

autonomy is being overridden. Ethicists have no problem with this *soft* paternalism, which hardly requires any justification. *Hard* paternalism, by contrast, violates people's right to self-determination and can only be justified by appeal to more substantial ethical reasons. The American policy of prohibition fails to provide such ethical reasons and is therefore morally unjustified because it violates the principle of autonomy which is the essential prerequisite for moral action. Not all paternalism is bad; in fact, in my policy proposal I will argue for a form of *weak* paternalism for which I will provide justification. Advocates of hard paternalism, however, who want to control what they deem to be self-destructive, immoral or irrational behavior by agents who otherwise seem to have an unimpaired free will and whose actions cause no harm to others, inevitably justify their authoritarianism with specious reasoning that is unacceptable to rational ethicists.² There is nothing inherently irrational about smoking marijuana, certainly no more than the choice to drink coffee. Even while one is under the influence of marijuana, one's reasoning *need* not be any more impaired than when one is not under the influence. The temporary alteration of consciousness may cause some negative reactions in inexperienced or mentally dysfunctional users. In such cases, the alternative moral regards are either to leave these people alone to learn from their mistakes or to provide them with help, which is weak paternalism. At the very least, after the marijuana high leaves off one's reasoning is not distorted and one can rationally decide whether or not to smoke again, for the marijuana high is not so compelling that it would sabotage one's reasoning ability. But to deprive people of their right to exercise self-determination is simply a cynical undermining of morality in the name of morality.

Kant's second version of the categorical imperative, to treat others as ends in themselves and not merely as means to our own ends, has a special relevance in regards the morality of marijuana smoking. This imperative is historically related to the Golden Rule and like it has a negative interpretation as well as a positive one. The negative version is synonymous with the principle of autonomy insofar as it enjoins us to respect the individual autonomy of persons and not to treat them as slaves, children, animals or things. The positive version exhorts us to elevate our regard of others to the point we can either perceive, or, in any case, to honor the *essence* of fellow humans. The positive version demands more of us ethically than the negative. Philosophical attempts to describe this edified relationship with others have been developed by Buber in his concept of the I-Thou relationship and by Levinas in his concept of the otherness of the Other. The special relevance to the marijuana question is that the altered consciousness of the marijuana high is frequently reported to enable one to perceive the essence of other persons.³ To the extent that smoking marijuana can help one to cultivate this perception of the other, to that extent is the choice to smoke marijuana morally commendable. Along the same line of thought, many ethicists state that rational deliberation of ethical reasoning must be complemented by moral intuition. Marijuana stimulates the intuitive ability of the mind and can thus be recommended as an optional pharmacological aid in a program of moral education.

Virtue Ethics

Virtue ethics focuses on the development of the agent's moral character rather than on the intention or consequences of his actions. There is a widespread assumption among prohibitionists that marijuana smoking leads to degradation on one's moral

character. There is no scientific evidence to support that belief but such innuendoes slip easily from the lips of drug czars and other prohibitionists. To support this belief they refer to the association of marijuana smoking with criminals and juvenile delinquents. This association of marijuana and antisocial activity is ironic because marijuana actually decreases aggressiveness and can help to improve the quality of social behavior as I argued above. Social scientists have found no causal relationship between marijuana smoking and antisocial behavior and that any relationship between them is purely accidental. By far the greatest cause of criminality associated with marijuana is prohibition itself. In traditional societies where marijuana and psychedelics are accepted (such as the Amazon and South Asia) there is no correlation between getting high and antisocial behavior. On the contrary, they are used sacramentally as part of a program of moral development. In India, for example, marijuana is used in the practice of yoga, which is a tradition of moral, mental and spiritual development.⁴

Virtue ethics frees the moral dialogue from the stalemate-grip of the War on Drugs paradigm of Right and Wrong, black and white thinking. The marijuana phenomenon is much more complex than what it is reduced to by such dualistic thinking, which can, therefore, never "solve" it. Don't look to virtue ethics to tell you whether smoking marijuana is good or bad. Instead, virtue ethics will prompt you to ask such questions as: "How does pleasure relate to happiness?" "Am I practicing the Golden Mean of temperance in regards my marijuana smoking? Or, where am I on the scale from greedy to anorexic with it?" "What is the weakest part of my moral character and how is it affected by marijuana?" "How does it affect my virtues of honesty and truthfulness?" "Am I engaging myself in escapism and self-deception?" "In what ways *can* vs. *is* my habit furthering my self-knowledge and integrity?" "Is my marijuana habit causing me to associate with people who are morally edifying or people who distract me from my own moral development?" "Does marijuana push me more toward the extreme of deficit or toward the extreme of excess in relation to such virtues as respect, pride and politeness? What about courage, patience and perseverance?" "Am I growing in contentment or is marijuana a smokescreen for my lack of it?"

According to virtue ethicists, the same act, such as smoking marijuana, could be a morally good behavior if performed by a virtuous person, and a vice when performed by a person of flawed character. Exactly what defines a virtuous person is not completely up to the individual but grows out of one's social context. Philosophers may generally agree on what the most essential virtues are, but the art of living consists in expressing these virtues appropriately, which varies according to social context. This is known as practical wisdom. The moral agent is in symbiotic relationship with society, a relationship that begins with moral training in the family and continues in the various institutions of society. Societies differ in the degree to which they provide a context and opportunities for moral flourishing. The War on Drugs in America reflects the crisis in values that marks our societal shift from the modern to a postmodern worldview. The values of the modern worldview are inadequate to deal with such contemporary problems as the environment and drugs, but rather than courageously experimenting with the new values of an emerging multicultural and integral worldview, the government is fanatically holding on to a course of desperation. Marijuana smokers are the scapegoats in a

paradigm war.⁵ Ostracized from mainstream society they are given no encouragement or opportunity to learn how to use marijuana in ways that will nurture their moral development. This places a tremendous obstacle in the way of ameliorating our societal problem with marijuana. Prohibition prohibits a moral solution to the problem.

This brief exercise in moral deliberation concerning marijuana smoking, though not exhaustive, makes it sufficiently clear that the issue cannot be settled by fiat as the U.S. government is trying to do. A rational person can always choose to smoke marijuana in a way that is morally defensible. People can also choose to smoke it irresponsibly and incur moral debt. To close the door on dialogue, treat it as a criminal problem and resort to coercion is to tear at the moral fabric of society as a whole.

