

**T E L R**



**LAW ; POLICY ; COMMENTARY**

**AND**

**CONTROL THEORY**

**CONCERNING**

**SHAMANIC INEBRIANTS**



*Spring 1999*

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**TEL R**

*The  
Entheogen  
Law  
Reporter*

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# DETAILED

## Publication & Distribution

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

*TELRL* invites your correspondence on all topics related to the law, policy, and control theory of shamanic inebriants and mental autonomy. The editor, however, has many demands on his attention and is solitary by nature. Please be advised that the editor replies when inspired, not by calendrical decree and not always within the period ordinarily compelled by standard etiquette. Please address all correspondence to editor Richard Glen Boire, Esq., c/o spectral mindustries, Post Office Box 73401, Davis, CA 95617-3401.

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*Cover illustration*  
Copper engraving of  
Roger Bacon by Michael  
Maier. From *Practice  
with Twelve Keys*, by  
Basil Valentine.

*Twelve Keys* is the  
first treatise in "The  
Golden Tripod" *Tripus  
aureus*, an alchemical  
treatise printed in 1618  
in Germany.

The engraving was  
used one year earlier in  
Maier's own lesser-  
known work *Symbol  
aureae mensae*.

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# PERSONALIA

**T**his issue of *TELR*, the twenty-first, marks another metamorphosis of the publication. Although advised by several trusted confidants “don’t fix something that isn’t broken,” the editor has tired of the same old format (which has been followed since 1993). After far more consideration than is warranted, the editor is presently of the opinion that the cliché “don’t fix something that isn’t broken,” is decidedly nonentheogenic—a one-line recipe for unexamined behavior that bumps along on bare rims. It’s a notion which has its place, but which has been grossly over applied, often giving us boredom and subsistence-level experiences under the guise of wisdom.

The principle “don’t fix something that isn’t broken,” assumes that improvement is impossible, that the best we can do is repair. It’s an allopathic philosophy of change, a premise for a system that reaches equipoise at the lowest level of functionality. Worst of all (like “curiosity killed the cat”) the slogan denies any value to the possibility of improvement, of adventure, or of exploration for exploration’s sake.

*TELR* probes the frictional interspace between entheogens and culture — an intricate space that is hardly static, docile, or frozen. There, is of course, no way for a publication on law, policy and control theory, to even come close to reflecting such a dynamic interval. *TELR* is just another small spark and arc of the polymorphic energy matrix in which we are embedded. Metamorphosis is natural.

All of which is to say, in a very round about way, welcome to the latest expression of *TELR*.

— Richard Glen Boire, the editor

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## Notes On The Possible Futures Of *Salvia Divinorum*

**S***alvia divinorum* is an enigma. Long known only to Indians of the Sierra Mazateca in Mexico, it escaped wider recognition until relatively recently. In 1962, Gordon Wasson returned to the US with a sample of the plant given to him by an old curandera. Mr. Wasson wrote about the plant in a pamphlet published by the Harvard University Botanical Museum, but little interest ensued.

Only in the last five years or so has the plant receive wider attention. In 1995, Dale Pendell devoted an enthusiastic chapter of his book *Pharmakolpoieia: Plant Powers, Poisons, and Herbcraft*, to *S. divinorum*, calling it the "hidden pearl" of power plants. Mr. Pendell's expressive prose style, teamed with his deep affinity for the plant, inspired many readers to seek out the difficult to obtain plant. In 1996, D.M. Turner published his book *Salvinorin: The Psychedelic Essence of Salvia Divinorum*, a diary of his experiences with salvinorin A (the isolated active principle of the plant), as well as with dried leaves. In 1997, the first book on growing *S. divinorum*, the *Salvia Divinorum Grower's Guide* was published, and included a small listing of sources from which cuttings could be obtained.

In December 1998, the first single-topic conference on *S. divinorum* was held in North America and sold out. On April 6, 1999, a search on the AltaVista search engine for "*Salvia divinorum*" returned 503 hits, revealing a plethora of web sites do-



ing everything from sharing information about the plant, methods of ingestion, and “trip reports,” to selling cuttings, concentrated extracts, and even “pure” salvinorin A.

As knowledge of *S. divinorum* continues to grow at what seems like a geometrical rate, many people are beginning to ask whether *S. divinorum*'s days as a legal shamanic inebriant are numbered. Why is *S. divinorum* still legal? And, how long will it remain so?

These important questions are difficult to answer due to the many variables involved. The best the editor can offer on all counts is some analogical commentary based upon models of other visionary plants and drugs that the government has, or has not, decided to outlaw.

The *Cannabis* plant was ostensibly outlawed under federal law with the enactment of the Marijuana Tax Act of 1937. Those who have studied the Tax Act routinely note that in the years leading up to the ban, smokers of *Cannabis* were increasingly vilified in the mass media.<sup>1</sup> *Cannabis* reportedly caused murderous behavior and was often included in racist stereotypes of minorities.

A similar media history preceded the outlawing of *Papaver somniferum*, the opium poppy. According to press and government propaganda at the time, a person who smoked opium was liable to lose his mind and go on an uncontrolled rampage, or (contradictorily) lay about all day, shirking his responsibilities.

Most recently, during the 1992 invasion of Somalia, the US media routinely portrayed Somalian's as horribly addicted to chewing *Catha edulis*, known as *Khat* or *Qat*. Less than a year later, cathinone and cathine, the active principles of *C. edulis* were scheduled.

When the mass media latches onto a plant and portrays its users as degenerates or dangerous, it gives politically-minded authorities an irresistible incentive to outlaw the plant. Clearly, drugs are used by the Powers-That-Be as markers exploited to manufacture a cultural distinction between the “good” people

and the “bad” people — from “us” and “them.” In the massified public mind, politicians who call for the scheduling of a demonized new drug are not only “tough on crime,” but also are implicitly segregating, in easy to understand binary terms, good from bad people. When the mass media sets its focus on a psychoactive plant and begins vilifying it — even if the portrayal is inaccurate or hyperbole — it’s only a matter of time before a politician moves to capture the political gold at the end of the scheduling rainbow. This is born out by considering that with the single exception of *Tabernaemontana iboga*, every plant that has been scheduled was scheduled after considerable negative media attention.

