

The Entheogen Law Reporter

ISSUE No. 18

ISSN 1074-8040

SPRING/SUMMER 1998

Constitutional Implications of Fictionalized Freedoms: Deconstructing the account of an MDMA manufacturer

Despite the Constitution's central importance to the concept of the United States as a land of individual freedom and protected liberty, many people harbor serious misunderstandings of the fundamental protections guaranteed by the Bill of Rights. Indeed, to an alarming degree, many of our perceived "freedoms" are, in practice, fictions because people are never taught (in school, or anywhere else) how to invoke these protections. Currently, education with respect to Constitutional rights is like being given a fancy-looking American car with the keys in the ignition, but never being taught that to start it up you need to turn the key. Without such necessary knowledge, the car just looks good and, perhaps, impresses the neighbors.

In an attempt to remedy this situation (if only for the readers of TELR), the following article utilizes as a teaching vehicle an essay written by a psychedelic manufacturer calling himself "Eleusis." In his essay, Eleusis tells his story, tracing events from his early motivation for making MDMA up through his arrest. In addition to narcissism and arrogance, Eleusis' essay displays numerous legal misconceptions, and thus provides an interesting departure point for instructing on constitutional law.

In Eleusis' essay, words THAT LOOK LIKE THIS are links to associated legal commentary by TELR, correcting and explaining the constitutional implications of some of Eleusis' comments and experiences. TELR, it must be noted, in no way endorses Eleusis' criminal actions.

Eleusis' Tale

This is the tale of a character named "Eleusis." Think of it as a **WORK OF FICTION** in the first person by a humble narrator, and if it seems a bit strange, remember that only the truth itself is stranger than fiction. Eleusis, for those of you unfamiliar, was the name of an ancient Greek city where the Spring Mysteries were held: a city-wide festival where consumption of mind-altering substances was the central activity in a celebration of the return of Spring.

Organic chemistry intrigued me. It tempted me with its secret language of symbols, its demand for (nearly) blind faith in unseen collisions. MDMA in-

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ASSOCIATED LEGAL COMMENTARY BY TELR

A WORK OF FICTION

This preamble by Eleusis is legally dubious. Eleusis, like many people, evidently believes that by calling his essay "a work of fiction" it cannot be used against him in court. Especially on the Internet, it is routine to find detailed reports of illegal drug use, cultivation of marijuana, or manufacture of scheduled substances, prefaced with "I dreamt..." or one version or another of "A little bird flew out of the sky yesterday and dropped a note on my doorstep, when I opened it up it said..." Evidently, the writers of such prefaces believe the device destroys the evidentiary value of the admission that usually follows. This is flawed thinking.

In the complete absence of other facts that the writer is currently engaged in drug crimes, or has committed one recently, a prefatory literary device that "fictionalizes" an account *does* make the writing an insufficient basis for a search warrant or an arrest warrant. *By itself*, such a writing just doesn't add up to probable cause. *Nonfictionalized* writings that state, or clearly imply, that the writer is *currently* committing a drug crime, or reveal his or her intent to commit a crime in the very near future, *have* been used by police officers, in some cases, as part of the probable cause statement for issuance of a search warrant.

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trigued me as well, with its strangely universal experience, its ability to make even the hardest soul empathic. I had tried neither organic chemistry nor MDMA, so I decided to try both. In the Spring of 1994, appropriately enough, I began my chemical journey and by late winter I was already POSTING TO A.D.C. It took so much work to learn how to make MDMA that I decided I was going to share what I learned so that others would not have to repeat my labors. However, I had serious misgivings about sharing because my quest was one for knowledge and experience while, I knew, for most others it would be for purely economic reasons.

I broke every rule in the book, and I did so knowingly. I ordered glassware from Aldrich with my real name and credit card. I ordered chemicals from all over with my real name and money orders. I had boxes shipped to my parents (and, later, my co-conspirator's). I spent hundreds of hours in the library and posted everything I found that sounded remotely

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Writings about personal experiences with illegal drugs or which admit a drug-related crime within the applicable statute of limitations (which in most states is three years) have been used against many defendants in drug prosecutions. If the writer of a "fictionalized" account is ever arrested and his or her computer seized, the prosecutor will surely try and use the writing to prove essential elements of the crimes charged. Writings that can be shown to be the defendant's (for example they're on the defendant's computer) can be used to prove his or her state of mind, and may even be deemed admissions or confessions. A prefatory device will be of limited value if, say, the police also find precursors and glassware in the writer's house. In as such a situation, a written statement that recounts the writer's "dream" that he made MDMA, could well provide the otherwise missing link that proves that the glassware and chemicals were, indeed, intended for use—or actually used—to manufacture MDMA.

Indeed, as discussed, *infra*, the DEA attempted to use Eleusis' "work of fiction" against him at his sentencing. And, had he gone to trial rather than pled guilty, the essay might have found its way into court as an admission, assuming that the prosecutor could have proven that Eleusis was the writer.

A good defense attorney faced with writings said to be by his client and detailing a drug crime will, of course, launch a number of hearsay and foundational objections to the writing's admissibility. These may, or may not, result in exclusion of the writings.

POSTING TO A.D.C

"A.d.c." stands for alt.drugs.chemistry, an Internet newsgroup that anyone with a modem can connect to. A similar Internet newsgroup, "alt.drugs," was the first newsgroup established for posts related to illegal drugs. It is a cesspool of misinformation and drug "gossip" of the

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Entheogen Law News Ticker

A woman who was stopped by customs Agents at San Francisco International Airport, held for 22 hours, strip-searched and forced to take repeated doses of a laxative in a fruitless search for drugs was awarded \$450,000 by a federal jury on February 24, 1998. Jurors also ordered punitive damages of \$1,000 for malicious conduct against John Petrin, chief customs inspector at the airport, who was also involved in a 1989 case before the same judge in which a body-cavity search of a passenger was ruled illegal. (Egelko, *Orange County Register*, 27 Feb. 1998.)

Pop icons and sports heroes should be encouraged to present themselves as "clean" role models to counteract the increasing acceptability of drug abuse, the United Nations' drugs agency said on February 24, 1998. "The Board invites governments to contact representatives of the music and sports industries...to explore with them ways of contributing to the development of a popular culture that is against drug abuse." the Vienna-based International Narcotics Control Board (INCB) said in its report for 1997. Governments, continued the report, should use new forms of communication, in particular the Internet, to spread "objective

information" about drug use and should work with telecommunications companies and software providers "to remove illegal drugs-related material" from the Web. (*Reuters*, 24 Feb. 1998.)

It looks like GHB is about to be more strictly controlled in the UK. Officials there are said to be gathering info about emergency room visits and use of the substance as a "knock-out" drug. (Hetherington, *The Guardian*, 14 Feb. 1998.)

The Louisiana Court of Appeals and the 5th, 7th, 8th, and 11th U.S. Circuit Courts of Appeals, have all upheld investigators' warrantless use of infra-red technology to scan homes for heat sources such as high intensity grow lights. On April 7, however, the Ninth Circuit broke rank, joining state courts in California, Montana, Pennsylvania, and Washington in holding that police use of such hi-tech devices is so intrusive that a warrant must first be obtained. (U.S. v. Kyllo (9th Cir. 1998) No. 96-30333, 1998 WL 156527.) The split will likely be resolved in a future case before the U.S. Supreme Court.

According to an unconfirmed report, a Swedish circuit court (Svea hovratt) has reportedly held that *Psilocybe cubensis*

(fresh or dried) is *not* included in the country's list of outlawed drugs. A young man was apprehended during a police raid in December last year in possession of 15 bags of dried *P. cubensis* mushrooms, 162 pamphlets with directions and price list, together with 850 Skr. (approx. \$100). The court held that *P. cubensis* is not unlawful, but emphasized that since last year another species "toppslatskivlingen," (*Psilocybe semilanceata*) – which is commonly found growing in the region *is* illegal. (*Expressen*, 26 Feb. 1998, translated by Olafur Brentmar.)

Nicholas Saunders, died in a car accident in South Africa on February 3, 1998. Described as "an alternative entrepreneur of genius," he wrote the first *Alternative London* guides, transformed Neal's Yard in Covent Garden into an oasis of greenery and alternative businesses and became famous as an expert on MDMA. At the time of his death, Saunders was finalizing research for a book on entheogens and spirituality, having visited a number of tribes around the world who use entheogens in their rituals. (Albery, *The Guardian*, 5 Feb. 1998.)

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Eleusis' Tale

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useful to the process of making MDMA. I conducted my experiments in a freakin' apartment complex, of all places, but **NONE OF THESE MISTAKES GOT ME BUSTED.** I did all of this in blind faith because the first time I took MDMA was my own. Days after the reference for converting safrole to isosafrole was sent to me I made my first batch of MDMA...

[In] mid-November of '94 a good friend of mine and I took 110mg each from that batch and rocketed into an internal space beyond description, but not beyond comprehension. She was suitably impressed, I was ecstatic (pardon the pun), and we just happened to be doing it at a friend of hers that dealt the stuff. Needless to say, that was the beginning of a very good business relationship.

Fast forward a year, give or take a few months... I had visited a friend in Texas and while there I bought a bunch of fairly innocuous chemicals. I packed them up in a box and went down to the local Mailboxes, Etc.- to have them shipped back. The box never made it. After 2 weeks, I was convinced that it had been confiscated, and likely sent to either the DEA, the DOT or the BATF...

I packed up my lab in a blind paranoid fury. I canceled my e-mail account. I encrypted and compressed every computer file, e-mail etc that was even remotely related to drug chemistry. I woke up every morning before **5:00AM**, rumored to

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Legal Commentary

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lowest quality, although once in a great while something intelligent or truly novel appears. It's not uncommon to see open requests for illegal drugs posted to alt.drugs.

