

SUBSTANCE MISUSE OPTION LECTURE 3

REGULATION AND CONTROL OF DRUGS AND ALCOHOL

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- Throughout history there have been all sorts of attempts to regulate or control the use of certain drugs.
- Some argue that there are few explanations of why this is done. It is generally assumed– and rarely argued– that it is all done for the greatest good.
- The roots of prohibition are portrayed as humanitarian – prohibitionists will help reduce the health and social problems caused by drugs.
- However, a closer look at the origins of prohibition reveals a more complicated picture– ideological, political and economic interests play a major role.

EARLY PROHIBITION

- The earliest form of prohibitionist thought can probably be accredited to an Egyptian Priest who 2000 BC who wrote, "I, thy superior, forbid thee to go the taverns. Thou art degraded like the beasts."
- The Prophet Mohammed's decision to outlaw the use of alcohol amongst his followers was probably the earliest large scale example of prohibition.
- The banning of alcohol was done to differentiate the followers of Mohammed from early Christians who had adopted alcohol as the official drug of their religion (wine as the blood of Christ).
- The banning of alcohol was for ideological reasons, and it created a unifying factor for his followers.

TEMPERANCE MENTALITY

- Numerous temperance organisations developed in the US during the early part of the 19th century.
- They proclaimed that the worst social problems could be traced to the "demon rum" and "ardent spirits".
- The cure for this problem was universal abstinence from alcohol – voluntary if possible, enforced if necessary.
- The temperance mentality was evident throughout the Western world, but was most visible in the U.S.

TEMPERANCE MENTALITY

- Within a few decades, temperance organisations in the US attracted a great deal of political support and became a perennial election issue.
- The Temperance movement was expressed in violent language and the war-like language was not empty rhetoric.
- Temperance supporters also showed a great enthusiasm for warlike propaganda.
- Truth was the first casualty – unsupported claims, half-truths and bold-faced lies were propagated as divine writ or scientific fact.

TEMPERANCE MENTALITY

- The Temperance mentality extended to drugs that were identified as public enemies later in the 19th century: opium, cocaine and heroin.
- Anti-alcohol, anti-drug and anti-German propaganda became intermixed.
- The New York Times told Americans of a fiendish plan to introduce "habit-forming drugs" into German toothpaste and patent medicines that were to be exported to the US before World War 1 so that "in a few years Germany would have fallen on a world which cried for its German toothpaste and soothing syrup– a world of 'cokeys' and 'hop-heads' which would have been absolutely helpless when a German embargo shut off the supply of its pet poison."

TEMPERANCE MENTALITY

- Two stock anti-drug images became US cultural archetypes.
- People who used forbidden drugs were transformed into “dope fiends”, slaves to their drugs and a menace to society. They committed the most unspeakable of crimes with no remorse.
- “Drug traffickers” converted innocent boys and girls into dope fiends. They were, according to one writer, “palmerworms and human caterpillars who should be trodden underfoot like the despicable grubs that they are.”

TEMPERANCE MENTALITY

- There has been no consensus as to why Americans reacted to drugs in this way.
- Although cocaine and opiates were widely used medicinally and recreationally, and addiction and overdose did occur, they did not cause problems for the vast majority of people.
- Drugs were seen as the cause of widespread ill-health and misbehaviour amongst men, the cause of sexual morality in women, ruination of the men who proved unfit to serve in the Armed Forces, as disgusting artefacts of unwelcome and inferior races, and so forth.

TEMPERANCE MENTALITY

- Two conclusions seem inescapable.
- Anti-drug policy was never a calculated policy decision imposed by a single controlling bureaucracy. It was the result of a collision of diverse social forces and special interest that collectively had great power.
- The American movement was much stronger than elsewhere – most other countries reacted with more ordinary forms of regulation and with less violence.