At the moment, news of *S. divinorum* seems to have been confined to entheogen-friendly venues. I am not aware of a single mainstream news article on the plant. So long as this remains true, I am confident that *Salvia divinorum* will remain legal.

Noting the deleterious effect that negative media attention can bring to a psychoactive plant, several people have written *TELR*, professing their strong affinity with *S. divinorum* and inquiring whether a pro-*S. divinorum* public relations campaign might be a good idea in an attempt to preempt a negative media campaign. In the editor’s opinion, such a proactive move would be highly susceptible to backfire.

As established above, to the extent that *S. divinorum* avoids mainstream press coverage it will very likely avoid scheduling. Trying to mount a positive media campaign, by perhaps documenting *S. divinorum*’s safe traditional use in bona fide religious ceremonies by the Mazatec Indians, might pass unchallenged at first, but it would likely soon be overshadowed by negative media exposés characterizing the plant as “the latest drug craze.” A drug that needs scheduling because, even if used by traditional Mazatecs far away, is now being used by college students to get high in America’s heartland. The plant’s history of safe shamanic use (as continued today by most everyone

who is currently aware of the plant), would be quickly eclipsed by imagery of long-haired, white twenty-somethings taking huge bong hits of *S. divinorum* leaves in their dorm rooms, and stories of strange or dangerous behavior.

The relatively unpredictable effects of *S. divinorum* guard against its widespread popularity. Depending on what and how much is being smoked (dried leaves, extract, or pure salvinorin A), the effects can vary from absolutely nothing, to a profound or terrifying full-blown visionary excursion. These qualities makes it impossible for the editor to envision a future where *S. divinorum* natural products are used widely or regularly on the magnitude of say, *Cannabis*, or methamphetamine. Perhaps, for this reason *S. divinorum* will settle into the same model as *Datura* or *Amanita muscaria* —both of which remain legal.

The editor is confident that any government intent to schedule *S. divinorum* will not be born of fears of large numbers of people using *S. divinorum*. More likely, it will be a handful of reports of people seeking medical treatment or behaving dangerously after smoking *S. divinorum* that will start the scheduling snowball rolling.

History shows that positive press about a drug is almost always overshadowed by negative press. This is not entirely a bad thing. The public ought to know when any drug (legal or illegal) poses a true danger. The problem is that when a drug (or plant) is being used for any reason other than to make a sick person better, the press has shown a penchant for characterizing its users as (at best), hedonistic escapists who are distastefully wallowing in a false ecstasy. The subtheme is that such subverters of the Puritan work ethic will, and ought to be, punished. Hence, the media saturation when the slightest complication arises, even if it was the result of careless, stupid, or ignorant use, rather than a danger inherent in the substance itself.

The scheduling history of MDMA and GHB (in an increasing number of states) provides data worth considering. Both drugs have undeniable beneficial properties when used wisely.

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Prior to its federal scheduling in 1986, MDMA was safely and successfully employed by psychotherapists. GHB has been shown to provide relief to insomniacs, and has proven muscle-toning properties that could benefit elderly people or others suffering from muscle atrophy. While use of both drugs was initially limited to a small group of aficionados, including medical doctors and psychotherapists, word of the drugs reached people in the mainstream and, before long, large numbers of people were using them recreationally. According to the Drug Abuse Warning Network (DAWN), by 1981, eight people had sought help from emergency rooms after ingesting MDMA, and according to the DEA, two people had died of overdose. This, rather than MDMA's enormous potential as a therapeutic adjunct, was what the press and the government took hold of.

Similarly, in the mass media the potential medical benefits of GHB are rarely mentioned. Rather, when GHB is discussed in the press, it is almost always characterized as a "rape drug" used by nefarious club goers who exploit its soporific effects. MDMA is now a Schedule I substance, and a growing number of states have scheduled GHB.

So far, the editor is unaware of any emergency room visits attributed to *S. divinorum*. I suspect this is because use of *S. divinorum*, by and large, is currently limited to the domain of sophisticated entheogen users who team with an experienced and well-prepared sitter. Unfortunately, as news of the plant spreads via the web and other popular forums, a greater number of people who are relatively unfamiliar with the extreme states of consciousness that *S. divinorum* can elicit, may resort to medical or even law enforcement intervention after imbibing. A single news story, for example, of an entheogen-naïve person smoking some mail-ordered *S. divinorum*, becoming paranoid or disassociated and ending up in a hospital, could prompt other reporters to write about the plant, further popularizing it as a potent yet legal psychoactive, and multiplying the likelihood of similar incidents by *S. divinorum* tyros.

This scenario is certainly possible with *S. divinorum* in its natural leaf form, but ever more likely with one of the growing number of *S. divinorum* extracts that are now being sold. Even pure salvinorin A, the plant's *extremely* potent active principle, is available. Until recently, these extracts and pure compounds were discreetly marketed to sophisticated users of shamanic inebriants. Quite recently, however, websites have sprung up that sell *S. divinorum* natural products to the public-at-large, making it more likely that a serious accident/incident will occur and making subsequent investigation by the authorities as simple as a few double clicks.

This scenario is particularly troublesome when one considers *Datura stramonium* and *D. innoxia*. These visionary plants were brought to the public's attention by Carlos Castaneda's earliest books, in which he refers to *Datura* as "the devil's weed." *Datura*, however, remains unscheduled under federal law, despite the fact that a couple times each year the editor tracks news reports documenting a teenager's death or severe illness after ingesting seeds from the plant. If *Datura* remains legal despite such incidents, why could a similar incident with *S. divinorum*, or an extract of the plant, trigger outlawing? Because, with the advent of the Internet the market for *S. divinorum* is now more visible than the market for *Datura* seeds has ever been. A reporter or government agent who is following up on a report of an unfortunate incident involving *S. divinorum* will certainly search the web for information and come across dozens of companies selling dried leaves and extracts. This fact will be trumpeted in a report. In a worst case scenario, a hyperbolic news report that yokes the national fear of visionary drugs with the ongoing demonization of the Internet as an open sewer flowing with dangerous materials that corrupt or exploit children, could bring an avalanche of unwanted public and government attention to the *entire* market for shamanic plants, seeds, and extracts.