Eleusis is wrong when (later in his essay) he writes that the DEA does not know or care about alt.drugs.chemistry (or for that matter the numerous other newsgroups or Web-sites that center around illegal drugs). The DEA is making more and more use of the Internet as a means of taking the pulse of current drug trends, as a means of proving conspiracies, and also as a means of producing investigatory leads.

The British National Criminal Intelligence Service (NCIS) just shut down a Web-site that was selling "designer drugs." The site was up for only a few days.

The DEA is very much aware of Web-sites regarding entheogens. Indeed, only *four days* after Eleusis had a friend post his essay to the Web, the DEA (indeed, the same Special Agent Higgins, that arrested Eleusis) served a subpoena on the Web-site owner, ordering him to turn over the e-mail address of the person who posted the essay. Although the essay was written and posted pseudonymously, the DEA was able to trace it back to Eleusis through his real world contacts.

So, despite the superabundance of well over 650,000 Web-sites (from an old January 1997 figure), each of which contains anywhere from a single page to thousands of pages, the DEA was able to find this one pertinent post almost immediately after it was uploaded!

Obviously, Eleusis' case demonstrates that the DEA is hardly a tyro when it comes to keeping tabs on the Web—and that they are fully prepared to use such information to gain conviction or a maximum sentence.

NONE OF THESE MISTAKES GOT ME BUSTED

How can Eleusis be sure? As just discussed, the DEA *does* monitor alt.drugs.chemistry. Also, even if none of Eleusis' orders *required* reporting to the DEA (see LISTED OR SUSPICIOUS, *infra.*) one or more of the chemical companies he dealt with may have *voluntarily* reported his purchase(s) as suspicious.

5:00AM

There is no truth to the rumor that DEA raids commonly take place at 5:00 am. They can take place at any hour, although they usually take place during daylight. Service of a warrant after nightfall usually requires a specific authorization.

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With dozens of uniformed police officers looking on—not to mention those who might have been watching on a video monitor in a precinct house—more than 200 New York City residents rallied on February 1, in Washington Square Park to protest the installation of two new surveillance cameras placed on light poles along the southern edge of the park. Similar surveillance cameras are popping up around the country. "Are we going to put surveillance cameras on every pole in this city?" asked one NY resident. "Remove the cameras. We live in a democracy. We do not live under...[a] police state." (Halbfinger, *New York Times*, 2 Feb. 1998.)

Nicholas Sand, a fugitive from the United States for more than 20 years has

pled guilty to trafficking LSD as the result of a huge psychedelic drug lab bust in a Vancouver suburb in 1996 (see 13 TELR 124). According to authorities, the lab contained enough raw materials to make 45 million hits of LSD, and also produced MDMA and DMT. Sand was set to go to trial but, shortly before, he entered a surprise guilty plea to four counts of possession for the purpose of trafficking. He was sentenced to nine years in prison. Sand is wanted in California, where he jumped bail in 1976 while appealing a 15-year sentence for manufacturing LSD. He will face an extradition hearing later this year. (*Vancouver Province*, 23 Feb. 1998.)

New York Governor George Pataki has announced legislation that limits access to the drug ketamine hydrochloride. The new

law makes it illegal to own or sell ketamine and requires veterinarians and others who deal with the substance to report any cases of loss or theft to the health department. (Meyer, *UPI*, 22 Jan. 1998.)

Drug testing for marijuana just became as simple as sucking a lollipop. Thanks to an Oregon biotech company (Epitepe) and its Pennsylvania partner (STS Technologies), the nation's first high-tech marijuana test using oral fluid is moving closer to reality. The U.S. Food and Drug Administration has approved the new test, which uses a lollipop-like collection device made by Epitepe Inc. The test requires the suspect to place a specially treated OraSure absorbent pad between his or her cheek and gum. The pad singles out mucosal transudate, a fluid

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Eleusis' Tale

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be the time the DEA would strike if they came a knockin'. But I also new that the paper trail was immense, that even if there wasn't anything left in my apartment when the DEA came crashing in that I would still have a lot of explaining to do.

Then there was the realization that if I was under surveillance that they would already know where I put everything. I struggled to wipe my fingerprints from everything I had ever touched, but I couldn't bring myself to throw away nearly \$12,000 in glassware, chemicals and equipment. I just couldn't destroy everything, though I *knew* that I should. Besides, how does one get rid of 11kg of Safrole or 20L of THF? I'm no tree-hugger, but I'm not so environmentally unconscious that I'd pour shit like that down the drain or onto the ground. Months went by with no sign of the DEA.

Slowly but surely **MY CO-CONSPIRATOR CONVINCED ME TO START UP AGAIN**. She used the very persuasive argument that since I had started manufacturing, no one would buy anything else (I was a fanatic about quality, I never cut my MDMA, and I made sure that every dose was 100-110mg for the best possible experience). It really didn't take much convincing, though, because once you start, I don't believe you can stop until you are caught. It is too seductive, way too seductive. Viddy well, little brothers, vidy well (c.f. - *A Clockwork Orange*).

So I started up again, but I tried to make the lab as spartan as possible - no unrelated chemicals on the premises, no massive quantities of [List] I precursors, and definitely no product for any longer than the time it took to dry. It was futile, of course, and as I came to realize that I took the attitude of "fuck it." I cranked out a 2000 dose batch of 2C-B and gave it all away. I mustered up a 16g batch of mescaline and gave that away too. TMA, DMT, 4-Methylaminorex, *et. al.*, just to know that I could and to see what they were like.

On June 23, at around 5:00pm, the phone rang. It was Special Agent Higgins of the DEA. He was at my parents house and **WANTED TO ASK ME A FEW QUESTIONS** about all the chemicals I had purchased. I told him I would be right over, hung up, then looked at my apartment.

Chemicals everywhere, glassware everywhere. There was no way to destroy enough of it to matter in the time frame allotted. I did destroy the twin 100g batches of MDP-2-P that were just starting (literally 15 minutes prior) and dump out ~500g of methylamine HCl (yes, made by decomposing Hexamine) but nothing else. I just hoped that I would be able to smoothly talk my way out of the problem - at least for long enough to be able to destroy everything else.

When I arrived at my parents house there were a dozen agents wandering

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MY CO-CONSPIRATOR CONVINCED ME TO START UP AGAIN

It is quite common for law-enforcement agents who arrest a small-time drug seller to pressure the arrestee into helping them catch someone higher-up on the distribution pyramid—hopefully the manufacturer. Indeed, in the drug enforcement world, this tactic (arresting one person and using them to get to others) is even more common than a judge with a patronizing attitude.

The arrested person becomes a "confidential informant," who may be promised leniency in their own case, and/or even money, for providing information and assistance in catching their supplier. Eleusis never seems to suspect that, perhaps, his co-conspirator was at this time already working for the DEA as an informant. That may not have been the case, but it's certainly plausible.

WANTED TO ASK ME A FEW QUESTIONS

Pursuant to the Fifth Amendment, all people in the US are explicitly provided with the fundamental right of refusing to answer questions when interrogated by a government agent. Waiver of this important freedom occurs simply by answering the questions. The Fifth Amendment, in other words, *must* be asserted.

The fact that a DEA agent was calling

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that migrates into the mouth from blood vessels. The cop, or employer, then seals the pad in a case filled with buffered solution and sends it to a testing laboratory for analysis.

Epitope already is selling a similar test for the detection of cotinine, a byproduct of nicotine. Insurance companies use it to ensure that applicants who claim to be non-smokers aren't sneaking a few drags. STC Technologies, in partnership with PharmChem Laboratories, Inc., developed the nation's first drug test based on sweat samples. The tamper-proof PharmChek skin patch absorbs NIDA-5 drug molecules in sweat. For parents who favor old-fashioned urinalysis, there is Dr. Brown's Home Drug Test-

ing System, approved last year by the FDA as the nation's first nonprescription drug test. The test detects marijuana, PCP, amphetamines, cocaine, heroin, codeine and morphine. (Woodward, *The Oregonian*, 28 Feb. 1998.)

Police in Arnhem, the Netherlands raided the "24U" coffeeshop and have accused the owner of selling "hard drug preparations" based on *dried* psilocybian mushrooms. Cops and prosecutors argue that while fresh *Psilocybe* mushrooms are legal, drying them converts them into an illegal "preparation." (PFE, pers. com, March 15, 1998.)

New York club mogul Peter Gatien (see 11 *TELR* 105) was acquitted on February 11, 1998 on federal charges of drug racketeering and conspiracy. The acquittal came after four weeks of trial during which prosecutors unsuccessfully tried to prove that Gatien was the kingpin of a conspiracy to distribute MDMA and other illegal drugs at his popular Manhattan nightclubs, the Tunnel and Limelight. Prosecutors called the clubs "massive drug supermarkets" and described party's themes, such as beach parties, where "sand dunes" of ketamine were laid out for patrons to snort, or an "Emergency Room" party where a club employee dressed as a doctor allegedly handed out bogus prescriptions for drugs that were filled by a dealer in the club. The jury acquitted Mr. Gatien after deliberating only 24 hours. If convicted of the drug racketeer-

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Eleusis' Tale

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around with guns, bullet proof vests, the whole enchilada.

They were sorting through my old room and found maybe two documents related to chemistry and, unfortunately, a bottle of sodium in petroleum ether that I had long ago forgotten.

They told me that they had all of my receipts from a certain chemical company that I used quite often and asked what I did with all of those chemicals. Well, I felt pretty confident then because I never ordered anything LISTED OR EVEN TERRIBLY SUSPICIOUS from that company - I synthesized all of the naughty precursors myself - so I calmly answered "I make photographic developers with them."