A Moral Drug Policy

If the American people and the leaders who represent them decide to take the moral dimension of the marijuana issue seriously then they must set aside their insistence that they are absolutely correct and open up to dialogue with those who believe differently. Prohibition has failed to resolve the drug problem. I propose that we let the marijuana smokers try to resolve the problem. The solution I am proposing is a middle way between prohibition and legalization. The licensing approach has been proposed by others,⁶ but I am proposing a system that goes considerably beyond the concept of a regulated distributing system. Many licenses require that one take the requisite training before it is granted to one. Before being licensed to buy and smoke marijuana, a person would have to graduate from a course of study that covered such topics as safety, training in moral competence, how to smoke marijuana for best results, how to counsel those who are having bad experiences, exposure to methods of self-inquiry and meditation, symptoms of addiction and how to get help, etiquette, relationship and emotional skills, etc. Schools for such education could be formed by professionals from various fields such as psychology, medicine, philosophy, religion, art and the social sciences. Interested parties, including government representatives, could dialogue over the internet and conferences to develop curriculum protocols before the licensing goes into effect. Schools could then be set up in the private sector (local and state government supported institutions would also be welcome to participate) which would charge students wishing to be licensed for tuition. The schools could also provide counseling and other services for graduates and provide them with opportunities to mentor novices. A national organization of schools could handle accreditation procedures. The government could retain the right to inspect the schools and recall the licenses of irresponsible individuals and schools. The program would essentially be self-financed with minimal government expenditure.

I am presenting this proposal in sketch form as an invitation to dialogue. I think that it is only through dialogue that both sides (the government and the tokers) step up to the moral level. Whether we are ready to embrace this mature level of morality or choose to continue to abuse the name of morality to dehumanize each other remains to be seen.

Endnotes

⁵ There are many accounts of this paradigm war. See M. Woodhouse, *Paradigm Wars: Worldviews for a New Age* (Berkeley: Frog, 1996).

¹ Zimmer, L. and Morgan, J. *Marijuana Myths Marijuana Facts* (NY: Lindesmith Center, 1997). See also, Grinspoon, L. *Marihuana Reconsidered* (San Francisco: Quick American Archives, 1999).

² The three types of arguments for this *strong* form of paternalism are based on utility, morality and rationality. The appeal to utility employs a crude interpretation of utilitarian reasoning that claims that the welfare of the greater society is maximized by the suppression of the rights of a minority (marijuana smokers, for example). This same argument would justify slavery or ethnic cleansing. Honoring the principle of autonomy is necessary for liberal democracy lest it become a tyranny of the majority. The second method by which strong paternalism is defended is by appeal to morality. The assumption is that any decent person knows that marijuana smoking is immoral and that such immoral activity is not self-regarding. In other words, what I do in the privacy of my own home corrupts the moral fiber of society even if no one else is directly harmed by me and no one else knows that I have smoked marijuana. This is prerational, magical (and dysfunctional!) thinking. The final attempt at justification is similar to the previous two except the appeal is to rationality. Smoking marijuana is *irrational* regardless of whether it is moral or immoral or whether or not it affects others. Where the normal institutions of society such as the family, school and church fail to make citizens sufficiently rational to avoid the temptation to engage in such irrational activities as smoking marijuana then the state must intervene lest our society veers into irrational directions as a whole. This argument begs the question of what is irrational, which is a logical fallacy. It also relies on a slippery slope argument, another logical fallacy. All three attempted justifications for strong paternalism, as embodied in the U.S. government War on Drugs for example, fail to qualify as rationally moral.

³ "Stoned thinking is the mirror of straight thinking. When we step into nonordinary reality even for a moment, we experience things directly, see inner contents rather than external forms, and suddenly find ourselves able to participate in changing things for the better. This other way of interpreting perceptions comes first as episodic flashes, unpredictable, discontinuous. But the more flashes of it one has, the easier it becomes to maintain." Andrew Weil, M.D., *The Natural Mind* (Boston: Houghton Mifflin, 1972) p.149.

⁴ Several millions of Americans have taken up the practice of Yoga (a 1978 Gallup survey found 10 million). Practicing Yoga is the practice of religion. Despite the trumpeting of itself to the world as the upholder of religious freedom, the U.S. government will not allow Americans the freedom to practice Aushaddhi Yoga although its practice harms no one and it violates no law other than the prohibition to smoke marijuana.

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⁶ For example, M.Kleiman, *Against Excess* (NY: BasicBooks, 1992).

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⁶ For example, M.Kleiman, *Against Excess* (NY: BasicBooks, 1992).

specmind

From: "John Gilmore" <gnu@toad.com>
To: <rgb@cognitiveliberty.org>; <gnu@toad.com>
Sent: Friday, February 02, 2001 4:19 AM
Subject: Comments on MDMA sentencing - for the Commission

John Gilmore
 PO Box 170608
 San Francisco, California, USA 94117
 +1 415 221 6524 voice
 +1 415 221 7251 fax
gnu@mdmasen.toad.com

Comments for the Sentencing Commission
 on Ecstasy emergency re-sentencing
 2 February 2001

Executive Summary: There is no need for an "emergency" change to the sentencing provisions for Ecstasy; democracy requires full public participation. Congress did not mandate an increase in penalties; it mandated a review of penalties to make them appropriate. The penalties for use or sale of MDMA should be decreased, not increased. The discovery, manufacturing and distribution of MDMA has provided positive benefits to millions of citizens. Sentencing guidelines penalizing MDMA use are an unconstitutional regulation of the freedom of thought that underlies many cherished freedoms, and should be eliminated. The re-sentencing of MDMA is part of a misguided attempt to "lock up the truth" -- or at least to lock up the truth-tellers -- about MDMA.

1. There is no need for an "emergency" change to the sentencing provisions for MDMA and related substances ("Ecstasy"); democracy requires full public participation. Such an "emergency" rescheduling provides minimal opportunity for input from the affected public (ten days maximum, more than half of which had expired before most of the community even noticed that the re-sentencing action was in progress).

I believe that the change is being done this way to avoid substantive public comment -- to evade public comment. The public already commented in great detail to Congress as it attempted to pass the Ecstasy Anti-Proliferation Act of 2000, and the result is that Congress significantly reduced the penalties originally provided in the Act. Drug warriors could reasonably conclude that they have a better chance of passing inappropriate and harsh regulatory changes if the public has little chance to comment.

I believe that there are millions of people who have used MDMA, and who neither desire that they themselves be subjected to increased penalties, nor that the people who sold it to them be penalized. Many millions of other citizens of good will (perhaps among them the

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seventy million or more who have used marijuana) would also desire that the penalties on MDMA users be decreased or removed.