The status of *Amanita muscaria* and *A. pantherina*, both of

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which are legal under federal and state law, should also be considered. Here are fungi that are fairly well known as psychoactive. Why are those mushrooms legal, whereas *Psilocybe cubensis* has been ostensibly outlawed? Primarily because *P. cubensis* can be relatively easily cultivated, whereas, cultivation of *A. muscaria* and *A. pantherina* is impossible for all practical purposes. The result (aside from the fact that most people prefer the affects of *P. cubensis* to *A. muscaria* and *pantherina*) is that there is a large and robust underground market for *P. cubensis*, and only a very small specialty market for *A. muscaria* and *A. pantherina*.

While many people initially had difficulty growing *S. divinorum*, cultivation know-how has now advanced to the point where the plant can be grown practically anywhere by anyone. While this makes it easier for people to grow their own plants, it has also led to an explosion in the commercial market for *S. divinorum* leaves and extracts. Until recently it was difficult to obtain *S. divinorum* leaves. Most people experimenting with leaves of *S. divinorum* had previously spent several months cultivating a plant from a cutting and harvesting precious leaves. Now, however, with the availability of ready-to-smoke *S. divinorum* products, many people are now being introduced to the plant by purchasing dried leaves or extracts rather than cuttings.

Since many of the companies that sell these items do so (for legal reasons) under the auspices of selling incense or “non-consumables,” these packages arrive without any advise on how to ingest the plant. While it appears impossible to take a toxic overdose of *S. divinorum*, it is certainly possible to trigger a profound change in consciousness. Someone who is only familiar with the mind-state elicited by smoking *Cannabis*, could significantly underestimate the voyage he or she is about to undertake when smoking some mail-ordered *S. divinorum* leaves or extract. This is set of circumstances is a recipe for disaster.

The editor is of the opinion that those commercial sellers of *S. divinorum* products, who care about keeping this ally legal,

must insure that they are marketing and selling only to sophisticated users of visionary plants. Ideally, commercial sellers should consider discontinuing sales of dried leaves and extracts, and *only* sell cuttings. There is no way to cultivate *S. divinorum* and not develop a respect for the plant. Additionally, in contrast to receiving a baggie of dried leaves or a vial of extract in one's mailbox, which invites immediate ingestion by the unprepared, the time and discipline and plant-human interaction required to cultivate *S. divinorum* would make it much more likely that the person will be properly prepared when the time comes for the initial ingestion experience.

Another concern is the rumor (circulating for the last year or so) that the maker of Herbal Ecstasy™ is considering a product that incorporates *S. divinorum*. Such a product, if flamboyantly marketed in two-page adverts in *High Times*, or on MTV (as are the company's other products) could markedly draw unwanted attention to *S. divinorum*, even if the product contains only a trace of the plant. If the company were to produce a *S. divinorum* product with an effective (or near effective) dose of the drug (say a *S. divinorum* cigarette or chewing tobacco), it would almost surely spell disaster. Young purchasers, who routinely ingest three times the "suggested dose" of Herbal Ecstasy™ would likely try the same with a *S. divinorum* product.

Terence McKenna has suggested that *S. divinorum* is not, and likely will not, be scheduled because it is now so easy to grow the plant. In Mr. McKenna's opinion, the DEA does not want to be saddled with yet another plant, especially one that can be grown by practically anyone anywhere. Speaking at the November 1997 Mind States conference held in Berkeley, Mr. McKenna had this to say about *S. divinorum*:

We have a very interesting plant now working its way into our midst—*Salvia divinorum*. *Salvia divinorum* is not illegal, it's easily grown throughout the civilized world, it does not have to be administered in some potentially damaging way—in other words, it doesn't have to be shot; it can be smoked, it can be chewed. And it is without question, extremely powerful and effective.

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It's amazing to me that this plant could appear in our midst, with these qualities, and be accepted with such lack of fanfare. In other words, this is truly big news. In a sense, Nature has stepped into the drug legalization issue—the psychedelic legalization issue—with a *deus ex machina*. I don't believe the establishment is interested in demonizing and criminalizing a new easily grown, widely available psychoactive plant. I don't think the establishment needs a new *Cannabis*...

Late in the dialogue about psychedelics, who would have thought that [nearly sixty] years after the invention of LSD and the flurry of psychedelic excitement among the botanists of the '60s and the '70s, that not only an entirely new substance would be discovered, but a substance in a chemical category previously unsuspected of psychoactivity. So in a sense, this is a wild card in the deck, and if we—the psychedelic community—play it to our advantage, we can perhaps transcend the them/us dualism of [drug repression/drug advocacy]. Well, how is that to be done? The answer I think, is responsibly, with attention. Let us not generate emergency room entries and drug casualties based around *Salvia divinorum*—this is the raw material out of which our enemies will fashion our nemesis.

In the past, the psychedelic community has too often been influenced by those who, I think, didn't have its best interests in mind. And by that I mean people who saw psychedelics as somehow a fuel for the popularization of a certain musical agenda, or a certain political agenda, or a certain commercial agenda. I think that if we insist that these things are to be taken—and taken seriously, and taken in shamanic settings—that at this point in the struggle over psychedelics, the establishment is so demoralized, spread so thin, so exhausted, that they will simply decide to leave this particular compound alone. And that will indicate, to me at least, the turning of the tide.

...

At this point, the average man and woman on the street has never heard of *Salvia divinorum*. If the community acts responsibly, they will not hear about it for some time. This is an opportunity for us, for the first time in our lives to take, advocate, synthesize, extract, explore [and] do therapy with a psychoactive compound that is not illegal. We have not been in this position since 1967, that's more than the lifetime of many of you. So lets take this opportunity, and this plant, and attempt to use it as a model for bringing it and other potential psychedelics into ordinary human usage and put them to the purpose of reconnecting ourselves to the values of the earth, and reconnecting ourselves to each other.



The editor agrees with all of Mr. McKenna's points, but one. Unlike Mr. McKenna, the editor does *not* believe that the DEA is now, or ever will, run scared from the specter of having to police another "evil" plant or "dangerous drug." Just the opposite. If the government, through its usual avenues of persuasion, could convince the massified populace that *S. divinorum* was an enemy of civilization — the latest dangerous drug; a "new natural PCP;" a plant "which contains a hallucinogen more powerful than even LSD;" the new "emerging dangerous drug" — it would garner the DEA *additional* funding and resources. As discussed in previous *TELRS* (most notably in the essay "Copitalism: Police State Promoters and Profiteers, 16 *TELR* 161), the War on (Some) Drugs is currently a cash cow for an steadily growing group of carnivorous corporations and grabby government agencies. The DEA, and state narcotics task forces, are near the top of that food chain.

