

# 25 Years of Federal “Compassion”

November 20, 2007, was a very meaningful anniversary for Fort Lauderdale stockbroker Irvin Rosenfeld. It was 25 years to the day that he had been issued cannabis — “marihuana” as the feds insisted on calling it. Here’s his recollection of November, 1982...

**By Irvin Rosenfeld**

On November 20th, I got a call from Dr. Goldman. He said, “Irvin, it’s here. The can has arrived. You need to come to the office.” Those words were magic to me. I told him I would be right over.

I took my seat in the waiting room and in due course a nurse opened the door and said, “Dr. Goldman is ready for you.” I walked back and there he was, seated behind his desk with a huge smile on his face, holding a tin can. We stared at the tin as if we had just won the lottery. And in a way, we had. Opening it turned out to be difficult, as the tin was sealed with wax around the top and we had to use a screwdriver to remove it.

*In Irvin Rosenfeld’s forthcoming autobiography, this excerpt is preceded by the story of his baseball childhood, his terrible illness, his discovery that marijuana provided more relief than conventional medications, and his campaign to use it legally, culminating in a 15-minute, make-or-break appearance before an FDA advisory committee of 15 skeptical MDs (who voted unanimously to approve his “compassionate exemption” to the federal prohibition.*



Irvin Rosenfeld in 1982

Dr. Goldman then took off the lid, pulled out a thin piece of Styrofoam, and there we saw approximately 300 perfectly rolled cannabis cigarettes. He pulled out several and handed them to me. I took them, looked at them, and thanked G-d. Dr. Goldman told me to take two, go outside and smoke them, then return.

I went to my car, lit up, and took a puff of my first government-issued cannabis cigarette. The taste was harsh, but

I smoked them both. As with the cannabis I had used in the past, I felt no euphoria but my muscles relaxed. I went back into the office where Dr. Goldman checked my vital signs, which were normal. We talked for a few minutes so he could see that I was perfectly coherent and could operate dangerous machinery, i.e. drive my car. He then gave me 68 more joints and said, “Come back in one week.” I told him, “No problem” and drove home as a law-abiding citizen with my Investigational New Drug.

That night as Debbie and I were lying in bed watching Johnny Carson, a commercial came on for a new company called Federal Express that would “deliver anything from 3 ounces to 70 pounds.” We cracked up laughing. It was Fed Ex that had delivered my 11 ounces of cannabis to Dr. Goldman. I wondered if anyone at the company had known what that package contained.

After a week I was examined again by Dr. Goldman. He asked if I needed any refills of my prescribed medicines. “Not yet,” I told him. He gave me the rest of the cannabis cigarettes and said he would see me in three weeks. Before leaving I helped his secretary fill out the form to order my next can from the government.



## A Mythical Program

According to Irv Rosenfeld —now 55 and as healthy as a man with multiple congenital cartilaginous exostoses can be— the federal government’s “Compassionate Investigational New Drug (IND)” program “existed in name only.” The Food & Drug Administration never actually investigated whether the individuals getting marijuana from the National Institute on Drug Abuse were benefiting from its use.

Rosenfeld was the so-called program’s second participant. The first was Robert Randall, who had discovered marijuana as a treatment for his severe glaucoma, been arrested on federal cultivation charges in Washington, D.C., and defended himself by citing “medical necessity.” Charges against Randall were dismissed in November, 1976, and the government agreed to provide him with marijuana grown at the University of Mississippi under contract to NIDA.

When Randall and his wife, Alice O’Leary, publicized the medical benefits of marijuana and urged others to obtain it legally, the government threatened to cut off his supply. Randall, represented by a high-powered Washington law firm, Steptoe & Johnson, sued the FDA, NIDA, DEA, and the Departments of Justice and Health, Education & Welfare for access to marijuana. The government under President Jimmy Carter, agreed to maintain his supply.

After Irv Rosenfeld got his FDA ap-

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**LEGAL CANNABIS** is provided to Irvin Rosenfeld and three other U.S. citizens in cans packed with approximately 300 pre-rolled cigarettes. These individuals received “compassionate exemptions” from the Food and Drug Administration to receive marijuana grown by the National Institute on Drug Abuse and transferred with the authority of the Drug Enforcement Administration.

proval in 1982, he and Randall helped guide other seriously ill people through the complex application process — George McMahon (Nail Patella Syndrome), Elvy Musikka (glaucoma, Corinne Millett, Barbara Douglas (MS), Kenny and Barbara Jenks (AIDS from a transfusion). It is uncertain how many eventually were authorized to receive marijuana from the government, as some preferred to remain anonymous.

