

ASSEMBLY JUDICIARY COMMITTEE
58th NEVADA ASSEMBLY SESSION

MINUTES

March 7, 1975

This meeting of the Assembly Judiciary Committee was called to order in Room 131 by Chairman Barengo on Friday, March 7, 1975 at the hour of 8:15 a.m.

MEMBERS PRESENT: Messrs. BARENGO, BANNER, HEANEY, HICKEY, LOWMAN, POLISH, SENA, Mrs. HAYES and Mrs. WAGNER.

MEMBERS ABSENT: NONE.

This meeting was called to consider A.B.285, which was introduced by Assemblyman Robert M. Benkovich. A partial Guest Register is attached to these Minutes.

First to testify was Assemblyman Benkovich. Mr. Benkovich stated that he, like his fellow colleagues, received a letter from the American Civil Liberties Union requesting marijuana reform. Mr. Benkovich stated that reducing penalties for using marijuana has been successful in many western states, especially Oregon. He stated that it costs just as much to prosecute a case for possession of marijuana as it does to prosecute a murder trial. (This statement came from Clark County, according to Mr. Benkovich.) Mr. Benkovich sent out a questionnaire to his constituents and briefly explained the contents of this questionnaire to this Committee.

Mr. Benkovich asked the Committee to consider amending the bill in some form. He asked that everyone be included--not just those under the age of twenty-one. He also asked this Committee to consider lowering the penalties for either the first or second offense. Mr. Barengo questioned Mr. Benkovich as to what the surrounding states' penalties for marijuana use might be. Mr. Benkovich said he would provide a table of the various states' penalties.

Next to testify was Bob Gilmer, President of the Nevada Narcotics Officers Association, who represented the entire body and membership of this association. He presented this Committee with a statement, a copy of which is attached to these Minutes. This statement represented the position of the Nevada Narcotics Officers Association. Mr. Gilmer

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said that they recommend that the present law regarding marijuana not be amended or changed in any manner. He stated that it was not true that a juvenile or a person convicted of possession of marijuana would have a criminal record for the rest of his life. Mr. Gilmer stated that in the statutes is a provision which would allow the judge at his discretion to go to a felony, a misdemeanor, defer proceedings or place an individual on three years probation. After these three years, an individual may have the record sealed.

Next to testify was Mr. Marshall Newman, Vice President of the Nevada Narcotics Officers Association, who testified and was questioned by the Committee in regards to the chemical make-up of marijuana. The chemical make-up consists of THC, which is the toxic drug in question. Mr. Newman discussed the difference between the green leafy marijuana, hashish and hash oil. Mr. Newman stated that one ounce of marijuana could make up to 12 or 15 cigarettes. In regard to the age in question, he stated that a person over the age of twenty-one years should certainly know at that time what he is doing and realize the consequences of his actions. Mr. Newman stated that he does not think Nevada should follow the trends of other states which have decriminalized the possession of one ounce or less of marijuana. Mr. Newman said that we still know nothing about this substance, and the statements that it is not harmful are not true. Mr. Newman is now Drug Abuse Coordinator for the Washoe County School District, but he is not representing the views of the School District at this meeting. Speaking regarding school-age children, Mr. Newman said marijuana does "mess up" their heads. And, in essence, when we have young people who have the availability of a substance like this, and we in the establishment condone the use of this substance, this certainly is of no benefit to these young people.

Mr. Barengo questioned Mr. Newman as to differentiating between marijuana in the green leafy form, hashish and hash oil. Mr. Newman feels that in order for the bill to be adequate there would have to be a separate distinction between the three forms of marijuana; however, the narcotics officers stand behind not decriminalizing the use of any marijuana substance.

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Dr. Richard Siegel, Chairman of the American Civil Liberties Union and a professor of political science at the University of Nevada, testified next in behalf of decriminalizing the possession of marijuana. He stated that the chief narcotics officer of the United States, Robert L. DuPont, has endorsed the Oregon solution to this problem. Mr. DuPont stated that smoking by individuals poses no threat to society which justifies the penalties imposed upon those unlucky enough to be caught.

