THE HARRISON NARCOTIC ACT.*

BY EPHRAIM LEDERER.

The Harrison Narcotic Law, which became effective March 1, 1915, has now been in process of administration for a period of fifteen months. The results accomplished by the Act are much more weighty than will appear from any record of prosecutions brought by the Internal Revenue Department or from the number of convictions obtained in the United States District Courts.

It is well understood that the Act, whilst intended to be, primarily, a revenue measure, did have a distinct moral purpose, and the Department has endeavored from the outset to bear this fact in mind in the administration of the law.

Under the Internal Revenue system the Commissioner of Internal Revenue is usually empowered to adopt the necessary regulations to carry an act of Congress into effect. This course is determined by the circumstances of the case, because it would be impossible for Congress to foresee all the various questions of administration which would enter into the enforcement of a revenue law. These questions usually develop in the process of enforcement, and the regulations are designed to carry out the letter and spirit of the law in accordance with the intentions of the legislature at the time of the enactment. Under the provisions usually accompanying such statutes, these regulations, when made, have the force and effect of law. This applies to the Harrison Narcotic Act, so that a regulation, once made and issued, by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, in conformity with the law, is as binding as the Act itself.

The recent decision of the Supreme Court of the United States, in the case of Jin Fuey Moy, has excited widespread attention because the subject with which it deals relates to one phase of the law in which the public is assumed to have a larger direct interest than in any other aspect. This is mainly due to the fact that the newspaper press has necessarily given more attention to the police features associated with the enforcement of the Act than to the regular and systematic carrying out of its purposes, which goes on from day to day under the supervision of the Internal Revenue Force and with the willing aid and coöperation of the vast majority of persons directly affected by the Act, to wit: physicians, dentists, veterinarians and druggists.

A great deal has been said about the tendency of those engaged in these honorable occupations to violate the law. I am happy to say our experience in this district has shown that there is a general and sincere coöperation on the part of all, with the exception of a comparatively small number, in the enforcement of the law and a fine spirit of compliance with the intent of Congress in passing the Act.

The problem with which the Harrison Narcotic Law undertakes to deal is not principally a so-called "tenderloin" problem. That feature of it necessarily figures most prominently in the newspapers, but the regulative features connected with the Act are aimed at evils which ramify throughout every section of the country, and they are designed to correct conditions resulting from the use of narcotic drugs by people who have never come in contact with the so-called "tenderloin" influence, and are merely victims of habits, very frequently innocently

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contracted, and which, through the inherent weakness of human nature, they have not been able to throw off.

The Supreme Court, in the Jin Fuey Moy case, has decided that a mere user does not come within Section 8 of the Act, which reads:

> That it shall be unlawful for any person not registered under the provisions of this Act, and who has not paid the special tax provided for by this Act, to have in his possession or under his control any of the aforesaid drugs; and such possession or control shall be presumptive evidence of a violation of this section, and also of a violation of the provisions of Section 1 of this Act. . . . .

In the decision in question, the Supreme Court says:

> We conclude that "any person not registered" in Section 8 cannot be taken to mean any person in the United States, but must be taken to refer to the class with which the statute undertakes to deal, the persons who are required to register by Section 1. It is true that the exemption of possession of drugs prescribed in good faith by a physician is a powerful argument taken by itself for a broader meaning. But every question of construction is unique, and an argument that would prevail in any one case may be inadequate in another. This exemption stands alongside of one that saves employees of registered persons as do Sections 1 and 4, and nurses under the supervision of a physician, &c., as does Section 4, and is so far vague that it may have had in mind other persons carrying out a doctor's orders rather than the patient's. The general purpose seems to be to apply to possession exemptions similar to those applied to registration. Even if for a moment the scope and intent of the Act were lost sight of, the proviso is not enough to overcome the dominant considerations that prevail in our mind.

The Court in passing on the constitutionality of the Act, which it distinctly affirmed, said:

> A statute must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score. *United States* v. *Delaware & Hudson Co.*, 213 U. S. 366, 408. If we could know judicially that no opium is produced in the United States the difficulties in this case would be less, but we hardly are warranted in that assumption when the Act itself purports to deal with those who produce it. In Section 1, Congress, at all events, contemplated production in the United States and therefore the Act must be construed on the hypothesis that it takes place. If opium is produced in any of the States obviously the gravest question of power would be raised by an attempt of Congress to make possession of such opium a crime.

If the Supreme Court had found that mere possession of opium, or the other drugs mentioned in the Act, were a crime, it might have decided the Act unconstitutional.

The difficulties in the way have been fully recognized by those in charge of the administration of the law, just as they were by Congress when it passed the Act. Under the constitution the Federal Government has no general police power, but only such powers of that nature as are incident to the execution of the laws properly enacted under the constitution.

For this reason the several States could much more readily deal with offences committed by users of the drugs who are habitual addicts, than the Federal Government under its limited powers, but unfortunately it is extremely difficult to secure proper legislation in quite a number of the States. Under these circumstances legislation enacted by Congress, applying as it does to all sections of the Union, is much more speedily put into effect, if that body can be induced to adopt

the necessary legislation that comes within its constitutional power. In passing the Harrison Act, Congress endeavored to supply a law which was needed by the entire country. Whilst the decision of the Supreme Court has undoubtedly impaired the usefulness of the law, it is quite within the bounds of possibility that Congress may be able to amend it so as to meet the objections of the Supreme Court and at the same time provide an entirely effective check on the great evil which the Harrison Act was designed to cure.