They then asked "Are you saying you never made crystal meth, crank, methamphetamine, whatever you want to call it with these chemicals" and I easily said "no" followed by "I don't think any of those chemicals are used to make meth, otherwise how would I have been able to purchase them?" They didn't like that one bit. No sirree. Not one bit.

That's when they pulled out the big guns (metaphorically) and asked if I knew anyone in Houston. The sweat started to pour. I knew what they were after. I said "yes, I have a friend out

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from Eleusis' parents' home, and asking about chemicals purchased by Eleusis, should have indicated to Eleusis that the DEA strongly suspected that he had used the chemicals for illegal purposes and were at his parent's house to collect evidence to that effect. By the time the DEA lands a dozen agents in broad daylight they are reasonably sure that they've "got their man."

The law books are filled with cases in which suspects, thinking they could "smoothly talk their way out of the problem, made statements that were used against them in court.

LISTED OR SUSPICIOUS CHEMICALS

Chemical supply companies are heavily regulated and most seem to take their government requirements very seriously. Companies that sell chemicals and solvents that can be used to manufacture illegal drugs are *required* to keep the following records: (1) The name and address of each party to the regulated transaction. (2) The date of the regulated transaction. (3) The name, quantity and form of packaging of the listed chemical. (4) The method of transfer (company truck, picked up by customer, etc.) (5) The type of identification used by the purchaser and any unique number on that identification. (21 CFR sec. 1310.06.)

With respect to List I chemicals (see *Table 1*), records must be kept on file for four years after the date of the transaction, and records of List II chemical transactions (see *Table 2*) must be kept for two years after the date of the transaction. (21 CFR 1310.04.)

Government regulations even spell out how the companies must verify purchaser's identity. The company must obtain documentary proof of the purchaser's identification. If the purchaser is a business, the company "must verify the existence and apparent validity of [the] business entity ordering a listed chemical...by such methods as checking the telephone directory, the local credit bureau, the local Chamber of Commerce or the local Better Business Bureau..." (21 CFR sec. 1310.07.)

For export transactions, chemical companies must make "a good faith inquiry to verify the existence and apparent validity of a foreign business entity...by such methods as verifying the business telephone listing through international telephone information, the firm's listing in international or foreign national chemical directories or other commerce directories or trade publications, confirmation through foreign subsidiaries of the U.S. regulated person, verification through the country of destination's embassy Commercial Attaché, or official documents provided by the purchaser which confirm the existence and apparent validity of the business entity." (21 CFR sec. 1310.07.)

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ing and conspiracy charges, Gaten could have done up to 20 years in federal prison. (*Village Voice*, Feb., 24, 1998; *New York Times*, 15 Jan. 1998; Reuters, Jan 14, 1998.)

Police arrested a Marin County, California couple in August 1997, for possession of opium poppies. The cops discovered them after responding to an alarm at the couple's home. Searching inside the home for a would-be robber (none was found) the cops stumbled upon a small *Cannabis* grow room, as well as some poppies. Along with the plants, the cops took the couple's computer, and some heirlooms. The *Cannabis* charges were dropped after the man proved that he had a doctor's recommendation to grow medicinal *Cannabis* pursuant to California's Proposition 215 "Compassionate Use Act," but the poppy charges remain. (From a post on The Well, 19 Feb. 1998.)

Weird hi-tech gizmos continue to pose a

possible threat to personal freedoms. According to an article in the *Financial Times*, a US company called Microvision has developed a display system that could be ideal for wearable PC's, a cool idea, if not put in the service of fascists. The company's "Virtual Retina Display uses a tiny, low-power laser to draw an image directly onto the retina of the eye. The system's scanners use a series of oscillating mirrors that direct a light beam through the eye's iris and onto the retina. The scan operates at a rate of 18 million pixels a second and refreshes each image 60 times a second. The user is said to see an image that seems to float about three feet in front, with a resolution of 640 by 480 pixels, equivalent to the standard VGA display in PCs." (Foremski, *Financial Times*, date unknown.)

Last summer, a company named Sensor inked a deal with NCR to provide iris scanning devices in ATMs. The devices will

debut in Japan and the UK, and are projected to spring up in Citibank ATMs in the USA sometime in 1999. Citibank ATM users will be called in for iris scans which will then be matched to scans taken when they insert their ATM cards in future transactions. It's possible that the iris scanning system will entirely do away with the need to even carry an ATM card, and of course provide law enforcement agents with one more way of keeping tabs on you. (*Wired*, Nov. 1997.)

Indications are that Global World Media Corporation, the maker of "herbal ecstasy" is considering manufacturing a product that will contain small amounts of *Salvia divinorum*, perhaps in a sublingual liquid, tablet, capsule, or cigarette. The company is said to also be considering a product that includes small amounts of *Banisteriopsis caapi*. Any such large-scale commercial exploitation of

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Eleusis' Tale

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there." They asked what I thought happened when the box I shipped never made it and I said "I figured UPS confiscated it for improper packaging but when I called about it they said they had no record of the shipment so then I figured it was just lost." **THEN THEY ASKED** the killer question, the one that made me give up because I knew I was busted.

"Do you know [blank]?"

I said, "yes, she's an ex-girlfriend of mine."

"Well we have [blank] in custody right now."

"Oh."

"So I'll repeat my earlier question, did you ever use this to make crystal, crank, meth, whatever?"

"No, I never made crystal meth, I think it's a horrible drug."

"Then what did you make with it, [blank] said—"

"Alright, alright. I made MDMA."

"**CONSENT WAS THEN ASKED** for to search my apartment, under the threat that I would be arrested if I said no and they would get a warrant anyway. I knew this would happen because of what POP-I had told me so I signed my life away. Agents were standing by at my apartment and busted in the door as soon as my pen hit the paper. I was cuffed and taken to my apartment to identify the contents as mine (a formality) and then I was taken to DEA Holding. Apparently seconds after I was

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Legal Commentary

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When transacting business with a new representative of a firm, a chemical company "must verify the claimed agency status of the representative. For sales to individuals or cash purchasers, the type of documents and other evidence of proof must consist of at least a signature of the purchaser, a driver's license and one other form of identification. Any exports to individuals or exports paid in cash are suspect and should be handled as such. For such exports, the regulated person shall diligently obtain from the purchaser or independently seek to confirm clear documentation which proves the person is properly identified such as through foreign identity documents, driver's license, passport information and photograph, etc." (21 CFR sec. 1310.07.)

Any transaction "involving an extraordinary quantity of a listed chemical, an uncommon method of payment or delivery, or any other circumstance that the [company] believes may indicate that the listed chemical will be used" for illegal purposes *must* be immediately reported to the DEA by telephone, with a follow up written report within fifteen days. (21 CFR sec. 1310.10.) Chemical companies, however, often *voluntarily* report sales of seemingly innocuous chemicals or solvents when the buyer seems suspicious *for any reason*.

When a chemical company sells a listed chemical or solvent to a buyer, the company *must* comply with the reporting requirements. Each chemical has been assigned a threshold quantity, below which the mandatory reporting requirements do not apply. (In *Tables 1 & 2*, these thresholds are set forth opposite the chemical, and can be reached in a single transaction, or by multiple transactions within a single calendar month. (21 CFR sec. 1310.02.)

THEN THEY ASKED

As noted earlier, and worth stressing again, when interrogated by a government agent, it is always best to remain silent. A person wishing to assert his or her constitutional rights in such a situation should tell the interrogator: "I am not answering any questions and I want an attorney." This statement invokes the protections of both the Fifth and Sixth Amendments.

Eleusis, however, seems to thrive during interrogation, using it as another opportunity to boast about his brilliant chemistry crimes. His subsequent answers could not only be used to prove that he did in fact manufacture MDMA, but also that he sold it and conspired with a distributor. Additionally, by telling the agents how much he made, he may have greatly increased his eventual punishment, which in the absence of his confession, might have been based only on the amount of illicit drugs found in his lab and/or a lesser quantity estimated from other evidence such as the type and quantity of precursors found in the lab, or ordered from chemical companies.

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these sacred plants would not only be outrageously insensitive to sincere users of these sacraments, but also bring unwanted attention to these currently legal plants. The company is even reportedly considering the formation of a "non-profit [bogus] religious organization as a type of Shamanic Plant Alliance." This misleading name (which would make one think the organization cared about sacred plants and was out to protect them—not exploit them), would actually "specializ[e] in the *marketing and distribution* of legal Shamanic plants, substances and literature... *to the mainstream*." Is nothing sacred? (From a letter sent by G.W.M.C. president, Sean Shayan, to a number of people—one of whom sent it to TELR; emph added.)

An error-ridden news report from Pennsylvania said two kids fell into "comas" after they ingested their own homemade GHB. The article claimed the kids' ingestion of the substance was "near fatal" and put them in "comas." (Although this occurred on a Tuesday evening and the kids were released from the hospital the very next morning.) The article also vilified the Internet, saying that the kids got their "recipe," and perhaps the legal precursors, from a Web-site. The article quoted a police detective as saying, "It's unfortunate that this type of information is out there and that the chemicals needed to make this drug, along with instructions, can be found on the Internet." GHB is currently legal in Pennsylvania, by the way, so no criminal charges

were filed against the kids. (Sabatini, *Philadelphia Inquirer*, 28 Mar. 1998.)

Two suburban Chicago men are charged with possession of GHB after more than six gallons of the illegal substance were discovered in their homes. The arrests were the result of an anonymous tip to the police. (UPI, 8 Jan. 1998.)

Two state police labs in Illinois are said to be researching a test that enables investigators and emergency room technicians to test drinks and urine for GHB, which was outlawed in Illinois in 1997. According to the state police director, "The research has been promising, and we hope to have a reliable field test kit available for law enforcement within six to 12 months." (UPI, 27 Jan. 1998.)

