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Right to Try Psilocybin Backs Lawsuit Against Justice Department

Accuses DOJ and DEA of Cover-Up Blocking Terminally Ill from Treatment Demands Attorney General Produce Documents Withheld in FOIA Request

WASHINGTON -- Right to Try Psilocybin announced it is giving its full support to a lawsuit filed by a well-known cancer care provider, its co-founder and attorneys specializing in end-of-life advocacy and opening access to crucial medicine. The plaintiffs are suing Attorney General Merrick Garland and DEA Administrator Anne Milgram over the Justice Department (DOJ) and Drug Enforcement Administration (DEA) for intentionally failing to produce essential documents and information under a Freedom of Information Act (FOIA). The lawsuit casts light on an on-going federal effort that prevents terminally ill Americans from treating themselves with quality of life-improving psilocybin.

"The government's excuses, delays and obfuscation all point to a cover-up that unmercifully ignores the pain and suffering of desperately ill Americans," Adam Eiding, a bladder cancer survivor and founding member of the advocacy and educational group Right To Try Psilocybin (RTTP). "What possible reason could any decent public servant cite that rises above the need and compassion of allowing an American citizen access to medicine that can potentially improve a patient's quality of life?"

The plaintiffs are suing to get the requested documents and a finding from the court that Attorney General Garland, DEA Administrator Anne Milgram, DOJ and DEA violated the FOIA rules by intentionally and repeatedly failing to produce the requested documents. The plaintiffs also demand that they get a court-backed assurance that this practice of ignoring or dodging FOIA requests cease. The case, which can be found here, was filed in U.S. District Court in Houston, Texas.

The four plaintiffs, whose research depends on being able to access the accurate and detailed information they have requested from DOJ and DEA, are:

- AIMS Institute, an integrative oncology clinic located in Seattle dedicated to providing cutting-edge integrative medical care, research, and education in oncology, psychiatry, neurology, rehabilitation, pain management, and palliative care

- Dr. Sunil Aggarwal, a physician with specialized expertise in palliative care located in Seattle, Co-founder and co-director of the AIMS, who holds a DEA certificate of registration to prescribe controlled substances for drugs listed in Schedules II-IV of the Controlled Substances Act
- Kathryn Tucker of Bend, Oregon, is an attorney who has dedicated her career to advocating on behalf of terminally ill persons. She is Special Counsel and co-chair of the Psychedelics Practice Group at Emerge Law Group and regularly works with clients in the controlled and psychedelic substances space.
- And Matthew C. Zorn of Houston, Texas, is an attorney whose residence and principal place of business are in this District. Zorn regularly works with clients in the controlled substances space and has active matters pending before DEA.

RTTP is planning grassroots organizing in the coming months, including a protest concert and rally at the White House this October 9th. Outreach to performers is already underway. Other events are in the works for the fall, and the group is also considering options to directly support the case of the four plaintiffs.

“Our message is Mr. Garland, remove these unlawful walls of injustice and allow the American people access to the same information the federal government has hidden in its vaults,” said Eiding of RTTP.

RTTP advocates for the right to try psilocybin to be available to all patients. Extensive research has shown that psilocybin can bring “immediate, substantial, and sustained improvements in anxiety and depression; decreased demoralization and hopelessness, improved spiritual well-being, increased quality of life.” In addition, RTTP is demanding a halt to DEA preventing terminally ill patients from legally accessing psilocybin. DEA incorrectly asserts that the Controlled Substances Act, which scheduled psilocybin in the most restrictive category, prevents dying patients from accessing the drug even though it qualifies under the Right to Try Act.

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