

Mr. EDWARDS. You then think that the decision is more of a medical than a legal decision?

Dr. BARTON. Yes, I do. At the outset it is primarily medical and on medical advice. Then as to its addictive nature or its capacity for harm, there are derived legal controls.

Mr. EDWARDS. As I understand the reorganization plan, Doctor, the Attorney General will be given the ultimate responsibility of determining whether a drug falls into the dangerous drug category. So I get back to my question of whether a lawyer should make that determination or whether that should be a medical determination.

Dr. BARTON. I believe the initial determination of the hazard is a medical responsibility.

Mr. EDWARDS. Thank you, Doctor.

Mr. ERLBORN (presiding). The gentleman has no further questions?

Mr. EDWARDS. No.

Mr. ERLBORN. The gentleman from Ohio.

Mr. BROWN. I just would like to know what our bill is going to be with these psychiatrists we have kept waiting for a couple of hours here.

Doctor, with reference to the use of drugs in psychiatric care and treatment, the development of these drugs, their testing and their ultimate approval is done under medical auspices in most instances, is it not?

Dr. BARTON. Yes, sir.

Mr. BROWN. And with the cooperation of the Food and Drug Administration in the use of these drugs?

Dr. BARTON. Yes, sir.

Mr. BROWN. The source of the drugs may or may not be domestic. Is that correct?

Dr. BARTON. That is correct.

Mr. BROWN. This, then, also involves in one way or another the Department of the Treasury in the present scheme of things with the importation or the licensing or the payment of taxes of these drugs, does it not?

Dr. BARTON. Presumably, yes.

Mr. BROWN. Do you know how the production of these drugs domestically is supervised by the Government? Could you enlighten us on that in any way?

Dr. BARTON. I do not know the procedure.

Mr. BROWN. I am under the impression that this is under regulations of both FDA and the Treasury Department at present, where the companies that manufacture the drugs are registered.

The reason for that bit of background is to inquire whether the expertise in the Justice Department, in your opinion, lends itself to the takeover of that additional function.

Dr. BARTON. I don't think I have the expertise to reply. I do not have enough information as to how the Treasury Department and Justice Department are concerned with the determination of the safety and efficacy of a drug.

Mr. BROWN. Let me try to phrase the question in a different way and see if we can't bring some consideration to this point. At present,