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Copitalism: Police State Promoters & Profiteers

From drug detection, undercover infiltration and electronic tracking, to incarcerating those captured and convicted, private companies are cashing in on the War on Some Drugs and profiting from the police state. This new breed of "copitalist" is a powerful force with a strong self-interest in keeping certain drugs illegal and their users vilified.

Many of the groups that profit from the War on Some Drugs are well-known. Federal and state law enforcement agents, for example, depend on the continued War, as do attorneys and others in the so-called "criminal justice system." Correctional officers (aka prison guards) are now a powerful political lobby, and everyone knows that tobacco, alcohol and pharmaceutical companies have a profit motive in keeping other drugs illegal. In this article, I will discuss a number of lesser-known companies and industries that are cashing in on the War on Some Drugs, point out some of the attendant dangers of privatizing the police state, and suggest one possible strategy that might deliver a blow to the very foundation of the War.

TESTING & TRACKING FOR DOLLARS

Entheogen users are familiar with the drug-testing industry, an industry intent on using your body — *all of your body* — against you. While compelling a person to turn over his or her own tissue and bodily fluids for testing may seem like a flagrant violation of the Fifth Amendment's protection against compelled self-incrimination, the United States Supreme Court has held otherwise, ruling that the Fifth Amendment does *not* protect against self-incrimination by way of *physical evidence*, even if forcibly taken. (*Schmerber v. California* (1966) 384 U.S. 757, 761.) A contrary ruling would have nipped the entire drug-testing industry in the bud.

Products designed to capture and test your urine, blood, breath, and hair, are designed by

private companies and marketed to law enforcement agencies and employers intent on drug testing their workforce. This is a multi-million dollar industry, *completely* dependant on the continued illegality of certain drugs. And, while it's not well-known, pharmaceutical companies are at the apex of the industry. Syva Company, for example, designed the very first immunoassay screen for marijuana. In 1990 (the only year for which I have been able to obtain a figure), drug-testing equipment and chemical reagents grossed pharmaceutical companies over \$300 million. (See, C. Skozycki, "Drug-testing Industry Shows its Wares," *The Washington Post*, Oct. 17, 1990.)

The fact that drug-testing is such big business speaks volumes about the War, and its drug-using "enemies." Most drug testing today is done for the very purpose of *identifying* who uses illegal drugs. While that is obvious, the point is seldom made that, for the most part, there is no other way to distinguish the typical user of illegal drugs from his or her counterpart who uses legal drugs. While a small percentage of companies drug test only after spotting signs that a particular employee may be using drugs, the vast majority of employers utilize random, suspicionless testing. In other

words, were it not for the test results, employers can't tell. This is because users of illegal drugs behave no differently than others. If an employee's job performance was poor, an employer could fire that person regardless of whether he or she uses illegal drugs.

The same goes for most criminal prosecutions of illegal drug users. Drug prosecutions are rarely based on any anti-social or dangerous action by the person, but rather simply on his or her proclivity to control their consciousness in unsanctioned ways, a point made by Richard Miller in his book *Drug Warriors and Their Prey*:

The law identifies drug users through their blood. Also through their excreta . . . All that matters is a person's blood and excreta. All that matters is the makeup of a person's physical body. Drug law does not care if an illicit user is a beloved schoolteacher who improves a community or a vicious psychopath who tortures victims to death. . . . The law does not care if tests used to detect illicit drug users fail to demonstrate that users are impaired. The law does not care if users behave in ordinary ways. A statute creating a status crime targets ordinary peo-

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ple. That is its purpose. If illicit drug users acted in ways that distinguished them from nonusers, a status crime statute would be unnecessary. (R. Miller *Drug Warriors and Their Prey*, p. 9, 1996.)

Pharmaceutical companies and their investors are not the only ones profiting from the drug-testing boon. The prospect of large profits has given birth to smaller companies whose business is to create new and "better" tests capable of detecting an ever-widening range of substances in your most private bodily fluids. (See, 15 *TELR* 158, for information on a device so sensitive that it can allegedly detect the increased sugar content from a single sugar cube tossed into Australia's Sidney Harbor.)

A new device that can purportedly detect recent use of MDMA (ecstasy) is being developed by Cozart Bioscience, an English company. Cozart's product is a "lollipop" that captures saliva and (crudely) analyzes it for the presence of recently ingested illegal drugs. (J. Boyle & J. Booth, "Lollipop test on the way to catch drivers on drugs" 9 Oct. 1997, *The Scotsman*, Edinburgh, UK.) The lollipop has an absorbent swab on one end that suspects are asked/ordered to lick, thereby capturing a small sample of the suspect's saliva. The sample is then inserted into a small "drugalyser," that returns a positive or negative reading within five minutes. So far, when compared with blood tests as a control, the device is 95 percent accurate. While Cozart touts this as an impressive accuracy rating, the device — even by the company's

own figures — is horribly *inaccurate*, falsely accusing one out of every twenty "suckers." While a subsequent confirmation test is required for criminal *conviction*, officers may *arrest* people solely because they failed the lollipop test.

Another new device in the world of drug detection is the Ionscan 400,TM a \$55,000 handheld DustbusterTM-like device, which police can use to vacuum a suspect's body and clothing. The device, which traps and then tests extremely small traces of illegal drugs, is

An English company is developing a "lollipop" that captures saliva and crudely analyzes it for the presence of recently ingested illegal drugs, including MDMA.

manufactured and sold by Barringer Instruments Inc. of New Providence, NJ. The company bills it as being more accurate than a drug-sniffing dog that never gets tired or needs food or exercise. The State of Maryland already uses one of these devices to test people who visit or work at Maryland's prisons, and plans to purchase three more units. One recent newspaper article described how the Ionscan 400TM is used:

Using the hand-held vacuum, an officer scans skin, clothing or even cash. Particles from what was scanned are captured on a filter about the size of the average index finger. That filter is placed inside a scanner that determines the presence of as many as 20 narcotics.

The scanner identifies the narcotics after it has been given a sample of the drugs from what is

called a "calibrator stick" — something like a tube of lipstick that has particles of the drugs to be searched for. A matter of seconds after the scanner produces results — which takes just seconds — it reports the presence of drugs. The computer says "pass" or "alarm" after the scanning is complete. ("Maryland aims 'drug buster' at prisons' visitors, workers," *The Baltimore Sun*, 2 Oct. 1997.)