It is extremely difficult to prove an actual sale by illicit dealers who operate on a large scale, but do not sell directly to the addict. The possession of a large quantity of narcotic drugs, far beyond the legitimate requirements of a patient, would appear to be a conclusive presumption in fact, and therefore in law, that the possessor is a dealer.

It will be noted that the action of the Court in this case distinctly affirms the constitutionality of the Act, which was assailed on the ground that it was a police measure in the guise of a revenue measure. That feature of the decision is bound to prove, in the long run, more important than the one which has attracted most public attention.

It has been seriously questioned whether the arrest of a mere user of the narcotic drugs coming under the ban of the Harrison Act, and his imprisonment on the charge of having one of the proscribed drugs in his possession, is the best way of dealing with cases of that particular description.

In an essay on " Drug Addiction " by Drs. Joseph McIver and George E. Price, which contains an analysis of 147 cases in the Philadelphia General Hospital, the statement is made:

> All drug addicts should be placed where they can be detained until it is considered safe by the physician in charge for them to leave. An institution for the treatment of these cases should preferably be located in the country or suburbs and surrounded by ample grounds.

It is self-evident that imprisonment is not the kind of detention that is necessary in the case of mere users, to secure the results desired, and that institutions maintained by the State or Municipality for the purpose of effecting a complete and permanent cure are the only instruments which can meet the situation.

It is equally evident that the benefit which might be derived from such institutions can only be secured by the enactment of proper laws by the State, since the Federal Government has no jurisdiction, under the constitution, in matters of that kind. So far as the administration of the law in its general aspects is concerned, it can be said that a large number of physicians have conveyed to the Department the assurance that the Act has had the effect of making most physicians much more careful in prescribing habit-forming drugs as ingredients of the prescriptions which they give to their patients. The conclusions of Drs. McIver and Price in the article mentioned, as to the general effect of these drugs, are as follows:

> While the medical profession has had much to do with the formation of the morphine habit, and in former years with the development of the cocaine habit, it has little or nothing to do with the remarkable development and spread of the cocaine, and especially the heroine habit of the last few years. Farr has drawn a similar conclusion.
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> Degeneracy, as shown by actual signs of development arrest, is present in a large proportion of cases of drug addiction. The majority of narcotic drug habitues are not also addicted to the excessive use of alcohol.
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> Heroine is not as deleterious in its effects as morphine, and can be much more readily withdrawn.

I think it can fairly be said as a result of my observation of the administration of the Act in this district that the greater care exercised by physicians and druggists, as required by the terms of the Act, has been a distinct public benefit, and this, without regard to other benefits which have resulted from the enforcement of the law, would justify its enactment.

During the first registration period under the law, ending June 30, 1915, the total number of persons registered in the First District of Pennsylvania was 7489, whilst the registrations in the four districts which are located in the State of Pennsylvania was 17,771. This number was exceeded only by one State—New York—which had a total registration of 20,036. The registrations in the First District of Pennsylvania for the current year have been somewhat larger.

The enactment of the law is fully justified and the slight amount of trouble and inconvenience caused by its administration should be cheerfully undergone, for the sake of the general welfare, by those to whom the Act applies.

HOW TO USE THE METRIC SYSTEM.*

BY J. W. ENGLAND.

It sounds trite and commonplace to say it, but the way to use the metric system of weights and measures is to *think in terms of the metric system.* Nothing can be more confusing than to use equivalents of the older system of weights and measures, and nothing has done more to handicap the introduction of the metric system than such use. The only right procedure is to *think* in metric units. And when this is done, the system becomes surprisingly simple in operation.

The metric system has come and come to stay in this country and in time it will be the only system used; probably in a much shorter time than many of us realize. The metric system was legalized by Congress in 1866. Its weights are used in our coinage. Metric units are the legal units of electrical measure in the United States. The use of the metric system is obligatory in the medical work of the U. S. Navy and War Departments and U. S. Public Health Service, and in Porto Rico and the Philippine Islands; and it is in universal use by analytical chemists and scientists generally.

The European War is demoralizing the export trade of foreign countries. The system of weights and measures most largely used in such trade is the metric. To-day is America's golden opportunity, commercially. Never before in the history of the world has any country ever had such commercial possibilities as this country has for foreign trade. The Government is fully alive to the situation and is doing everything it can to induce manufacturers to use the metric system in the shipment of goods to foreign countries.

Recently, there has been issued an exceedingly practical Senate Document (No. 241), entitled "Report on the Use of the Metric System in Export Trade," by S. W. Stratton, Director of the Bureau of Standards, Washington, D. C. If the metric system becomes the accepted system of U. S. manufacturers for export trade, it will be but a short time until it will be used for goods that are not to be exported, because manufacturers will not want to use two standards—one for export and another for home trade.

The forthcoming editions of our official legal standards—the U.S.P. IX and

* Read before the annual meeting of the Pennsylvania Pharmaceutical Association, June 22, 1916.