As Mr. McKenna advised, the best action *S. divinorum* aficionados can take right now is to make good on their half of the Human-*Salvia divinorum* alliance. Allies of *S. divinorum* (as with any entheogen) should vigilantly recommit to acting with respect in all their interactions related to the plant, and to instill in others the importance of wise use. The very best way to introduce someone to this ally is to give him or her a cutting, and supply the initiate with sources for information about wise use.<sup>2</sup> Those who are closest to the moving center of this mystery have a *sua sponte* duty to act impeccably.

## Notes

<sup>1</sup> See Brecher, Edward, *Licit and Illicit Drugs*, Consumers Union (1972), chapter 55.

<sup>2</sup> In addition to the publications noted in the second paragraph, a recent publication *Salvia Divinorum and Salvinorin A*, (ER, 564 Mission Street, Box 808-SM, San Francisco, CA 94105) contains very useful information on ingestion technique as well as on the range of potential experiences which may be elicited.

# KETAMINE & GHB

## New York Police Make Nation's Largest Seizure of Ketamine

**O**n Monday, January 11, New York Police arrested two people in their early twenties after finding weapons and drugs in their Queens apartment. Along with a modified Mach 10 machine gun, a 9-millimeter semiautomatic pistol, and over \$11,000 in currency, police uncovered a caché of drugs that they claim the couple was selling at several New York clubs. Included in the cache were 10,000 Valium pills, 2000 Qualludes, four ounces of cocaine, 100 MDMA tablets, and 375 100-milligram bottles of ketamine. According to New York police, when sold to club patrons, the ketamine vials fetch \$45 each.

While ketamine is unscheduled under federal law, New York outlawed possession of the drug for all but veterinarians in 1997. The arrested couple was arraigned on January 12 before Judge Steven W. Paynter of the Queens Criminal Court. If convicted, each defendant could be sentenced to life in prison.

## **Colorado Police Arrest Suspected Ketamine Burglars**

Boulder, Colorado police arrested a teenager and a twenty-year-old man in March on suspicion of burglarizing local area veterinary clinics in search of ketamine. According to police, the duo were stealing the drug (which is currently uncontrolled in Colorado, *see next article*) and selling it to patrons at area nightclubs. Police say that several more arrests are expected.

According to Sergeant Tim Perkins, vials of ketamine have a street value of about \$100, but that price rises to \$250 per vial when the drug is evaporated down to a powder, which is then snorted. According to Sergeant Perkins, the thieves selected which veterinary clinics to burglarize by going through the phone book and choosing the ones with the biggest ads. Investigators picked up on this, and police staked out the clinics that they thought the crew would hit next. After observing the suspects burglarize several more clinics, police arrested them.

## **Colorado and Virginia Move to Schedule Ketamine & GHB**

HB 1850, a bill that seeks to make ketamine and GHB Schedule I substances in Virginia, is currently before the Virginia State House of Representatives. If HB 1850 is enacted into law, a person convicted of possessing ketamine or GHB will be punished by up to ten years in prison.

The Colorado legislature has also moved to schedule GHB and ketamine. "The Date Rape Drug Prevention Act of 1999," (HB 1095) would add both drugs to Schedule IV, making possession punishable by up to two years imprisonment.

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## Anatomy of a sting

*The editor received this desperate letter via e-mail. Only the names and places have been modified for printing here. Jessica's letter underscores not only that the DEA actively seeks to infiltrate college LSD distribution chains, but is also willing to painstakingly construct these chains despite missing links.*

*In the editor's opinion, Jessica was, at the very least, a victim of "sentence entrapment" —an unfair tactic by which anti-narcotic agents produce a drug deal much larger than what the victim/target may have been predisposed to enter into.*

I am a 21 year old college student near San Diego NY. Around October of 1998, my roommate brought two men into my room and introduced me to them. I did not know it at the time, but one of the men was an undercover DEA agent that claimed his name was Shawn Miller but preferred the nickname "Joy" (coincidentally, that was also my nickname at college). The agent then purchased a small amount of LSD from my roommate and began asking if he could get large amounts of the drug and told us he would pay very high prices for it. He left us his pager number and asked us to call him. At the same time I knew of a person in the San Diego area that had what Joy was looking for.

Considering the fact that Joy was older and he claimed that the drugs would only be used by his adult friends, I saw this as a (very stupid) way to fund my own drug addiction. I was smoking marijuana every day and spending nearly \$500 a month on ecstasy and crystal meth. I was also addicted to pain killers and

frequently used other drugs such as cocaine, LSD, ketamine, mushrooms, and speed. I masked my addictions well, by making the Dean's list and pretty much keeping to myself.

Between October and February, Joy drove me to San Diego on several occasions and gave me money and encouraged me to get him LSD. At first, I only got him small amounts, but each time we would go to San Diego he would pressure me to get him larger amounts of the drug. Each time the LSD remained in my possession for usually less than a few seconds. After a while Joy earned my trust so much that I would borrow money in order to give him drugs that he couldn't pay for, then he would pay me back later. At the time I had no idea how serious a possession of LSD charge was and I didn't see my acts as malicious. I saw them as doing a favor for a friend, and a way to pay for my addiction. The profit I would make from getting the acid I would use to buy drugs for myself. Besides the rare occasion when I would give small amounts of my own stash of drugs to my friends at cost, Joy was the only person I dealt drugs to. I never gave him any other drugs besides the LSD, and I took him to the same dealer in San Diego every time. On our long rides (2-4 hours) to San Diego we would talk about such things as fishing, hunting, sports, and family. I trusted Joy and considered him my friend. I told him very personal things and never suspected that he was lying to me.

Over time I began to give Joy the drugs for just a little above my cost because I was trying, once again, to quit using drugs and no longer needed the money to fund my habit. I looked at it as hooking a friend up instead of trying to make a profit. He told me that he had nothing to do with law enforcement and sometimes even said that he suspected me of being a cop. The entire time he knew that I used drugs, but never once told me to stop. Sometimes he would even encourage my abuse and laugh when I told him how often I used drugs.