Some small fraction of these people would complain to the Commission if they thought it would do any good. (There is a broadly based cynicism among people who use drugs, that the government will never stop lying, does not care what the real truth about the effects and dangers of these drugs are, and actively opposes the efforts of experienced users of drugs to inform the Government about the actual facts they are in possession of. Indeed, input from people who have actually experienced these effects, and are in the best position to comment on them, is frequently discounted by government officials because it is from "drug users" or "pro-drug" citizens. I encourage the Commission to make a particular appeal, indicating that it actually desires to hear the real truth about MDMA. In the absence of such an indication, most of the public will probably assume that the public input will be ignored and the penalties will be inappropriately jacked up once again.)

Any change made to the sentencing guidelines for Ecstasy should be made only with full public participation, rather than by faking an "emergency" and then in due course routinely re-certifying the poorly chosen decision made during the fake emergency.

2. Congress did not mandate an increase in penalties; it mandated a review of penalties to make them appropriate.

Due to opposition from drug-policy reform groups, Congress eliminated the provisions of the Ecstasy Anti-Proliferation Act of 2000 that would have required increased sentences, instead substituting provisions that leave the Commission freedom to impose APPROPRIATE penalties rather than HARSHER penalties.

For example, Section 3662(4) says: "Greater emphasis needs to be placed on-- (A) penalties associated with the manufacture, distribution, and use of Ecstasy". I agree 100% that greater emphasis needs to be placed on these penalties. They are already way too harsh, incarcerating citizens who have done no harm to anyone and have provided benefits to their fellow citizens. This new emphasis should result in penalties that are MORE APPROPRIATE, that is, less harsh.

Section 3663(a) says the Commission "shall amend" the guidelines. Not increase, amend.

Section 3663(b) says the Commission shall:

(1) review and amend the Federal sentencing guidelines to provide for increased penalties SUCH THAT THOSE PENALTIES REFLECT THE SERIOUSNESS OF THESE OFFENSES and the need to deter them; and

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(2) take any other action the Commission considers to be necessary to carry out this section.

Here the word "increased" is used -- but in the same sentence Congress requires the Commission to make the penalties APPROPRIATE, and the Commission is empowered to "take any other action...necessary".

Section 3663(d) provides a "Sense of the Congress" that penalties are too low and should be increased. This "Sense" is NOT binding on the Commission. This permissive language replaced earlier legislative language that would have been binding; Congress deliberately chose NOT to require the Commission to increase Ecstasy penalties.

Some members of the Commission may feel that it has been "ordered" by Congress, however informally, to increase penalties, whether or not it feels that such an increase is APPROPRIATE. I believe that a careful reading of the history of modification of the bill would eliminate that feeling. Still, if in some Commissioners it persists, the Commission could show its opposition to the ruthless ratcheting up of penalties on relatively harmless and beneficial substances, by increasing penalties by only a trivial amount. While I would never propose that the already harsh and arbitrary penalties for providing MDMA be increased, the Commission could consider perhaps providing that the penalty for the very largest category of trafficking in MDMA be increased by a single day, and that all other penalties decrease, or remain unchanged.

3. Ecstasy penalties should be reduced, not increased. The discovery, manufacturing and distribution of MDMA has provided positive benefits to millions of citizens.

I propose that the Guidelines provide NO penalties for possession or providing MDMA and related drugs.

If the Commission concludes that some de minimus penalties must exist, then I propose that the penalties for MDMA and related drugs should be set at 10% of the lowest previously existing penalties for any other substance in the Schedules. Thus if every substance provided for a 1-year or greater sentence in particular circumstances, the sentence for MDMA in those circumstances should be a 1/10th of a year (about a month).

Thousands of people have had their personal relationships and personal problems treated by therapists with MDMA, both before and after MDMA was made illegal. Hundreds of thousands have enjoyed the effects of MDMA in their personal lives and relationships, without the services of a therapist. Millions have used MDMA for relaxation and enjoyment at social gatherings, raves and other dance parties. The vast majority of these occurrences are responsible USES, not ABUSES, of the

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drug. The vast majority have produced no short-term nor long-term harmful effects in their users. These useful, curative, beneficial, and pleasurable activities should be honored and celebrated rather than penalized.

For therapy information, see the book The Secret Chief, conversations with a pioneer of the underground psychedelic therapy movement, by Myron J. Stolaroff:

<http://maps.org/secretchief/index.html>

If desired by the Commission, I will also produce more references to demonstrate the broad extent of responsible uses of MDMA for personal enrichment as well as for "mere" enjoyment.

Surely the Commission does not actually believe that the actual danger to society posed by the distribution of MDMA is equivalent to the danger posed by the equivalent weight of heroin. For one thing, the number of doses involved is far fewer (100-200 doses of heroin per gram, but only 6-10 doses of MDMA per gram). Also, MDMA is not addictive, so its use does not create an ongoing problem that prevents users from stopping whenever they desire to.

The Commission's proposed equating of a gram of MDMA (6-10 doses) with a kilogram of marijuana (thousands of doses) would seem to imply that the Commission feels that MDMA is hundreds of times as "dangerous" to the public as marijuana. I challenge the factual assumptions behind such an implication.

Many millions of people have taken MDMA over the last three decades, worldwide. Only small numbers have shown any ill effects, and the vast majority of the most serious ill effects have been from chemicals that were marketed as MDMA but did not actually contain it.

These "impurity" deaths are hard to eliminate in a market which cannot show its products for inspection, or identify their source, under penalty of imprisonment. Nevertheless, charity groups are working hard every day to provide anonymous testing of these black-market doses, in an attempt to provide users with a way to avoid the harmful effects caused by impure supplies. One such organization is DanceSafe (www.dancesafe.org). Their latest full laboratory analyses of contributed pills are visible at:

<http://www.dancesafe.org/currentresults.html>

More than ten percent of the pills sent in for testing in the last few months contained no MDMA, and instead contained various other substances known to cause symptoms similar to those of publicly reported "Ecstasy deaths". Government efforts to drive the purveyors of MDMA further underground, and incarcerate capable suppliers for long periods of time by making the penalties harsher, will only

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increase this adulteration. This increased adulteration can only increase teen and young adult deaths and ill effects.

In an atmosphere less polarized by decades of lies propping up an inappropriate and destructive "drug war", I shouldn't need to point out these relatively easy-to-find facts for the Commission. In the interest of brevity I will leave it to other commentators to elaborate along these lines. If the Commission finds my input unique and wishes further input from me or others along these lines, I for one will be happy to provide it.

4. Sentencing guidelines penalizing MDMA use are an unconstitutional regulation of the freedom of thought that underlies many cherished freedoms, and should be eliminated.

The laws and regulations against MDMA and other related substances are not merely aimed at the substances, which are not harmful unless ingested. These substances are regulated because of their effects on the minds of users. However, the Government cannot Constitutionally regulate the mental states of its citizens. The most basic freedoms of expression, inquiry, association, voting, conscience, and religion would be utterly undermined if the Government was free to control the mental states that precede or form the expression, question, desire to associate, voter preferences, moral standards, or religious and philosophical convictions.