Companies that used to be part of the "military industrial complex" are retooling to get on board the War-on-Some-Drugs gravy train. A company by the name of American Science and Engineering, Inc., (ASE), for example, is making its investors rich by designing and selling super-high-tech x-ray-using devices designed to detect expertly hidden contraband. Last year the company's sales exceeded \$30 million, showing a sixty percent growth in revenue. (A. Boadle, "Drug Smuggling a Boon to U.S. X-ray Manufacturer," Reuters, 4 Nov. 1997.)

American Science and Engineering, Inc., (which is publicly traded on the American Stock Exchange under the symbol "ASE"), recently received a \$2.6 million order from an undisclosed agency of the United States government for ten specially enhanced Model 101ZTM vans equipped with ASE's proprietary Z[®] Backscatter X-ray detection equipment. This equipment is able to detect organic substances, such as drugs, concealed in complex backgrounds, and can literally see through vehicles. The Model 101Z vans were specifically built to satisfy "the rigorous specifications of U.S. Cus-

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. . . in the news

The articles that appear in the ". . . in the news" section, are gathered from numerous media sources and may contain errors related to the chemistry and effects of various visionary plants and substances.

Man Whose Drink Made Revelers ill Enters Guilty Plea in Court: Federal officials charged him with misbranding product. By JEFF LEEDS, PAUL LEVIKOW, [DATE UNKNOWN] SPECIAL TO THE TIMES

Ten months after his "natural" drink loosed pandemonium at a New Year's Eve party in downtown Los Angeles, a San Diego man pleaded guilty Monday to a federal mislabeling charge and explained to a judge what was in the mystery brew. Daniel Bricker, 30, was charged with misbranding a food or drug product, a charge that could have landed him in federal prison for up to three years. Under a plea bargain reached with the U.S.

attorney's office in San Diego, Bricker will serve no more than six months in custody, either behind bars or in home detention.

Bricker distributed about 900 vials of his product, called "fX," free of charge to revelers at the Dec. 31 "rave" at the Grand Olympic Auditorium. The concert, dubbed "In Seventh Heaven," featured dozens of deejays playing techno music and drew a flamboyant crowd of more than 10,000.

At least 31 people believed to have consumed the liquid were hospitalized with nausea and respiratory trouble, then released. A melee erupted as police closed the event early, and officers fired rubber bullets to disperse the crowd.

Investigators seized more than 9,000 vials of the liquid, labeled "Cherry fX Bombs," "Orange fX Rush" or "Lemon fX drops." The labels falsely listed a plant extract, a relaxant called kava kava, among the ingredients. Federal investigators said Monday that Bricker probably intended to make the liquid with kava kava, but was unable to have it shipped from his supplier in time. Instead, he used 1,4 Butanediol—an industrial solvent that bears some similarities to the popular rave drug gammahydroxybutyrate (GHB).

Lab tests also revealed that Bricker mixed in heavy amounts of caffeine, although he left that off the label. What drove him to brew "fX," authorities said Monday in their fullest

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toms." The order also included two Model 101XL™ machines for peering into small freight, such as luggage and parcels. ASE also makes backscatter x-ray systems designed to inspect small packages ("Model 66™"). (Company Press Release, "American Science and Engineering, Inc. Announces Receipt of \$2.6 Million Order for Z Backscatter X-Ray Equipped Vans" 14 Oct. 1997.)

In September of this year, ASE announced the receipt of a \$3.8 million order for two Mobile-Search™ x-ray inspection trucks from the U.S. Department of Defense — Counterdrug Technology Development Program. By late 1998, these mobile inspection systems will be used by U.S. Customs agents for interdicting drugs hidden in vehicles and cargo crossing the Mexican border. The contract calls for further development work that is expected to double the capacity of the system, and allows the government the option to purchase up to four additional Mobile-Search™ systems. (Company Press Release, "American Science and Engineering, Inc. Announces Receipt of \$3.8 Million Mobile-Search Order," 19 Sept. 1997.)

ASE's disclosure statement, required by all publicly traded companies, admits the obvious — that "global political trends and events which affect public perception of the threat presented by drugs" could dramatically effect ASE's projected gross revenues. Note that it

is not the *actual* danger posed by illegal drugs — but the "*public perception* of the threat" — that is central to the company's multi-million dollar business.

Police state profiteers are also making money by developing and selling devices used to electronically track people suspected of using, selling, or manufacturing illegal drugs. A company by the name of Teletrac Incorporated sells a radio-transmitting tracking device to police, which when secretly attached to a vehicle shows the vehicle's location at any time. The devices are about the size of a

Police state profiteers are also making money by developing and selling devices used to electronically track people suspected of using, selling or manufacturing illegal drugs.

video-cassette and are attached magnetically. Once placed on a car, the device allows law enforcement to "see" where the vehicle is by showing it as a blip on a computer generated street map. Already, Southern California police agencies have used Teletrac's transmitters to obtain more than 100,000 reports on vehicle locations since 1992.

Not only does Teletrac profit from the continued vilification of illegal drug users, but it has a profit motive to weaken constitutional protections against warrantless searches. Lawyers for the company argue that no search warrant

is required to install the electronic devices, so long as police attach them only to the *outside* of a suspect's vehicle. An Oregon court rejected a similar argument, saying that the secret attachment of a tracking device transforms a person's automobile "from his private personal effect to a tool of the state." (*State of Oregon v. Campbell* (1986) 742 P.2d 683) The Oregon court held that under the Oregon Constitutional protection against unlawful search and seizures, the placing of an electronic tracking device on a vehicle constitutes a seizure, and hence cannot be done without a warrant. But, many states, including California, have not addressed the issue.

A bill (Senate Bill 443) that would have required police in California to obtain a search warrant before secretly mounting an electronic tracking device on a person's vehicle was vetoed by Governor Wilson on October 5 of this year. The bill explained how police across the country are secretly following cars on computer screens. (S. Pfeifer & M. Katches, "Wilson rejects a measure requiring a warrant to affix such devices to suspects' cars," *Orange County Register*, 8 Oct. 1997.)