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Eleusis' Tale

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taken away the reporters arrived. My driver's license picture was on the 6:00 news. The entire block I lived on was evacuated. Rumors started flying and all of my friends, of which only a very few knew what I did, started calling each other.

To top it all off, my ulcer started giving me a real fit (the ulcer was a byproduct of living 2 years in intense fear of that very moment). At DEA Holding I received the good cop/bad cop treatment. It's just like the movies, kids. Just like it. One was threatening to kick in my balls if I didn't tell the truth, the other was saying "there, there, he's trying to tell the truth, give him a chance." It was sickening (apparently, [blank] actually did get sick because they asked "you're not going to puke all over the floor like [blank], are you?")

The interrogation was rather brief, consisting only of:

1) How much x did [you] make? -about 800g I said (based on quick mental calculations of what was consumed from the chemicals I knew were on the premises).

2) How often did [you] take it? - 3 times (close enough to the truth that it doesn't matter).

3) Did [you] sell it? -only to [blank].

4) She said you split the money 75-25, how much money did you make? -about 80 grand (consistent with my

earlier answer of 800g).

5) How often did you make it? - about every other week.

6) How much in each batch? -28g.

7) Who taught you how to make it? -I taught myself (true).

8) Did you get the recipe from the Internet? -no, from the library (cringe at the word 'recipe', we ain't bakin' brownies here, boys).

And that was pretty much it.

I was then transported to the Orient Road Jail. On the way there I enjoyed a most memorable conversation with the agent.

"So this is pretty much the end of the road for me, eh?"

"No, **TIM ALLEN FROM HOME IMPROVEMENT** got busted for trafficking 2 keys of coke. He copped a plea, turned in a few people and look how well he's done."

"Yeah, but Tim Allen was a dealer, and I'm a chemist. The buck pretty much stops here. I'm top of the food chain. here's no further up you can go, there's no bigger prize than busting someone like me."

"Good point."

"Gee, thanks."

The worst thing about jail (so far) is that it's so fucking boring someone like me would go insane within weeks. I was so bored I counted every tile on the

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Legal Commentary

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CONSENT WAS THEN ASKED

The fact that a person refuses to consent to a search cannot be used as a probable cause factor for issuing a search warrant. If, when asserting the Fourth Amendment (by refusing to grant consent to a search) a police officer threatens that he'll get a search warrant, a citizen should remain firm.

By consenting to a search, a person waives precious Fourth Amendment protections. Consenting will *guarantee* that a search will take place, *and* that anything found will be admissible. If, instead of consenting, a person asserts the Fourth Amendment protections (by refusing to consent) the police might not have enough evidence to convince a judge to sign a search warrant. So long as the Fourth Amendment was not waived by consenting to the search, there still remains the possibility that any evidence seized under a subsequently issued search warrant can be challenged in court.

TIM ALLEN FROM HOME IMPROVEMENT

Tim Allen spent 1980-1983 in a federal prison after pleading guilty to selling cocaine. He was arrested, along with twenty other people in 1979, as the result of an undercover police operation in Michigan. He was sentenced to eight years in federal prison, and served twenty-eight months.

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A magistrate in Canberra, Australia, has ruled that a 26-year-old man who imported the designer drug 'Fantasy' into Australia via the Internet did not know he was committing a crime. According to the evidence, the man ordered GHB from the United States over the Internet from his computer in an Australian government building. The man told the court he had not realized that GHB was "Fantasy." A drug which is illegal in Australia (but evidently not referred to in the law as GHB!?!). The man said he thought GHB was a health food aphrodisiac which countered depression and improved muscle development. (*Australian Broadcasting Corp.*, 13 Feb. 1998.)

According to an unconfirmed article the sale of drug-free urine became a crime in Pennsylvania on the first of January. (*Reading Eagle*, 31 Dec. 1997.)

Kids around the country are being ex-

pelled from school for possessing legal OTC drugs such as Advil. The father of one seventh grader who was recently suspended for five days for having two Advil tablets was quoted as saying "This will be on her record," adding that his daughter had no record before, either in or out of school. "This won't be purged when she goes to college. She'll be on record for violating the drug policy, for two damn Advil. That's the thing I find totally astounding." (*Twomey, Washington Post*, 5 Jan. 1998.)

Two junior high girls in St. Louis were expelled, one for having brought to school No-Doz and Alev tablets, and the other for having brought a prescription drug for acne. (*St. Louis Post Dispatch*, 12 Feb. 1998.)

An article in the *LA Times* noted school suspensions for the following ridiculous "offenses;" A 13-year-old Oregon boy, for taking a swig of Scope after lunch; A 13-

year-old Texas girl, for carrying a bottle of Advil, detected in her backpack by a drug-sniffing dog; A seventh-grader in West Virginia, for giving a zinc cough lozenge to a friend; An eighth-grader in Pennsylvania, for trying to get laughs by sucking on an Alka-Seltzer tablet. A 5-year-old Virginia boy, for taking his mother's beeper on a kindergarten trip to the pumpkin patch, and an 11-year-old North Carolina boy, for passing around a home-grown chili pepper that caused another child's face to swell up. How absurd do things have to get before people wake up to the fact that the War on Drugs is way out of control? (*Katz, Los Angeles Times*, 1 Mar 1998.)

A law passed last year in Arkansas, makes it a misdemeanor for any person to possess nitrous oxide or amyl nitrite "with the intent to inhale it for the purpose of

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Eleusis' Tale

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walls of the various rooms I was shuffled between (1,240 in the "airlock", 2,278 in my "pod"). Oh yes, and then there was the food--Being that I am a vegetarian, it was completely inedible. Breakfast was gravy and an apple. Yes, gravy.

The next morning I had my bond hearing in front of a Federal Magistrate. I was chained to two other people by the hands and feet. Reporters crowded the pews watching my every expression. My mother was there with one of her friends from work. At that moment I knew that I had truly fucked up big time; that I had let down every one that said I was a genius that could have done anything I put my mind to. What did my clever brain get me? Shackled to a health plan embezzler and an illegal alien bank robber.

A private lawyer offered his services for free (my case was extremely novel - only the second MDMA manufacturer in that district of Florida). The prosecutor moved to have my bond denied and for me to be detained in Morgan Street Jail (which makes Orient Road look like a

fucking resort, btw)... Bond was set for \$75,000 and my mother put up her house to secure it. Had I not bonded out, I am quite certain I would not be alive to type this.

I later received the background documentation on the DEA's "setup" of the sting against my co-conspirators and me. What was extremely interesting to note from this was that the DEA conducted "three TRASH PICKUPS at [my parent's] residence and 1 trash pickup at [blank's]". Of course they didn't find anything because I didn't live with my parents, but I always assumed that they would be able to tell that I didn't live there...

Another consequence of my arrest is that most of MY POSSESSIONS WERE SEIZED on the premise that they were either paid for with drug manufacturing profits or they were actually used to make drugs. I could merely rattle off a list of interesting (and pricey) items that would break a materialist's heart, but the point here isn't to impress you with what I owned, rather, to illustrate that there isn't a lot of logic involved in the

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Legal Commentary

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("Tim Allen," *Current Biography Yearbook* 1995.)

TRASH PICKUPS

As Eleusis' case underscores, garbage searches are an important law enforcement investigatory tool. The foul procedure was endorsed in a 1988 decision by the U.S. Supreme Court, which held that once a person puts his or her garbage on the curb for pickup, the contents become open season for any police officer or other government agent who might be curious. (*California v. Greenwood* (1988) 486 U.S. 35.)

The police do not need a search warrant, nor any justification whatsoever, to grab someone's garbage and cull through it for incriminating evidence.

During such searches, police look for signs of recent drug use, manufacturing, or cultivation—and also read discarded mail and other notes in the hopes that such writings might produce other leads or show the suspect's involvement in an illegal conspiracy.

The target of a garbage search will not
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causing a condition of intoxication," and further prohibits the sale of nitrous oxide or amyl nitrite for the prohibited purposes. The provisions of the law do not apply to medical, manufacturing, industrial and food preparation uses. (Ark. Act 355 (HB 1445).)

The evil minds at American Science & Engineering, Inc (see 17 *TELR* 162 for other privacy-invading products of theirs) have unveiled a new product called the BodySearch™. The device blasts patented Z@ Backscatter X-rays at you and can detect hidden drugs on, or inside, your body. The device is currently being used at Deer Lodge State Prison in Montana, a wise marketing move as prisoners have little political clout. But, *TELR* predicts it is only a matter of time before the BodySearch™ device finds its way into general policing. (Company Press Release, 7 April 1998.)

Cops at the Vernon Hills, Illinois, Police Department are offering free home drug testing kits for local parents who suspect their kids might be using drugs. The drug kits test for marijuana, cocaine, crack and PCP. "Each Drug Sensor kit contains a urine collection bottle, confidential ID numbers and a handbook with instructions. Par-

ticipants can mail the urine samples to a laboratory in a postage-paid box, then call a toll-free number in three to five days to learn the results. The entire sampling, mailing and result inquiry process is conducted privately by the family. The test kits are free, but there is a small fee for the lab work." (Baldas, *Chicago Tribune*, 20 Feb. 1998.)

House Speaker, and all-around maniac, Newt Gingrich is the sponsor of a federal bill (H.R. 41) that calls for the death penalty for individuals convicted of importing illicit drugs into the United States. Although Gingrich claims that the bill would result in the execution of only very large drug traffickers, the bill's language states that it applies to all offenses involving "100 usual dosage amounts" of an illicit drug. Relying on federal marijuana-weight estimates, NORML calculates that the death penalty could conceivably apply to anyone convicted of importing more than 50 grams (less than two ounces) of marijuana across U.S. borders. (From an e-mail from NORML.)