Mr. Barengo asked Dr. Siegel specifically about the surrounding states' penalties for possession of marijuana. Dr. Siegel said Oregon has a \$100. fine for possession of one ounce. Utah has a six month approach for any amount. Idaho has six months for any amount. New Mexico has a fifteen day restriction for up to one ounce. Arizona and California both have penalties comparable to us--one to ten years. They are expecting a bill in California which will define marijuana possession for up to one ounce as a misdemeanor, but will have a fine as a maximum penalty. Colorado just passed a \$100. fine. California has had almost a tripling growth for support to lessen marijuana laws. Dr. Siegel then listed the various groups and associations which supported decriminalization of these laws. In researching the problem, Dr. Siegel found that in the last three years 1,000,000 people under the age of 26 have been arrested for marijuana possession or sales. 93% of this figure was for possession. Dr. Siegel brought up the fact that marijuana is a drug, but the question is, "How serious of a drug is involved?" If the use of marijuana is not incredibly serious, it should not be treated as an incredibly serious situation as far as penalties go. Dr. Siegel gave some statistics regarding arrests in Reno during the first six months of 1974. During this period there were 102 arrests for narcotics, and 53% of these were for marijuana. 28 of the marijuana arrests were of persons under the age of 18. The Committee questioned Dr. Siegel.

Next to testify before this Committee was J. Patrick Horton, the District Attorney from Lane County (Eugene), Oregon. He said he wanted to share some of the experiences which Oregon went through almost two years ago when the same issue was before their legislature. He stated that most of his experience has been as a prosecutor. He headed a narcotics team which was very similar in concept to the interagency team of officers in Reno. Much of the debate about marijuana is concerned with the fact that marijuana use is harmful. Mr. Horton said he personally believes that it is harmful and no one should encourage its use. He said that he thinks in connection with criminal law that the penalties should be proportionate to the crimes which are being com-

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mitted. Marijuana penalties are disproportionate. He feels that there should be a fair penalty for smoking the drug. He cannot think of a social impact that marijuana has over the community which would justify harsh criminal laws. He stated that it is easy to find marijuana and easy to buy it. He stated, also, that it is much easier to find it than it is to find and buy heroin, barbituates, etc. Mr. Horton said that by decriminalizing marijuana use, we are determining how the narcotics officers will spend their time, as they would have more time to try to apprehend the pushers of hard drugs.

Mr. Horton said that marijuana is an acceptable social and recreational drug used by many young people. Harsh laws do not deter people from using marijuana. If the harsh laws did work, there would be some noticeable results, but the statistics indicate that more and more people are using marijuana.

Mr. Horton referred to a report of the Oregon experience, which ran from October, 1973 to October, 1974. Approximately 6% of an increase of use of the drug was noticed, but that was not an alarming figure. Mr. Horton said that public education was one good way to encourage people to refrain from smoking tobacco, drinking excessively and using marijuana or other drugs. Mr. Horton indicated to this Committee that from his observations, most everyone in Oregon is comfortable with the law that they have, which imposes a fine of \$100. for each offense. Mr. Horton believes that the relationship between law enforcement and the young people has improved since the new law went into effect. According to Mr. Horton, there is one statute which applies to all hard core drugs. The sale of marijuana can be treated as either a misdemeanor or a felony. If one sells heroin, it would be treated as a felony. If two young people transfer a small amount of marijuana, it would be treated as a misdemeanor. In Lane County they do not prosecute a case unless the sale is made by an undercover officer. The Committee questioned Mr. Horton at length.

Mr. A. A. Campos, Director of the State of Nevada Department of Parole and Probation, spoke next. He stated that he would address his remarks only to the provisions of the bill which affect, or would affect, his agency. He referred to Page 2 and said that the bill would require his agency to submit a pre-sentencing report. He quoted statistics regarding the number of arrests made for controlled substances and the number of convictions resulting therefrom. Considering

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these statistics, Mr. Campos figured that their department would be doing over 2,000 reports. He requested that this Committee take his department out of the bill entirely, or if they do not, he requested that a fiscal note for approximately \$102,000. be attached. He said he is not sure that the department would want to be involved in any misdemeanor situations. He told the Committee that he would send data regarding some of the questions asked of the other witnesses by this Committee, which relates to controlled substances and their relationship to other crimes. The data he referred to relates to a study which was concluded in December, 1974.