PRIVATE UNDERCOVER NARCS

Perhaps one of the most frightening new capitalist industries is that of private undercover "narcs." One of the leading companies in this field is Wackenhut Corporation, a corporate security firm founded in 1954 by George Wackenhut, a former FBI official. It's now a publicly traded company on the

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explanation of the case, was desperation.

Bricker, a chiropractor described by authorities as a "wannabe" in the rave scene, had taken over his family business, Bricker Laboratories of Escondido, after his father died in early 1996. The company, which sold health foods and vitamins, was failing badly. Bricker decided to tap a new market: the rave scene. He developed a formula for "IX," a product he promised would create a safe "natural" high. He planned to sell it for \$20 per vial. But first he had to market it. And to make a splash with consumers, his lawyer said in an interview Monday, there was only one place to go: the annual "In Seventh Heaven" concert on New Year's Eve. "It was the mother of all raves," lawyer Eugene G. Iredale said.

There was one problem: Bricker's supplier couldn't fill his order for kava kava. "He had a date with destiny on New Year's Eve, and come hell or high water, he was going to make that date," said an agent with the Food and Drug Administration's Office of Criminal Investigations. With a little research, Bricker found a substitute for kava kava: the industrial solvent. He believed that it would have similar psycho-pharmacological effects, Iredale said.

He purchased a 55-gallon drum of the solvent and had it delivered to an associate, who repackaged it in smaller containers, labeled it as kava kava and delivered it to the firm hired to mix "IX" according to Bricker's formula, his lawyer said.

In test versions, Iredale said, Bricker found that some people who ingested "IX" suffered "slight nausea." But he decided to distribute it at the Olympic anyway. Iredale said his client did not intend to harm anyone, and noted that the label on Bricker's product clearly instructs consumers not to take it on a full stomach.

Iredale said he believes that anyone who became sick after ingesting "IX" had drunk alcohol or taken other drugs.

Since the rave, Bricker has sold the family business and filed for protection from creditors under federal bankruptcy laws. He is also the target of a lawsuit filed by the event promoters, who are being sued by the Grand

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New York Stock Exchange under the symbol "WAK." A check on November 3, 1997, showed that there were 14.7 million shares in the company outstanding, trading at just over \$21 per share.¹ In 1996, it earned almost one billion dollars.²

Wackenhut, has long contracted with America's corporations to provide "silent witness" or "concerned employee action" telephone lines. Signs inviting employees to anonymously report drug use by fellow employees are posted in the workplace. Wackenhut records the incoming tips and sends the information to the contracting company.

In the last year and a half, however, Wackenhut, and other corporate security firms such as ASET and Pinkerton's, have begun providing undercover narc-employees to businesses concerned about employee drug use. As promoted by Wackenhut, "[s]killed investigators blended in among other workers become management's eyes and ears in the work force." These private undercover narcs enter the workforce as if they were newly-hired employees, and often stay undercover for over a year. (ASET claims that none of their investigations last less than six months.)

In most cases, before sending in the private narc the company informs the local prosecuting office to ensure that if evidence is obtained, the prosecutor will pursue the

case. The ASET agent serves as a witness at any subsequent criminal trial.

ASET claims to have 75-100 investigations continuing nationwide at any given time, and proudly boasts that its investigations have resulted in the firing of over 100,000 people and the jailing of tens of thousands. In one undercover operation earlier this year, General Motors contracted with ASET

*... most worrisome
from the legal viewpoint,
consider that private narcs operate
outside all constitutional constraints.*

to secretly place ASET agents in several auto plants. The undercover operation resulted in more than three dozen arrests. A typical ASET undercover operation was described in a recent newspaper article:

The bogus workers - women as well as men, with the numbers determined by the client - are "hired" by the client and begin insinuating themselves into the work force, socializing with employees both on the job and off the clock. Eventually, they ease their way toward those workers who may be using, buying or selling drugs.

The laundry list of available substances runs the spectrum from marijuana, methamphetamine, and cocaine, to prescription drugs and heroin. And operators admit that interacting often means coming into close contact with the very contraband the company is trying to eliminate.

Pinkerton's agents try to avoid even the simulation of use . . . by concocting lies about

why they will not imbibe: Threat of a drug test, fear of an interaction with some prescription medication, or saying they are only interested in buying for a friend.

When the situation demands, ASET agents must simulate illegal activities realistically enough to mislead their marks, while remaining credible if the case ever gets to court. "I wouldn't want to give away trade secrets and tell the bad guys what to look for, but if you're out there playing a role for eight months, you're going to have to convince people you're a user." . . . said [an ASET spokesperson]. (M. Davis, "Your co-worker may be an undercover narc," *The Tennessean*, 12 Oct. 1997.)

Once sufficient evidence is gathered, it is turned over to local law enforcement agents who sweep in and make arrests. Not only is the evidence used to reprimand or fire the employees, but it is often also used in criminal prosecutions.

As earlier noted with respect to drug testing, the fact that employers must utilize undercover narcs in order to catch employees who use illegal drugs, shows that without such extreme measures, illegal drug-using employees are unidentifiable. Plainly, the private narc phenomenon is terribly destructive to people's basic trust in their fellow workers. As the industry grows, and more employees begin to question who among them is a private narc, the overall level of trust declines and the social fabric begins to rip and unravel. Additionally, and most worrisome from the legal viewpoint, consider that private narcs operate outside *all constitutional constraints*.

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Olympic Auditorium over lost revenue.

Bricker is to be sentenced Feb. 2 by U.S. District Judge Leland Nielsen. His associate, Michael Moffett, pleaded guilty Oct. 24 to a charge of misbranding and was sentenced to two years' supervised probation.

Iredale said Bricker was in a rush to distribute "ix" at the New Year's Eve rave because, while he did not plan to charge customers for it that night, "at least he could generate goodwill in the market."

US OFFICIALS HID FLAWS IN [ECSTASY] CASE. BY STEVE FAINARU, *BOSTON GLOBE*, 9 AUG 1997.

MEXICO CITY - US officials determined at

least three years ago that evidence used to charge a Boston man with drug trafficking was flawed, but they kept those conclusions from Mexican authorities, a Massachusetts congressman, and a human rights group attempting to prove the man was wrongly convicted, internal US Embassy documents show.

