

Dr. LEE. Well, we would not have enforcement functions.

Mr. COPENHAVER. You would have some related enforcement functions under the counterfeit drugs?

Dr. LEE. Right.

Mr. COPENHAVER. And you would have enforcement functions under all of the FDA laws, Harris-Kefauver amendments, the section of the act that applies to misbranding of a drug, a narcotic, cocaine, a stimulant, all of that?

Dr. LEE. Yes. It is the other function of the Food and Drug Administration we would keep.

Mr. COPENHAVER. So FDA would continue to have enforcement over narcotics and dangerous drugs under section 352 of the FDA Act?

Chairman BLATNIK. Not narcotics?

Mr. COPENHAVER. Yes, Mr. Chairman, they would retain—under the misbranding functions of the act—they would retain jurisdiction over the misbranding of those drugs, narcotics, and dangerous drugs.

To go one step further, Dr. Lee, did you recommend in the last year or two that the enforcement of the marihuana laws were to be transferred to HEW?

Dr. LEE. Did you recommend this? No.

Mr. COPENHAVER. In a memorandum—

Dr. LEE. It has been discussed.

Mr. COPENHAVER. In a memorandum of August 14, 1967—does that refresh your recollection, entitled “Marihuana, Health, Education, and Welfare Position,” did you recommend repeal of the Marihuana Tax Act and a transfer of enforcement jurisdiction to FDA which would require a major effort by the Administration, with the possibility of a compromise between FDA and Bureau of Narcotics.

Dr. LEE. Did I sign that memorandum? I don't recall this.

This subject has been discussed with the Treasury Department, within the Department, and with the Bureau of Justice within the past year.

I don't personally recall sending such a memorandum or submitting such a recommendation to the Secretary.

Mr. COPENHAVER. Or did you recommend it be a part of Health, Education, and Welfare, and that 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 possible transfer of trained enforcement personnel from the Bureau of Narcotics to the Drug Abuse Control?

Dr. LEE. I don't recall. But if it is in a memorandum I signed, and you have a copy of it, I perhaps did so, but I do not recall forwarding such a memorandum to the Secretary.

Chairman BLATNIK. Thank you very much, Dr. Lee, and Mr. Finlator.

We appreciate your very informative testimony and it has helped clarify a great deal of our initial concern. We wouldn't want to oversimplify the benefits and advantages of the Reorganization Plan No. 1. It is the argument of those who support it that within the existing authorities that the two agencies have, the more effective and efficient job can be done.

But as far as the whole problem of narcotics and dangerous drugs, there are many, many areas yet to be explored and researched and