Alfred Kingham, representing the students from the University of Nevada Las Vegas, said that they made a recommendation to the State Legislature to support passage of A.B.285 with consideration of an amendment to remove any age limit. Since Mr. Kingham stated that he officially represented the University students from Las Vegas, he was requested by the Committee to submit a written copy of the statement which authorized him to appear and formally state these views.

Next to testify in behalf of A.B.285 was John Tachihara, Executive Director of Omega House. He stated that marijuana was less harmful than all other psychic modifiers which are not treated as a felony. He stated that the negative legal sanctions of current marijuana laws are far more harmful than the drug itself. Mr. Tachihara told the Committee that he does drug education programs and is a member of the faculty of the National Judiciary at the University of Nevada. He said that the age of a user of marijuana does not matter, the psychological effects are the same. He stated that sealing the record of a person does not help, because the felony record exists whether the record is sealed or not. Mr. Tachihara told this Committee that he is in favor of reducing the penalties for a private person, regardless of age, who uses one ounce or less of marijuana.

Next to testify before this Committee was Tom Mayer, President of the Associated Students of the University of Nevada. He presented this Committee with a copy of the minutes of their meeting of March 5, 1975. On Page 4 is their amended resolution supporting A.B.285 with an amendment not to limit the age. A copy of those minutes is attached to these Minutes.

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Celia Payne, a student from Hug High School in Reno, Nevada, testified against the passage of A.B.285. Her complete statement is attached to these Minutes.

Mr. Ian Stephens, who is a member of the Lyon County Democratic Central Committee, stated that the Central Committee delegates voted unanimously to support decriminalization of marijuana use. Mr. Stephens then proceeded to name the organizations which supported this stand. Mr. Stephens commented that there has been no drug as studied as marijuana, but various segments of our society, law enforcement officials in particular, feel "they have found nothing terribly wrong or harmful in marijuana, so let's not do anything about it until we do". Mr. Stephens discussed in detail the President's study relating to the possible harmful effects of marijuana in respect to the individual and in respect to public safety. It was found that marijuana use does not cause violent, aggressive behavior. Mr. Stephens said that the lethal dose of THC is not known, although they do know the lethal dose of aspirin.

Next to comment on A.B.285 was George Miller, State Welfare Director, who was not necessarily speaking in his professional capacity. He said he has some background in dealing with some of the problems created by marijuana. He stated that one thing in common with all of the hard drug users was that they started out by use of marijuana. Mr. Miller asked what the correlation was between pot smokers and "A" students. He pointed out to this Committee that he thought this factor was important.

Mr. Don Webber gave a brief historical perspective on the arguments about marijuana use. There was no available evidence at the beginning of this decade which could substantiate any of the claims of marijuana. He felt that more research was necessary before we can safely condone the use of marijuana. He then listed the various reports which were made over the last ten years. Years ago it was believed that marijuana use caused birth defects, brain damage, rape, crime, death and insanity. Mr. Webber stated that there was no positive proof that marijuana is harmful to individuals and to society. Discredited arguments against its use are still used. There is no need to question the sincerity of those who oppose the use of marijuana, but sincerity alone can no longer be allowed to disrupt the lives of the people who use marijuana. The burden of proof rests entirely on those who oppose the use of marijuana.

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If such evidence is not produced, then law making bodies should repeal all official sanctions against marijuana and prohibit law enforcement from harassing citizens who use it. Mr. Webber represented the Leonard Schneider Society, a group which researches various matters and in 1969 when there was a problem here in Reno with "hippies" and the Reno Police Department, the Leonard Schneider Society tried to research the problem.