Over Christmas break I became heavily addicted once again. During this time I became very depressed I even considered

## Law ; Policy ; Commentary ; Control Theory

dropping out of college to get treatment, but I felt embarrassed. Joy stopped calling me and told me that his grandfather had died. I told him that I was sorry and if he needed anything he could call me anytime.

After Christmas break I quit using and wanted to try and get good grades. That's when Joy contacted me once again and we went to San Diego. This time I wasn't looking to make *any* profit so I let him deal directly with my supplier. A few weeks later he wanted to meet with me and sell some marijuana to me and my friends for very low costs. He encouraged me, and therefore I encouraged my friends to deal with him. A few weeks later we went out to eat lunch and talk. He told me that I would need \$10,000 and a lot of LSD in order to make the deal happen. Even when I became suspicious, he encouraged me to try harder and not to let him down. All the stress made me depressed again and I started using drugs again. I had trouble getting the acid at first and told Joy that I didn't think I could get it, but he said he was sure I could come through for him. I didn't want to let everyone down that was counting on me so I tried as hard as I could to make it all happen. Joy even told me that I didn't need all of the LSD that he first wanted, he said he would trust me to give him money or LSD later on. He said he was going to stay with me for the weekend of the deal and hang out. So, eventually it was all arranged to go down at my friend's house. This is when we got arrested. None of the money or drugs involved in the deal were actually mine except the money in my pocket. My supplier had brought the LSD down to my college himself and he was there when we got busted.

Before Joy came along I was just a college kid, all messed up on drugs. I have had no prior record and am a nonviolent, very peaceful person. I don't understand why the DEA didn't bust me after the first time they tricked me to sell drugs. That way I could have realized the extent of my mistake and gotten the treatment that I needed. Instead, the law enforcement officers encouraged me to buy them more and more drugs. In return I

abused drugs more frequently than I ever had before. I could understand if I was part of a major drug ring and then got busted by the DEA, however, the only major drug trafficking that I was involved in was the one that the law enforcement officers tricked me into creating. The worst part about the situation is that the DEA allowed me to continue going to college and work hard while they knew that they were going to bust me either way. I have lost all my friends and family. I am expelled from college (I was a Dean's list student). I have no money, and now they are charging me with two accounts of conspiracy to sell LSD, each of which carry mandatory minimum sentences of 5 years.

## **Nicholas Sand Sentenced to 20 Years**

On January 22, 1999, Nicholas Sand, a man whose impeccably manufactured LSD elicited unforgettable and often profound experiences for hundreds of thousands of people since the early 1960s, was sentenced to spend the next twenty years in a federal prison. Mr. Sand's life for the past two decades has, in many respects, mirrored the shape-shifting fast-(e)motion affects of a high dose of his favorite substance.

In 1974, Mr. Sand was convicted by a jury of manufacturing LSD, and income-tax evasion. Judge Samuel Conti, who presided over the trial, sentenced Mr. Sand to serve fifteen years in prison, declaring that Mr. Sand had "contributed to the degradation of mankind." Mr. Sand filed an appeal, and was released on \$50,000 while awaiting the results.

Living in a houseboat in Sausalito, California, Mr. Sand was kept under near constant surveillance, as authorities feared he might flee the country, and suspected that during his pending appeal he may have been continuing to direct the activities of a well-organized LSD manufacturing team.

## **Law ; Policy ; Commentary ; Control Theory**

On September 11, 1976, several agents went to Mr. Sand's houseboat to inform him that the appellate court had affirmed his conviction. They were flabbergasted to find that Mr. Sand had vanished. The incident was a huge embarrassment to law enforcement.

For the next twenty years, Nicholas Sand lived the life of a federal fugitive, evading authorities by changing in and out of multiple identities.

On September 26, 1996, however, authorities in Canada made a monumental discovery. Hidden in an industrial mall in a Vancouver suburb they discovered one of the world's most sophisticated and high-volume psychedelic laboratories. Managed with an attention to detail equal to a university research lab, the secret lab was outfitted with state of the art equipment and chemicals. According to Canadian authorities, the LSD alone that was found in the lab had a street value of over \$3 million. Authorities estimated that, based on the other chemicals and equipment found, the lab was capable of producing over \$50 million worth of psychedelics, including MDMA and DMT. The lab, they learned, was run by Nicholas Sand.

For activities related to this laboratory, Mr. Sand was charged and convicted of violating numerous Canadian anti-drug laws. In February 1996, the Supreme Court of British Columbia sentenced him to nine years in prison. He was then deported to the United States to serve the fifteen year sentence imposed back in 1976, and to face new charges of jumping bail. Emblematic of the static nature of the federal bench, Sand appeared before Judge Samuel Conti, the very judge who presided over his trial in 1974. On January 22, 1999, Judge Conti sentenced Mr. Sand to twenty years in federal prison, an aggregate of the earlier fifteen year sentence Conti imposed in 1974, plus an additional five years for bail jumping.



## **MKUltra Leader Dies**

**By Tim Weiner, Reprinted from the *Austin American-Statesman*, March 10, 1999**

Sidney Gottlieb, who presided over the CIA's Cold War efforts to control the human mind and provided the agency poisons to kill Fidel Castro, died Sunday [March 7, 1999] in Washington, Virginia, about 60 miles west of Washington, D.C. He was 80 and had spent his later years caring for dying patients, trying to run a commune, folk-dancing, consciousness-raising and fighting lawsuits from survivors of his secret tests.

Friends and enemies alike say Gottlieb was a kind of genius, striving to explore the frontiers of the human mind for his country, while searching for religious and spiritual meaning in his life. But he will be remembered as the man who brought LSD to the CIA.

In the 1950s and early 1960s, the agency gave mind-altering drugs to hundreds of unsuspecting Americans in an effort to explore the possibilities of controlling human consciousness. Many of the human guinea pigs were mental patients, prisoners, drug addicts and prostitutes – “people who could not fight back,” as one agency officer put it. In one case, a mental patient in Kentucky was dosed with LSD continuously for 174 days.

At least one participant died, others went mad, and still others suffered psychological damage after participating in the project, known as MKUltra.

The experiments were useless, Gottlieb concluded in 1972, shortly before he retired.

The CIA awarded Gottlieb the Distinguished Intelligence Medal and deliberately destroyed most of the MKUltra records in 1973..