The Supreme Court has long held that regulating the tools required for basic freedoms is not permitted. See *Lakewood v. Plain Dealer Publishing Co.*, 486 U.S. 750 (1988) at 759 (upholding facial attack against newsrack ordinance because of censorial effects, without discussing governmental purpose for enacting the ordinance). Cognitive liberty is required by the Constitution, and the Commission risks acting unconstitutionally whenever it promulgates restrictions on cognitive tools, limiting the modes of thought available to Americans.

MDMA is a profound tool for personal mental exploration. It provides access to modes of thought and perception that are otherwise quite hard to reach. (This is what makes it so valuable in psychiatric therapy.) These modes are of value to artists, philosophers, students of religion, creative writers and thinkers, dancers, lovers, managers, social workers, scientists, and ordinary people.

The Commission should uphold its duty to the Constitution by eliminating the penalties for possession or distribution of these tools for thought, to the best of its ability.

5. The re-sentencing of MDMA is part of a misguided attempt to "lock up the truth" -- or at least to lock up the truth-tellers -- about MDMA.

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Early versions of the Ecstasy Anti-Proliferation Act of 2000 included penalties against publishing true statements about MDMA, if those statements contradict the "politically correct" statements of Congress or of drug-war officials. These provisions were determined by legal experts to be very likely unconstitutional, and were ultimately removed before passage of the bill. But the spirit behind these provisions remains, and I encourage the Commission to discard that unconstitutional and profoundly undemocratic spirit.

For reasons unclear to me, probably relating to increasing their own power and budgets, law enforcement officials have manufactured a campaign to convince the public and policy-makers of the vast but largely nonexistent "dangers" of MDMA. These officials would certainly have an easier time if people who disagree with them could be prosecuted and incarcerated merely for speaking up. The same officials have for decades regularly blocked scientists' attempts to actually investigate the dangers and/or benefits of MDMA in legitimate medical studies. In the entire time since MDMA was outlawed in 1985, only three studies have been approved that permitted physicians or research scientists to provide MDMA to patients and study the effects. For an overview and details on these blocked medical studies, see

<http://www.maps.org/research/mdma/index.html#history>

Law enforcement officials can therefore claim that "more studies are needed" before the safety or efficacy of MDMA can be shown, and meanwhile make baseless or relatively baseless claims about its dangers, knowing that anyone who definitively refutes their claims can be prosecuted for engaging in unapproved MDMA research.

People who consume MDMA out in the real world learn a lot about its effects, its dangers, and its benefits. This real world experience is obtained in an underground context -- in a world where revealing the mere existence of the knowledge is grounds for increased attention from police and prosecutors, hungry for victims to chew up in the mills of "justice" and spit out into the prison industry. These citizens know far more about the real effects of MDMA than the Sentencing Commission ever will -- because the penalty for telling the Commission the truth is so draconian. Here is one single example of the truth that is available out in the world about MDMA, from a brave woman who risks official harassment to get out the news about how MDMA helped her and her partner deal with his ultimately fatal cancer:

<http://www.maps.org/news-letters/v07n4/07405sue.html>

Here is a list of other personal accounts of positive effects by MDMA:

<http://www.maps.org/research/mdma/index.html#healing>

If we can believe any of the tales of the drug warriors, the use of MDMA is vastly increasing. More and more of our citizens use and

distribute MDMA. These citizens must ultimately be making a personal decision that MDMA provides them with more benefits than harms.

Note that each MDMA user examines this personal balance of benefit-versus-harm with a big "thumb" weighing down the harm side of the scale -- the risks of detection, arrest, prosecution, forfeiture of property, child "protection" battles, and incarceration. A large number of citizens still persist in using MDMA. There must be some powerful benefits to outweigh all these harms caused by the laws against MDMA, let alone the potential harms caused by the drug itself.

The Commission will hear from only a tiny fraction of the people who know from personal experience about the benefits of MDMA. Prying this hard-won knowledge out of these citizens is much tougher than it needs to be, because the penalties are already high. Few citizens are courageous enough or crazy enough to poke up their heads and tell the government that MDMA is beneficial to them. Any increase in the penalties for the illicit distribution of MDMA will only serve to "lock up the truth" for even longer periods of time.

Only in a forum where the penalty for revealing one's knowledge is very low, will that knowledge become available to the Sentencing Commission for determining the appropriate penalties for the "crime" of providing MDMA to one's self or to one's fellow citizens. Drug policy would benefit from having a South African-style "Truth and Reconciliation" commission -- where people could come to reveal that they had used drugs, teach the rest of society what they learned from doing so, and be absolved of prosecution for what they did. Unfortunately the Commission's emergency public comment process is not structured to provide such an opportunity.

The Commission should resist the attempts of some law enforcement officers and some Congressmen to use increased penalties to discourage informed citizens from participating in the shaping of public policy. Penalties for Ecstasy should not be increased, they should be significantly lowered. Vital information critical to shaping public policy about Ecstasy cannot reach the Government in the presence of harsh penalties for revealing that information.

John Gilmore

[John Gilmore is an entrepreneur and civil libertarian. He was an early employee of Sun Microsystems, an early open source software author, and co-created Cygnus Solutions, the Electronic Frontier Foundation (EFF), the Cypherpunks, the DES Cracker, and the Internet's "alt" newsgroups. He's spent thirty years doing programming, hardware and software design, management, philosophy, philanthropy, and investment. He is a board member of the Electronic Frontier Foundation, the Usenix Association, CodeWeavers, and ReQuest.

He's trying to get people to think more about the society they are

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building. His advocacy on drug policy aims to reduce the immense harm caused by current attempts to control the mental states of free citizens. His advocacy on encryption policy aims to improve public understanding of this fundamental technology for privacy and accountability in open societies.]

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specmind

From: "Joshua Denison Rabinowitz" <rabino@Stanford.EDU>
To: <info@alchemind.org>
Sent: Sunday, February 04, 2001 7:55 PM
Subject: MDMA legislation

Dear Sirs and Madams:

I am writing to express my concern about proposed changes in sentencing for possession of MDMA (Ecstasy). As a physician and medical researcher, I understand the grave long term dangers of MDMA use, and strongly support aggressive public information programs that will educate (in an honest way) our children about these serious risks.

However, my understanding is that you are considering changing the penal code such that MDMA will be treated equivalent to heroin on a gram/gram basis. As a physician, I feel this is a serious error, because MDMA is about 1/20 as potent as heroin. Given that MDMA has a similar or less severe risk profile than heroin on a dose/dose basis, it seems that its possession should not be treated 20 X more severely on a dose/dose basis.

