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Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

CONTROLLED SUBSTANCES TRAFFICKING ACT OF 1974

President Nixon is today transmitting to the Congress his Message on the Controlled Substances Trafficking Act of 1974.

BACKGROUND - BUDGET SUMMARY

The Federal government's spending for drug abuse treatment and law enforcement programs will increase to over \$750 million in Fiscal Year 1975. The Federal programs are a balanced approach to the Nation's drug problem emphasizing both vigorous law enforcement, and treatment and rehabilitation to help return ex-addicts to productive lives in society.

ESTIMATED FEDERAL OUTLAYS FOR DRUG ABUSE PREVENTION
AND DRUG LAW ENFORCEMENT PROGRAMS (In millions of dollars)

	<u>FY 1973</u>	<u>FY 1974</u>	<u>FY 1975</u>
TREATMENT AND PREVENTION	\$364.7	\$445.2	\$460.2
ENFORCEMENT	<u>194.5</u>	<u>244.7</u>	<u>293.4</u>
TOTAL	\$559.2	\$689.9	\$753.6

NEED FOR ADDITIONAL LEGISLATION

The Justice Department has stated that our criminal justice system must be improved to effectively deal with drug traffickers. Studies by the Justice Department show that the majority of drug law violators are released on bail immediately following arrest. While conviction rates are approximately 85%, drug traffickers often receive sentences of short duration. Since the elimination of most mandatory penalties in 1970, the average sentence for narcotic violators has declined from 73.5 months to 54 months. These studies show that approximately one-quarter of the convicted Federal drug traffickers serve no actual prison time, and this has been found to be true even of those convicted of a second offense. Only one-quarter of those convicted receive sentences of from five to ten years and only 10 percent receive sentences in excess of 10 years.

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It was also found that careful consideration must be given to bail provisions for drug traffickers. Because of the extremely lucrative nature of the illicit drug traffic, a violator finds it easier to post a high money bond than do persons involved in other types of crimes. Within days of his arrest he is free to resume his activities in the illicit drug traffic.

In a nationwide survey recently completed for the Drug Enforcement Administration, evidence was developed which implicated almost half of a sample of arrestees as associated with further drug trafficking while released on bail.

After reviewing Justice Department findings and conducting an investigation of its own, the GAO found that "many major traffickers arrested (1) were released on bail for long periods and thus were free to continue their operations" and (2) "received short or no prison sentences which tended to negate the deterrent effect of prosecution."

PROPOSED NEW LEGISLATION

The recommended Controlled Substances Trafficking Act of 1974, to be submitted shortly, increases the penalties for those who traffic in illicit drugs and enables and encourages judges to deny them bail pending trial under certain circumstances.

The new penalties for narcotic trafficking would provide minimum sentences of not less than three nor more than fifteen years for a first offense and not less than ten nor more than thirty years for a second offense.

Additionally, the proposal would increase the maximum penalties for trafficking in non-narcotic drugs from the present five years for a first offense to ten years and for the second offense the penalty would be changed from a maximum of ten years to not less than three years nor more than fifteen years. A more detailed comparison of the existing and proposed penalties is attached.

The second part of the bill would enable judges to deny bail "in the absence of compelling circumstances" if the defendant is found (1) to have previously been convicted of a drug felony, or (2) to be presently free on parole, probation, or bail in connection with another pending felony or (3) to be a non-resident alien, or (4) to have been arrested in possession of a false passport, or (5) to be a fugitive or previously convicted of having been a fugitive. In any such case, the defendant must be brought to trial within 60 days or the matter of bail would be reopened, without regard to the earlier findings.

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COMPARISON OF EXISTING AND PROPOSED PENALTIES

<u>Offense</u>	<u>Existing</u>	<u>Proposed</u>
Unlawful manufacture, smuggling, distribution or possession with intent to manufacture, smuggle, or distribute a <u>narcotic drug</u> in Schedule I or II.	First offense - Not more than 15 years imprisonment, a fine of not more than \$25,000, or both. Suspended sentence and probation may be granted.	First offense - Not less than 3 years nor more than 15 years imprisonment and up to \$50,000 fine. Suspended sentence and probation may <u>not</u> be granted.
	Second offense - Not more than 30 years imprisonment, a fine of not more than \$50,000, or both. Suspended sentence and probation may be granted.	Second offense - Not less than 10 years nor more than 30 years imprisonment and up to \$100,000 fine. Suspended sentence and probation may <u>not</u> be granted.
Unlawful manufacture, smuggling, distribution or possession with intent to manufacture, smuggle, or distribute a <u>non-narcotic substance</u> in Schedule I or II.	First offense - Not more than 5 years imprisonment, a fine of not more than \$15,000, or both. Suspended sentence and probation may be granted.	First offense - Not more than 10 years imprisonment, a fine of not more than \$30,000, or both. Suspended sentence and probation may be granted.
	Second offense - Not more than 10 years imprisonment, a fine of not more than \$30,000, or both. Suspended sentence and probation may be granted.	Second offense - Not less than 3 years nor more than 15 years imprisonment and up to \$50,000 fine. Suspended sentence and probation may <u>not</u> be granted.

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