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April 17, 2007

DEA Administrator Karen P. Tandy
Drug Enforcement Administration
Mailstop: AXS
2401 Jefferson Davis Highway
Alexandria, VA 22301

Dear Administrator Tandy,

I write to you regarding the Opinion and Recommended Ruling of Drug Enforcement Administration (DEA) Administrative Law Judge (ALJ) Mary Ellen Bittner issued on February 12, 2007. I have received a number of inquiries from constituents and local elected officials in the district I represent regarding questions they have about inconsistencies between California state and U.S. federal law regarding the use of medicinal marijuana. These diverse groups are keenly interested in understanding the position of the federal government on this issue.

As part of the research my office has done on this issue, it has come to my attention that in her ruling Judge Bittner concluded that it would be in the public interest for the DEA to approve the application from Professor Lyle Craker of the University of Massachusetts-Amherst, for a DEA Schedule I license as a bulk manufacturer of marijuana. I further understand that Professor Craker's research proposal includes a facility that would be privately-funded and would produce marijuana for use exclusively by federally sanctioned researchers.


At present, it is my understanding that the National Institute on Drug Abuse (NIDA) is the sole producer of marijuana for medical research purposes in the United States. In her February 12, 2007 Opinion and Recommended Ruling, Judge Bittner points to 21 U.S.C. § 823(a)(1) and states that this statute "requires consideration of maintaining effective controls against diversion by limiting the manufacturing of Schedule I or II controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research and industrial purposes." According to ALJ Bittner, this statute and federal law require adequate competition in the manufacture of Schedule I and II substances. For these reasons and others, Judge Bittner found the NIDA monopoly unjustified.

As a Member of Congress from a state where a medicinal marijuana proposition has passed, I can respect why some may see value in using scientific research to determine marijuana's medical utility or lack thereof.

Because of this, I am interested in learning why Judge Bittner's decision was not upheld. Please provide me with information as to the rationale for your decision.

I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink that reads "Mary Bono" in a cursive script. The signature is written over a horizontal line that extends to the right.

MARY BONO
Member of Congress

MB/pjc