Mary Stephens spoke next in favor of decriminalization of marijuana laws. There is no correlation between pot smokers and criminals. "A" students smoke pot just as poor students do. She would like the freedom of choice as to whether she should be able to smoke marijuana. In the 1930's medical doctors started to use marijuana for such things as analgesics, reduction of high blood pressure, tranquilizers, possible cures for alcoholism, calming induced epileptic seizures in rats, etc.

Kathy McAllister spoke next. She is a high school student and testified that she feels the penalties for smoking marijuana should be lowered because people sense a certain feeling of excitement in defying laws and regulations. If someone says "no", certain people will do it any way. She feels that some people smoke marijuana for this particular reason.

Last to testify before this Committee was Sandy McCormick, an ex-teacher's aide from Lyon County. She is also on the Lyon County School Board. She testified that she participated in a drug abuse program. It is very difficult to teach on drug abuse and to have to lump marijuana in with "heavy duty" drugs. If they cannot be valid when teaching children and they realize this, you have lost everything. She suggested that this marijuana use among young people is a fad--"a craze"--something people do not use for very long and it is not that harmful used in situations like this.

Chairman Barengo adjourned this meeting after a motion and a second at the hour of 10:50 a.m.

Guest Register

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NAME	GROUP REPRESENTED	SPEAKING
MARSHALL NEWMAN	NEVADA NARCOTICS OFFICERS ASSOCIATION	✓
BOB GILMER	" " " "	✓
JACK HEWITT	" " " "	
BILL BURNANGH	" " " "	
Richard Siegel	American Civil Liberties Union	✓
J. Pat Horton	District Atty, Lane Cty, Oregon	✓
Celia Payne	myself.	✓
Tom Legg	Self	
Kim Morgan		
A. F. Campos	Nev. Parole & Prob.	✓
Ruby Duncan	Clark Co. Welfare Rights	
Diana Arley	Clark Co. Legal Services	

Bob Gilmer, President and Marshall Newman, Vice President of the Nevada Narcotics Officers Association, speak in representation of the entire body and membership. We hereby make the following statements:

In meetings held for the Nevada Narcotics Officers Association in April of 1974, and again in November of 1974, a polling of those members of that membership in attendance at these meetings, indicated disagreement to any reduction of penalties for possession of marijuana. We, therefore, feel that Bill 453.336 not be changed or amended to reduce the personal possession of the substance of marijuana. The law, as now written, includes many different safeguards that prevent a juvenile from carrying a felony conviction for the rest of his life for having had in possession the controlled substance, marijuana. In justification of this we, therefore, continue:

Whereas, NRS 62.193 so states in the juvenile court act that proceedings are not criminal in nature in any hearing procedures against a juvenile.

Chapter 62.060, speaking specifically to procedure, when a person between the ages of 18 and 21 years of age is accused of a felony or a gross misdemeanor, this being quoted, paragraph one through three, "If the judge is satisfied, upon an investigation, that the person should be dealt with under this chapter, he may so order, as herein provided for the disposition of a child under the age of 18 years."

Chapter 62.275, and I quote paragraphs a and b, "Three years or more that have elapsed after termination of the jurisdiction of the juvenile court or three years or more have elapsed since the child was so taken or so appeared, the records will be sealed."

Chapter 453.336, quoted paragraphs 4, 5, 6, 7, 8, and 9, "That the judge in his discretion, for possession of marijuana be either adjudged a felony or gross misdemeanor, may defer proceedings for this individual, and place him on three years probation. After fulfillment of the probationary terms, he may subpoena the court and have his records sealed forever."

Furthermore, the act of possession of marijuana is, in effect, an act of possession of the toxic chemical of THC or tetrahydrocannabinol. The substance, marijuana, in its natural form or in its concentrated form hash or hash oil has no natural quality control of the percentage of THC in accordance with the dry weight of the substance in possession. The chemical THC is a dangerous hallucinogenic compound which can in effect, cause psychological and physiological reactions within the environmental setting of the user. This being borne by scientific research throughout this country.