Britain's National Criminal Intelligence Service reports that tablets of MDMA are being sold bearing the names of the late Princess Diana on one side and the letters "RIP" on the other side. Also spotted have

been tablets bearing the name of Princess Diana's boyfriend, Dodi Fayed (who was killed along with her), as well as pills featuring Queen Elizabeth's face and the emblem of Mercedes, the manufacturer of the car Diana and Fayed used in Paris. Other MDMA pills have been seen bearing the name of Leah Betts, a teenager who died after taking the drug on her 18th birthday. (*UPI*, 15 Jan. 1998.)

Irish anti-drug agents arrested three men in their twenties found moving approximately 50,000 MDMA tablets (worth, the cops said, up to 1 million pounds), from a wooded area. The arrest evidently followed weeks of surveillance, culminating in the mens' arrest as they dug up the drugs, which were carefully wrapped in plastic. "These men are all known to us. We're confident we've smashed a major drug ring. We've also saved a lot of lives and saved a lot of misery for a lot of young people," said an Irish anti-drug spokesperson. "We've been watching these woods for a number of weeks now and are confident we'll make further discoveries over the weekend." (McSweeney, *The Examiner* 28 Feb. 1998.)

A fifteen year old boy was disciplined
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seizure process.

Furthermore, when they do seize something you have to take them to court (in a separate civil action) to get the stuff back. This will cost you beaucoup bucks and you'll probably lose anyway (this is what my lawyer said, and he specializes in Federal criminal & civil cases). Fortunately, you can sometimes ask for certain things back, and if you were cooperative, they will honor the requests. Other times they will just outright give you things back.

For instance, they seized about \$10,000 in electronic test equipment that had absolutely nothing to do with making drugs and, besides a \$3,000 digital storage oscilloscope, wasn't even paid for with drug profits. However, a 1991 Ducati 900SS motorcycle, an obvious toy that was paid for with drug profits, was given back to me for unknown reasons (they initially seized it but later said to my lawyer, and I quote, "we want to give it back to him"). My 1988 Mazda RX-7 they ignored, saying that it was "a piece of junk" - this was where I typically kept the "Lonely Laptop on the Fringe" as well as a few other neat toys. Had I known that they weren't interested in "junk" cars (mine had some rust as well as 100k+ miles) then I would have stashed my money in it, instead of a fire safe that they naturally cracked open immediately.

Side comment: The DEA chemist said "this is the most technologically advanced lab I have ever seen." Well, that was something to be proud of, anyway.

A couple weeks after I was out on bond the DEA found out about the storage unit used and which had been

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List I Chemicals

CHEMICAL	REPORTING THRESHOLD
(1) Anthranilic acid, its esters, and its salts	30 kilograms
(2) Benzyl cyanide	1 kilogram
(3) Ephedrine, its salts, optical isomers, and salts of optical isomers	any amount
(4) Ergonovine and its salts	10 grams
(5) Ergotamine and its salts	20 grams
(6) N-Acetylanthranilic acid, its esters, and its salts	40 kilograms
(7) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers	2.5 kilograms
(8) Phenylacetic acid, its esters, and its salts	1 kilogram
(9) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers	2.5 kilograms
(10) Piperidine and its salts	500 salts
(11) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers	1 kilogram
(12) 3,4-Methylenedioxyphenyl-2-propanone	4 kilograms
(13) Methylamine and its salts	1 kilogram
(14) Ethylamine and its salts	1 kilogram
(15) Propionic anhydride	1 gram
(16) Insosafrole (Isosafrole)	4 kilograms
(17) Safrole	4 kilograms
(18) Piperonal	4 kilograms
(19) N-Methylephedrine, its salts, optical isomers, and salts of optical isomers (N-Methylephedrine)	1 kilogram
(20) N-Methylpseudoephedrine, its salts, optical isomers, and salts of optical isomers	1 kilogram
(21) Hydriotic acid (Hydriodic Acid)	1.7 kilograms (or 1 liter by volume)
(22) Benzaldehyde	4 kilograms
(23) Nitroethane	2.5 kilograms

Table 1. List I chemicals.

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by school officials in Mequon, Milwaukee after he brought the OTC drug dextromethorphan to school and used it with a classmate to "get high." The kid told the school officials he heard about this use of the drug from the Internet. "We treat this drug as we would a controlled substance," said John Box, the school's superintendent. "If a student is involved with a drug that creates this type of reaction, it's a serious situation." (Vanden, *Milwaukee Journal Sentinel*, 17 Feb. 1998.)

Beginning in April of 1998, cellular

phones—all cellular phones—will be transformed into tracking devices, pursuant to a new FCC rule. The rule was ostensibly designed to inform "emergency service personnel" of the location of anyone who calls 911 with a cellular phone (a similar system already functions with respect to wireline calls to 911). Starting in April, if you call 911 from a cell phone, the 911-people will automatically know the phone number of the phone you are using as well as the precise "cell" from which the call was made.

Pursuant to the FCC's "Enhanced 911 services" requirement, by the year 2001 all

cellular carriers must have in place a system which can locate any cellular phone *within a 125-meter radius as soon as it is turned on.*

A representative from the Center for Democracy and Technology (CDT), rightly noted that this new service transforms every cellular phone into an "ankle bracelet." The CDT is urging that law enforcement agents be required to show probable cause that the person who owns the phone is engaged in criminal activity before accessing information about their location from their cellular phone. (Oakes, *Hot-Wired* 6 Jan. 1998.)

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rented out by one of [blank]'s roommates for me. It was quite a coincidence because the day before I had told my lawyer about it and asked him what I should do. He said "DO NOTHING AND SEE IF THEY FIND IT."

Well, found it they did. It took some fast talking on my part to keep [blank]'s roommate from getting arrested as well. Anyway, when they raided my apartment lab and found all of that electronic equipment they assumed I was a dangerous sonuvabitch who booby-trapped the storage unit. They called my lawyer and me to ask what was in it. I gave them very coy, circumspect answers implying that it had been so long since I was out there that I couldn't "exactly" remember what was in it. This was a good move on my part because it heightened their suspicion it was booby-trapped to the point that they offered me immunity for the contents as long as I told them what was there. Suddenly my memory reappeared and I rattled off about a dozen items before they decided that HazMat needed to be called in and so the circus started anew.

Good thing I got immunity because inside there was a complete portable lab (I called it. C.R.A.P. for Self Contained Reaction AParratus), a generator, a rotary evaporator, about 400 different chemicals and some small amounts of 2C-B and mescaline. The legal morass surrounding a manufacturing case is unbelievable. I could go on for dozens of pages about it, but instead I will summarize using the advantage of hindsight.

There are many ways one can be prosecuted for suspected drug manufacturing, and the safest route the prosecutor can take is to just stick you with the precursors unless you were caught actually making it and/or you had product on the premises. I was caught with nothing being made and nothing on site, but the prosecutor was greedy and charged [blank] and me with "Conspiracy to Manufacture **MDMA, A CONTROLLED SUBSTANCE ANALOGUE**" anyway.

I waived my right to a grand jury to be nice, and because there was no point in being formally charged since they had enough evidence to convict me of something.

I was then offered a plea agreement that, of course, gave me nothing except

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see a man in black or a uniformed police officer picking through the garbage—that's not how it's done. Rather, when a police officer orders a garbage search, the garbage company still picks it up, but then keeps it segregated from the rest of the trash. The target's trash is then taken to the police station and searched there by a cop, presumably one rather low on the totem pole.

MY POSSESSIONS WERE SEIZED

Under federal forfeiture laws (which many states have copied) currency and property that can be traced to an illegal drug transaction can be seized. It automatically becomes the property of the government unless the owner can prove that the property was unrelated to illegal activity. This is a perverted inversion of the usual burden of proof which in a criminal case is on the government to prove guilt—not on the defendant to prove innocence. Eleusis' comments about the harshness and arbitrariness of many forfeiture actions are accurate.

DO NOTHING AND SEE IF THEY FIND IT

There was not much else that Eleusis' lawyer could say. While a defense attorney is under no obligation to point government agents to incriminating evidence that the agents haven't yet discovered (in fact, doing so would violate the attorney-client privilege), an attorney cannot advise a client to destroy evidence.

MDMA, A CONTROLLED SUBSTANCE ANALOGUE

3,4-methylenedioxymethamphetamine (MDMA) has been a federal Schedule I substance since 1988. The fact that the prosecutor characterized it as a "controlled substance analogue" is likely the result of an out-dated pleading form dating from the years 1986-1988 when MDMA's federal scheduling status was in flux.

SHIPPING CHEMICALS VIA UPS

UPS and FedEx are both private mail carriers. As such, unlike government agents, they are not constrained by the Fourth Amendment. This means that they can open and search a package for any reason. In fact the standard FedEx "Terms and Conditions" form says "[w]e may, at our option, open and inspect your packages before or after you give them to us to

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List II Chemicals:

CHEMICAL	REPORTING THRESHOLD
(1) Acetic anhydride	250 gallons or 1,023 kilograms
(2) Acetone	50 gallons, or 150 kilograms
(3) Benzyl chloride	1 kilogram
(4) Ethyl ether	50 gallons, or 135.8 kilograms
(5) Potassium permanganate	55 kilograms
(6) 2-Butanone (or Methyl Ethyl Ketone or MEK)	50 gallons or 145 kilograms
(7) Toluene	50 gallons or 159 kilograms
(8) Hydrochloric acid	Listed but currently not monitored (21 CFR sec. 1310.08)
(9) Sulfuric acid	Listed but currently not monitored (21 CFR sec. 1310.08)
(10) Methyl Isobutyl Ketone (MIBK).	Listed but currently not monitored (21 CFR sec. 1310.08)

Table 2. List II chemicals.