Gottlieb was also involved in the CIA's assassination plots. In the Eisenhower and Kennedy administrations, Gottlieb, . . . under orders from the director of central intelligence or his chief spymaster, developed a poison handkerchief to kill an Iraqi colonel, an array of toxic gifts to be delivered to Fidel Castro

and a poison dart to kill a leftist leader in the Congo. None of the plans succeeded...

Clinging to old habits of secrecy, his wife declined to disclose the cause of Gottlieb's death.

## **Shattered LSD Test Kit Sends Cop To Hospital**

On April 19, a detective with the Bonneville County Sheriff's department in Idaho, required hospitalization after a glass drug-testing vial filled with suspected LSD shattered and pierced his finger. The detective reported that pain immediately shot up his arm and several minutes later he began to complain of hallucinations. He was rushed to the hospital where he stayed for two nights.

The detective was using a low-cost kit used by cops to field test suspected drugs. The kit consists of several thin glass vials of testing acids and solution in a plastic pack. Officers place tiny samples of a seized substance in the vials, which remain inside the plastic pack. They then break the vials, causing the substance, acids, and solutions to intermix within the pack. If the combined solutions turn a particular color, the test is presumptively positive for a controlled substance.

The detective was testing suspected LSD seized from a twenty-year-old man who was arrested on a warrant. When officers patted down the man, they found several strips of blue paper suspected to be impregnated with 151 hits of LSD.

The man has been charged with possession of LSD with intent to deliver. The charge is punishable by up to a \$25,000 fine and life in prison.

**O P I U M**

## **Poppy Paradox Resolved By Plea**

**T**he Winter 98/99 issue of *TELR* reprinted the article “The Poppy Paradox” written by Steven Jones of the San Louis Obispo *New Times*. According to an update received from Mr. Jones, the poppy cultivation cases discussed in his article have ended with negotiated pleas by both Mr. Dunbar and Ms. Harrison.

The prosecutor was threatening to charge Mr. Dunbar under California’s “three strikes” law, due to two twenty-year-old felony convictions for armed robbery. If convicted of felony poppy cultivation under the “three strikes” law, Mr. Dunbar would have served 25-to-life. To escape such an unconscionable punishment, Mr. Dunbar negotiated a guilty plea to simple possession of opium poppies and received a six-month term in county jail, and three years formal probation.

Ms. Jo-D Harrison pled guilty to simple possession of over an ounce of marijuana, and was placed on informal probation for one year.

# A Y A H U A S C A

## Dutch Authorities Seize Suspected Ayahuasca

A report from Dutch correspondent Arno Adelaars

**T**he Brazilian based Santo Daime church has three branches in the Netherlands. In early March the church from Alkmaar, in the north of the Netherlands, was raided by Dutch police. The police were evidently investigating an indoor *Cannabis* growing operation.

In addition to seizing almost 4000 *Cannabis* plants, the police took approximately 100 liters of the sacred ayahuasca brew “for investigation.” Apparently, they initially thought it was fertilizer.

Both *Cannabis*, which is called “Santa Maria” in the church, and ayahuasca, which is called “Daime” in the church, are holy sacraments for members of the Santo Daime church.

The investigation into the nature of the seized ayahuasca will take two to six months. Undoubtedly DMT will be found, which is a scheduled substance in the Netherlands. The brew is a *preparation*, which makes it a crime according to the Dutch drug law (called ‘Opiumwet’). The Dutch are becoming part of the European Union, and apparently Dutch drug laws now have to be modeled towards a future European drug law that will be far more restrictive.

## Amazon Shamans Attack Ayahuasca Patent

On March 30, Amazon tribal leaders asked the U.S. Patent Office to cancel a patent granted to a North American businessman on the sacred ayahuasca vine (*Banisteriopsis caapi*).

The businessman, Loren Miller of Palo Alto, California, was granted Plant Patent No. 5, 751 on June 17, 1986, claiming he had discovered "a new and distinct *Banisteriopsis caapi* plant named "Da Vine." According to Miller's patent, "Da Vine" was discovered in a domestic garden in the Amazon rainforest and is distinguished from the typical forms of *B. caapi* by differences in its flower color and size, as well as the size, shape and texture of its leaves. Under "Summary of the Invention," Miller's patent states that "the subject plant is being investigated for its medicinal value in cancer treatment and psycho-therapy. It is useful in treating post-encephalytic (*sic*) Parkinsonism and angina pectoris. It also has antiseptic, bactericidal properties and has both amoebicidal and antihelminthic action. It is an attractive house plant which seasonally blooms."

Evidently, when the U.S. Patent Office granted the patent, it was not aware, or didn't care, that Mr. Miller was stealing the centuries-old knowledge of Amazon shamans and claiming it as his own discovery. Nor must the Patent Office have cared that the vine is the central sacrament in religious rituals held in the Amazon and beyond.

Antonio Jacanamijoy, an Inga Shaman from Southern Columbia wrote in a petition to revoke the patent that "[a] yahuasca gives shamans the power to heal our sick, meet with spirits and divine the future. ... Commercializing an ingredient of our religious and healing ceremonies is a profound affront to more than 400 cultures that populate the Amazon basin."

The case raises novel ethical, moral, and legal questions concerning intellectual property rights regarding knowledge and materials used for centuries by tribal cultures. It is undetermined when the Patent Office will reach a decision in the matter.

# PEYOTE

## **Peyote Foundation Ransacked by Arizona Agents**

**O**n January 8th, 1999, several officers from Arizona's Pinal County Multi-Jurisdictional Narcotics Task Force served an arrest warrant for \$1,000 of child support arrearage on Leonard Mercado, co-founder of The Peyote Foundation. This type of warrant is normally served by Sheriff's deputies, not the Narcotics Task Force. Mr. Mercado was arrested without any resistance and removed from the property.

Shortly thereafter, Mr. Mercado's wife, Raven, and their 8-year-old son Moses arrived from the woods, where they had been gathering firewood. Agents immediately detained them and ordered them to leave the property. They were informed that Pinal County was seizing the entire property until a search warrant could be obtained, on the ground that the agents saw a peyote plant through the window.

Informed of the on-going occupation of the property by the Narcotics Task Force, two ranking members of the Native American Church, traveled to the Pinal County Attorney's office, informing the office that the Mercados were members of the NAC. That evening Leo Mercado paid the \$1,000 arrearage and was released.