With this in mind, I ask you to avoid this technical mistake, and to instead to continue punishment that is reasonable but stiff in accordance with the dosage amount. I note that failure to use such prudence in the punishment of crack cocaine has resulted in a disasterous flooding of the penal system.

Sincerely yours,
Joshua Rabinowitz
M.D., Ph.D., Stanford University

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2/5/2001

specmind

From: <MamaMartyr@aol.com>
To: <rgb@cognitiveliberty.org>
Sent: Saturday, February 03, 2001 8:54 PM
Subject: Recommendations to Sentencing Commission on Ecstasy
 From Myron Stolaroff:

When MDMA was legal, I conducted research for approximately 10 years with volunteer subjects to determine how a variety of individuals would respond to this compound. I ingested MDMA personally approximately 150 times over this period, and observed the responses of perhaps 100 other individuals.

I found MDMA to be one of the most remarkable and useful compounds of all psychedelics. 70% of the participants had unusually euphoric, enjoyable, and fruitful experiences. They entered a space of joy with strong feelings of empathy and closeness to all others present. There was a strong feeling of being at peace with one's inner being; visual perceptions were heightened so that nature was viewed with great clarity and enhanced detail. Individuals lost self-consciousness, sharing honestly in conversations with no need of defensiveness. Even previously quarrelling partners found that could discuss sensitive issues openly and without rancor. It was possible for participants to observe and understand much more comprehensively their own behavior and how it could be improved. The 30% who were more uncomfortable because of the surfacing of painful material from their unconscious ended the experience with more self-understanding and an improved approach to life. Sample experiences are reported in Chapter 3 of my book *From Thanatos to Eros: Thirty-five Years of Psychedelic Exploration*.

It is insane that a remarkably relatively harmless and most valuable drug like MDMA should be classified as comparable to a dangerous and addicting drug like heroin for sentencing purposes. It must be recognized that a drug with such euphoriant properties, that produces such a satisfying state of well being, and for the informed even valuable self-discovery, will attract large numbers of users, such has already occurred. Lacking education and important information, many are abusers. If this drug were thoroughly understood by the authorities, it would be clear how such a powerful attraction will be most difficult to control. There are not many ways in this world to produce such profound, relatively risk-free enjoyment. And with more persons committed to teaching "ravers" how to get the most from their use in terms of improving safety and discovering means of important self-development, abuse could well be diminished and important learning become widespread. Knowing the value of the pleasures derived from the use of MDMA may well create an ever-increasing number of criminals.

Please consider that if the government insists on harsh penalties and criminalization, the users, knowing the value of their practice, can only become bitter enemies of government and authorities. We will be making criminals of large numbers of our youth who believe they have discovered something far more valuable than their elders and authorities can appreciate.

It is an extremely difficult problem, and deserves our very best thinking. More severe penalties can only produce widespread bitterness and suffering. I firmly believe that addressing the problem from the viewpoint of harm reduction will produce the most rewarding results.

specmind

From: <mmales@earthlink.net>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 5:43 PM
Subject: MDMA sentencing
To: Sentencing Commission 3 February 2001
Re: MDMA penalty revisions

I am writing to oppose strengthening the penalties for MDMA ("Ecstasy") offenses to resemble those of harder illicit drugs such as heroin. From 1996 through 1999, the Drug Abuse Warning Network reports the following nationally estimated morbidity and mortality associated with these two drugs in the 39 metropolitan areas whose hospitals and medical examiners have provided complete reports:

MDMA: 4,449 hospital emergency reports, 30 deaths
Heroin: 307,710 hospital emergency reports, 17,199 deaths

Clearly, despite survey indications that more people use MDMA than heroin, the injury and death so far outweighs that of MDMA that the two drugs are not even comparable. By way of comparison, in the same 1996-99 period in the reporting cities, 99,140 deaths from illegally used drugs were reported, including 390 involving aspirin, 2,093 involving Benadryl, 962 from Prozac, and 3,054 involving Valium. While the populations using these drugs illegally or abusively (including without prescriptions or in dosages indicating abuse) differs, it does not appear that MDMA approaches even the lethality of popular OTCs or prescription medications.

Based on the key factors of morbidity and mortality effects, the scheduling of MDMA in the Schedule I category at all appears questionable, and equating it with heroin would be a travesty of science. I urge that the Commission reject the apparent injection of politics into what is a health and justice issue.

Thank you for your attention,

Mike Males, Ph.D.
P.O. Box 7842
Santa Cruz, CA 95061-7842

Tel: 831/426-7099
Fax: same (please call first)

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specmind

From: "Rene Alvarez M.D." <alvarez@itsa.ucsf.edu>
To: <rgb@cognitiveliberty.org>
Sent: Saturday, February 03, 2001 11:36 AM
Subject: sentencing

to whom it may concern,

As a medical doctor who has worked in several busy emergency rooms, I find it deplorable and tragic that ecstasy may be equated to heroin for sentencing. While I have seen many deaths related to heroin, not just from overdose, but also soft tissue infections, AIDS, and Hepatitis C. Ecstasy has had no impact on our emergency room at all. From a medical standpoint, it is safer to take ecstasy than drink alcohol or be a regular tobacco user.

Rene Alvarez M.D.

San Francisco General Hospital, Ward 83

alvarez@itsa.ucsf.edu

[134]

2/4/2001

Michael Courlander
Public Affairs Officer
Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle, N.E.
Washington, DC., 20002-8002.
(202) 502-4500

Dear Sir,

I am writing to express what one could term frustration, with the proposed new sentencing guidelines regarding 3,4-methylenedioxy methamphetamine (MDMA) and chemicals similar to that structure or producing effects similar in nature. First I would like to detail a few errors regarding the Commission's beliefs regarding this substance. Then I would like to discuss the proposed new sentencing with respect to the chemical itself and that chemical's effect upon society.

Let me first provide the Commission's own words to describe what their perception of MDMA and its derivatives.

"It has been represented to the Commission that Ecstasy (i.e., MDMA, MDEA, MDA and PMA) is similar in its hallucinogenic effect on the user to mescaline, and also has been described as having an added stimulant component that can elevate heart rate, blood pressure, and body temperature. It has also been suggested that the drug is neither physically nor psychologically addictive." (Page 10, Volume II: Proposed Amendments to the Sentencing Guidelines (January 24, 2001).