David Carmos, 55, a former yoga instructor at Boston University, has served nearly half his 10-year sentence in a Mexico City prison. Mexican authorities arrested him in October 1992 on charges he illegally transported powder they identified as a compound used to make the designer drug known as Ecstasy.

However, in an April 1994 memorandum obtained by Carmos under the Freedom of In-

formation Act, a consular official wrote that US narcotics specialists had concluded that the drug, which they identified as alpha-phenyl-acetic-nitrile, existed only in liquid form and was not illegal in Mexico.

"Upon review of the sentencing documents, it does seem extremely odd that Carmos, who was detained and charged on the basis of a suspicious powder, would have been charged with possession of a substance that only exists in liquid form," Kathleen J. Mullen, the consul general, wrote in a summary of the case to William Dieterich, embassy public affairs officer.

The memorandum, which appears to have been prepared by the consulate's former arrest and detentions officer, Marion Johnston,

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If a government agent, such as an undercover police officer or DEA agent, violates the constitution the evidence is excluded from court. But, in stark and frightening contrast, a *privately employed* undercover narc could break into your home to gather evidence against you, and such evidence will be perfectly admissible in court because the constitution only protects people from *the government*, not from other privately-acting people. In other words, so long as a private narc is not acting under the direct control of police officers or other governmental body, such a narc is entirely unconstrained by the Constitution. As a result, they can do things that government narcs could never do without running the risk that their entire case would be tossed out of court because the evidence was unconstitutionally gathered. An independently-acting private narc, can search your office without a warrant, or rummage through your briefcase or purse, or even sneak into your house to gather evidence against you. The fact that the private narc broke the law to gather the evidence will not bar a prosecutor from using the evidence against you in court.

Similarly, because private narcs operate outside the constraints of the constitution, the defense of entrapment is unavailable. As a

result, these *agents provocateur* can go to extreme lengths to entice a target to commit a crime, perhaps even manufacturing crimes that might otherwise never have occurred.

PRIVATE PRISONS

Once you've been tracked by an electronic beeper, drug tested or searched with a high-tech product, and eventually busted by an

Once you've been tracked by an electronic beeper, drug tested or searched with a high-tech product, and eventually busted by an undercover private narc, the private repression industry is prepared to profit from your incarceration.

undercover private narc, the private repression industry is prepared to profit from your incarceration. Another surreal but sizzling growth area fueled by the War on Some Drugs is private prisons. Copitalists would do well to invest their money there. With about 1.7 million people currently incarcerated in the United States, and about twenty-five percent of those (425,000) in for drug offenses, space in America's government-run prisons is in very short supply.³

As more and more people are incarcerated for drug crimes each year, the ever-increasing demand for prison space is making private prisons a very lucrative business. Already there are 120 private prisons in the United States, owned and operated by about twenty different companies. This year the industry will reportedly gross over 1 billion

dollars. (P. Floyd, "Private Prisons: Corporations Cash in on Crime," 59 *Slingshot* 1997.)

The private prison industry's base unit of calculation is the "bed," a nice way of designating ½ of a cinderblock or metal cell (two beds per cell). In just the last ten years, the industry has grown an astounding thirty-fold, from approximately 3,000 beds, to over 85,000. In California, for example, there are about 1,500 people confined in private prisons. These are all minimum security prisoners, many doing time for drug offenses. In Texas, the state with the largest private prison population, there are over 18,000 people privately imprisoned. (See, C. Thomas, D. Bolinger, & J. Badalamenti, *Private Adult Correctional Facility Census*, (10th ed. 1997) Center for Studies in Criminology and Law, University of Florida.)

Corrections Corporation of America (CCA), is the largest private prison company in the U.S., owning and operating 61 prisons in 18 states, and housing approximately 23,000 people. The company is so sure that prisons are a growth industry that it is building a \$100 million, 2,000-bed prison in a remote California town. CCA has no contract with the State of California. Instead, it is building the prison purely on speculation that California, which already suffers from extreme "overpopulation" in its prisons, will soon

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with input from the Drug Enforcement Administration, states that the irregularities "may fall under the heading of a technicality" since Carnos ultimately was convicted of trafficking in Ecstasy, not its precursor.

The embassy has refused to intervene in the case, even though independent US and Mexican forensics specialists have described the test results used to convict Carnos as scientifically impossible and concluded they were fabricated. The embassy, after conducting its own inquiry following a *Boston Globe* report on the case last year, agreed the results had been fabricated.

Carnos's supporters said the embassy memorandum, while bolstering his long-standing claims of innocence, also under-

scores how US embassy officials repeatedly have impeded efforts to shed light on the case or assist a US citizen who was railroaded through Mexico's corrupt criminal justice system. They allege that despite indications that most, if not all, the evidence against Carnos was tainted, the embassy has refused to intercede, and has even withheld information that might have helped him in ongoing attempts to overturn his conviction.

Carnos has appealed his case to the Mexican Supreme Court. In addition, embassy officials tried to dissuade reporters from writing about the case by spreading rumors that Carnos once had been seen with a drug trafficker. A former seminarian, Carnos had no criminal record and no references to criminal associations appear in his case file.

Embassy officials also made public statements - including that Carnos waited 18 months before lodging a complaint - that are contradicted by documents. Carnos, who resides in Dormitory 4 of Reclusorio Norte prison on the northern edge of the capital, already has served twice as much time as Humberto Garcia Abrego, the reputed financial mastermind behind one of Mexico's most powerful drug cartels, who was quietly released from the same prison earlier this year after money-laundering charges against him were dropped.

"I'm disturbed that this memo confirms exactly what we knew was there all along: that the Mexican government fabricated the evidence against this Carnos

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have no choice but to pay the company to house its prisoners in the CCA facility. The bet is a good one given that California's Department of Corrections predicts it will run out of prison space by the year 2,000 and it takes three years to build a prison.

Investors in CCA (which is publicly traded on the NYSE under the symbol CXE) are getting filthy rich. Originally founded by the same group of entrepreneurs who financed Kentucky Fried Chicken, CCA entered the private prison business in 1984, contracting with the federal government to operate alien "detention centers." Since then, it has grown to a mega-company that in 1996 had revenues of \$292 million dollars.

