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SENATE

{ REPORT
No. 636

PROHIBITING THE IMPORTATION OF CRUDE OPIUM FOR THE MANUFACTURE OF HEROIN

MAY 26 (calendar day, MAY 27), 1924.—Ordered to be printed

Mr. SMOOT, from the Committee on Finance, submitted the following

REPORT

[To accompany H. R. 7079]

The Committee on Finance, to whom was referred the bill (H. R. 7079) prohibiting the importation of crude opium for the purpose of manufacturing heroin, having considered the same, report favorably thereon, without amendment, and recommend that it do pass.

The report of the Committee on Ways and Means to the House of Representatives favorably recommending the bill is as follows:

[House Report No. 525, Sixty-eighth Congress, first session]

The Committee on Ways and Means, to whom was referred the bill (H. R. 7079) prohibiting the importation of crude opium for the purpose of manufacturing heroin, having considered the same, report it to the House with an amendment and, as so amended, recommend that it do pass.

THE COMMITTEE AMENDMENT

The amendment recommended by the committee is to strike out all after the enacting clause and insert in lieu thereof the following:

"That subdivision (b) of section 2 of the act entitled 'An act to prohibit the importation and the use of opium for other than medicinal purposes,' approved February 9, 1909, as amended, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a comma and the following: 'but no crude opium may be imported or brought in for the purpose of manufacturing heroin.'"

RELATION TO EXISTING LAW

Subdivision (b) of section 2 of the act entitled "An act to prohibit the importation and the use of opium for other than medicinal purposes," approved February 9, 1909, as amended is as follows:

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only may be imported and brought into the United States or such territory under such regulations as the board shall prescribe. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported."

If the amendment as proposed in the bill and recommended by the committee be incorporated in this subdivision, it will then be as follows:

"(b) That it is unlawful to import or bring any narcotic drug into the United States or any territory under its control or jurisdiction, except that such amounts of crude opium and coca leaves as the board finds to be necessary to provide for medical and legitimate uses only may be imported and brought into the United States or such territory under such regulations as the board shall prescribe, but no crude opium may be imported or brought in for the purpose of manufacturing heroin. All narcotic drugs imported under such regulations shall be subject to the duties which are now or may hereafter be imposed upon such drugs when imported."

Section 2 of the narcotic drugs import and export act, approved May 26, 1922, created the Federal Narcotics Control Board. Among the penalties provided in that act is the following (subdivision (c), sec. 2):

"(c) That if any person fraudulently or knowingly imports or brings any narcotic drug into the United States or any territory under its control or jurisdiction contrary to law, or assists in so doing, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of any such narcotic drug after being imported or brought in, knowing the same to have been imported contrary to law, such person shall upon conviction be fined not more than \$5,000 and imprisoned for not more than 10 years."

Under the amendment proposed, in the administration of the law the importation of crude opium for the manufacture of heroin being prohibited, it follows that none could be imported or brought in for that purpose otherwise than "fraudulently or knowingly" and "contrary to law," and therefore the law as so amended would be workable and effective.

Under existing law crude opium may be imported if the board finds such importation is necessary to provide for medical and legitimate uses. It affirmatively appears from the hearings on this bill that heroin is not necessary for such uses and that its importation is unnecessary therefor. Abundant testimony on this point submitted at the hearings was to the effect that heroin does not serve any medicinal purpose which may not be better served by other available drugs, that it is highly deleterious, and that its immediate effect upon the addict is the dethronement of moral responsibility.

Basing this finding upon the hearings, the question of necessity recognized by the statute can not in reality be a question of fact, and the same should therefore be removed from the realm of controversy in the administration of the law. This will be effectually accomplished by the enactment of this bill under its prohibition against importation of crude opium for the manufacture of heroin.

IMPORTANCE OF THIS LEGISLATION

Technical information submitted at the hearings shows that heroin is an artificial alkaloid obtained from morphine; that in 1898 a German chemist subjected morphia to the action of acetic acid and thus produced this new drug in an effort to find a satisfactory substitute for morphia; but that investigation has shown that it is not an effective or safe substitute, that it is much more poisonous than morphine, is not indispensable, and that it is the most harmful of all habit-forming drugs.

Much data was furnished to show that the use of heroin stimulates crime. Dr. Amos O. Squires, chief physician, Sing Sing prison, stated that 96 per cent of the men received at that institution who are drug addicts are heroin addicts, and, bearing on the increasing menace of drug addiction, he said:

"Prior to 1919 the question of drug addiction was not of very great concern to us in the prison, as it has been during the last few years. In fact, in 1917, out of the total number received at Sing Sing prison, less than four-tenths of 1 per cent were drug addicts. In fact, prior to 1919, for an average of six years, our drug addicts would only equal about 13 a year. In 1920 it increased over 100 per cent over that average. In 1922 it increased over 500 per cent over that average, and in 1923 it increased over 900 per cent.

"So to-day 1 out of every 11 men who is admitted to Sing Sing prison is a drug addict. They are what you might call criminal drug addicts."

In this connection the following from the statement of Dr. Charles W. Richardson is material and informing:

"This question of heroin habituation and its production yearly of enormous numbers of new criminals is one of the most important moral questions that is up before the American Government at the present time. We find that in some

of the States—I will only mention one, and that is the great State of New York—there is used for criminal purposes—that is, the production of habitués—over 76,000 ounces of heroin each year, whereas, the 14,000 physicians in the great State of New York only prescribe 58 ounces of heroin, either in its own form or in preparations. You can draw your conclusions from this one instance.”

It appears that the heroin habit has spread over the country during the last decade to an alarming extent, and that it has been especially destructive among the younger generation of the large cities, most of the habitués of heroin being between the ages of 17 and 25 years.

Orders have been issued, copies of which appear in the record, discontinuing and prohibiting the use of heroin by each of the following: Bureau of the Public Health Service, the United States Navy, the United States Army, and the United States Veterans' Bureau.

Especial attention is called to the following resolution appearing at page 39 of the hearings:

RESOLUTION OF THE AMERICAN MEDICAL ASSOCIATION

The house of delegates of the American Medical Association, at its seventy-first annual session, at New Orleans, in 1920, adopted the following resolution:

“That heroin be eliminated from all medicinal preparations, and that it should not be administered, prescribed, nor dispensed; and that the importation, manufacture, and sale of heroin should be prohibited in the United States.”

WILLIAM C. WOODWARD,

Executive Secretary, Bureau of Legal Medicine and Legislation.

The committee was informed that the house of delegates is the law-creating body of the American Medical Association, that it consists of 136 delegates, and represents 90,000 physicians in this country.

In view of the heroin menace as disclosed to the committee it becomes the imperative duty of the Congress to assert all its power in the premises with a view to curbing, and so far as possible suppressing, the ravages of this insidious agent of certain ruin.

It is believed the enactment of the bill herewith reported will prove an effective and valuable contribution to that end.

