

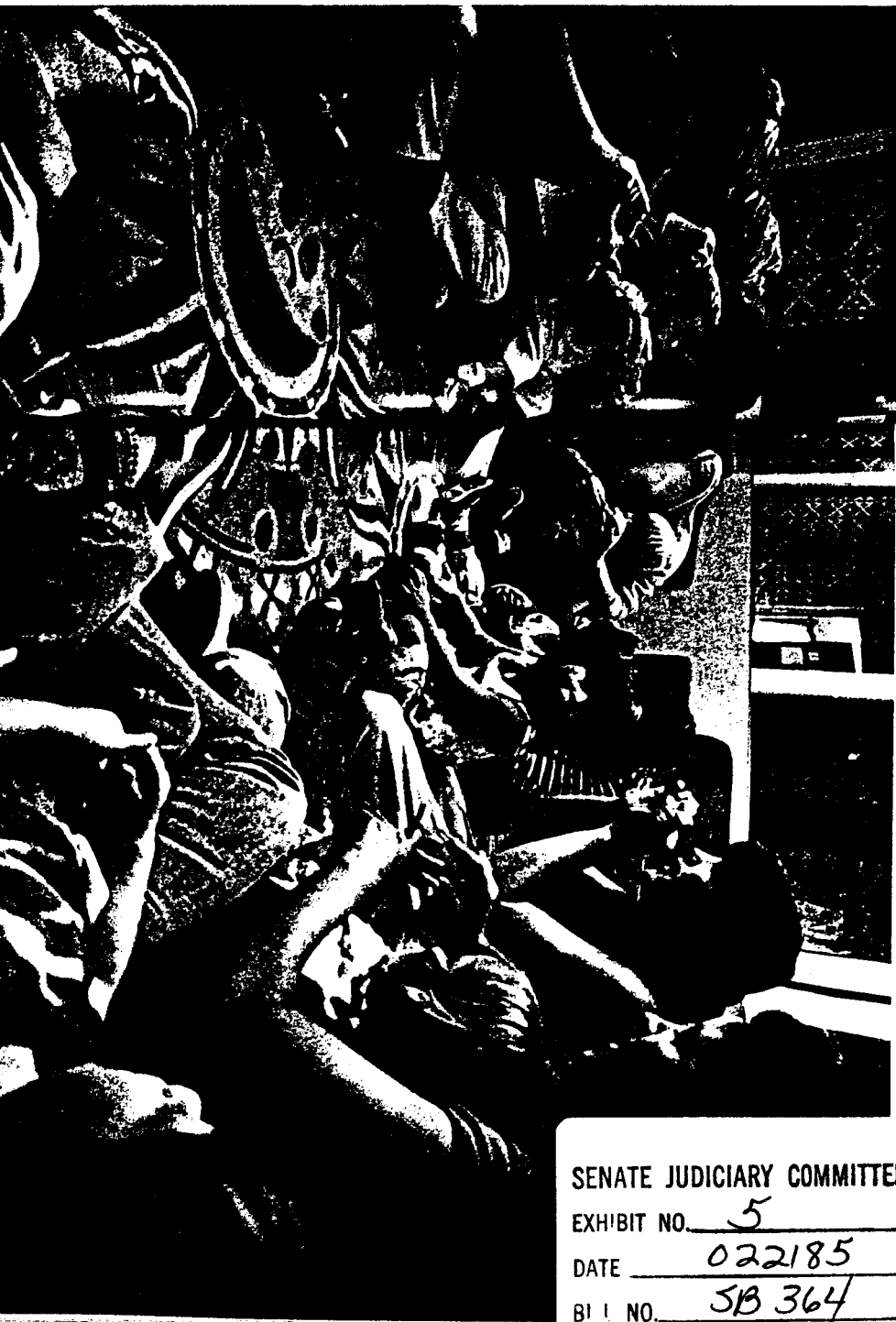
How morphine does its work in the human body has begun to be reasonably well understood only since 1973. The brain, the spinal cord, and the intestines have so-called opiate receptors that may be thought of as locks into which morphine fits like a key, to alleviate pain and fear. In fact, the brain itself makes morphine-like substances called endorphins that also do that. This discovery has not necessarily brought us closer to an ideal nonaddictive painkiller—endorphins, if used as drugs, might be as addictive as morphine itself—but it is leading to valuable insights nevertheless. Dr. William Pollin, currently director of NIDA, calls it a major breakthrough.

"We have begun to understand that the brain is as much a pharmaceutical factory as a switchboard. Behavior that up to now has seemed capricious, a weakness of the human character, is becoming intelligible. Our studies of opium have led us to new vistas of how the mind works—of the biological basis for motivation."

Scientists and pharmaceutical firms around the world excitedly look forward to new drugs that may at last deal effectively with old problems bedeviling millions of people—obesity, nicotine addiction, impotence. Imagine, a key to youthful thinking, the answer to depression!

Let's hope it won't be long. □

Changing face of addiction, heroin use grows in middle and upper economic classes. A California woman who took heroin for six years drops by a Los Angeles clinic (right) for a daily dose of methadone, a legally dispensed morphine-like synthetic, also addictive. At Via Avanta—The Way Forward—a residential treatment center in Los Angeles, therapist Lynn Smart (below, at left) leads a parenting session for addicts and their children, a vivid example of the poppy's ultimate harvest. As a 16th-century botanist proclaimed: "It mitigateth all kinds of paines, but it leaveth behinde it oftentimes a mischiefe worse than the disease it selfe."

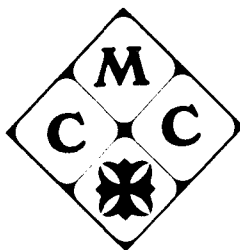


SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 022185

BI NO. 5B 364



Montana Catholic Conference

February 21, 1985

CHAIRMAN MAZUREK AND MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

I am John Ortwein representing the Montana Catholic Conference. The Montana Catholic Conference is the liaison between the two Catholic Dioceses of the State on matters of public concern.

I am here today in opposition to Senate Bill 364 and Senate Bill 392.

Out of a commitment to the value and dignity of human life, The Montana Catholic Conference has declared its opposition to the death penalty. In so doing, we are especially mindful of the relatives and loved ones of the victims of murder, including those who seek relief in the execution of the perpetrator, and those who have forgiven him or her. Also we are very aware of the families of the perpetrators, who also suffer the consequences of these crimes.

The imposition of the death penalty is inconsistent with our efforts to promote respect for human life, to stem the tide of violence in our society, and to embody the message of God's redemptive love. The use of the death penalty will harden and debase our life together. It institutionalizes revenge and retribution, which are the enemies of peace. It gives official sanction to a climate of violence.

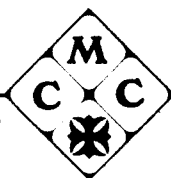
We would urge a "do not pass" for Senate Bill 364 and Senate Bill 392.

SENATE JUDICIARY COMMITTEE

EXH BIT NO. 6

DATE 022185

BILL NO. SB 364 + 392



(This sheet to be used by those testifying on a bill.)

NAME: Roy Andes DATE: 2-21-85

ADDRESS: 406 Chaucer, Helena

PHONE: 443-3914

REPRESENTING WHOM? ACLU

APPEARING ON WHICH PROPOSAL: 364 + 392

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENT: oral testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 7

DATE 022185

BILL NO. SB 364+392

STANDING COMMITTEE REPORT

February 21

19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 352

first reading copy (white)
color

RAISE TO 18 AGE FOR ENDANGERING WELFARE OF CHILDREN.

Respectfully report as follows: That SENATE BILL No. 352

DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.