

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
 FOOD AND DRUG ADMINISTRATION,
 Washington, D.C., December 15, 1967.

Hon. L. H. FOUNTAIN,
*Chairman, Subcommittee on Intergovernmental Relations,
 Committee on Government Operations,
 House of Representatives, Washington, D.C.*

DEAR MR. FOUNTAIN: This replies to your letter of December 1, 1967, requesting clarification of certain statements made before your subcommittee on November 14, 1967.

Mr. Roush asked about an article published in the Minneapolis Tribune to the effect that the Department had been conducting a broad scale investigation of marihuana aimed at determining whether present restrictions on the use of this drug and the accompanying criminal penalties should be revised. I said I knew of no news release from the Department to that effect, pointing out that the green sheet from which he apparently was quoting was a reprinting of various news stories about departmental activities. The news story quoted a departmental spokesman. I said I did not know who the spokesman was, and could not comment on the accuracy of the quote. I said I did not believe the story was accurate, because I did not consider what had been done to be a broad-scale investigation.

I did confirm the fact that there had been a staff study in which I had participated, but said I could not speak for the Department as to all of the objectives of the study. Certainly one of the essential objectives was to explore existing knowledge about the drug, patterns of its use, and the needs for further research. The problem of inconsistent penalties for possession of this hallucinogen and for the possession of LSD was a part of this.

Our points of view were very fluid as evidenced by the fact that in July we took the tentative position that the transfer of marihuana control to HEW might be desirable, but in October, after a discussion with representatives of the Treasury and Justice Departments, concluded that no recommendations along these lines would be made and that we would await the Treasury Department's proposals for legislation to place synthetic marihuana under the Marihuana Tax Act.

I did not consider our July meeting with Dr. Yolles, on a professional basis for determining research needs, to be a meeting with other departments and agencies, in the context of the question asked.

There was a meeting in October with the Treasury and Justice people, in which Mr. Rankin represented FDA. This was precipitated by a need to consider the regulatory status of synthetic tetra-hydrocannabinals. Being synthetic, it does not come under the marihuana tax laws. However, since it is a hallucinogen, it could be placed under controls of the drug abuse control amendments. This heightened the anomaly of the disparate penalties. We concluded that existing investigational new drug controls would be adequate should the drug be introduced into the United States from Israel, where it has been synthesized. Treasury and Justice were agreeable to placing it also under the drug abuse control amendments, but Treasury indicated an intent to propose legislation to bring the drug under the Marihuana Tax Act. It was decided to await that proposal and its consideration within the executive branch before making any recommendation to the Congress, and it was decided not to place this synthetic drug under the drug abuse control amendments because that might give credence to the belief that our Department had decided to seek a change in the legal controls over marihuana.

The Department's main interest has centered on research and educational efforts applicable to marihuana. We have not made a broad-scale investigation of the penalties for possession of marihuana, though we have been concerned about the existing anomaly between those penalties and the LSD penalties, and about the effect any substantial enforcement of the penalties would have on a great many young people just entering adulthood.

The draft position paper that you have seen was nothing more than an internal discussion draft. It was not adopted as departmental policy, for the reasons we have stated.