Last year, investors in the company's stock realized a gain of over 40 percent. CCA's revenues will, no doubt, continue to grow as indicated by the fact that lawyers for the company just helped draft legislation that was passed in Tennessee to facilitate the privatization of that state's entire prison system. With voters nationwide reluctant to finance new prison construction through bond measures, and yet demand for prison space propelled by more and more drug arrests (in 1996 alone over 1.5 million people were arrested for drug crimes, including over 642,000 for marijuana offenses), it's inevitable that more and more states will turn to private prisons.

The second largest private prison company in the country is Wackenhut Corrections

Corporation, an off-shoot of the Wackenhut Corporation, one of the major private narc companies discussed earlier. Like CCA, Wackenhut Corrections Corp., entered the private prison business by building and operating alien detention centers in the 1980s. Also, like CCA, Wackenhut Corrections Corp. is a publicly traded company whose investors have done well — realizing an amazing 82 percent increase in their investment in just the last year. In 1996, Wackenhut Corrections Corp saw revenues of over \$137 million, and ended the year with over 12,000 "customers" in its U.S. prisons. (The company also has two medium security prisons in Australia, and boasts of prospects for additional facilities in the United States, South Africa, Europe, and the Pacific Rim.)

So far, few people know that private prisons even exist, let alone have stopped to consider whether it's good public policy to hand over punishment to the private sector. Already, the industry has been plagued by corruption. Also, like any profit-motivated business, operators of private prisons will look to cut costs however possible. And, when your clientele is as politically unsympathetic (i.e., powerless) as prisoners, few people will pay much attention to their complaints. In other words, the potential for human rights violations is significant as private prisons compete against one another to offer state and federal governments "the best deal" for incarcerating convicts.

PROFITING PROPAGANDA PARTNERS

All the companies and industries discussed above, and those better known (e.g., police officers, judges, lawyers, alcohol, tobacco and pharmaceutical companies), trade and

profit on the continued currency of illegal drugs. This is a huge and growing industry dependent upon the public perception of illegal drug users as evil and dangerous people. Companies that sell drug-detection and testing equipment stand to lose their very bread and butter if illegal drugs are seen as no more dangerous than their legal counterparts, and illegal drug users no more dangerous or morally degenerate than people who drink alcohol, smoke cigarettes, or drink espresso coffees.

Hiring private narcs, for example, is not cheap. Wackenhut and ASET routinely bill in the six figures, yet companies believing that users of illegal drugs lose more time to sickness, and injury, or are more likely to steal from the company, willingly pay the price. Plainly, the greater the perceived evils of illegal drugs and those who use them, the greater will be the demand for the private narc industry's services. No company is going to spend hundreds of thousands of dollars of its own money to fight the War if it knows that occasional users of illegal drugs are just as productive, just as healthy, and just as trustworthy as their counterparts who use legal drugs.⁴

In the private prison industry alone we have a billion dollar interest largely dependant upon the continuation of the War on Some Drugs. If drugs were legalized, demand for prison space would plummet by 25 percent with a corresponding decrease in the industry's profits. In fact, private prisons stand to lose even if drugs remain illegal, but mandatory minimum sentences are repealed or punishment for drug offenses is otherwise

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guy," said US Representative J. Joseph Moakley, a South Boston Democrat, after reviewing the memo for the first time.

Moakley, who appealed last year to former Ambassador James R. Jones to intervene, said he never received a full explanation of the embassy's reluctance to get involved. "I called [Jones] and he said, 'You know, there could be a problem there, but it would be very difficult for us to get into,'" Moakley said. "This is at a time where people are accusing Mexico of not being tough enough on drugs," he added. "So we're showing how tough they were by putting our own people in the can."

Moakley and others have speculated that the US government is reluctant to confront Mexico about a relatively minor case at a time

when relations between the two countries are particularly sensitive on drug-trafficking issues.

"We've been very concerned since we got involved that the embassy has appeared to drag its feet with regard to taking appropriate action," said David Fernandez, a Jesuit priest who heads the Miguel Agustin Pro human rights center, which is handling Carnos's appeal after documenting 16 alleged violations of Mexican and international law in the case. "You have a situation where there's overwhelming evidence that there at least has been a miscarriage of justice, and quite probably an innocent man has been incarcerated, and the embassy and the State Department weren't prepared to take any action. Now, especially when it comes to light that they had this information since 1994, and only

under extreme pressure were they able to acknowledge that they had it, it's outrageous."

An embassy spokesman declined to comment on information in Carnos's file.

In the *Globe* report, which appeared in March last year, a US consular official said the embassy would intervene in cases of Americans arrested in Mexico only when there were clear signs of physical abuse or "the system has failed." The official, declining to make the file available at the time, said it contained information that was "not conclusive," adding there was nothing the embassy could do on his behalf.

"When you cross the border, the constitution

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Copitalism

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liberalized. Empty "beds" translate to lost revenue. As a result, the private prison industry is a self-made billion dollar public relations firm with a profit motive for manufacturing and perpetuating the false stereotype of evil illegal drug users. The more that illegal drug users are accurately perceived as no different than anyone else, the more the private prison industry stands to lose.

The bottom line is that the War on Some Drugs, like any war, requires a supporting public. Enemies need to be vilified and dehumanized, and there's no better way to do that than through the media. And, the copitalists know it. The portrayal of users of illegal drugs as untrustworthy, unhealthy, and dangerous dregs is itself big business. Media imagery has falsely, but very successfully, portrayed the average marijuana user as a 16-year-old "son" with a defiant attitude who's "frying" his brain. Since this is the image that many people have come to associate with marijuana, it has much more political power than the truth.

To a large degree, the success of some medical marijuana initiatives has been the result of successfully de-coupling the "16-year-old stoner" image from marijuana. Study after study has proven that marijuana can be good medicine, yet the public consideration of such data has been eclipsed by anti-drug rhetoric and imagery. *Anyone* can get seriously sick, and anyone who is seriously ill

will want the best possible medicine. Proponents of medical marijuana have worked hard to escape the negative imagery associated with marijuana use, and as a result have been able to generate political support.