Rosenfeld puts the number at 13.

In March, 1992, the government — under President George Herbert Walker Bush—stopped taking applications. Thousands of people with AIDS had discovered marijuana as an appetite stimulant, and some had begun seeking legal access. Some 20 applicants who had received medical authorization from the FDA were simply never supplied by NIDA and DEA. Rosenfeld and the oth-

ers who had been supplied previously were “grandfathered in.” Rosenfeld figures that “the government wanted to avoid the negative publicity of cutting us off from a medicine that obviously worked.”

#### Patients Out of Time

Although the government never investigated the safety and efficacy of the “new drug” it provided, a study was undertaken in 2001 by Ethan Russo, MD, and co-workers, including MaryLynn Mathre, RN, and Al Byrne. Mathre and Byrne had organized a conference for NORML in 1990 at which Randall, Rosenfeld, Musikka, McMahon and Millet spoke. They subsequently formed “Patients Out of Time,” an advocacy group led by healthcare professionals and the surviving “federal patients.”

Russo *et al* examined four of the eight surviving patients, conducting brain scans, pulmonary function tests, chest X-rays, neuropsychological tests, hormone and immunological assays, electroencephalography, P300 testing, history and neurological clinical examination. As they reported in the *Journal of Cannabis Therapeutics*: “Results demonstrate clinical effectiveness... All four patients are stable with respect to their chronic conditions and are taking many fewer standard pharmaceuticals than previously... These results would support the provision of clinical cannabis to a greater number of patients in need. We believe that cannabis can be a safe and effective medicine with various suggested improvements in the existing Compassionate IND program.”



“FEDERAL PATIENTS” Irv Rosenfeld and Elvy Musikka with MaryLynn Mathre, RN, at the Patients Out of Time Conference in Santa Barbara, April 2006.

## Patients Out of Time

### 5th National Clinical Conference on Cannabis Therapeutics

Co-sponsored by The California Nurses Association and  
The University of California, San Francisco, School of Medicine  
Asilomar Conference Grounds

Pacific Grove, CA

April 4-5, 2008

### “Cannabis: Re-Entering Mainstream Medicine”

#### Scheduled speakers and topics, April 4

J. White “Conceptual Quagmires & Epistemic Privilege”

S. Hosea, MD “Cannabis From A Physician’s Perspective”

D. Tashkin MD “Does Regular Marijuana Smoking Lead to Pulmonary or Pulmonary-Related Disease (COPD, Lung Cancer, Pneumonia)?: Cohort and Population Based Studies”

C. Conrad “Cannabis Yields and Dosage”

M.L. Mathre, RN, MSN “Cannabis: When Not Recommended”

M. Krawitz, A. Raich, C. Turnbull “Patients’ Experience With Cannabis”

M. Dreher, RN, PhD, FAAN “Cannabis Use and Pregnancy”

G. Leson, D. Env. “Cannabis as Hemp and Nutrition”

N. Kogan, PhD “Clinical and Laboratory Medicinal Cannabis Results from Israel”

M. Ware, MD, MSc, MRCP “Effects of Smoked Cannabis on Chronic Neuropathic Pain”

M. Guzman, PhD “Cannabis and Brain Tumors”

J. Sanchez-Ramos, PhD, MD “Cannabinoids and Movement Disorders”

G. McMahon, I. Rosenfeld, E. Musikka “Federal Patients and Cannabis”

D. Abrams, MD “Cannabis in Pain and Palliative Care”

#### Scheduled speakers and topics, April 5

R. Musty, PhD “Marijuana and Mental Health”

L. Badzek, RN, JD, LLM, MS “Nursing, Ethics and Cannabis”

D. Ostrow, MD, PhD “Medical Cannabis: The Challenge of Educating Mainstream Medical Professionals”

A. Hazekamp, PhD “Cannabis Tea in The Netherlands”

A. Reiman, PhD “Compassion Clubs of California”

P. Lucas, J. Braun, P. Fourmy, V. Corral “Putting Compassion in Compassion Clubs”

R. Doblin, PhD “DEA/NIDA and the Obstruction of Privately Funded Research”

Gettman, PhD “Medical Cannabis and the Public Policy Process”

M.L. Mathre, RN, MSN “Faculty Q&A Session”

**CME and CEU educational credits are offered.**

**Register on-line at <http://www.medicalcannabis.com>**

**or contact Al Byrne, Patients Out of Time**

**(434) 263-4484 or email [al@medicalcannabis.com](mailto:al@medicalcannabis.com)**