Mr. Mercado telephoned Sergeant Strang of the Narcotics Task Force, advising him that both he and his wife were members of the NAC, and of the delicate nature of peyote if mishan-

dled. Mr. Mercado pledged his full assistance and cooperation. The Mercados then joined several other members of The Peyote Foundation in an all-night prayer vigil held at a friend's nearby residence.

Early the next morning, Raven Mercado returned to the property and spoke with Detective Aubrey Keck at the gate. She repeated her husband's earlier admonitions concerning their membership in the NAC. She also offered reference to Arizona law 13-3402(b), which states that peyote is lawful for use as an integral part of a religious belief.<sup>1</sup>

Later that morning more officers arrived with two trucks in order to remove the peyote gardens. As the removal of the sacrament got under way, members of the Foundation and several members of the Native American Church from local tribes prayed and sang church songs, separated from the trucks by a barrier, armed guards, and K-9 units. These elder NAC representatives requested that they be allowed to take charge of the sacrament, to no avail. Foundation members continued to sing and pray all day as the trucks were loaded with the sacrament.

Finally, on the evening of January 9th, just before sundown, the residents of the Foundation were allowed to return to their home, after being informed that 11,323 peyote plants had been removed.

This entire scenario underscores the cultural cancer of the ongoing war on visionary plants. The government claims that this War is being fought to preserve "family values," to "save our kids," and to "keep America safe." Yet, the violence committed by *the State* itself on family values, and the welfare of children, dealt a far greater blow to each of those oft-claimed justifications for the War on (Some) Drugs, than did the Mercados' stewardship of a religious peyote garden. The reality of a coordinated group of State agents arriving in mass, putting a family out of their home, and then digging up cacti and trucking them away, is positively haunting and surreal. This is to say nothing of the fact that these cacti are the sacrament for a centu-

ries old religion!

In addition, nothing could have prepared the Mercados for the senseless destruction inflicted on their home and property. Covers on the greenhouses were slashed, and the sacramental gardens were left as little more than potholed ground. Trucks had been carelessly driven across the grounds, flattening trees and shrubs in the process. Inside the house, drawers had been emptied, curtains pulled from the window, and family photos scattered across the floor. Particularly disturbing was the discovery that officers had taken Raven Mercado's medicine box of church instruments and feathers, and dumped its contents on the floor. Her personal jewelry box was also taken. Moses' medicine box was also opened, its contents disturbed and spilled about. Finally, a sanitary napkin was found stuck to the cabinet where the family kept the church's sacrament! Had this occurred to any other church in America, it would have been termed a hate crime as outrageous as painting a swastika on a synagogue door, or burning a cross outside a Black Baptist church!

Contributions to the Mercado's legal fund may be sent to:  
The Peyote Foundation, POB 778, Kearney, AZ 85237.

## **Notes**

<sup>1</sup> Arizona's Revised Statute 13-3402 provides:

A. A person who knowingly possesses, sells, transfers or offers to sell or transfer peyote is guilty of a class 6 felony.

B. In a prosecution for violation of this section, it is a defense that the peyote is being used or is intended for use:

1. In connection with the bona fide practice of a religious belief, and
2. As an integral part of a religious exercise, and
3. In a manner not dangerous to public health, safety or morals.



# M U S H R O O M S

## **Cultivation of Psilocybian Mushrooms Likely To Become A Crime in the Netherlands**

**A** Dutch court is currently considering a case that could fundamentally change the legal status of mushrooms in the Netherlands. In the past, cultivation and possession of undried psilocybian mushrooms has been legal, and mushrooms which dried on their own, without human assistance such as desiccants, drying racks etc, were also legal. Mushrooms intentionally dried by a human, however, were considered illegal *preparations* that contain the outlawed drugs psilocybin and psilocin.

However, based on the opinion of the Higher District Court in Den Bosch (March 1998), which was confirmed by the Dutch Supreme Court (November 1998), growing mushrooms with any content of psilocybin or psilocin is to be regarded as illegal since the fresh mushrooms act as a precursor for dried mushrooms.

Possession of dried mushrooms with any content of psilocybin or psilocin is to be regarded no differently than possession of heroin or PCP. It makes no difference how the mushrooms became dried.

## **Law ; Policy ; Commentary ; Control Theory**

Possession of fresh mushrooms which contain psilocybin and psilocin has been declared not to violate the Dutch Opium Act, however, it is still unclear what a "fresh" mushroom is. This April a series of "expert witnesses" will give their opinions. A final decision is expected in May or June.

The defendants in the case currently face eight years imprisonment and considerable fines. Given that the case may establish an entirely new precedent that changes the law as it was perceived at the time of the defendants' actions, the court may be lenient. If the sentences are excessive, then there will be an appeal to the Higher District Court in Den Bosch.

*The editor thanks TELR correspondent Tim for this update.*

**R A V E S**

## **Florida Rave Club Raided**

**T**he early morning dance ecstasy of several hundred Florida ravers was shattered by anti-drug agents who swarmed into Club Chemistry just before dawn on Saturday, February 13. The agents, some with bandana-covered faces, and toting guns, ordered all present to sit down and place their hands in the air. Then, one-by-one, the agents searched the raver's pockets, purses, and bags. Twenty-eight young people were arrested, twenty-one for possession of drugs such as heroin, GHB, marijuana, LSD, and Rohypnol.

Club Chemistry, located in Hillsborough County, FL, had been secretly investigated during the preceding month, as sheriff's deputies sought to curtail rave clubs that sprang up in the county after the nearby city of Tampa outlawed such clubs in July 1998. Hillsborough County is said to be working on their own anti-rave ordinance modeled on Tampa's.

Tampa outlawed rave clubs after the well-publicized death of Kelly Hendershot a 19-year-old who died several days after falling and hitting her head at StudioRave Club in Tampa. Her friends told authorities that she had inhaled nitrous oxide inside the club.

## Law ; Policy ; Commentary ; Control Theory

Ordinances that criminalize raves, underscore our culture's antagonism to ecstatic religion — an antagonism that is brought to an extreme level whenever psychoactive sacraments are part of the picture, as they often are in raves. For many people, raves are ecstatic religion.

As regular readers of *TELR* know, the editor is of the opinion that the War on (Some) Drugs is more accurately a war on world views that differ from the monodirectives of exoteric book-based religion — most prominently (and powerfully) Protestantism. The early leaders of the US, including those who crafted the Free Exercise Clause, and the judges who interpreted it, were hard-core Protestants. Because precedent plays such a central role in our jurisprudence, esoteric, nondogmatic religions have often been defined away, by judge's who hold that they are merely "personal belief systems" rather than "religions." Only the latter is protected by the Free Exercise Clause.

