

Questions of Senator Tom Coburn, M.D.
Nomination of A. Thomas McLellan, to be Deputy Director of the Office of National Drug
Control Policy
United States Senate Committee on the Judiciary
July 1, 2009

1. Do you believe that marijuana should remain listed as a schedule I drug in the Controlled Substances Act?

Response – Yes, I do.

2. Do you support the use of smoked marijuana for medical purposes?

Response – The extracts from marijuana plants may have medical benefits. There are current NIH research studies designed to test these extracts for potency, purity and side effects. The medicines that may derive should be approved and regulated by the FDA in the same way all other medications are regulated.

3. As you know, the FDA is responsible for approving drugs as safe and effective for their intended uses. Although it has not approved marijuana for any medical use, some states have passed their own laws allowing such use in limited circumstances. In your opinion, is it either wise or safe for states to essentially bypass the FDA and permit use of a drug that has not been approved by that agency?

Response – The extracts from marijuana plants may have medical benefits. There are current NIH research studies designed to test these extracts for potency, purity and side effects. The medicines that may derive should be approved and regulated by the FDA in the same way all other medications are regulated.

4. Do you have any predispositions or personal conflicts of interest that might interfere with your ability to stringently enforce the nation's traditional drug control policies, particularly with respect to marijuana?

Response – No, I do not.

5. The Director of ONDCP, Gil Kerlikowske, recently said he wants to banish the idea that the U.S. is fighting a war on drugs suggesting that he favors a shift towards treatment over incarceration. Do you agree with that shift?

a. Specifically, Director Kerlikowske stated: “Regardless of how you try to explain to people it’s a ‘war on drugs’ or a ‘war on a product,’ people see a war as a war on them.” He also said that the Obama administration is going to deal with drugs as a matter of public health rather than criminal justice alone, with treatment’s role growing relative to incarceration. Do you agree with these statements?

Response – Director Kerlikowske is on record as saying that ONDCP favor “a balanced program of drug control which utilizes law enforcement, prevention and treatment.” This is also the position of the Administration and it is mine as well.

6. During the presidential campaign, President Obama talked about ending the federal ban on funding for needle-exchange programs, which are used to stem the spread of HIV among intravenous-drug users. While I recognize that the Office of National Drug Control Policy could not end this ban by itself, if the administration asked for your opinion, would you support ending the ban?

Response – I and ONDCP will of course support all federal law regarding needle exchange. This policy is under review at this time and as I am not confirmed I do not have access to data under consideration. As a researcher, I think policies should be informed to the greatest extent possible by the available factual evidence. If confirmed I will of course review all existing evidence as part of policy considerations on this and all other issues.

7. What is your position on continuing drug-enforcement funding and other federal funds to “sanctuary cities” that refuse to enforce federal immigration laws?

Response – I and ONDCP will support all federal policies regarding drug enforcement, drug enforcement funding; and to the extent relevant, federal immigration laws.

8. In 2007, the Bush Administration announced the Merida Initiative— a multibillion dollar international counterdrug and judicial-system-building initiative between the United States and Mexico and Central American countries. Although the Administration designated the State Department as the lead federal agency, many program responsibilities are within DOJ. I have great concern that there are still no program metrics by which to evaluate the initiative’s success. As you know, increasing violence in Mexico over the past year and a half caused by drug-cartels has claimed more than 7,000 lives and currently threatens U.S. homeland security. Deputy Attorney General David Ogden testified before Congress on DOJ’s five-prong strategy to identify, disrupt, and dismantle the Mexican drug cartels, including the following steps: employing extensive and coordinated intelligence capabilities; ensuring the investigation, extradition, prosecution, and punishment of key cartel leaders; pursuing investigations and prosecutions related to the smuggling of guns, cash, and contraband for drug making facilities from the United States into Mexico; using traditional law enforcement approaches to address spillover effects of cartel violence in the United States; and prosecuting criminals responsible for the smuggling, kidnapping and violence, in federal court. Furthermore, DOJ must coordinate

with a number of federal agencies within DHS, such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP), to ensure an effective counter-narcotics strategy.

- a. What will you do as Deputy Director of the Office of National Drug Control Policy to ensure you are effectively advancing the strategy already outlined by DOJ and coordinating with ICE and CBP?

Response – If confirmed I would support Director Kerlikowske by working closely with agencies charged with implementing the Merida Initiative and Southwest border programs for the purpose of coordinating actions, reviewing results, and assuring focused application of resources to advance national counterdrug policy.