Television itself is an addictive drug that stands to lose if other drugs are legalized. The Partnership for a Drug Free America,

Entheogen users are caught, then, face-to-face with an ironic dichotomy, pitting substance against image. The very essence of entheogens is the substance of the experience, yet control of imagery seems to be fundamental if there is any hope for liberalizing the drug laws.

producers of the "this is your brain on drugs" fried-egg³ "public service announcement" among others, relies heavily on *donated* time from media and advertising companies. In fact, from 1987 through the spring of 1995, media executives donated more than \$2 billion in broadcast time and print space. (S. Rhoades, "Public Service, Private Ideologies," *EXTRA!*, July-Aug., 1991.) In 1990, this amounted to almost \$1 million a day of donated time and space.

The Partnership, as you should know, gets over 50% of its funding from pharmaceutical, tobacco, and alcohol lords, who obviously have a vested interest in keeping their drugs the only ones sanctioned. The Partnership's whole strategy is one of attack-advertising. Rather than promote its fi-

nancier's own products, it instead promulgates a negative image of those who use its competitors. The Partnership makes no bones about this, stating that its goal "is to reduce demand for illegal drugs by using media communication to help bring about public intolerance of illegal drugs, their use and users." (R. Miller, *supra*, p. 27.)

Entheogen users are caught, then, face-to-face with an ironic dichotomy, pitting substance against image. The very essence of entheogens is the substance of the experience, yet control of imagery seems to be fundamental if there is any hope for liberalizing the drug laws. The solution to the problem is clear, but how to solve it is not. Obviously, there is no way that users of illegal drugs, let alone just entheogen users, can financially compete with mass-media imagery.

Perhaps one strategy would be to encourage prominent well-respected people to publicly reveal their own use of entheogens and to carefully plan such admissions to maximize media-exposure. The juxtaposition of such honest testimony with the contrary, amorphous imagery put forth by The Partnership might go a great distance toward debunking the false stereotype of illegal drug users. An orchestrated series of such revelations might demolish it.

Notes

¹ Most information on share prices and company revenues in this article are from Thom

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doesn't follow you," said the consular official, who asked not to be identified. "If you get caught, you can't just say, 'Uncle Sam, come save me.' You can't just send in the Marines."

In a May 1996 letter to Moakley, former ambassador Jones wrote that although the case "may not have met the highest standards of US justice, it appears to have satisfied the Mexican standards of criminal procedure." Moakley said he has spoken with former governor William F. Weld about looking into the case if Weld's nomination as ambassador to Mexico is approved.

On Oct. 17, 1992, Carnos, who was living in San Diego, was passing through Mexico City's international airport on his way back

from Brazil when a customs inspector confronted him with a plastic bag containing the suspicious powder. Federal agents took him into custody and charged him with carrying an ingredient of Ecstasy, a hallucinogenic amphetamine.

For reasons that remain unclear, prosecutors changed the charges in the middle of Carnos's trial, saying further testing revealed that instead of carrying the ingredient, Carnos had been carrying 3 1/2 kilos of Ecstasy itself.

A vegetarian who spent two years in a Boston seminary and once taught Health Dynamics 392 at BU, he has become a prison celebrity at Reclusorio Norte for performing thousands of acupuncture treatments on in-

mates, prison guards, and their relatives. He also has conducted two in-prison seminars on "acupuncture as a therapeutic modality" for postgraduate students from two Mexico City universities.

From the beginning, he said during an interview in the prison cafeteria, embassy officials indicated that "they didn't want to start anything with Mexico. I think the embassy just did not want to get involved."

After three separate Freedom of Information Act requests were filed by Carnos - one of which the embassy reported lost - the State Department released his file to him last month, following media inquiries about the

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Copitalism

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son Financial Services, Inc (a Division of Thomson Financial and Professional Publishing Group), and are absolutely not intended to entice you to invest in these companies – just the opposite. The point of this article is that these companies, and their investors, are *perpetuating* the War on Some Drugs.

² One writer has offered the follow description of a billion dollars:

...Suppose that every day, seven days a week, you got a thousand dollars. In a year, you'd have roughly a third of a million and in roughly three years, a million. Since a billion is a thousand million, it would take you three thousand years to earn a billion dollars at the rate of a thousand a day. . . Now, if at the time of Christ, someone started laying aside a thousand dollars a day to your account, now, 2000 years later, you'd still be shy about one third the amount. (J. McDermott, *The Crisis in the Working Class & Some Arguments for a New Labor Movement*, p. 107, 1980.)

Another way to conceive of a billion dollars is to consider that if a small business has revenues of \$40,000 in one year. A company with one billion dollars of annual revenue is worth the equivalent of 25,000 such businesses.

³ By 1991, 445 of every 100,000 people in the U.S. were imprisoned – the highest rate of incarceration in the world. (M. Mauer, "Americans Behind Bars: One Year Later," *The Sentencing Project* (1992).) Figures compiled by the Bureau of Justice Statistics, indicate that at the end of 1996, one of every 118 men and one in every 1,818 women were under the jurisdiction of state or federal correctional authorities. Nationwide, state and federal prisons are operating at 25 percent over capacity. (A. Beck & C. Mulla, "Prisoners in 1996" (NCJ-164619).)

⁴ A study by Utah Power and Light showed that users of illegal drugs have *lower* health benefit costs than non-users. (Crouch, et al., "Critical" in *Drugs in the Workplace*, National Institute on Drug Abuse, Research Monograph Series, no. 91. [SuDocs HE20.8216:91] 1989.) Another study by Georgia Power Company found that marijuana users had absentee rates thirty percent *lower* than their fellow employees. (D. Parish, "Relation of the Pre-employment Drug Testing Result to Employment Status: A One-year follow-up," 4 *Jnl. of General Internal Medicine* 44-47, 1989.) And, another study found that "the net productivity effect for all marijuana users. . . was positive." (C. Register & D. Williams, "Labor Market Effects of Marijuana and Cocaine Use Among Young Men," 45 *Industrial and Labor Relations Review* 435, 1992.) A recent study in Australia concluded "[a]lcohol

and tobacco use carry far greater health care costs, and alcohol far greater crime costs, than illicit drugs." (S. Mugford, "Licit and Illicit Drug Use. Health Costs & the "Crime Connection" in Australia," 19 *Contemporary Drug Problems* 351-385 (1992).