3,4-methylenedioxy methamphetamine is unlike other "hallucinogenic" amphetamines in chemical structure, and also in action upon the brain. To even call it a hallucinogenic compound is erroneous. In no way can MDMA be considered similar in effect as that of mescaline. Simply because both chemicals share an amphetamine ring as their chemical base does not in any way determine the bio-neurological effects upon the body. In considering the "added stimulant component that can elevate heart rate, blood pressure, and body temperature," one must look beyond a generalization. Low doses of MDMA (<1.0mg/Kg of body weight) do not produce a stimulant effect upon the body. Also, as shown by research performed by Jessica Mahlberg at the University of Chicago, MDMA does not elevate body temperature but in fact lessens the body's ability to regulate body temperature. To further clarify the non-addictive statement regarding MDMA, regular intake of MDMA causes a decreased pharmacologic response, meaning if users continually take MDMA, the subjective effects, which one would guess their reason for taking this compound, substantially decrease, eventually becoming non-existent after a few days of continual ingestion. Hardly a viable compound for compulsive use.

To equate this drug with heroin for the purposes of sentencing, on its face, is simply wrong. The effects of heroin on the user are completely different, almost contradictory, from the effects of MDMA, and the potential for abuse is also absolutely different. The whole concept of "equating" drugs and finding equivalent measures is absurd. Each of these compounds causes different reactions in each person. Each of these compounds interacts with society at large in different ways. MDMA has therapeutic values far beyond that of heroin, and to deny researchers the ability to use this chemical is wrong, but to go so far as to form excessive penalties for its possession or use is unacceptable.

I hope you heed the intelligence of the society that you are charged with protecting by not increasing the penalty for MDMA.

Sincerely,

Jeff Hjelt
215 Athol Ave #3
Oakland, CA 94606

[135]

specmind

From: "Krista Gilbert" <kristagilbert@mindspring.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 9:15 PM
Subject: Ecstasy Scheduling

I am writing to appeal the proposed sentencing guidelines for Ecstasy. As a doctoral candidate in counseling, specializing in substance abuse counseling, I have worked with many clients have problems with a variety of drugs. Drugs such as heroin, cocaine, methamphetamine, alcohol, and nicotine often result in problematic consequences (including addiction) for users. I have never once had a client that talked about problems related to ecstasy use. The nature of the drug experience for ecstasy is so different from the aforementioned drugs. Ecstasy, like any other drug, whether licit or illicit, has potential risks. Comparatively, ecstasy poses a much lower risk for addictive problems than the drugs named above. To create sentencing guidelines equivalent to heroin possession fails to recognize the differences in risk that ecstasy has in comparison to heroin. Just as marijuana is recognized as being less risky than heroin, so to is ecstasy. For people caught in possession of ecstasy the penalties should not equate with the penalties of heroin possession. As President Carter said, the legal penalties of drug possession should not exceed the drug's inherent risk. The greatest risk of ecstasy use at this time comes from ingesting an impure substance that may contain elements much more harmful than MDMA. Similar to alcohol prohibition, the risk of ecstasy (like many street drugs) arises out of its deregulation and underground manufacturing. These risks are caused by prohibition and are not caused by the drug itself. Stiff penalties and prohibition have failed in the past and continue to fail today. I urge you to resist the detrimental solution of "throwing away the key" inherent in locking up people caught in possession of ecstasy. At the very least we need compassion and understanding in our drug laws. Thank you for listening.

Sean G. House, M.S., Ph.D (c).
4905 Loma Laguna Dr
Carlsbad, CA 9200
5meow@nethere.com

[136]

2/5/2001

Reid Stuart, M.A.
255 Dolores #5
San Francisco, CA 94103
Feb 4, 2001

Re: Against increasing ecstasy penalties

Michael Courlander, Public Affairs Officer
U.S. Sentencing Commission
One Columbus Circle, N.E.
Washington, D.C. 20002-8002

Dear Mr. Courlander:

This letter advises against the proposed amendment to increase penalties for the illicit drug "ecstasy". My background as an intern substance abuse counselor while obtaining my masters degree in clinical psychology has given me first-hand experience working with users of recreational drugs. I realize that the upsurge in media publicity about ecstasy may have mobilized some political impetus to "do something" about the ecstasy problem. Certainly, there are occasional casualties from illicit experimentation, for both physical injury and psychological symptoms have been reported among a small percentage of ecstasy users. Nevertheless, there is no way to compare the couple thousand DAWN mentions for ecstasy to the far more massive damage produced by addictive drugs such as heroin, cocaine, or methamphetamine. Increasing penalties for manufacture, importation, and possession are likely to inadvertently exacerbate the very problem they are proposed to solve. By increasing penalties for MDMA, MDEA, and MDA, ecstasy producers are more likely to substitute more dangerous chemicals. Of particular concern is the substitution of DXM (dextromethorphan). This drug was responsible for numerous hospitalizations last year when sold at raves under the guise of ecstasy. DXM is a powerful dissociative drug which in large doses produces a delusional state. When a young person has taken DXM, they may be disappointed that they have not received genuine MDMA. They are then apt to take another pill. If this second pill contains MDMA, then it can produce a potentially-fatal hypertensive crisis because the previously ingested DXM will block the metabolism of MDMA. Despite the Analog Drug Act of 1986, increasing penalties may also provide incentive for clandestine chemists to invent new designer drugs that are far more toxic than MDMA. Such a situation with trying to circumvent the penalties for heroin resulted in the MPTP epidemic in the mid-1980s, where heroin addicts were sold a new neurotoxic synthetic that caused paralysis. Although there may be political pressure to provide a "quick fix" to a complex problem by increasing penalties, in reality this might actually make things even worse. MDMA is non-addictive, and it actually lacks the hallucinogenic properties of mescaline, despite a similarity of chemical structure shared by the two compounds. Certainly it would not be justified to increase the level of sentencing for MDMA to be on par with heroin. The most prudent course would be to lower the marijuana equivalency of MDMA and its analogs to that of mescaline, which I believe is 10 gr. Thank you for the opportunity to share my opinion

Sincerely,
Reid Stuart

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To Whom It May Concern:

It has come to my attention that the Federal Government intends to increase the punishment for MDMA (Ecstasy) offenses, so that Ecstasy is treated (for the purposes of federal sentencing), the same as *heroin*." I thought I would write a letter to let you know my thoughts on this proposed change. First, some general thoughts on the issue of prohibition, and then the specific issue at hand.

I feel that one of the great problems in our country today is the issue of prohibition. We need to take a serious look at what prohibition does and does not accomplish in our state and country. It has turned the police against the people, and in turn turned the people against the police. It has eroded our personal privacy to the extent that the 4th Amendment to the Constitution can no longer be considered active. We spread misinformation to our children, which sends them the message that the government will lie to them to further its causes. It also prevents people from seeking medical attention (in the case of an overdose) for fear they will be prosecuted.

