

## **Book Review**

### ***FEDERAL NARCOTICS LAWS AND THE WAR ON DRUGS:***

#### ***Money Down a Rat Hole***

**by**

**Thomas C. Rowe, PhD**

*When one cares more about a cause than the truth, factual presentations typically take a back seat (Rowe: 2006).*

### **Introduction**

The politically convenient *War on Drugs* has faded significantly out of public awareness leaving us with complacency and a denial syndrome that ignores its compounded failures. Not limited to the direct impact of drugs on lives and recurrent societal costs, author Thomas C. Rowe suggests that the greatest amount of failure and pain come from our continued, misguided attempts to stop doing what doesn't work. Rowe has written an objective, historically detailed literary intervention re-exposing the expensive, misconceived, and misdirected role that drugs and drug laws have played in dominating the thinking of the criminal justice system and its collateral damage of society-at-large. The book first looks back at years of international and national efforts at drug trading from the early 1800's to our current federal narcotics laws, identifying a *social process* with "...unintended consequences of well meaning laws" fed by politicians' needs for immediate gratification, obsessive individuals in power, media propaganda, and a citizenry's general ignorance of facts coupled by their desire for vengeance. Rowe's time line approach supports the rest of the book's discussion, including, and of note, commentaries on our country's marijuana emphasis in law making, on our conflicting

misinformation about drug treatment, and on the author's insights about major drug law reform. Offering some hope and solution in conclusion, Rowe's basic, presumptive lens is that misappropriated politics, emotion, and economics have trumped public safety, public welfare, and the general best interest of the public.

### **1937 Marijuana Act: Making Too Much Out of Too Little**

Rowe chronicles decades of a grievous litany of miscues, misfires, mistakes, misrepresentations, and misused inaccuracies in the first half of his book that have led to our current federal narcotics laws (which are all too often blindly mirrored by states and localities) and then turns his focus to a specific issue, the United States' enormous fascination and time spent on marijuana. Rowe believes that it has been an obsession that has virtually no justification. The evidence he cites does not support the role of marijuana as a gateway drug. An objective review of the relative damage of marijuana in relationship to other illegal drugs, or even alcohol and cigarettes, exposes a major inequity. So why have offenders with marijuana related issues, both those who have been sentenced and those who have violated their probation and parole, flooded the criminal justice system and at what cost?

The U.S. Marijuana Act became the scapegoat, a sensational, easy fix distortion for our drug problems. Starting in the 1930's marijuana became inappropriately associated with homicidal tendencies, mania, and economic and racial disparity. In some ways it was an end of trying to help people with drug problems, and a beginning of an easier way to fortify drug policies. The gateway drug mind-set became accepted and generalized, and over time with media publicity "the unknown evils of marijuana" became locked into

law. The two most costly and dominant legislative responses to marijuana and other drug associated problems have been interdiction and incarceration, both dismal failures with respect to personal or community solutions and recovery while at the same time creating a capitalistic venture. Rowe does not propose a halt to interdiction or incarceration, but rather calls for a more knowledgeable, effective, and cost-savings approach.

### **Interdiction**

No amount of interdiction will solve the drug availability problem, and the evidence is clear that it has never worked, not even minimally. In *Federal Narcotics Laws and the War on Drugs*, Rowe writes “. . . it is impossible to successfully interdict illicit drugs at any level. No matter how much of our resources we put into it, interdiction is simply not going to have any long-term, measurable effect. If we really want to fight a war on drugs, this is the wrong battleground to choose.” Anyone who understands addiction and the addictive lifestyle knows that attempts at keeping chemicals from addicts always fail. Removing a dealer from a street corner or destroying a field of marijuana creates, at best, a momentary void with an endless list of replacements waiting in the wings. To use Dr. Rowe’s terms, there is a huge *rat hole*, and massive resources have gone into this hole with little or no return while avenues with proven success are largely ignored.