If there is further legislation considered within the realm of decriminalization of the drug marijuana, then it should be the consideration of the people controlling such legislation that

the substance marijuana is found in three different forms, all of which have a chemical make-up consisting of THC, the toxic drug in question. Substances that we are concerned with on an illegal basis noted as above: Hasish, which can have ten times the percentage of THC per dry weight as that found in the described green leafy form of marijuana. Secondly, the substance known as hash oil, which is, through chemical synthesis, derived from the green leafy form of marijuana. The amount of THC in the drug hash oil is highly concentrated and through analysis has been proven to be as pure as 89% THC. Both hashish and hash oil, when found in possession by juveniles or adults, is found in gram or dram weight, respectively, much less than one ounce of dry weight of the green leafy form of the substance. Therefore, in less than one ounce, these substances can be ten to 90 times as powerful.

The body or membership of the Nevada Narcotics Officers Association consists of people associated with law enforcement, inclusive of juvenile and adult parole and probation officers, highway patrol officers, Nevada Fish and Game officers, attorneys-at-law, police administrators, public relations officers; also, Federal Law Enforcement personnel in the areas of Internal Revenue Service, Secret Service, Alcohol, Tobacco and Firearms, and drug enforcement agency.

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The March 5th meeting of the ASUN Senate was called to order by Senate President, Linda Bowman at 7:01 p.m. Senators Land and Mills were excused from the meeting. Hollis moved to dispense with the reading of the minutes of February 26. Codega seconded the motion, and it carried with none (0) opposed. There being no additions or corrections to the minutes, Hollis moved to approve. Williams seconded the motion, and it carried with none (0) opposed.

REPORT OF THE ASUN PRESIDENT

A. Foreign Language Requirement: Tom told the senators the Arts and Science faculty have just voted on a motion to retain the current foreign language requirement. The motion was approved with 76 in favor and 51 opposed. Over 1/3 of the faculty did not vote, Mr. Mayer stated. Tom explained he was not adequately informed of the deadline for submitting ballots for the requirement, so that a letter sent by him did not reach the faculty in time. Mr. Mayer recommended the Senate make a motion to recommend to Gorrell the balloting be extended another 10 working days, so that the rest of the faculty could have an opportunity to vote. At this time, Dr. Siegel told the senators the same committee that voted to retain the current requirement also voted to form another committee to interpret the current requirements. President Mayer told the senators he felt there exists an important question at this time. He indicated there is a question of how much the faculty consider student views. At this time, Senator Drakulich moved to recommend to Dean Gorrell the balloting for the issue be extended 10 working days. Archer seconded the motion, and it carried with none (0) opposed. Senator Engstrom told the Senate she feels the faculty has for over a year continued to ignore student wishes. Mr. Mayer explained if no action is received within the UNR system, the matter should be taken to the Board of Regents. Senator Engstrom urged the senators to make an effort to lobby among the remaining faculty who have not voted. President Mayer also urged senators to seek student opinion on the matter, as this is an important issue.

B. Student Regent: Tom told the Senate he received

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REPORT OF THE ASUN PRESIDENT, CONTINUED

B. Student Regent: a proposal from Dr. Grotegut about the selection of the student regent. The procedure included an election in even-numbered years from UNR, Northern Nevada Community College and Western Nevada Community College. In odd-numbered years the regent would be elected from UNLV and Clark County Community College. Senator O'Driscoll told the Senate he felt this type of a procedure would add to the current polarization between the north and south. Further, Senator O'Driscoll strongly recommended the other student bodies be contacted about their opinions. Mr. Mayer stated he would do so.

C. Recreation Building: Tom told the Senate he is still working on getting faculty to pay a fee for use of the building. Further, attempts are being made to change the faculty night to Sunday. Senator Hollis asked what the intramural policies were. He explained he competed yesterday with a faculty member. He strongly advised only students should compete in intramurals. With this in mind, Hollis moved to direct President Mayer to check into this matter and into the entire subject of intramurals. Engstrom seconded the motion, and it carried with one abstention (Pecorilla) and none (0) opposed.

