

Senator Dianne Feinstein
Questions for the Record for Karen Tandy

Ms. Tandy, there has been some concern about the nature of DEA's activities in targeting medical marijuana users and distributors in California. In particular, some have complained about the use of excessively confrontational tactics in raiding what are argued to be peaceful homes or places of business. I understand that state law and federal law on this issue are in conflict, and that the Supreme Court has clearly ruled that federal law trumps state law on the drug issue. But I did want to ask a couple of questions about how you view DEA's role in this area, because it is a very sensitive issue in my state.

QUESTION: First, do you intend to continue DEA's current policy of aggressively targeting medical marijuana use in California? Why?

Marijuana is the most abused drug in the United States. More young people are now in treatment for marijuana dependency than for alcohol or for all other illegal drugs combined.¹ Marijuana use also presents a danger to others beyond the users themselves. A roadside study of reckless drivers who were not impaired by alcohol showed that 45% tested positive for marijuana.² As the U.S. Supreme Court has held, marijuana is a Schedule I Controlled Substance under the Controlled Substance Act, has no currently accepted medical use in treatment in the United States, and cannot be used outside of FDA approved, DEA-registered research. Thus, there is no basis under federal law to distinguish "medical" marijuana traffickers from marijuana traffickers in general. If confirmed as Administrator, I would insure that DEA is committed to enforcing the federal drug laws of our nation regardless of the drug in question or the location of the violation.

QUESTION: Would you support federal government research into the possibility of rescheduling marijuana under the law so that physicians could prescribe the drug for certain patients if medically appropriate?

I believe that current law and judicial review provide adequate mechanisms for the balanced review of the appropriate scheduling of marijuana. This system has been in place for over thirty years. I am also advised that the DEA has registered eight researchers to further examine whether there are any possible medicinal benefits of smoked marijuana. My own view is that the present mechanisms for examining classification issues are sufficient.

¹ Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, *Treatment Episode Data Set*, 2000.

² Dan Brookoff, et al., *New England Journal of Medicine*, 331:518-522, 1994.