



U.S. Department of Justice  
Drug Enforcement Administration

Washington, D.C. 20537

MAR 01 1995

Honorable John Warner  
United States Senate  
Washington, D.C. 20510

Dear Senator Warner:

This is in response to your correspondence dated January 26, 1995, on behalf of your constituent, Mr. Jon Gettman, who thinks that marijuana is improperly classified as a Schedule I substance under the Controlled Substances Act (CSA).

Mr. Gettman believes that new scientific data establishes that the abuse potential of marijuana is less than that of other Schedule I drugs. He urges the Attorney General to reassess the issue since it was not litigated in the latest proceedings associated with the National Organization for Reform of Marijuana Laws (NORML) petition to remove marijuana from all schedules, or to place it in a schedule other than Schedule I.

Mr. Gettman is correct in stating that the issue of the abuse potential of marijuana was not addressed in the 1986-1994 phase of the administrative proceedings which began in 1972. As an officer of NORML, Mr. Gettman is likely to be aware that all parties stipulated, for the purpose of that proceeding, that marijuana has a high potential for abuse and that abuse of marijuana may lead to severe psychological or physical dependence.

The CSA describes the findings which must be made in order that a substance be placed in a particular schedule (Title 21, U.S.C., Section 812). Those findings state that a substance must have a currently accepted medical use in treatment in the United States if it is to be placed in a schedule other than Schedule I. The most recently litigated issue was whether marijuana met that finding. Enclosed is a copy of the latest decision by the U.S. Court of Appeals. The court upheld my predecessor's determination, a copy of which is enclosed, that marijuana did not have a medical use. Unless a substance has an accepted medical use in the United States, it can only be placed in Schedule I. Therefore, while a reassessment of the abuse potential of marijuana might be of interest to some, the outcome would not affect what can be done through administrative proceedings.

Marijuana is the most commonly used illegal drug in the United States; approximately 67.5 million Americans, one-quarter of the population, have tried it at some time. Its abuse cuts across all segments of society. According to the 1992 National Household Survey on Drug Abuse, 17.4 million people used marijuana at least once during the past year, and 5.16 million used marijuana once a week or more in 1992. The 1993 National High School Senior Survey reported that one third of the twelfth graders and 9.2 percent of the eighth graders had used marijuana at least once during the previous 12 months with 2.4 percent of the seniors reporting daily use. In the face of such numbers, I question the relevance of the Office of Technology Assessment report to which Mr. Gettman referred.

Mr. Gettman states that delta-9-tetrahydrocannabinol (THC), the primary active ingredient in marijuana, was removed from Schedule I and placed into Schedule II. A dosage form which corresponds with a pharmaceutical product, i.e. dronabinol [(-)-delta-9-THC] in sesame oil in a soft gelatin capsule, was placed in Schedule II when it was approved for marketing by the Food and Drug Administration. All other preparations of THC remain in Schedule I.

I trust that this information will assist you in responding to your constituent. If I may be of further assistance to you in this matter, please do not hesitate to contact me.

Sincerely,



Thomas A. Constantine  
Administrator

Enclosures