May 2, 2003

Frank Sapienza, Ph.D.
Chief, Drug and Chemical Evaluation Section
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Dr. Sapienza:

I've reviewed your March 4, 2003 letter to Prof. Lyle Craker, Director, Medicinal Plant Program, Department of Plant and Soils Science, Umass Amherst. In response I urge that the Drug Enforcement Administration (DEA) respond favorably to Prof. Craker's application for a license for a privately funded medical marijuana production facility, subject to all necessary conditions required to control diversion.

As you are no doubt aware, over 70% of voters support the right of doctors to prescribe marijuana to those that need it. More than 30 states have laws that recognize marijuana's medicinal benefits and eight states have legalized marijuana for medical use. Other states are likely to do so soon. Even as voters and legislators move forward we are failing to accomplish the basic research necessary to inform this movement. One reason for the failure to conduct FDA-approved medical marijuana research is that the scientific research process appears to be excessively burdened by political obstructions. Primary among these obstructions is DEA support for the monopoly that is held by the National Institute on Drug Abuse (NIDA) on the supply of marijuana, but not any other Schedule I drug that can be used in FDA-approved research.

NIDA's institutional mission is diametrically opposed to facilitating the exploration of any potential beneficial use of marijuana. NIDA has used its monopoly power to twice refuse to supply marijuana at any cost to researchers with FDA-approved protocols, preventing the studies from taking place. NIDA's monopoly prevents private sponsors from choosing the specific strain of marijuana they prefer to investigate and ensures that private sponsors have no direct control over price or availability of research supplies. Furthermore, since NIDA cannot legally provide marijuana on a prescription basis, NIDA's monopoly would require sponsors to conduct research with material that they cannot guarantee will be available for prescription use. No privately-funded pharmaceutical company would ever consider investing millions of dollars in research in any drug under such circumstances, which perhaps explains why DEA has to date acted to preserve NIDA's monopoly.

Ex-DEA Administrator Asa Hutchinson stated on November 28, 2001 that, "the question of whether marijuana has any legitimate medical purpose should be determined by sound science and medicine." In England, the Home Office has acted to facilitate medical marijuana research and has issued a license to grow marijuana to GW Pharmaceuticals, a for-profit pharmaceutical company developing marijuana extracts. In contrast, the DEA's resistance to Prof. Craker's application appears more concerned with the prevention of marijuana research than with the prevention of marijuana diversion, DEA's sole proper role.

We urge the DEA to approve Professor Craker's research and end your support for the monopoly by NIDA as the sole source of marijuana available for research. As long as DEA preserves NIDA's monopoly over FDA-approved medical marijuana research, it will be impossible to determine whether marijuana can be proven to be safe and efficacious. We urge the DEA to stop standing in the way of this important research.

Sincerely,

Ethan Nadelmann
Executive Director

Drug Policy Alliance, with more than 40,000 supporters, is the nation's leading organization devoted to advancing policies that best reduce the harms of both drug misuse and drug prohibition. We envision a just society in which the use and regulation of drugs are grounded in science, compassion, health and human rights.

Cc: John Ashcroft, Attorney General
John Walters, Director, ONDCP
John Brown, Acting Administrator, DEA