### **Incarceration**

It is well known by now that the United States has the highest incarceration rate in the world at 686 per 100,000 people (Walmsely, 2003). In contrast Rowe cites Canada’s rate at 102 per 100,000 people, which is about 15 percent as high as the United States. The total numbers of persons incarcerated, now in the millions, and the total costs to

incarcerate and process them through the system, now in the billions of dollars, are only the tip of the iceberg when it comes to the socio-economic impact on the United States when these people are released unchanged and not able to do things differently.

“Abundant evidence”, Rowe cautions, “shows that harsh penalties do not actually do much to deter crime.” It is a fact that the bulk of people who make up our society who are NOT criminal-minded, not drug addicted, not traumatized by abuse, not mentally ill, and not severely marginalized would in most situations take heed of these penalties, and the threat of the penalties would work just fine as a deterrent. This is not so for the basically choice-less folks who are flooded into the system. Rowe’s *Money Down a Rat Hole* makes us wonder if we are looking through the wrong end of the lenses and making wrong assumptions. “Society does not know what to do with people who make them uncomfortable,” says Martin Dodd, a national expert in social model theory, “so we do whatever it takes to get them out of sight.” It is again more widely accepted today that time idly spent incarcerated and threats of harsh sentences have no proven impact on recidivism rates or rehabilitation. Reading Rowe confirms a Karl Menninger truism from Menninger’s soon to be re-published *Crime of Punishment* written in 1968 about the *unnerving human passion for vengeance and retribution that blinds us to reality and fuels our misdirected responses, causing mass incarceration of our citizens, making change and reform very difficult.*

### **Education**

Rowe purports that an awareness of what got us here and what does not work is necessary to motivate any hope of significant reform which he sees centering around education in schools, and the reviewers aspire that there also will be parallel education in other

community circles, as well as, in policy makers' boardrooms. Most education programs have been based on scare tactics, exaggerated harm, and misinformation without effective relational and educational strategies. As an example, Rowe mentions the basically debunked DARE (Drug Abuse Resistance Education) as a major educational effort that received enormous publicity, large allocations of funds, looked like a good idea on the surface, but various studies "...failed to find evidence that DARE works and virtually nothing indicates it does work." What did we learn asks Rowe? We learned and observed a lot. We learned that the use of teachers who personally know students is more effective in presenting this curriculum than police officers; we learned that an ineffective program relied on "scare tactics and moralistic appeals, curricula that relied solely on drug information, curricula that worked only on self-esteem but did not provide resistance skills training, and single-shot presentations..." Education, says Rowe, can be effective if it is comprehensive, focused accurately on the target audience, long enough in duration, careful to use only objective facts, and subjected to regular evaluations of effectiveness. The author points to media efforts such as the pervasive anti-smoking campaign templates and reminds us that this learning tool has been shown to be an effective educational endeavor when the same guidelines were applied. "Because nicotine is among the most addictive of substances, we have no reason to doubt that well-produced media campaigns concerning other drugs would be effective" predicts a more optimistic Rowe.

The book calls for mass, factual education and an end to the propaganda about marijuana and other drugs that destroys the credibility of the effort for the target audience. It reminds the reviewers of this book about a story of a shy tenth grade girl of recently

divorced parents who committed suicide and left a note saying that all the posters on her bus and in the hallways of her school convinced her that she was a loser and had no chance in life since she had used marijuana. “It wasn’t worth asking for help, since I already knew what they would say,” wrote the teenager. “The crucial point to be made is that research shows that appropriate education in the school system can be effective in reducing the level of drug use in teens” says the scholarly Thomas Rowe, and we, his reviewers as concerned citizens, hopefully project that this will also affect arrests and sentencing of children and young adults into the quick sand of the criminal justice system. Preventive education, effectively implemented, has a demonstrated track record of success, costing a fraction of the failed approaches we have attempted while making better use of available resources. A familiar solution, Rowe sees as a necessary option.