Prohibition has not reduced use of illicit substances, but has cost our country billions of dollars, and sent millions of people to jail or prison for "crimes" in which there is no victim or harm done. The black market that has been created causes a large amount of real crime (murder, theft, etc.) People not involved with drugs or drug use are being shot by gangs, police, or SWAT teams.

The urge to use substances to alter the consciousness or expand the mind is a natural part of the human experience. The key is to educate people to the dangers of illicit substances so they can make informed decisions regarding what they choose to ingest in their bodies. We must look at this issue as a medical and educational one, not a criminal one. The majority of people who use drugs are successful, use substances intelligently, and never have any problems - other than the possible legal consequences.

While I do not condone (or condemn) the use of Ecstasy or other drugs, raising the sentencing guidelines will only increase the "black market" for the drug, along with the associated crime (theft, gang activity, etc.) created by the prohibition-increased pricing. Imprisoning thousands of people for choosing to ingest a substance is a disturbing waste of taxpayer's money, human life, and time. We need to look at the real (medical) dangers of the drug and not the media-induced hysteria surrounding it. It is not a new drug - it has been patented for close to 80 years. It is used successfully by psychologists in certain forms of therapy for some time. Increasing the penalties also increases the likelihood of other substances being sold as ecstasy - some of which are **far** more dangerous. While **abuse** of the drug can cause long-lasting effects, occasional **use** (in moderation) is quite safe for most adults (compared to say, driving a car). Increasing the penalties has never decreased drug use - only education and rehabilitation can do that.

I would also suggest that the commission look at the efforts and thoughts of the various harm-reduction groups that exist (dancesafe.org, etc...).

If you would like to meet and discuss any of these issues, I would be more than willing to try and help you out anyway that I can. Please feel free to contact me.

Tom E Thomas

3241 Forest Ridge
Madison, WI 534704-7755

(608) 663 - 5036

tom.thomas@doa.state.wi.us

[138]

specmind

From: "Gracey Nagle" <happygracey@yahoo.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 1:19 PM
Subject: Ecstasy Sentencing Change
To Whom it May Concern,

I would like to express my concern and outrage at Sentence Commission's suggestion that ecstasy be treated like heroin when it comes to sentencing. There is simply no basis for making such a severe change in the law.

Heroin and ecstasy are members of two completely different realms of illicit substances: lifestyle and recreational. Heroin use results in physical addiction, is linked to the spread of HIV and other diseases, and causes death by overdose fairly regularly. Ecstasy, on the other hand, is a recreational drug; most users take pills on occasion and in small amounts. You don't take more when you come down to get back up, and it doesn't impair your cognitive abilities like many drugs.

Of course, there are pills on the market which are not pure MDMA, and some have even killed people. MDMA itself doesn't seem to be AT ALL harmful for people without heart conditions or depression problems. There is absolutely no negative effects proven for well-balanced, healthy people doing this drug on the weekends or once a month. To equate this kind of drug use with heroin use is ludicrous, and sends a message to this country that our government neither understands or cares about the real issues surrounding dangerous drug use in our country.

Supply and demand rules... people want drugs, someone will give them drugs. Put all the drug dealers and drug users in an overcrowded prison, and a new generation of dealers and users will arise. Perhaps our goal should be to address why Americans need drugs, but that's way out of bounds for this letter of complaint.

I would never touch heroin. I don't know anyone who has ever touched heroin. But I know a lot of people who have tried every other drug from marijuana to cocaine. The simple fact in my life, as a 22-year old Ivy League student, is that I seldom witnessed ANYONE experience ANYTHING negative with ANY drug. The next

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generation of leaders in this country will not be people who used heroin, but they will be people who smoked pot, tripped on mushrooms and rolled on ecstasy. I know because their parents are successful CEOs, senators, lawyers, and doctors. We're smart enough to know the difference between heroin and ecstasy. Maybe the government should get on the ball and figure it out too.

Or, more likely, they'll keep wasting taxpayer money on an endless, useless war on drugs which is the laughingstock of American youth and, despite billions of dollars and years of passing laws, hasn't even begun to scratch the surface of the problem.

Thank you,
Gracey Nagle
Yale University
Class of 2001
203-777-8543

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[140]

It has been represented to the Commission that Ecstasy (i.e., MDMA, MDEA, MDA and PMA)

Ecstasy is *MDMA*, the other materials listed are considered adulterants to Ecstasy! It is *critical that this distinction be made* when discussing this topic! PMA should be kept to a separate discussion—as it is an extremely dangerous adulterant, which is cheaper and easier to manufacture. Since precursors for MDMA/MDA/MDEA have become tightly controlled, making them difficult to obtain and expensive, some unscrupulous clandestine laboratories have used PMA, a much more dangerous compound because it is cheaper and easier to manufacture than any of the other compounds listed above. For these reasons, PMA should be considered separately, with possibly much higher penalties associated with it—to deter it's use as an adulterant and protect public health.

and has caused deaths due to it's affects on body temperature regulation. MDMA does not have these severe effects

for the reasons given above, PMA needs to be considered separately!

is similar in its hallucinogenic effect on the user to mescaline, and also has been described as having an added stimulant component that can elevate heart rate, blood pressure, and body temperature.

Four drugs are listed as 'Ecstasy', each drug needs to be considered separately—as each has distinctly different effects. *MDMA is not a 'hallucinogen'*, it is classified as an enactogen/empathogen, which is unique to MDMA. MDMA is the only drug with this designation. Mescaline is strongly hallucinogenic. MDMA alliveates serotonin levels, as does Prozac, Zoloft and Paxil. It also has a stimulant effect, as does mescaline. But Mescaline is much more hallucinogenic, which is it's primary action. MDMA's affects are much more subtle than Mescaline—so it does not follow logically to punish it more strictly than Mescaline.

MDMA/MDA/MDEA are different compounds. It does not make sense to group them all together as their effects are significantly different from each other. MDA has mild 'hallucinogenic' effects—much milder than Mescaline. MDEA has intoxication affects with some similarities to alcohol.

It has also been suggested that the drug is neither physically nor psychologically addictive.

MDMA is not physically addictive (nor are any of the other compounds listed), nor is it typically psychologically addictive. People with obsessive/compulsive personalities, or depressed personalities my have a tendency toward overusing any psychoactive compound, in those individuals, it is possible for over-use of any psychoactive

compound—including caffeine, ephedrine, etc. People of this nature may also have a tendency to overuse MDMA, MDA, MDEA, etc. Overall, these compounds are not psychologically addictive. I have known hundreds of people who have used MDMA and never developed any kind of dependence on it.