RACIAL ANTAGONISM

- The role of racial antagonism in the development of drug laws cannot be argued.
- Anti-Chinese sentiment grew in the western states in the second half of the 19th century when Chinese labourers began to compete with whites for employment. Jobs became sparse with the economic depression of 1875 and ill-feeling against the Chinese grew.
- Racist myths led San Francisco to ban opium smoking in 1875. By the time the Harrison Narcotics Act came into effect in 1914 – prohibiting use of opiates and cocaine for non-medicinal purposes – 27 states had already banned opium.
- Fears of cocaine-induced rebellion among Black Americans were prominent in anti-drug rhetoric.

Speaking Out

- “Stringent laws, spectacular police drives, vigorous prosecution and imprisonment of addicts and pedlars have proved not only useless and enormously expensive as means of correcting this evil, but they are also unjustifiably and unbelievably cruel in their application to the unfortunate drug victims. Repression has driven this vice underground and produced the narcotic smugglers and supply agents, who have grown wealthy out of this evil practice and who, by devious methods, have stimulated traffic in drugs. Finally, and not the least of the evils associated with repression, the helpless addict has been forced to resort to crime in order to get money for the drug.”
August Vollmer, a Chief of Police in Berkeley, California

HARRY ANSLINGER

- Harry Anslinger, Commissioner of the Federal Bureau of Narcotics (FBN) from 1930 until 1962. He was “egotistical, authoritarian, energetic, brutal and unscrupulous.”
- He was the first American to be dubbed a drug czar and he played a major role in whipping up public outrage in the US.
- Anslinger’s agency was not doing well in the 1930s and he needed a substance to arouse sufficient public horror to justify the funding of his Bureau.
- He developed a major federal initiative against marijuana.

HARRY ANSLINGER

- Anslinger strongly believed that drug-trafficking could be eliminated if the law provided for compulsory imprisonment of users.
- The Boggs Act of 1951 had far reaching implications not just for the US but for international drug policy.
- It introduced mandatory minimum sentences: 2-5 years for first offenders with cannabis, cocaine or opiates; second offenders, 5-10 years; and third offenders, 10-20 years.
- Boggs opposed any legal distinction between possession and supply.

HARRY ANSLINGER

- The Law raised penalties relating to cannabis on the basis that it was a gateway to opiate abuse, and ensured that marijuana was linked in law and the public mind with opiates. Americans called it a narcotic.
- Ill-briefed European politicians fell for the American propaganda.
- Anslinger invented a figure of 50% heroin addicts starting on marijuana.
- The Shadow Home Secretary Quintin Hogg assured a TV audience in 1967, "... on reputable authority, that of existing heroin addicts, 95% started on marijuana", and bullied those who disagreed.

AMERICAN INFLUENCE

- American propaganda misinformation had global repercussions
- The WHO, which was drawn into formulating world drug policy reported in 1955 that, "Under the influence of cannabis, the danger of committing unpremeditated murder is very great; it can happen in cold blood, without any reason or motive, unexpectedly, without any preceding quarrel; often the murderer does not even know the victim, and simply kills for pleasure.
- In 1967 a UK Home Office Minister said that, "marijuana ... on its own leads to incurable insanity."

HARRY ANSLINGER

- In 1954, President Dwight Eisenhower called for "a new war on narcotics addiction." He didn't seem to take on board the fact that the Boggs Act had failed to deter drug use.
- Anslinger was against treatment clinics that dispensed opiates. He led an onslaught on Marie Nyswander and Vincent Dole who carried out pioneering work on methadone maintenance therapy.
- He intimidated them into abandoning their work, spread rumours about them, stole their records and spied on them.

TALKING SENSE

- Professor Dole was convinced of the value of methadone. In 1994, he wrote:
- "For me the most educational experience of the past three decades was to learn that the traditional image of the narcotic addict (weak character, hedonistic, unreliable, deprived, dangerous) is totally false. This myth, believed by the majority of the medical profession and the general public, has distorted public policy for seventy years."

TALKING SENSE

- His experience of thousands of users from different cultures convinced him, "that the typical heroin addict is a gentle person, trapped in chemical slavery, pathetically grateful for understanding and effective treatment."
- He deplored the way that discussions about maintenance programmes had been, "so muddled by conflicting political interests, by ideological posturing and by disinformation by media, that the public has remained confused and prejudiced, and so also are the politicians it votes into office."