### **Drug and Mental Health Treatment**

Misinformation reigns in the area of drug treatment in the criminal justice system, but *who cares* is the overall message. The credibility gap passes the problem along, not the intended hopeful message. Basic human nature seems to support our accepting a feel good, simplistic approach based on retribution says Rowe, even though volumes of credible research and self-reports acknowledge the value and success of more complex, long-term, non-shaming, and comprehensive solutions that do not lend themselves to sound bite answers. Rowe offers the truth few want to know or know how to address: “Fully 80 percent of untreated addicts return to their addiction within a year of release (from incarceration), and 70 percent will be rearrested within that year. By contrast, treated addicts rearrest rate is only 30 percent.” Our system needs to be much smarter than it has been.

The author gives an example about the need for more accurate information, this in the area of gender-specific treatment: "...compared to males, females tend to begin drug abuse at a later age and are more likely to use illicit drugs or alcohol to cope with traumatic life events or to maintain a relationship with an addict." It would follow that female treatment would be ineffective if it did not include such opportunities as making choices, recognizing self identity, sexuality issues, and healing from loss and abuse. Likewise, correctional facility treatment programs need accurate information to recognize that they can only be effective when followed by a new-entry transition back into society. This must include an adequate support system, a healthy environment, and use of any remaining criminal justice sanctions to bolster drug-free, pro-social living, and the lifestyle of a crime-free, contributing citizen. Ironically, there are also billions of dollars to be saved and millions of crimes to be stopped right now, if we pay attention to what works and what does not work.

Further misinformation about drug treatment includes Rowe's issue with the legalization of various drugs and how this is not a one-size-fits-all issue: "It seems unconscionable to lump relatively harmless substances in with truly dangerous ones and treat them all the same." Drug policies based on "wrong reasons" make the prospects of correcting deeply entrenched errors seem all but impossible. Again, Rowe is realistic in acknowledging that corrections will probably not be made, but this does not deter him from presenting the correct information, such as the fact that alcohol and tobacco are two of the most destructive drugs and that marijuana is not as destructive as its current role would lead one to believe. *Federal Narcotics Law and the War on Drug* states: "Few drugs alter people in such a way that they become criminals... indeed, alcohol turns out to be more

closely associated with drug-induced crime than anything else.” Reviewers of Rowe’s book know that this is not new information; it is just not generally remembered. Rowe makes the reader of his book reflect upon our automatic response when we hear “drug-induced crime” and how we think, *if we lock them up, we are “hard on crime.”* When have we turned on the TV or gone to the grocery store and not seen the seductive call of the legal drug, alcohol? Twelve year olds get this seemly community driven education everyday.

When it comes to pinpointing what is a true deterrent to crime, reading Rowe’s book helps the reader to see that our failure to get the facts and understand the so-called criminal mindset, addiction and the addictive lifestyle, and the mentally ill who self-medicate because they cannot afford their prescriptions, compounds the situation. Like dominoes falling one on another, and no one knowing how it really started, mandatory minimum sentences, sentencing guidelines, three strikes and you’re out, elimination of parole, and drug use probation violations all emerged center stage. These attempts to garner control have swollen our primary social dis-ease in this country. Incarceration numbers with extensive costs have furthered “unintended consequences” with ineffective, harsher penalties. The result, as witnessed by these reviewers, is a grim picture of offenders being released and re-infecting society with the very ills, intensified by incarceration, that they were locked up for so that we didn’t have to worry about them anymore. We need to worry. We need to worry because these folks are becoming our neighbors and dating our children, and they need support and inclusion, not the traditional exclusion and stigma associated with substance abuse addiction and doing time.

## **Drugs Are Here to Stay: Looking Ahead to Options**

The author admits that drugs are here to stay, no matter what. Major reform is tenuous, and not likely to happen soon. Rowe concludes that political *tough on crime* measures over the 1980's and 1990's have become so deeply ingrained that it will be difficult to "...convince people that substituting treatment for punishment is not going 'soft' on drugs." He recommends the following action to alter some of the habits of decades past:

- Reallocate monies from failed efforts, and fully fund effective educational, prevention efforts.
- Make clear distinctions about the costs and damages of all drugs, and correct the general and current, all-or-nothing thinking that does not distinguish the wide range of differences. This would require an intentional shift away from a focus on marijuana.
- Reverse allocations for interdiction (supply) and education-treatment (demand); the supply side has received about two thirds of the money for interdiction efforts, while the demand side, education and treatment, have gotten one third.
- Publicly recognize that education works, and properly fund appropriate programs. Openly use the granted money to guard it from being raided by someone else's political needs or budgets deficits. The reviewers of this book strongly encourage family education to be included in this recommendation which has been documented by research to significantly increase positive treatment outcomes.
- Fully fund effective treatment without the demand that it work the first time. Seldom is an addict "cured" with one treatment episode, but the odds improve

significantly with each treatment. Addiction is a chronic, relapsing disease that requires a consistent response over time.