Eleusis' Tale

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taking away my right to appeal. My lawyer advised me to plead guilty, but *not* sign the plea agreement. This is known as "pleading open" and shows that you accept responsibility for your actions without the potentially damning loss of your right to appeal an unfavorable sentence. I don't regret this at all even though it royally pissed off the prosecutor because I still get the 3 level reduction for pleading (more on this in a moment). However, my pleading open made the prosecutor so mad that he then filed a motion to have me detained prior to my sentencing (i.e., thrown back in jail).

The detainment hearing was, fortunately, quite laughable because I had been complying with all of my pre-trial bond restrictions (no drugs in the urine, no arrests, I had a "real" job and was enrolled in school), still, if the judge was in a bad mood that day it could have been a trip to nasty, razor-wire engulfed Morgan Street for me.

I was then "interviewed" by a Federal probation officer to "get my side of the story," find out my background, assets, etc to make what's called a Presentence Report (PSR). Strangely enough, what I said and [blank] said pretty well matched, though she had really low-balled the estimate of MDMA I made. (Bless her!)

Another part of the PSR is what the production capacity of the lab was according to the DEA chemist. The chemicals they considered were:

10.9kg Safrole

900g Isosafrole

1.8kg Hexamine (equiv. to 3.5kg methylamine HCl)

This gave them a yield, based loosely on my "notes," of between 4.8 and 6.0kg. They, of course, made some

critical mistakes like not considering other necessary reagents involved, nor the fact that 3 moles of methylamine must be present for every 1 mole of MDP-2-P for the reductive amination to have a fighting chance of working.

So the big argument at my sentencing, then, will be pitting my calculations against theirs. For this, I have to hire an expert witness (i.e., a chemistry professor) to do the talking for me and to lend "credibility" to the whole deal (an expert witness is also necessary if you wish to appeal). Unfortunately, none of the professors I have attempted to contact thus far wish to speak to me (gee, what a surprisel).

Now what does all this mean, and what does it all entail? Federal drug cases are prosecuted according to the "level" you are at. The base offense level is determined by either: a) the amount of drugs you made b) the amount of drugs you could have made with the chemicals on hand c) the amount of drugs you made + the amount of precursors you had.

We can derive "a" by calculating backwards from the amount of hexamine I had consumed from the brand new container found, which gives an amount of 766g. We can derive "b" as above, which based on methylamine would be 1.8kg and based on Formic Acid would be 377g. The offense level for "c" is then based on the amount of precursors like Safrole, Isosafrole and Methylamine on hand plus a 2 level increase for drugs actually having been made. The base offense level for "a" is 18, "b" is either 21 or 16, respectively, and "c", the worst, is 22. Level 22 is 41-51 months in jail, 21 is 33-41, 18 is 27-33 and 16 is 21-27. Take 3 levels off for acceptance of responsibility and the possible range of time is 10 months

(level 13) to 33 months (level 19).

So that is where I am right now: somewhere between 10 and 33 months. And what if the judge completely ignores my arguments and sentences me for the maximum quantity estimated (6kg?) 63-78 months. My lawyer and I are not quite sure which of the above routes (a, b, or c) is appropriate because of the PSR, which only considered the amount of drugs I could have made with the chemicals on hand. I suppose I will find out when I am sentenced on Feb. 20, 1998.

What can be learned from my experience, and what are the ramifications? Good questions, and I'll give my best guesses.

First, it is rather apparent from my interrogation and the investigation thus far that the DEA either does not know about a.d.c. or they do not care. Yes, friends, hard as it may be to believe, outside of the "did you get the recipe off the Internet" question, they didn't ask me jack shit about the net.

Second, I think it is rather obvious from my tale that SHIPPING CHEMICALS VIA UPS is not a bright thing to do, but why did I do it in the first place? Because I shipped all sorts of crap through Fed-Ex all the time (what an appropriate name), so I figured because of the volume of shipments both places did that UPS wouldn't bother opening up a package unless it was leaking or stunk. Wrong.

Third, chemical supply houses will ask you some fairly detailed and probing questions about what you are up to. If you don't look straight-up, white-bread (not white as in race, white as in bland), middle America then don't even think about showing up somewhere in per-

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A 1988 United Nations anti-drug convention already lists 22 precursors subject to monitoring and control. In early March, EU Internal Market Commissioner Mario Monti urged the EU to begin tracking precursors used to manufacture LSD and other synthetic entheogens. (*Reuters*, 5 Feb. 1998.)

Clinics nationwide are reporting thefts of ketamine. "There have been 14 burglar-

ies of area clinics since last May, eight in Rochester Hills, [Detroit]" Oakland County Sheriff Detective Sgt. Joe Duke said, adding "The thieves are stealing ketamine to use or resell." (*Martindale, The Detroit News*, 6 Feb., 1998.)

Drug-sniffing dogs are being let loose in schools across the country. While in most cases the dogs are brought in by the local police, private companies have now spotted the profit potential. One such company, Interquest Group, Inc., already has

contracts with over 350 school districts. (*Davis & Wilgoren, Washington Post* 27 March 1998.)

A recent study reports that 68% of the public relies on mass media for information about the dangers of illegal drugs. Not surprisingly, 66% said they'd willingly pay more taxes if the money went to turn-up the heat in the War on Drugs. (*Blendon & Young, J.A.M.A.*, 18 March 1998.)

Eleusis' Tale

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son. If you want to play the "fake company ordering chemicals" game be aware that they will expect a company check (what, no bank account for the business? Sorry).

Also be aware that should you get caught and you were using a fake business to order chemicals that can be considered "obstruction of justice" and will merit you a 2 level upward adjustment should you be found guilty. As well, don't buy all of your chemicals and glassware from one place, and never ever even ask about compounds that are heavily watched, scheduled or listed.

Fourth, if you are caught, try to find out what the agents know/don't know before you **START SPILLING THE BEANS**. In my case I played very innocent with them until I found out that [blank] was arrested with 50 capsules of my product (they told her that they already had me in custody and that I said blah-blah-blah, they do that sort of thing).

If it does seem like they've got a pretty solid lock on you, be cooperative - tell them the truth but don't get too detailed, all of the details will be debated during sentencing anyway, but being consistent from the moment you are arrested to the moment you are sentenced looks very good, indeed. As well, plead guilty but don't sign the plea agreement unless you are getting a good deal out of it (and you'll only be getting something good if you turn in other people, in which case you de-

serve to spend eternity in Cocytus (c.f. *-Dante's Inferno*)).

Fifth, never, I repeat, *never* throw out empty bottles, reaction byproducts, documentation, etc in the trash where you live. Take it to a dumpster far away, burn it, shred it, or whatever, but don't leave it in your trash. I didn't get caught because of this, but I *could have*. As well, **ASSUME YOUR PHONES ARE TAPPED** from day one so don't even talk "in code" about transactions with your "dealer[s]". Always meet in public, and I don't mean in someone else's car, rather at a restaurant, cafe or bar.

Sixth, where you do it isn't so important as how you do it. I didn't get busted because my neighbors "smelled something funny" but then again, neither did I make methylamine (or MDMA, or MDP-2-P) in the middle of the day.

Seventh, **DON'T TELL ANYONE** you wouldn't trust with your life what you are up to. I imagine the dumbest thing one could do would be to make a whole bunch of X and then invite some "friends" over to "try it out" while glassware and chemicals are everywhere, but I did just that several times and no one ever made the connection. Maybe my friends were dumb, and maybe yours are too, but that's tempting fate with a little too much surety.

Eighth, make sure you **HAVE A LAWYER AHEAD OF TIME** that is familiar with federal and state drug cases. It is unreasonable to expect to find a lawyer who has handled drug manufacturing

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Legal Commentary

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deliver."

In contrast to private mail carriers, properly addressed postage-paid mail sent via *first class U.S. Mail* cannot be opened without a search warrant. Under a new regulation (ostensibly prompted by mail bombs sent by the Unabomber—though it's been some two years since the alleged Unabomber has been in custody, and still the regulation stands), all US Mail weighing over 16 ounces must be postmarked by a post office. If such a package is dropped into a street-side mailbox or, for any other reason, enters the mail stream without a *post office* postmark, it is subject to opening.

START SPILLING THE BEANS

As already emphasized, anyone who values the Constitution and is arrested or investigated for a crime, should say nothing except "I want an attorney and will remain silent until one is provided."

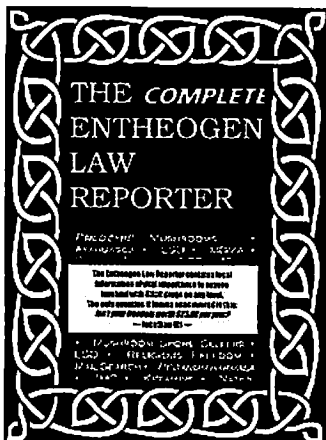
ASSUME YOUR PHONES ARE TAPPED

In order to monitor or record the *content* of telephone calls, the police must get a search warrant. In 1997, the number of federal and state authorized wiretaps hit 1,186—a thirty-year high. These taps record *everything* said over the tapped line. In 1997 this amounted to than 2.27 million conversations among 216,000 individuals—all from the 1,186 taps. The areas that were snooped on the most were: New York City, central California, northern Illinois and southern Florida. (*New York Times*, 10 May, 1998; *USA TODAY*, 7 May 1998.)

Many people have been convicted on the testimony of anti-drug agents who tell the jury that what might seem like an entirely innocuous conversation about delivering milk or, auto parts, was actually a coded conversation regarding an illegal drug transaction. There are also numerous cases, where suspects utilized a code system, but did so in a such a sloppy manner that the true nature of their conversation was obvious. Taped conversations that were disjointed or contained strange nonsequiturs, have also been used against suspects after a police officer testified that while he could not break the code, it was, in his opinion, a coded conversation about drugs. (See *People v. Truver* (1997) 665 N.Y.2d 995.)