⁵ David Lenson, in his book *On Drugs* (p. 213), does a good job of deconstructing this advertisement's nonsensical analogy:

. . . consider the silliness of an antidrug television commercial run in the United States beginning in 1989 that shows an egg with the voice-over "This is your brain." The egg is then dropped into hot oil on a grill, and the voice says "this is your brain on drugs" as the egg cooks. The outline is "Any questions?" In fact this metaphor raises nothing *but* questions, about its strange and dubious identifications of the brain with an egg, of cooking with destruction, of drugs with cooking oil. If the metaphor can be disentangled (it is presumably intended to be a visual rendition of the term "fried," which usually means "high"), it is probably saying that (undifferentiated) drugs cause the destruction of the mind, and that this is the only possible outcome. This lack of differentiation is particularly disconcerting since the ad was produced by the Partnership for a Drug Free America, which was funded almost entirely by tobacco and alcohol companies." (D. Lenson, *On Drugs*, p. 213, 1995.)

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delays. The State Department released the file 2 years and 4 months after Carmos filed his original request and 17 months after an embassy official promised that Carmos would receive the file "very soon."

The file contains notes contradicting several statements that the embassy has made about the case, including an assertion by Jones in a letter to Moakley that "Carmos did not complain to the embassy about not seeing his attorney, about inadequate legal counsel or about inadequate translation services until a year and a half after his arrest."

Unsigned notes dated June 17, 1993 indicate Carmos was raising serious questions about his case with the embassy eight months after his arrest. "Still no sentence. Trying to submit evidence that he's innocent, to no avail," read the notes, apparently taken from an in-prison interview with Carmos.

One month later, it was apparent that Car-

mos, who does not speak Spanish, was so confused about his case he was unaware whether he had been sentenced. "He was sentenced Aug. 6. But he claims he was just informed," wrote a consular officer in a telephone record dated Aug. 23, 1993.

Privately, embassy officials long have acknowledged that the case was riddled with irregularities. After last year's *Globe* report, one US official predicted, "I think we can win this one." He said the embassy was likely to file a formal protest with the Mexican government.

However, sources said, the embassy's interest waned when the DEA informed consular officials about intelligence reports alleging that Carmos was observed somewhere in Canada in 1992 handing money to a man who later that year was convicted of Ecstasy trafficking. The embassy has never said how . . . Carmos, who admits to having met the man seven or eight times, including once in Canada in 1990 - but denies any wrongdoing - had been observed in the transaction.

Carmos said that when Benjamin B. Dille, one of the 13 arrest and detentions officers who have handled his case, told him of his reputed association with the convicted drug trafficker, he was incredulous.

Moakley ridiculed the theory of guilt by association. "Jesus, if you want to follow me around, you're going to see a lot of strange people," he said. "That's not enough."

Police trick drug-toting motorists, *DAILY ARIZONA STAR & SALT LAKE TRIBUNE*, JULY 18, 1997

SALT LAKE CITY - Parancia was the police's greatest ally at the beginning of the Fourth of July weekend, when dozens of people on Interstate 80 threw out baggies of drugs from their car windows after seeing ominous signs on the side of the road.

"Drug Dog, 1 Mile." flashed a sign. "Narcotics Officers Ahead," read another.

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California Outlaws Possession of GHB Without a Doctor's Prescription

On September 28, 1997, California Governor Pete Wilson signed a bill immediately adding the substance gamma-hydroxy butyrate (GHB) to California's Schedule II (Health & Saf. Code sec. 11055). Controlled substances contained in Schedule II may be lawfully prescribed under limited circumstances, but possession without a prescription is a criminal offense.

According to a report prepared by California's Assembly Committee on Appropriations, there are currently more than 6,000 persons serving state prison terms in California for possession and possession for sale of Schedule II substances.

The same report gave the following description of GHB:

GHB is usually distributed as a liquid. Users mix the drug with alcohol and/or combine it with other drugs. GHB has become popular at "rave" parties in L.A. and the Bay Area. The intended effect is an intense high lasting about two hours. Effects can include sedation, nausea, respiratory depression and arrest, coma and seizures.

A report by California's Assembly Committee On Public Safety, contained a more extensive write-up:

Like Rohypnol, the growth in the use of GHB has been astronomical. The drug has been linked to a number of deaths, and the stories of young people overdosing on the drug have been spreading across the state and country. In addition to the great dangers associated with personal use of the drug, GHB has also been linked to a number of sexual assaults,

and is being used in a manner similar to Rohypnol.

... Development and Original Medical Use. Gamma-hydroxybutyrate (GHB) is a substance which naturally occurs in the body. As such, GHB cannot be a patented substance. GHB appears to act as a neurotransmitter in the brain. GHB was synthe-

*"Drug Dog, 1 Mile," flashed a sign.
"Narcotics Officers Ahead," read another.*

*Both warnings were true. Technically.
What the drivers were not told was that
"narcotics officers" were hiding in the bushes
with binoculars, looking for motorists
jettisoning drugs.*

sized in 1960 and developed for use as an anesthetic. GHB fell into disfavor as an anesthetic in England because it lacks analgesic - pain relieving - properties. However, it appears that GHB is still used in Europe as a surgical anesthetic. In its synthesized form, GHB is a central nervous system (CNS) depressant. While GHB is not produced by any major pharmaceutical companies in the United States, GHB is legally available in the United States for the experimental treatment of narcolepsy, a sleeping disorder. It is also used in the treatment of heroin addiction, alcoholism, and other conditions.

... Reported Recreational Use and Effects. In California, GHB is produced in non-legitimate laboratories and is usually distributed as a liquid, diluted with water. Users of GHB often mix the drug with alcohol and take it combination with other drugs. GHB has reportedly become popular at

"rave" parties in Los Angeles and the Bay Area.

The intended effect for recreational users of the drug is an intense, euphoric "high" of about two-hours' duration which includes the lowering of sexual inhibitions. The drug typically induces sedation and sleep after the "high." Side effects include nausea, respiratory depression and arrest, coma and seizures.

... Medical and Agency Reports. Hospitals and poison control centers have reported an increase in overdoses on GHB. Deaths have been attributed to the use of the drug. However, a warning about GHB written by the Federal Food and Drug Administration (FDA) in the April 1991 *Journal of the American Medical Association* stated that no deaths from the use of the drug had been reported. In December 1996, Federal Drug Enforcement Administration reported that at least three deaths had been associated with GHB use, although GHB could not be considered the sole cause of these deaths, especially considering that the combined use of alcohol and GHB produces a more pronounced CNS depressant effect.