- End mandatory sentences which are a “...political stance to slake the public’s thirst for vengeance,” and, instead, set up drug courts on the federal level that mirror those on the state level.

Unfortunately, Rowe says, prevention is not sensational and does not *move us* and “...we have shown as a society that we will spend any amount to punish wrongdoers and warehouse them in prison, but rarely spend even inadequate amounts for simple measures, even proven ones, that would make it unlikely they will return to prison (or jail).”

### **The Hole is Not Greater Than the Sum of Its Parts**

*Rat Hole*, a title of endearment, grows on you after you get through the first half and see how important the historical data really is; therefore, Rowe’s book should be offered as required reading for persons in all divisions of the criminal justice system, government policy makers at all levels, school teachers and other educators, and, especially, college students and the general public. We have all heard that if we follow some of this new thinking, reducing crime and saving tax dollars will be the result. But that cannot happen, as Rowe and other whole system thinkers suggest, until all of us squarely look at our need to *get back at or punish* those who do not follow what we say. Rowe would agree with James Gilligan, former Harvard professor, who tells us: “In 3000 years of western society, we have never gotten safe by being tough.” Instead of punishment people often need more information and education says Rowe, and in addition these reviewers believe

that people need for some of us to give them the message, “there is a way out of your personal hole.” To make this happen Rowe insists that we can no longer confuse effectiveness with ideology, and we must replace our propaganda with facts.

Politicians will probably not read this book; therefore, its impact must come from being read by grassroots constituents, including people who work in the criminal justice field, educators, and families of offenders and offenders themselves. We all elect politicians who make our laws. In *Federal Narcotics Laws and the War on Drugs*, Rowe suggests the need and a way “...to formulate rational policy,” because policymakers who work to correct our compounded mistakes will face accusations of being soft on crime and will need an informed public to insist that laws be “smart on crime.”

### **There Is an Elephant in the Rat Hole**

A well-known children’s book and metaphor in the substance abuse treatment field, *There Is an Elephant in the Living Room*, written by Jill Hastings and Marion Typpo, is about an elephant everyone sees, but no one talks about. The elephant in this review is the unspoken disease of the failed system. The system’s dysfunction Rowe discusses in his book describes the chaotic drug policies of this country that mirror the very predictable patterns of addiction itself. The federal system, creators of our national drug policies, has taken a defensive stance to justify its mistakes. Using denial, rationalization, and minimization, our law makers have allowed the dysfunction, the sham, to take on a life of its own, creating an illusion of control. In other settings, recovery from such dysfunction requires honesty, facts, taking responsibility, a change from doing things the same way and expecting different results, humility, and an

admission that the problem has become unmanageable. *Federal Narcotics Laws and the War on Drugs: Money Down a Rat Hole* not only clarifies what is wrong, but offers reasonable solutions that, with time and consistency, can reverse the downward spiral of a failed system. Long-term recovery from any dysfunction first comes from paying attention to solutions from outside the person or system and accepting solutions beyond old norms and solutions that are bigger than all of us. Next it takes making needed changes in the inside that ultimately encourage people and systems to assume the community building responsibility of maintaining what they have by sharing what they experienced and learned. It's time to tell the elephant to leave.

### **Conclusion**

Supported by extensive data and documentation, Rowe, sans naivety, primarily presents another effort at bringing awareness, information, and a wake-up call. In a conversation with these reviewers, the author shared his hope for incentives that will lead to change in an arena where few, significant, or widely accepted efforts have been seen.

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