Pen registers (devices which record every number dialed from, or to, a given phone number, but not the content of each call) can

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Eleusis' Tale

(Continued from page 194)

cases, but if you let them know ahead of time what you are interested in, and pay the requisite (and hefty) retainer, you'll be good to go if (when) the Man comes bustin' in. Your legal expenses for defending against a DEA levied manufacturing charge will be \$15,000 plus, so keep that in mind.

Ninth, have someone else order the chemicals, if possible, but realize that *they* will be the ones that get the third-degree if caught. If you don't trust them with your life, and they haven't got nerves of steel, both of you will go down. Incidentally, I didn't have anyone else order the chemicals because I didn't feel I should place that sort of responsibility/burden on any of my friends (would you do that to one of yours? If so, maybe *you* aren't such a good friend). And finally...

Tenth. My biggest mistake wasn't me sending that package through UPS, nor starting product back up after it never made it, nor even deciding to make [MDMA] in the first place. My mistake was not taking the time to make a huge amount quickly and then destroying everything afterwards. I should have blew out a kilogram or so then quit. 1kg is worth up to \$100k and that should be enough to make anyone quite self-sufficient with proper investing and money management. Instead, I wanted to experiment with the process and find other ways of doing things as well as posting everything I found to a.d.c. I should have quit as soon as I succeeded but I couldn't resist the temptation to tweak. I can say "should-have" about a lot of things in this game, but that's the one I truly regret. — Eleusis 02-08-98

Legal Commentary

(Continued from page 194)

be installed *without* a search warrant, and are frequently employed in drug investigations as a means of linking together various persons, often expanding an investigation from the initial suspect to others.

DON'T TELL ANYONE

At the center of every Fourth Amendment right is the concept of a "reasonable expectation of privacy." Anything a person does (wittingly or unwittingly) that reduces his or her reasonable expectation of privacy, simultaneously reduces the associated constitutional protection. In other words, what would ordinarily be an unconstitutional search, can become completely legal if other actions by the person already reduced the privacy ordinarily associated with the item or area that was illegally searched.

While a great deal of "law" is contrary to common sense, the law jibes with the sensible idea that if one want's privacy, the first and foremost step is to keep private things private. Such simple actions as talking about private things, can significantly reduce what might otherwise be a strong protection.

HAVE A LAWYER

The cost of defending against a federal drug charge could easily exceed \$15,000, not counting an appeal.

It is certainly best to have an established professional relationship with a good defense attorney. With respect to property forfeiture alone, the time limit for necessary action is almost *immediate*, and allows precious little time to retain an attorney, especially if held in jail.

But, contrary to what Eleusis might think, a person cannot waltz into a defense attorney's office, admit the ongoing manufacture of MDMA, and seek to retain the attorney in the event of a future arrest. While no defense attorney would pick up the phone and call the cops (it would violate the attorney-client privilege to do so), even those attorneys adamantly opposed to the War on (Some) Drugs—will not knowingly counsel a person on how to break the law or escape punishment.

There is a big difference between advising a person of his or her legal rights, including the specifics of various drug laws—and knowingly aiding a particular crime. Just as tax attorneys routinely counsel people with respect to the tax laws, including how to minimize tax liability, a criminal defense attorney is able to advise people with respect to criminal laws—e.g., what's legal and what's not—and provide a professional opinion on various scenarios.

For anyone who finds themselves unsure of a drug law's meaning (or likely interpretation) retaining an attorney to provide a professional opinion on the matter is a good idea This is also one way to establish a good relationship with an attorney who might later call upon in the event of litigation or arrest.

Huichol Indians Jailed While Gathering Peyote

From the UPI wire of April 13, 1998.

HUEJUQUILLA, Mexico, April 13 (UPI)—While Jews observe Passover and Christians celebrate Easter, Mexico's Huichol Indians are mourning the damage to their spring rites after the Mexican army detained 21 Huichol men, women and children for gathering peyote...

The Indians were detained last month while returning from a pilgrimage to gather peyote, which plays a central role in their religious rituals. The arrests disrupted their Holy Week cycle, which began April 9.

"They feel very sad. It's like putting a Catholic in jail for taking holy communion," said Susana Valadez, director of the

non-profit Huichol Indigenous Center in Huejuquilla, Jalisco, 400 miles (640 kms) northwest of Mexico City.

The Mexican constitution and international law protect native peoples' right to use peyote in their rituals.

But on March 16, soldiers at a military checkpoint near Huejuquilla detained seven Indians and seized 50 kilograms of peyote.

The Indians were freed two days later, but the authorities kept some of their peyote and several religious artifacts. Four days later, another group of 14 Indians was detained. Soon afterward, another 15 Indians were held for hunting deer, also used in rituals.

Huichol leader Francisco Lopez said, "If the government and military are going to end our way of life by confiscating our religious items and putting us in jail for completing our spiritual obligations, then they might just as well kill us all right now."

In an April 11 television broadcast, the National Human Rights Commission said Mexico's ethnic groups are frequently exposed to abuse by the authorities. The commission upheld the Huichols' right to their "cultural space."

The Huichol population is about 19,000, according to the National Statistics Institute.

Questions & Responses

QUESTION: Two dear but square friends of mine were recently stopped by cops on a pre-dawn Texas highway and "requested" to allow a dope-dog to sniff their car. They admit that they felt extremely intimidated, and since they had to be somewhere by a certain time, were afraid to risk being detained on their trip. They consented to the search, which, of course, turned up negative. I hit the roof when they told me this tale and launched into a tirade about flushing their constitutional rights down the toilet. I've thought a lot about this since then and wanted to share some insights with TELR readers.

Most people are intimidated by police and afraid to say or do anything contrary to what they perceive as an "order" couched as a "request." In imagining myself in such a situation, I've considered the best way to firmly but politely insist on my rights. Here's the way to do it: "With all due respect, officer, I feel that if you have probable cause to search my vehicle you'd make a stronger case if you obtained a search warrant first. If you have no probable cause, I'd appreciate being allowed to go on my way."

To this, the cop will likely respond: "if you have nothing to hide, there's no reason why you shouldn't allow me to search your car." The perfect response to this (and I hope someday to actually be able to use it) is: "Officer, I have absolutely nothing to hide, but I have something very precious that I don't want to lose, and that is my constitutional right against unreasonable search. I feel it is my patriotic duty to exercise this right, and I am doing so now." If done calmly and respectfully, this should make them let you go. Rehearse it over and over in your head so it comes out naturally if you ever have to use it.

On a recent trip to Hungary (where there are no constitutional rights) I observed two cops randomly and humiliatingly hassle a young man in the Budapest metro station for no more obvious reason than he wore an ear-ring. It made me appreciate the few rights we have left in this country. Let's vow to hold on to them: never give in to intimidation. — Jim DeKorne.

A while after I received this letter from Mr. DeKorne, another letter from him contained the following comments:

...do you realize we are bonafide patriots! I remember as a 17-year-old kid in 1954, swearing as I joined the army to: "Protect and defend the Constitution of the United States against all enemies, foreign and domestic." [Emph. DeKorne's.] I guess I must

have taken it seriously, though I never dreamed at the time that the major enemies would be domestic—would be the very government itself!

There's been a lot of water under the bridge since 1776: the bastards now use the Byzantine mechanisms of the law itself to grind us into submission. Tom Paine himself would be just another anonymous kook with a homepage were he alive today—surely not anyone that a SWAT team couldn't take out some wee-hour morning—leaving no ripples at all in the collective awareness.

I tend to think that things have deteriorated so badly that we can no longer "get there from here." For me, the most productive use of one's time is doing inner work. Maybe I'm just getting old, but shoveling shit against the tide gets old too; in a way, it's playing the game by their rules—blowing your precious essence in the old-paradigm belief that direct confrontation, working through the law, etc., is anything more than busy-work to keep you from gaining the true gnosis. When you find yourself living in a Chinese Curse ("May you live in an interesting time"), it's a loud signal from your essence to look more carefully at "what is real and what is not." — Jim DeKorne.

RESPONSE: As usual, your letters raise a lot of thoughts. First, I am not surprised to hear about your friends' intimidating encounter with Texas police. I honestly, hear auto-stop stories on a weekly basis (see the letter to follow, for just one similar example), and they often have a worse ending. I certainly agree with your overall sentiments that people should resist police intimidation by relying on their constitutional rights. I also like the last portion of your pre-planned statement about "having something precious you don't want to lose — your constitutional right to be free from an unreasonable search."

My only point of difference would be the particulars. Automobiles are covered by a unique exception to the "warrant requirement." As you know, in all but a few situations, cops need probable cause in order to conduct a search. Sometimes they will go to the trouble of getting a search warrant before conducting an auto search, but ordinarily a warrant is *not* required to search a car.

The US Supreme Court has applied a special rule to automobiles because of their mobility, and on a theory that anything put in an automobile is *ipso facto* less private. Under this rule, if an officer has probable cause to think a car holds contraband or

evidence of crime, he or she can search it immediately, no warrant need first be obtained. Police officers, however, are not permitted to use any old traffic infraction as a pretense to conduct an automobile search or a dog-sniff. They must have probable cause to believe that the car holds contraband or other incriminating evidence.

So, in the situation Mr. DeKorne describes, I think it is better to avoid saying anything about a search warrant, and instead ask the officer: "Are you detaining me, or am I free to leave?" If the officer says he is detaining you, there is really no point to arguing, other than to say "I want to state that this detention is without my consent." (If you happen to have a portable tape recorder, start it up anytime you are pulled over and tape the entire encounter. Many law enforcement agencies now install video and audio taping equipment in their vehicles, but, strangely, when such tapes are subpoenaed by defense counsel, the government often responds that no tape was made, or remains, of the particular encounter.)