HARRY ANSLINGER

- Anslinger's approach was to depict the drug-user as an arch-deviant who committed crimes, would not work, sought instant pleasurable gratifications, especially sexual ones.
- He did not denigrate heavy drinkers, or habitual consumers of tranquillisers and barbiturates, who depended on their preferred substance to cope.
- He perpetuated the mentality that had become pronounced in Europe in the 1820s.
- His approach appealed to journalists who wanted sensational, titillating material. They relished presenting LSD and cannabis leading to madness or degeneracy, just as in the 1980s they insisted that homosexuality led to HIV.

CANNABIS PROHIBITION

- Kevin Williamson has argued that two other factors contributed to cannabis prohibition.
- Cannabis hemp has a wide range of uses, e.g. rope, canvas. The cellulose hurd which makes up to 80% of the cannabis hemp plant can also be turned into environmentally-friendly products such as soaps, oils and plastics.
- In 1937, when the Marihuana Tax Act was passed natural hemp products were in competition with the new synthetic fibres that came for the petrochemical industry, such as nylon.
- The new law forbade the growing of hemp even for non-drug uses. DuPont took advantage of this new law to establish a virtual monopoly on the production of man-made fibres.

CANNABIS PROHIBITION

- DuPont are now the single largest producer of man-made fibres.
- Interestingly, the chief financial backer of DuPont in 1937 was Mellon Bank of Pittsburgh.
- Andrew Mellon, of Mellon Bank, when working for the treasury in 1931, appointed Harry Anslinger to be head of FBN.
- Coincidentally, Harry Anslinger was also Andrew Mellon's son-in-law.
- It is still illegal to grow cannabis hemp plants in the US, despite the fact that it is an easy process to grow it without the active drug ingredient THC.

CANNABIS PROHIBITION

- Williamson also points that the newspaper baron William Randolph Hearst conducted a vicious campaign of racist smears against the "lazy marihuana-smoking Mexicans."
- His hatred of Mexicans stemmed from 1898 when Pancho Villa seized 800,000 acres of his prime Mexican timberlands.
- He jumped into the prohibition bandwagon with glee: "Marijuana makes fiends of boys in 30 days", "Hasheesh goads users to blood-lust" were some headlines. Anslinger used these facts.

CANNABIS PROHIBITION

- Anslinger was quoted in one of Hearst's papers telling people that: "if the hideous monster Frankenstein came face to face with the monster marihuana he would drop dead of fright."
- Hearst's newspapers also depicted blacks under the influence of "marihuana" listening to "voodoo-satanic" music (jazz) before going out to rape white women.
- Hearst had previously claimed that cocaine had turned blacks into rapists but since cocaine was banned by this time cannabis was conveniently inserted into the old racist propaganda.

AMERICAN DRUG LAW

- American drug law eventually reached a point that seemed to many people incompatible with American ideals of individual freedom.
- Arnold Trebach argued that, "The essential nature of the U.S. drug enforcement has an alien tinge to it, more suited to an intrusive totalitarian society than to the democratic ... culture that evolved ... here in the United States."
- Congress repealed almost all of the mandatory sentences for drug offences in 1970, but these were introduced by the mid-1980s.

AMERICAN DRUG LAW

- The Nixon administration introduced a new “no-knock law” in the 1970s that, for the first time, allowed narcotic agents to legally break into premises without warning.
- Under the Reagan administration of the 1980s, the US Supreme Court upheld the right of U.S. customs officials to detain anyone who enters the U.S. until they defecated into a container, allowed their faeces to be examined, and thereby demonstrated their innocence of drug trafficking.
- Other laws made it possible to compel attorneys to testify against their own clients in drug cases and to seize fees paid to defence attorneys if the money was thought to come from drug trafficking.