REPORT OF THE SENATE PRESIDENT

A. Judicial Council Filing: Heidi Robken-Balzar of the Judicial Council was present to explain the procedures for filing and selection of the three vacant seats. Heidi explained the Council would like to interview the candidates. After the interviews, specific candidates would be selected to serve on an individual case coming up before the Council. Heidi explained this experience would be extremely valuable to candidates who need to see exactly what happens in a hearing. Further, it would provide the Council with information about the candidates' qualifications to serve. Senator Williams expressed his dissatisfaction with a candidate having a vote in such important matters. Senator Williams also asked if the candidates would be paid. Heidi stated there would be no scholarship for this procedure. After some discussion about the voting privileges of the candidates, Senator O'Driscoll

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REPORT OF THE SENATE PRESIDENT, CONTINUED

A. Judicial Council: moved to allow the Judicial Council to conduct a procedure whereby all candidates will be interviewed. Following interviews, specific candidates (one at a time), will be allowed to sit in on a case, issue opinions, but have no vote. Reinhardt seconded the motion, and it carried with 14 in favor and 2 opposed.

B. RS-7475-K: Senator Engstrom presented the resolution calling for an amendment to the constitution that would enable the editors of the Sagebrush and Artemisia to have a vote on the Publications Board. Senator O'Driscoll spoke in favor of this resolution, as did Senator Engstrom. Senator Engstrom stated she felt the editors could provide valuable input to the Publications Board. On behalf of Senator Ferrari, Senator O'Driscoll read a proxy vote in opposition to the resolution. Senator Reinhardt moved to approve the resolution in its entirety. Hollis seconded the motion, and it carried with one (1) opposed (Ferrari), as amended (clerical error).

C. RS-7475-L: Senator Williams presented his resolution concerning decriminalizing use and possession of marijuana. Dr. Richard Siegel told the Senate Assembly Bill #285 will make a first offense for possession a \$100.00 fine. Second offense would be treated as a misdemeanor. Currently, possession of any quantity calls for one to six years in prison. At this time, the director of Omega House spoke in favor of this resolution. He explained to the Senate he has worked in this field for at least 10 years, and has seen the stigma of being arrested for marijuana possession damage a person more than the actual use of the drug. Further, he explained the damage to a person by being sent to prison is much worse than the use of the drug. At this time, Harvey Thomason spoke to the Senate. He explained he is a student who has been in prison and has seen first-hand the effects of prison on first-offenders. Discussion followed on the age limit for such an offense. The director of Omega House recommended the clause have no age limitations. After further discussion on the final paragraph of the resolution, Williams moved to approve

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REPORT OF THE SENATE PRESIDENT, CONTINUED

C. RS-7475-L: the resolution as amended (see below). Engstrom seconded the motion, and it carried with none (0) opposed. The final paragraph was amended to read as follows:

"THEREFORE, BE IT RESOLVED that we, the ASUN Senate, hereby support the decriminalization of the possession of marijuana. Further, we the ASUN Senate support Assembly Bill #285, and call for its amendment to make it applicable to all citizens."

Dr. Siegel asked if there would be any possibility of getting funds to pay for expenses for witnesses to speak at the hearing on Friday, March 7. Mr. Mayer explained there would be a possibility of getting funds from the discretionaries. Dr. Siegel urged all members to attend the hearings, if possible.

D. Reseating: Linda reminded the senators that, by constitution, three senators must be selected to be re-seated to their various boards, if re-elected. After discussion, Senators Jensen and Pecorilla were the only senators wishing to return to their boards. There being no objections, Archer moved to re-seat Senators Jensen and Pecorilla to the Activities Board, contingent upon their re-election. Reinhardt seconded the motion, and it carried with none (0) opposed.

REPORT OF THE VICE-PRESIDENT OF ACTIVITIES

A. February 26 Minutes: In Karl's absence, Ms. Bowman presented the February 26 minutes. Senator Archer moved to approve the minutes with the exception of the approval of Dr. Charles Berlitz as a speaker (action reconsidered in Activities Board). Pecorilla seconded the motion, and it carried with none (0) opposed.