If a police officer tells you that he is not "detaining" you, then you are perfectly within your constitutional rights to tell him that you are not consenting to any further detention and that you must be on your way. Then go!

Like Mr. DeKorne, I think things have gone so far awry that there is little hope of reform by political process. We have run this ridiculously immature War-on-Some-Drugs machine so long and hard now that I am convinced that the mechanisms in play cannot be stopped, let alone re-tooled. Not a good image when you think of how most out-of-control machinery comes to an end. Sometimes, gears grind and mash. Other times the machine becomes de-centered and its own momentum violently throws itself apart. Trying to fix such a machine, or re-tool it while it is running (and burly guards won't let you near it), is futile. I am, therefore, more and more convinced that the only hope is to stand back and wait for the inevitable.

I only hope that when it crashes, the reaction is not simply to try and build a "better War machine." The only effective response will be a change of mind—an adoption of a mature view of consciousness that accepts each person's right to control his or her own mind, provided they do no harm to others. But this seems nowhere in sight. Dr. Laura (a popular talk-radio (de)moralizer camouflaged as a psycho-therapist) and others, like former Drug Czar Bill Bennett, have tragically convinced large numbers of Ameri-

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Questions & Responses

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cans that any *thought* about drugs that isn't in lockstep with Prohibition is downright degenerate.

In their belief system, any drug use (well not counting their favorites, of course) is drug *abuse*. A contrary *belief* marks the believer as a morally degenerate "destroyer of civil culture." It seems that it is one of the greatest taboos today simply to *think* differently about drugs. This does not bode well for the future birth of a soft-machine built from a new way of thinking about drugs—another reason I hope to spend more time gardening this year and less time letting my mind gnaw on law.

QUESTION: Returning from the MindStates conference I was "stopped" by a Mojave County Sheriff's deputy. He said I parked too close to another car. After examining my driver's license and the other auto papers, he said "you act nervous about something; are you on drugs?" I wasn't on drugs, was completely relaxed, and giving him the patience test, nevertheless, I answered him by merely saying "no."

Then he orders me to look straight at him while he shines a tiny flashlight in the corner of each of my eyes. When he finished, he told me in a sneering tone, that I was free to go.

My questions are: Is being nervous (in their opinion) a probable cause to give a person a drug test? Is shining a tiny flashlight in the corner of a person's eyes a drug test, or was that cop just doing that to bluff me into admitting I was stoned? —P.

RESPONSE: Being nervous is certainly not sufficient grounds for a police officer to detain a person, as courts have held over and over again.

If your car was parked illegally, or in a manner that a reasonable person would consider indicative of impairment, a court would probably find that the police officer had a right to conduct a very limited investigation into your sobriety. For example, many arrests for drunk driving follow after a police officer spots a person driving slowly, parking crooked, or weaving inside a lane—even though none of these are illegal.

When the officer shined his flashlight in your eye he was testing to see if your pupils reacted to the light, and also to measure the size of them. Believe it or not, police officers have a little chart called a "pupilometer" that depicts various pupil sizes said to correlate with various drugs. If your pupils failed to constrict when hit with the light, or were unusually small or large,

the officer could have lawfully continued the detention to conduct additional tests.

Police officers also examine eyes for signs of nystagmus—a side to side shake—said to occur as the result of alcohol or drug use. Spotting such indications can give a police officer justification for extending a detention in order to conduct additional field sobriety tests or, if enough factors add up to probable cause that you are drunk or under the influence of a drug, you may be legally arrested.

QUESTION: Can a private security guard make a valid arrest? Can they force me to submit to a search? Are these "wannabe cops" for real? -Annon.

RESPONSE: There is no difference between a private citizen and a private security guard or "rent-a-cop." Anyone, regardless of whether they are wearing a cop-like uniform, can make a "citizen's arrest" for a crime committed in their presence—a store clerk, a rent-a-cop, a waitress, *anyone*.

A rent-a-cop has no more and no less power than an ordinary citizen. This is a double-edged sword, as readers of *TELR* should be aware. Government agents are constrained by the Fourth Amendment, but private citizens are not. This means that a private security guard, in some ways, has *more* power to violate your rights than a real police officer.

If a real officer makes an illegal search, the fruits of the search may be excluded from court. However, since the Fourth Amendment does not apply to private citizens, any evidence that they find pursuant to an illegal search will still be admissible. Sure, you could sue the person in civil court, but that won't help you defend against the criminal charges stemming from whatever they might have found during their search.

The U.S. Supreme Court has yet to consider the constitutional status of a private security guard. In California, a number of court decisions have found searches by private security guards violated the constitution. *But*, after so finding, the courts, nevertheless, held that there is *no remedy* for such a search, noting "the fruit of illegal searches and seizures by private security personnel has been excluded *only* where the private security personnel acted in concert with police or the police stood silently by." (*In re Christopher H.* (1991) 227 Cal.App.3d 1567, 1570, 278 Cal. Rptr. 577.)

In a 1977 federal case, several people were detained and searched by Disney World security personnel, who suspected they were passing counterfeit fifty dollar

bills. The Fifth Circuit declined to exclude the evidence seized as a result of the Disney guards' search on the ground that even if the searches would have been illegal if conducted by government agents, *the* Disney agents, were private actors and hence not constrained by the Constitution. (*U.S. v. Francoeur* (5th Cir., 1977) 547 F.2d 891.) The case was appealed, but the US Supreme Court refused to hear it.

The rule was also applied in *People v. Taylor* (1990) 222 Cal.App.3d 612, a case in which private security guards at the Santa Cruz Boardwalk caught some kids with marijuana and LSD.

GHB: **The Natural** **Mood Enhancer** BOOK REVIEW

Like the authors' earlier books on "smart drugs" this book champions the benefits of another trendy substance—Gamma hydroxy butyrate (GHB).

This book makes GHB sound like an amazing substance for promoting sleep, alleviating anxiety and depression, building muscle, and helping break alcohol and drug addiction. According to the authors, GHB is "one of the safest therapeutic substances available," and cannot cause "coma," contrary to the claims of many news reports. The so called GHB-induced "coma," say the authors, is simply deep sleep. They caution, however, that one should not take GHB in combination with alcohol or other "mind-altering drugs," and that people who have had seizures in the past, or who have a history of epilepsy, should not take the substance.

Of course, as previous articles in *TELR* have documented, the media has selected GHB as one of its favorite drugs to hate. As a result of media vilification, GHB gained a reputation as a "date rape drug" and has been scheduled in a number of states. According to the authors of this book, the demonization of GHB is tragic because it has steered many doctors and patients away from what could be a very beneficial substance.

If you are a user of GHB, or have shied away from it because of all the bad press it has received, this book will interest you. (*GHB: The Natural Mood Enhancer*, by Ward Dean, M.D., John Morgenthaler, and Steven Fowkes. \$16.95 from Smart Publications, Box 4667, Petaluma, CA 94955.)



A REVIEW OF MARIJUANA LAW (SECOND EDITION)
FROM THE *PSYCHEDELIC RESOURCE LIST*
[SOMA GRAPHICS POB 19820-SM SACRAMENTO, CA 95819]

My first thought about a book on marijuana law was, "Man, this has got to be some DRY reading!" Perhaps, on seeing this title, your response was similar. I mean *really*, who wants to read about laws — that's what lawyers are for! I cannot over-emphasize how misguided my first impression was.

Marijuana Law, by criminal-defense attorney Richard Glen Boire, is easy to understand, fast paced, and highly entertaining. It is so good that I feel strongly that *everyone* has any interest in *Cannabis* pick up a copy *immediately*. (I've already purchased additional copies as Christmas gifts.)

Mr. Boire spells out all the laws in every state in the Union. And, he lists the federal laws as well. But far more than a compendium of scary laws, *Marijuana Law* gives specific real-life examples of legal cases related to particular aspects of the law. With almost every sticky legal situation presented, Mr. Boire gives two examples — a conviction, and a release. More important than merely documenting examples through these scenarios, Mr. Boire provides his expert legal opinion as to why each situation turned out the way that it did. Due to this commentary, it quickly became obvious that this book is a valuable defense manual for the layperson. If knowledge is power, then Mr. Boire's book could be the most important text in an American *Cannabis* user's library. *Marijuana Law* explicitly describes how to stay out of legal trouble...

While *Marijuana Law* focuses on *Cannabis*, the legal advice is also relevant to many other plants and drugs which are currently outlawed. Mr. Boire spells out what an individual's constitutional rights are, and he explains how to assert them effectively. He lets the reader know what type of action is appropriate to take when confronted by the police. Covering searches and seizures, gardens, medical necessity, religious defenses, what to do if you're arrested, drug testing advice, and much more, this expanded edition of *Marijuana Law* is a must. The most important point that I can make about this book is that the advice presented is *easy* for any individual to incorporate into his or her lifestyle. The result being that those who use *Cannabis* will feel much safer within their chosen life-style.

Mr. Boire writes, "I have become convinced that the constitutional rights created to protect us against runaway government are being sacrificed in the War on Drugs. The *Cannabis* plant is not evil; arbitrary government is. It is time to change our way of thinking about drugs. Long after the hysteria has subsided, we will be left not with a drug-free society, but rather with a less-free society." I wholeheartedly agree.

— Jon Hanna

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"The definitive book on the subject."
Gray Areas

"The information in this book could easily save you a thousand times the cover cost, not to mention years of your life."
Jim DeKorne

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TELRL is published seasonally (i.e., four times per year) by SPECTRAL MINDUSTRIES. A one-year subscription for individuals is \$25 domestically and \$35 internationally. Law library subscription rate is \$45 per year domestically and \$55 internationally.

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