

5. Transfer of enforcement functions to the Bureau of Drug Abuse Control would allow the Federal Bureau of Narcotics to intensify its control efforts against morphine, heroin, and other addictive drugs.

Arguments against these recommendations include :

1. The Administration and Congress may receive critical responses from local law enforcement and legislative bodies who have long associated marihuana use with delinquency and crime.

2. Temporary increase in marihuana use may occur among young people who advocate abandoning or relaxing legal controls.

3. Additional trained BDAC agents would be needed to police importation and distribution of marihuana, and to investigate the extent of marihuana use among various economic groups.

4. Repeal of the Marihuana Tax Act of 1937 and subsequent State legislation modeled on the act may encounter widespread official resistance.

5. Additional funds would be required by the National Institute of Mental Health to carry out necessary physiological, psychological, and sociological research on marihuana use and the characteristics of users.

#### DISCUSSION

1. The first wave of official and popular reaction to these recommendations may be critical. A firm and united stand by the FDA and the PHS, coupled with an intensive effort to gain active support of the scientific community, would do much to counter negative reaction.

2. An educational campaign should be mounted to encourage acceptance of the concept successfully promoted in the case of LSD and other hallucinogens: the trafficker in dangerous drugs is a menace to society and should be punished; the user of dangerous drugs should be educated to voluntarily give up the habit, and should be exposed to treatment or counseling opportunities when his physical or psychological condition requires it.

3. Repeal of the Marihuana Tax Act and transfer of enforcement jurisdiction to the FDA would require a major legislative effort by the Administration, with the possibility that a compromise between the FDA and FBN positions would be necessary. That is, it may not be feasible to eliminate all legal sanctions against the personal use of marihuana.

4. Administratively, an equally strong effort would be required to effect a smooth adjustment from the strictly punitive to a public health approach to enforcement of marihuana laws.

5. The Department of Health, Education, and Welfare, the Attorney General, and the Treasury Department would have to reach agreement at the Cabinet level on needed changes in the law, budget modifications, and the methods of supplying an adequate number of well-trained enforcement personnel to meet the needs of the Bureau of Drug Abuse Control.

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#### MARIHUANA—REVISED STATEMENT OF HEW POSITION: YOUR MEMO OF SEPTEMBER 5, 1967

The Food and Drug Administration concurs with the "Proposed Recommendations on Marihuana Control" dated September 5.

We call attention to the fact that elimination of the penalty for possession of marihuana for personal use (No. 4) will present some difficulty because the U.N. Single Convention on Narcotic Drugs requires signatories to establish criminal sanctions for possession of Cannabis as that term is defined in the single convention. The United States has signed the convention (the attached memo from Mr. Finlator to me gives further details on this point).