AMERICAN DRUG LAW

- The Clinton administration passed the Violent Crime Control and Law Enforcement Act (1994) which allows the death penalty for being a “drug kingpin”.
- Other legislation and judicial decisions introduced or increased mandatory sentences for various drug sentences, eliminated the possibility of physicians prescribing marijuana to the medically ill, and failed to change the existing the federal embargo on funding for needle exchange schemes.
- The Bush administration has been linking drug use with supporting terrorists.

PUNITIVE MEASURES

- America is in the midst of its most punitive period in history. The total population in jails has surpassed two million – more than triple the number of 1980.
- In 2000, the US spent 40 billion dollars on prisons and jails. In some states, the prison budget easily exceeds the expenditures for higher education.
- Much of the growth in imprisonment is due to increasingly severe punishments for non-violent criminals, and for drug offenders in particular.
- By 2000, approximately 460,000 drug offenders were incarcerated.
- Nearly one in four prisoners in the US is behind bars for a non-violent drug offence.

RACIST PUNITIVE MEASURES

- A study by the Leadership Conference on Civil Rights in 2000 noted that blacks represent 12% of the US population and an estimated 13% of drug users.
- Despite the fact that equal arrest rates for minorities and whites are yielded by traffic stops and similar enforcement, 38% of individuals arrested for drug offences and 59% of those convicted are black.
- Blacks and Hispanics are victimised in various ways. One result of the racial bias in drug enforcement is the exclusion from the electoral system of a large proportion of racial minorities.
- Of the total of 10.4 million adult black men, 13% had lost their right to vote owing to felony convictions. Think of the US Presidential election.

PUNITIVE MEASURES

- From the late 1990s low-level crack-dealers and first-time offenders sentenced in federal courts for trafficking crack received an average sentence of ten years and six months; this was 59% longer than the average prison sentence received by rapists, and 18% less than the average sentence for murder and manslaughter.
- Amnesty International reported in 1999 that in the US the rates of imprisonment for black and Hispanic women were, respectively, over eight and nearly four times higher than for white women.
- In the US in 1999, the incarceration for black men was 3408 per 100,000, whilst for white men it was 417 per 100,000.

THE CRACK STORY

- Then reader is strongly recommended to read “Crack in America”, edited by Craig Reinerman and Harry Levine. This book contains articles written by foremost experts in the field. Two quotes on the book:
- “The contributors make a convincing case that America is unable to solve the problems with crack because it is unwilling to deal with extreme economic and racial inequality except by stigmatising and punishing the unequal.” Herbert Gans, Columbia University
- A penetrating analysis which explodes the government-propagated myths regarding crack cocaine.” Joseph D. McNamara, Stanford University

THE CRACK STORY

- Crack is smokeable cocaine, the freebase form. It produces a rapid "high", but its effects are relatively short-lasting.
- Crack first appeared in late 1984 and 1985, primarily in impoverished African-American and Latino inner city neighbourhoods in New York, Los Angeles and Miami.
- Crack was a marketing innovation. It was a way of packaging a relative expensive and upscale commodity in small, inexpensive units.
- Huge workforce of unemployed people ready to prepare and distribute.
- The inexpensive and dramatic "high" was much better suited to finances and interest in immediate escape of the inner city poor.

THE CRACK STORY

- Crack never became a popular or widely used drug in the US. It was used by the poorest, most marginalised people in American society.
- This was not the way that the media and politicians talked about crack from 1986 to 1992.
- In 1986, President and Nancy Reagan led a string of politicians is asserting that drugs, especially cocaine were, "tearing our country apart" and "killing ... a whole generation [of] ... our children." (Time)
- A 1988 ABC News special report termed crack a "plague" that was "eating away at the fabric of America."
- In 1988-89, the Washington Post ran 1,565 stories about the drug crisis.

THE CRACK STORY

- In 1986, the editor in chief of Newsweek began a full page editorial with the assertion that, "An epidemic [of illicit drugs] abroad in America, as pervasive and dangerous in its way as the plagues of medieval times."
- In the 14th century, the "Black Death" killed about 75 million people in a few years.
- In the US, perhaps seven to ten thousand deaths are "related" to all forms of illicit drugs combined each year.