B. March 5 Actions: Ms. Bowman told the senators the Activities Board requires two emergency actions to be approved: (1) \$2500.00 allocation for the Rodeo Club to sponsor a dance (underwrite), and (2) Recommendation to Senate that the Calley issue be placed on the general ballot.

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REPORT OF THE VICE-PRESIDENT OF ACTIVITIES, CONTINUED

B. March 5 Actions: There being no objections, O'Driscoll moved to approve the two emergency actions, with the addition of a committee to work on the exact reading of the Calley ballot (O'Driscoll, Hollis, Archer, and Britton). Engstrom seconded the motion, and it carried with none (0) opposed.

REPORT OF THE VICE-PRESIDENT OF FINANCE AND PUBLICATIONS

A. Minutes of February 27: Vice-President Filson submitted the February 27 minutes for approval. Senator Hollis voiced his opposition to the ASME budget request. He explained he felt it was not necessary to send 15 persons to attend the competition, since only 3 would actually be submitting papers for judging. Tom Fuetsch, the president of the organization told the Senate that the only way in which the group can compete for the "Man Mile" trophy is to send more than the three required. He further stated national recognition is given to the organization by winning this trophy. He showed the group some of the magazines, in which the ASME was recognized. After further discussion on this matter with senators and Mr. Fuetsch, Reinhardt moved to approve the February 27 minutes. Codega seconded the motion, and it carried with none (0) opposed.

ADJOURNMENT

There being no further business, Drakulich moved to adjourn the meeting. Jensen seconded the motion, and it carried with none (0) opposed. The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Peggy L. Muhle

Peggy L. Muhle

(3-6-75)

I am against the reduction of the penalty for people under the age of 21 caught with less than 1 ounce of marjhuana. The reason behind this is because the kids will still buy the marjhuana not paying any attention to the \$100 dollar fine. The fine can be easily paid by the kids if they buy two ounces, sell one ounce, and keep one ounce for themselves. If people begin thinking marjhuana is in the same class as cigarette then what is going to stop people from trying to lower the penalty of harder drugs? Do you know how they can start thinking of marjhuana as in the same class as cigarettes? By a low or absolutly no penalty! What is going to stop the kids from buying marjhuana and storing it up? If they don't get caught with an ounce of it the first time, but they do the second time they will think well it's only \$100 dollars. When I pay it I'll go out and get more. The \$100 dollar fine will not stop them! But if they had a hard penalty it will make them think about buying another ounce of marjhuana.

I consider marjhuana a drug. I don't care if it is hard or not! To me a drug is a drug, no matter if it is just aspirin or heroin. It should not be misused! I feel if it is, people who are caught with it, whether it's marjhuana, heroin, or any other drug, no matter if it just 1 ounce or 20 ounces, should be treated in the same matter. A misused drug will sooner or later kill somebody. Either the person who used it or an innocent bystander who happened to be on a street corner when some guy, strung out on a bad trip, goes crazy.

The same person who sells marjhana usally deals in harder drugs. The same person who sold the kid the marjhuana may talk him into using harder drugs. If he gets hooked on an addictive drug then there's no return.

History shows that those who are once addicted rarely manage to stay

completely away from it. Therefore if the deterrant factor is lessened or removed then his initiative to abstain from using any drug is reduced.

It is known that otherwise responsible people have made it clear that if the rape for using marjhuana were not a felony that they would not hesitate to use it or pass it on to others.

It is not clear how a particular limit or minimum ~~about~~^{amount} can be set as what constitutes a harmful amount of any one drug for the purpose of penalizing a person for possision. What diffrence does it make if a person has one cigarette, one ounce, or one ton of marjhuana? The fact is if he has any amount it is still possession!

We presently elect our judges to do just that; to judge. They presently, under the law, have wide descretion as to the penalties they can impose upon an offender and this bill would reduce the authority of the judge to use the descretionary powers they have.

It has been said that the reduction of penalties would also reduce the amount of money spent for enforcement and conviction of these offences; but I ask the question, If by reducing the penalty , the productive life of just one child is lost, how much is it worth in dollars and cents?

Thankyou.