

With regard to the proposed Cabinet level discussions, item 5, page 4, we believe that the Bureau of Narcotics sees a need for all of the men that it presently has to deal with traffic in hard narcotics. We have no reason to challenge that position and thus do not see the feasibility of any significant transfer of enforcement personnel from BON to BDAC. Therefore we suggest that the end of the sentence be rewritten to read:

"\* \* \* and the methods of supplying an adequate number of well-trained enforcement personnel to meet the needs of the Bureau of Drug Abuse Control."

We think the position paper is excellent and endorse it with the changes suggested. We have read it by telephone to Dr. Goddard, who concurs.

SEPTEMBER 5, 1967.

#### MEMORANDUM

To: See below.

From: Milton Silverman, Ph. D., Special Assistant to the Assistant Secretary for Health and Scientific Affairs.

Subject: Marihuana—revised statement of HEW position.

Attached is the draft form of a revised recommendation on the position of the Department on marihuana. The revisions were developed from the August 14 version on the basis of suggestions from NIMH, FDA and others.

I'll appreciate it if you can return this to me with either your approval or any additional changes which seem needed. Your comments should be in our hands no later than September 11.

#### 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 the penalty to the felony level for illegal sale, manufacture, distribution, and propagation of marihuana and all drugs controlled under the drug abuse control amendments, but without a mandatory sentencing provision.
4. Eliminate the 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 Food and Drug Administration with adequate resources to carry out necessary enforcement functions.
6. Provide the National Institute of Mental Health and the Food and Drug Administration with adequate resources to carry out research, including studies of physiological and psychological effects, patterns and extent of usage, relation of marihuana use to the use of other substances affecting the central nervous system, and acute and chronic toxicity.
7. Encourage the States to change their laws on marihuana to conform with Federal law and where appropriate, to place control of marihuana under State food and drug laws.

#### 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 especially in the National Institute of Mental Health.
4. Those people whose excessive use of marihuana may be related to existing personal and family problems would be more willing to accept counseling offered by health-oriented agencies.