THE CRACK STORY

- At the start of the crusade to save "a whole generation" of children from death by crack in 1986, the latest official data showed a national total of eight "cocaine-related deaths" of young people aged 18 and under in the preceding year.
- In 1986, the national prevalence of high school seniors having tried crack in the past year was 4.1%. This declined steadily to 1.5% by 1993.
- Amongst 18-34 years olds in 1992, only 3% had ever used crack, whilst only 0.4% had used it in the past month. Therefore, prevalence was low. Despite claims that the drug was instantly "addicting, most people who used it did not continue.

THE NEW RIGHT AND ITS MORAL IDEOLOGY

- When he became President, Reagan attempted to restructure public policy according to radical conservative ideology.
- Programs directed at social problems were systematically defunded and taken apart.
- Unemployment, poverty, urban decay, crime and other social problems were treated as if they were the result of individual deviance, immorality or deviance.
- Arguments against these ideas were classed as left-wing.

THE NEW RIGHT AND ITS MORAL IDEOLOGY

- For the New Right people did not abuse drugs because they were jobless, homeless, poor, depressed or alienated.
- They were jobless, homeless, poor and depressed because they were weak, immoral or foolish enough to take drugs.
- Business productivity was flagging because many workers were taking drugs.
- US education was in trouble because a generation of students were on drugs and teachers did not get tough enough with them.

THE NEW RIGHT AND ITS MORAL IDEOLOGY

- Crack was a godsend to the New Right.
- "They used it and the drug issue as an ideological fig leaf to place over the unsightly urban ills that had increased markedly under the Reagan administration social and economic policies."
- The drug problem provided an all-purpose scapegoat. Politicians could blame an array of problems on the deviant individuals and then expand the nets of social control to imprison those people for causing the problems.
- And Nancy Reagan could have a highly visible "Just Say No" campaign showing her social consciousness and demonstrating that she was caring and not frivolous.

THE INTERNATIONAL SCENE

- We have focused so much on American drug policy to date because the US was to have a strong impact on international drug policy during the 20th century.
- The expansion of world trade that began in the early modern era featured an influential exchange of substances capable of relieving pain, stimulating activity, and altering consciousness.
- Coffee, tea, tobacco and alcohol were integral to this trade.
- Opium, its derivatives, and coca to a lesser extent, became the most contentious features of this global exchange of addictive substances.

THE INTERNATIONAL SCENE

- The arrival of vast amounts of opium from abroad led the substance to become a prime symbol of encroachment in China.
- Chinese complaints about opium importation fell on deaf ears until a combination of domestic and geostrategic factors prompted western governments to reconsider their policies.
- Opium use, when introduced by overseas Chinese to a new urban underclass, heightened the drug's image in the West as an alien threat.

THE INTERNATIONAL SCENE

- Despite decades of efforts and substantial funding, British and American missionaries gained few converts in China.
- By the late 19th century, there were serious questions as to whether the effort should continue.
- The missionaries had to provide a defence and they claimed opium as a major impediment to their work.
- British clergy likened their cause to the anti-slavery movement, publicising the immorality of the opium trade.

THE INTERNATIONAL SCENE

- By the late 19th century, support for international control was strongest in the US and Britain.
- In addition to the concerns of missionaries, the domestic climate linked anxieties about drugs to some of the era's greatest concerns, e.g. industrialisation, social reform, alcohol prohibition, immigration, public health.
- The particular configuration of each country's commercial interests and strategic pretensions in Asia was also central to their pursuit of international drug control.

THE INTERNATIONAL SCENE

- A variety of international gatherings were held during the 20th century which led to the development of drug laws and drug control institutions
- These involved not just drug issues, but also issues such as trade policy, national security concerns, the Cold War and medical considerations.
- In 1961, the United Nations collated all previous illicit drug conventions into one package known as the Single Convention.
- By that time, a conventional wisdom had developed (led by the US) that certain substances were socially unacceptable, that 'bad' people using these substances were morally corrupt or helpless (or both), and that societies had little choice but to regard those who consumed certain substances primarily as criminals.

**The following were used to help
prepare this lecture:**

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