... Schedule Classification Issue. Because it appears that there may be legitimate medical uses for GHB, the issue is raised whether the drug should be classified under Schedules II, III, or IV so that physicians may prescribe GHB under regulated procedures.

Under the new California law, possession of GHB without a prescription is an alternate felony/misdemeanor, punishable by sixteen months, two, or three years in state prison or up to one year in county jail. Possession for sale is a felony, punishable by sixteen months, two or three years in state prison. Sale, furnishing or transportation of GHB is a felony, punishable by two, three, or four years in a California state prison.

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Both warnings were true. Technically.

What the drivers were not told was that "narcotics officers" were hiding in the bushes with binoculars, looking for motorists jettisoning drugs.

Those cars were the only ones pulled over by Utah ... troopers. The littering gave police the legal license to stop the vehicle, smell the driver's breath for alcohol and ask permission to search the car. The discarded drugs were picked up and used as evidence.

There was no mandatory search on the road ahead - only the vaguely worded threat. But it was enough to generate four felony drug arrests, 21 alcohol violations - including drunken driving - and 57 misdemeanor citations.

Questions about the pseudo-roadblock are coming at a time when the limits of police-sponsored deception are under debate in Utah. Police in North Salt Lake recently admitted to distributing a phony "witness description" of a murder suspect to the public.

"It isn't quite on the level of the North Salt Lake police, but it's in the neighborhood," attorney Brian Barnard said of the roadblock. "The ends don't always justify the means."

But troopers weren't lying when they said there was a drug-sniffing dog on Interstate 80, said Sgt. Keith Squires. They had borrowed one from the Salt Lake City Police Department to search cars stopped for littering.

"Every vehicle we stopped that day was one we clearly observed in violation of state

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statutes," said Squires. "Obviously people saw the sign and were concerned about being apprehended and began to react by throwing out their drugs. . . . You could say this was a ruse. But I didn't put anything up on the signs that was false."

Squires called it a pro-active attempt to get drunken drivers and drug users off the roads before they could get into an accident and hurt somebody. "This was accomplished with very minimal inconvenience to our regular motoring public," he said.

20 Years for Cannabis Growing Books July 3, 1997, DAILY TELEGRAPH (AUSTRALIA)

Tobacconists and other retailers who sold books on how to grow cannabis or make other drugs risked up to 20 years in jail under new drug laws in Queensland. The head of the State Drug Investigation Squad, Detective Superintendent Kerry Durn, said changes to the drug laws made it an offence to possess or distribute any literature that contained instructions about making drugs.

However, the new law was attacked as being draconian. Queensland Writer Centre chairman Terry O'Connor said "This appears to make classic literary texts illegal." "If you extend the logic on this it would appear to make just about all murder mysteries illegal because they tell you how to commit murder." No other state in Australia has taken such steps.

Joe McNamara Responds to Pollan's Poppy Essay in *Harpers*, *Harpers Magazine*, July 1997.

Michael Pollan's essay on poppy cultivation and the government's blundering drug policy ["Opium, Made Easy," *Harpers*, April] might be appreciated for its whimsy and humor were it not also a chilling reminder of the incremental totalitarianism that the war on drugs has produced. During my thirty-five-year career, I served in the New York City

The first casualty in war is truth. It is one thing for the DEA to lie about how opium is produced and its effects on users but quite another to put hundreds of thousands of people in jail using illegal police methods.

Police Department and as chief of police in Kansas City, Missouri, and San Jose, California. Since my retirement in 1991, I have tried to expose the hypocrisy, corruption, violence, and racism inherent in America's doomed war against drugs.

It is difficult to generate a rational debate on our national drug policy, because the issue is largely religious in nature. The groups who successfully lobbied to criminalize drugs a century ago saw drug use as sinful and succeeded in codifying their religious views in the nation's penal statutes. Thus it is that drugs and drug users have been demonized.

The prohibition of alcohol resulted in violence, corruption, and widespread disrespect for the law. So has the prohibition of other

drugs. In the best Orwellian tradition, drug war hawks call for ever more severe punishments while turning a blind eye to institutionalized corruption, official perjury, and the increasing erosion of civil rights in America. . . .

The first casualty in war is truth. It is one thing for the DEA to lie about how opium is produced and its effects on users but quite another to put hundreds of thousands of people in jail using illegal police methods. In 1995, state and local police made roughly one million arrests for possession of drugs. Such arrests should require a search warrant, yet very few warrants were used. In hundreds of thousands of cases, otherwise honest police officers feel justified in illegally searching people and then lying about it under oath.

They call it "testifying" or "white perjury." In cities all across the country, thugs with badges have planted evidence, sold drugs, and committed other drug-related crimes that are often protected by a police code of silence.

Pollan is right to fear government reprisal for his writings. Despite my years in policing, some top law-enforcement officials have wondered out loud whether I have "gone over to the other side" and started using drugs since my retirement. I have been labeled an enemy simply for criticizing antidrug paranoia. In the minds of many law-enforcement officers, the enemy is automatically guilty and must be destroyed. Some of the officials reading Pollan's article will undoubtedly believe that his future gardening should take place on a prison farm. I hope he has a good lawyer.

STATEMENT OF PURPOSE

Since time immemorial humans have used entheogenic substances as powerful tools for achieving spiritual insight and understanding. In the twentieth century, however, many of these most powerful of religious and epistemological tools were declared illegal in the United States, and their users decreed criminals. *The shaman has been outlawed.* It is the purpose of *The Entheogen Law Reporter (TELRL)* to provide the latest information and commentary on the intersection of entheogenic substances and the law.

HOW TO CONTACT TELRL

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Sacred Mushrooms & the Law

SECOND EDITION

by *Richard Glen Boire*

foreword by *Terence McKenna*

Sacred Mushrooms & the Law is the only book covering the legal landscape underlying psychedelic mushrooms and their active principles. Written by Richard Glen Boire, an attorney specializing in the law of shamanic inebriants, this completely expanded and updated second edition provides practical tactical information never before accessible to the layperson. All federal and state laws concerning psilocybin, psilocin, and psilocybian mushrooms are covered. Easy-to-use charts clearly spell out the potential punishments for those so daring as to defy governmental edicts.

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