

# Judge wants Ecstasy OK'd for medical use

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WASHINGTON — An administrative law judge has recommended that the controversial drug MDMA, popularly known as Ecstasy, be dropped from the Drug Enforcement Administration's most restrictive list so that it may be used for medical purposes.

The 67-page decision by Francis L. Young, an administrative law judge for the agency, recommends that Ecstasy be treated as a routine prescription preparation, similar to some barbiturates and amphetamines. Under statutory powers, agency Administrator John C. Lawn declared an emergency federal ban on Ecstasy on July 1 and placed the drug in the Schedule I category, which includes drugs such as heroin and marijuana.

Lawn has the final decision on whether to accept Young's recommendation. Although he has no timetable to make a decision, he is expected to rule by June 30, the date on which the one-year emergency ban expires.

Spokesman David Hoover said the agency had no comment on the judge's recommendation.

The judge, who conducted hear-

ings around the nation beginning last June, asserted that the evidence shows that the drug should be classified in Schedule III. Drugs in this category have a "currently accepted medical use" and a "moderate or low physical dependence" quality.

Ecstasy and other drugs on the most restrictive list are categorized as having no currently accepted medical use as well as a "high potential for abuse." But Young found that Ecstasy, which can be produced in home laboratories, had been successfully "utilized by some psychiatrists as an adjunct to psychotherapy."

Patented in 1914 by a German pharmaceutical firm, Ecstasy was marketed initially as an appetite suppressant. Psychiatrists have claimed that it is useful in the treatment of autistic children, schizophrenics, drug and alcohol abusers and victims of post-traumatic shock.

If upheld, the ruling would also lower the penalties for trafficking in Ecstasy, which like other Schedule I drugs carries a prison sentence of up to 20 years and a fine of up to \$250,000. Those arrested for trafficking Schedule III drugs face a sentence of up to five years in

prison and a fine of up to \$50,000. Possession of any illegal drug under federal law carries a maximum one-year jail sentence and a \$5,000 fine.

It could also affect a current criminal case in federal court in Dallas and how the DEA categorizes illegal drugs.

Seven days after Ecstasy sales were barred last July, Terry Wilson Caudle, 23, of Sulphur, Okla., and James Frank Perdue, 46, of Dallas became the first people in the country arrested on Ecstasy charges after an undercover agent received 750 tablets in a North Dallas parking lot. Perdue accepted a plea bargain, but Caudle is challenging the constitutionality of the emergency ban and U.S. District Judge Jerry Buchmeyer delayed a ruling until after Young's recommendation.

Moreover, the opinion by Young represents the first time that an administrative law judge has said a drug should be placed in a category less than the most restrictive if it has not been approved for marketing by the federal Food and Drug Administration.

In a potential victory for drug companies, Young said that the judgment of the medical and scien-

tific community, rather than the FDA, should be the guiding factor in a decision whether a drug is of "accepted medical use" — an important factor in how the Drug Enforcement Administration categorizes drugs.

"This recommendation would go a long way toward defining several terms in the Controlled Substances Act," said Robert Angarola, a Washington attorney representing two drug laboratories that were part of the proceedings. "It gives the DEA more latitude."

In his opinion, Young said that Lawn followed the law correctly in first barring Ecstasy last July and observed that the administrator's action reflected a view "based on evidence then available to the agency."

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