

5. Such a change may be playing into the hands of a vocal minority.
6. Marihuana usage may increase if penalties are decreased.
7. HEW does not have (at present time) adequate educational strategies to curb drug abuse.
8. There is some question that HEW is presently prepared to handle the enforcement of a problem as large and complex as marihuana abuse.

RECOMMENDATIONS

After due consideration of all the above factors, I recommend that category No. 4 (control marihuana as an hallucinogen under the DACA) be the HEW position on marihuana. As a part of this recommendation, it is absolutely essential that the following conditions be met:

1. Adequate resources for enforcement, education, training and research be made available to HEW.
2. Repeal the current Marihuana Tax Act.
3. Place marihuana under DACA as an hallucinogen.
4. Eliminate penalty for possession of marihuana for one's personal use but retain executive seizure authority provided under DACA.
5. Increase penalty for illegal sale, manufacture, distribution, and propagation of all controlled drugs from the misdemeanor to the felony level without a mandatory sentencing provision.
6. Eliminate mandatory sentencing for all violations involving marihuana.
7. Require licensing of all marihuana growers, dealers, and handlers where sale, distribution or propagation is intended.

U.S. GOVERNMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—OFFICE
OF THE SECRETARY

AUGUST 14, 1967.

To: See below.

From: Philip R. Lee, M.D., Assistant Secretary for Health and Scientific Affairs.

Subject: Marihuana—HEW position.

Attached is the draft form of a recommendation on the position of the Department on marihuana control. It was developed in cooperation with Dr. Goddard, Dr. Yolles and others, for presentation to the Secretary.

We would appreciate your comments no later than close of business, Friday, August 18.

PROPOSED RECOMMENDATIONS ON MARIHUANA CONTROL

The Department of Health, Education, and Welfare believes that control of marihuana can best be accomplished by Executive and congressional adoption of the following recommendations:

1. Repeal the current Marihuana Tax Act.
2. Place marihuana under the drug abuse control amendments to the Food, Drug, and Cosmetic Act.
3. Increase penalties to the felony level for illegal sale, manufacture, distribution, and propagation of marihuana, but without a mandatory sentencing provision.
4. Eliminate penalty for possession of marihuana for personal use but retain executive authority to seize illicit stocks, as provided in the drug abuse control amendments.
5. Provide the Department of Health, Education, and Welfare with adequate resources for necessary enforcement, training, and research.

RATIONALE

Arguments for these recommendations include:

1. Legally and medically, this approach would be consistent with Federal policies adopted for LSD and other hallucinogens.
2. A rehabilitation and education, rather than a punitive, approach would gain the approval of the scientific community and large sectors of the public.
3. Critically needed research—chemical, pharmacological, clinical, and epidemiological—would be advanced under the Food and Drug Administration and other HEW agencies.