The tragic death of Kelly Hendershot, which the Tampa authorities and politicians exploited to criminalize raving, was the result of the blackout on information concerning safe use of consciousness changing substances. Just as we promote the concept and techniques of "safe sex," we ought to be promoting techniques for safely inducing desired changes in one's own consciousness. A problem with the national "just say no" drug policy is what happens when a person decides to say "yes."

In the darkness of a "just say no" information blackout, those who say "yes," and fail to take the time and effort to search out reliable information, routinely end up ingesting substances with little understanding of what to expect and without the benefit of safe-use techniques. Kelly Hendershot's death, for example, could have been prevented had she been taught to remain in a sitting or prone position when using nitrous oxide.

The political posturing that occurred in the wake of Kelly Hendershot's death, and which occurs everyday with respect to outlawed plants and drugs, is not about reducing deaths, vio-

## **Law ; Policy ; Commentary ; Control Theory**

**lence, or injury. It's about the hegemony asserting and re-asserting its domination. It's about the members of the dominant world-view fearing a loss of consensus for their model of reality, and their desperate fight to maintain their perceived self-identity. It's about their fear of other perspectives, and their frantic need to maintain a simple model of the world and a sense of control.**

# B I G B R O T H E R

## BORDER CROSSINGS POLICED WITH NEW HIGH TECH TOOLS

**A**gents patrolling the US border with Mexico have upped their use of high-tech equipment lately. In an increased effort to combat illegal immigration and drug smuggling, the Border Patrol is employing advanced video surveillance gear, infrared heat-detecting devices, ground sensors, and license plate scanners.

According to a recent article in the *Washington Post*, the Border Patrol has hidden over 8,600 seismic sensors in the ground where smugglers are known to cross. They are also employing 185 forward looking infrared devices which can spot heat sources such as human bodies in complete darkness. Another device currently in use is called "Skywatch," a hydraulic high-rise lift that is towed behind a Border Patrol vehicle. When raised into position it provides a sighting-range of over one-mile.

The patrollers are currently seeking \$50 million for additional detection equipment, including 176 low-light "remote video surveillance" cameras, which would robotically observe strategic border points.

According to the patrollers, the new equipment has already resulted in a significant increase in the number of drug arrests. (For more information see Branigin, William, "Border Patrol Adds High-Tech Tools to Its Arsenal," *Washington Post*, 19 Feb. 1999.)

## Local Cops Use Vapor Tracer To Detect Drugs

Cops in Grant County, Kentucky using a portable vapor tracer to detect concealed drugs. The sophisticated snooping device is capable of detecting 34 different outlawed drugs by trapping an identifying molecules emitted from the drugs as vapor. The Grant County Sheriff's Department received the \$50,000 device under a program run by the Counterdrug Technology Assessment Center (a division of the federal Office of National Drug Control Policy). The program is designed to arm local cops with the latest high-tech anti-drug equipment.

## Mandatory DNA Testing For Anyone Arrested?

Several states have laws that compel persons convicted of sex offenses to submit to a DNA test. These DNA samples are collected by swabbing the saliva of the person or by drawing blood. The samples are stored in a DNA database according to FBI protocol.

The editor has been noticing a very frightening trend to expand the compelled submission of DNA samples to people who are merely *arrested*. In Louisiana, beginning September 1, of this year, any person "who is *arrested* for a felony sex offense or other specified offense/...shall have a DNA sample

drawn at the same time he is fingerprinted pursuant to the booking procedure.” (La.R.S. 15:609 (A) (1998). Emph. added.)

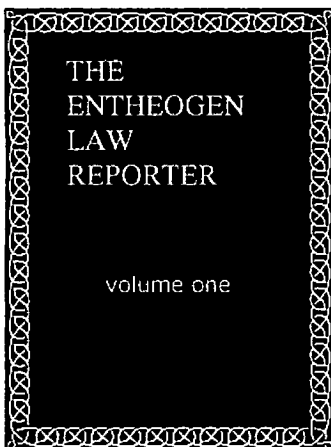
Earlier this year, New York Police Commissioner Howard Safir proposed taking DNA samples from every suspect arrested, and now US Attorney Janet Reno has asked the National Commission on the Future of DNA Evidence to consider the legality of taking DNA samples from *everyone arrested* in the USA. Under such a law, the government would garner the genetic identification of millions of Americans against their will! The information would be retained in a National DNA database even if the person were subsequently acquitted of charges. The commission is due to report its recommendations on by Aug. 1.

## **Sell Your Urine, Go To Jail**

Stating that “the safety of the public is at stake,” South Carolina State Senator David Thomas (R-Greenville) introduced legislation that aims to make it a felony crime to “sell[] or purchas[e] urine with intent to defraud a drug screening test.” The crime, as spelled out in General Bill 277, would be punishable by up to five years in jail. Pennsylvania passed a similar law in 1998. (Penn. Crim. Code. Sec. 7509.)

This bizarre legislation spotlights the ever-expanding nature of the War on (Some) Drugs. The public and private (i.e., corporate copitalist) State, which has already claimed the right to invade our bodies and seize our inner-most fluids, now wants some assurance that it’s not getting second-hand goods! In response to the pending legislation, the editor has offered his post-ingestion *A. muscaria* urine for sale in South Carolina and Pennsylvania, with the proviso that it is offered solely for drinking, NOT for attempting to defraud a drug screening test. (So far, sales of Laplander LiqUrine™ remain below company expectations.)





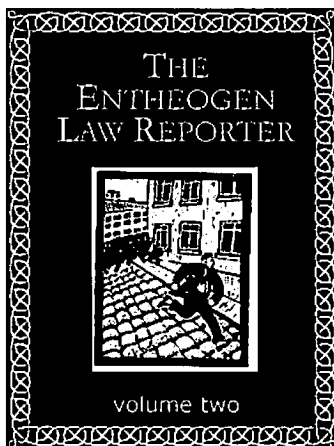
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*By a certain age, we should change names and hide out somewhere,  
lost to the world in no danger of seeing friends or enemies again,  
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— E. M. Cioran

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