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October 14, 1997

Frank Sapienza
Secretary of Drug and Chemical Evaluation
Office of Diversion Control
U.S. Department of Justice
Drug Enforcement Administration
Washington, D.C. 20537
Via Fax (202) 307-8570 and U.S. Mail

Re: Petition of Jon Gettman and Trans-High Corporation

Dear Mr. Sapienza:

It has now been three years since my clients first sought to bring the issues in their petition to the attention of the Attorney General. Unique among supporters of marijuana law reform my clients decided to turn to the existing regulatory process as a vehicle for change rather than use marijuana-related issues as a basis for attacking or superseding the regulatory framework of the Controlled Substances Act. It is my clients' position that the DEA's refusal to act on this petition will render the Clinton Administration's policy positions self-serving hypocrisy. This refusal to recognize scientific challenges to existing policy damages the credibility and integrity of the DEA, DOJ, and all administration drug policy endeavors.

My clients first asked Attorney General Reno, and then Administrator Constantine, to launch a new review because such a voluntary action would enhance the government's credibility with the people it is most important to reach -- the people who currently use marijuana. My clients are well aware of the case law in this area, and of their right to due process. They considered going to the Court of Appeals after the DEA failed to act within 18 months, but decided instead to wait in order to give the government more than adequate time to decide to take action without the compulsion of a court order.

My clients are now deeply suspect as to whether the DEA has the institutional integrity to act according to the law in this matter without the compulsion of a court order. Furthermore, they

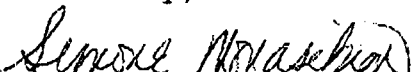
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deeply suspect whether the Clinton Administration has the political will to withstand criticism from congressional critics for taking what will be a controversial but legally required action of forwarding the petition to the HHS. In fact my clients are now beginning to believe that it has always been DEA's intention to require a Court Order before this petition would ever be forwarded to HHS. If this is how they want us to proceed, then so be it. However they should be aware that when my clients go to the Court of Appeals the DEA will have squandered its last opportunity to prove that its positions on marijuana are based on the law and not institutional self-interest.

You have indicated that Dr. Lawrence will return to her review of the petition within the next few to several weeks. The number of people affected by my clients' petition should have given it priority over all other issues before the Drug and Chemical Evaluation Unit. Because of the convictions expressed in my clients' original letters to Attorney General Reno and Administrator Constantine, I will provide the DEA with this last opportunity to honor Deputy Administrator Greene's 7/27/95 pledge to review the petition within a reasonable period of time. The DEA has had more than sufficient time to review the petition and should be able to render their decision immediately.

My clients have made a prima facie case, have been more than patient and they expect the DEA to render its decision on the petition shortly. However, if DEA has not acted by December 31, 1997, they will pursue their right to due process in the U.S. Court of Appeals.

Sincerely,


Simone Monasebian