The Commission invites comment on these representations and on the appropriate penalty structure for Ecstasy. The proposed amendment treats Ecstasy as being of comparable seriousness to heroin, providing a marihuana equivalency for Ecstasy that is the same as heroin. Accordingly, for sentencing purposes, 1 gm of Ecstasy will be the equivalent of 1 kg of marihuana.

Using a sentencing equivalent of heroin is not logical for a non-addictive compound. It is not addictive, and not nearly as dangerous as heroin—heroin causes respiratory depression that can result in asphyxiation—most MDMA deaths have been from the user not drinking enough water—and dying of dehydration. To put it in perspective, MDMA is safer than many prescription drugs. In fact, it is my understanding that *more people died from Viagra in it's first 7 months following it's release than have died from MDMA in a 10 year period.* Clearly many more people have used MDMA in that time period, making it much safer than one of the more commonly prescribed prescription medications.

Should the Commission alternatively treat Ecstasy comparably to some other major drug of abuse? For example, should the Commission treat Ecstasy as being of comparable seriousness to powder cocaine (which would result in a marihuana equivalency for Ecstasy of 200 gm) or methamphetamine mixture (which would result in a marihuana equivalency for Ecstasy of 2 kg)? Or should the penalty be comparable to that for mescaline (which would result in a marihuana equivalency for Ecstasy of 10 gm) or some multiple of the penalty for mescaline?

I believe that MDMA should be considered less harshly than mescaline is currently, as it is a less intense/strong drug. I also believe that it's classification as a Schedule I should be re-examined, as it's use in psychotherapy has been well documented in the literature and is available for anyone who cares to open their minds enough to look. It has proven an extremely effective treatment in conjunction with psychotherapy in post traumatic stress disorder, helping people to deal with severe trauma/loss.

Comment also is requested regarding whether the Drug Quantity Table in §2D1.1 should be revised with respect to Ecstasy to provide additional incremental penalties (perhaps with exponential quantity increases) so as to punish more severely those offenders who traffic in larger quantities.

specmind

From: <K2FE@aol.com>
To: <rgb@cognitiveliberty.org>
Sent: Thursday, February 01, 2001 11:49 AM
Attach: alchemind e document critique.doc
Subject: Re: E = H ??

[143]

2/4/2001

To: The US Sentencing Commission
Re: Public Comment concerning Ecstasy
Date: February 3, 2001

Dear Sirs and Madams,

I am writing in response to your invitation for public comment concerning penalties for the drug called Ecstasy, or MDMA.

In your invitation for comment, you say that "It has also been suggested that the drug is neither physically nor psychologically addictive." I believe this to be true. I would add to this that MDMA is not particularly toxic, i.e., overdose is not a serious problem with this substance. I would therefore suggest that MDMA is not a particularly dangerous material, and that the Sentencing Commission's conclusions take this strongly into consideration.

I ask that the Sentencing Commission please attempt to match the *dangerousness or harmfulness* of an activity with the penalties. We live in very strange times – judicially-speaking – in which there is little or no correlation between punishments and harmfulness, at least when the emotional subject of 'drugs' is considered.

The result of an appropriate correlation would be as follows:

Sale of the most dangerous drugs = largest penalty
Personal use of the least dangerous drugs = smallest penalty (if any)

The discussion would then, appropriately, focus on the dangerousness of the drug, which is a less emotional and more scientific process. Dangers should be define, primarily, by *toxicity* and *addictive potential*. If a substance is neither toxic nor addictive (either physiologically or psychologically), then it is not particularly dangerous (to individuals or society) and there should be little or no penalty for possession for personal use. If the purpose of drug laws is to protect people from overdose (toxicity) and addiction, and the economic harms that these cause, then it is common sense to use toxicity and addictive-potential as key factors in punishments.

Any scientific evidence before the Commission will indicate that MDMA/Ecstasy has a low toxicity and that it is not physically or psychologically addictive. Therefore, please *minimize* any penalties for possession of MDMA/Ecstasy for personal use.

Sincerely,

Marshall Steven Lewis

14301 Medwick Rd
Upper Marlboro, MD 20774
(301) 627-1833

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Some excerpts from "Rave Culture, an insider's overview" by Jimi Fritz

Here are some experiences and observations from a group of intelligent, well-informed, politically aware people from around the world:

"Ecstasy took me back to place where I was before adolescence. When the world seemed new and I wasn't limited by my immediate past. It made me think about what I wanted to do and what was important in life. It reminded me of when I was a child and didn't feel guilty or ashamed or anxious about anything."

- Jay, Saltspring Island, Canada.

"A lot of people grow up living a certain way and they go to a rave where a lot of different kinds of people are getting along and experience a whole different mind-set. They may take ecstasy and have revelations and open their minds to other possibilities. Many people end up being closer to their friends or become more understanding. They question things that they may have done their whole life."

- Dennis Barton, Los Angeles, USA.

"Doing E responsibly gives you a beautiful feeling and sense of clarity. It expands your mind like most psychedelic drugs and takes you into different realms of thought. Things get blocked out in your regular life and E can help you to sort things out and give you a new focus."

- Bob, Vancouver, Canada.

"Ecstasy has made me more peaceful with myself and has taught me the extent to which love can be experienced. I never thought that I could feel that much love and positive affection. It's made me a lot closer with my friends and a lot more aware of my relationships. It also opened me up to emotions that I wasn't really in touch with. The bonds I've made with other people in the rave scene are so much stronger than usual."

- Raevn, designer, Brisbane, Australia.

"Ecstasy has helped me to explore my feelings more and overcome my insecurities. I can express my feelings to other people more easily now and feel more confident about who I am as a person. I've seen hardcore rockers do ecstasy for the first time and in a few days go from a full-blown, alcohol loving, aggressive rocker to an outwardly caring person who seems to enjoy life a lot more. I know that I'm a better person for taking ecstasy."

- Nigel Tasko, Canada.

"People tend to exaggerate the importance and presence of drugs at raves. I will not deny that drugs exists and make a difference in the rave scene, however, it is not the drug itself that is important, it is the pleasure and joy it brings to not only the user but to his or her whole surrounding. Why not do something that makes you feel good, why not do something that makes you and everybody else happy?"

- Fredrik Larsson, musician, Stockholm, Sweden.

"E makes you feel like everyone around you is a trusted friend who will take you as you are with no judgment. You become more accepting and open to other people."

- Billy, Victoria, Canada.

"I tried ecstasy for the first time on Halloween. I was dancing to a tribal house mix of K.D. Lang's Lifted by Love and it sounded like a voice coming down from heaven. I was smiling from one side of my face to the other and remember screaming for about four hours. I had never felt anything like that before. From that point on everything changed for me. It gave me a whole new outlook and I started listening to music in a whole new light."

- Troy Roberts, Seattle, USA.

"The first time I did ecstasy was life changing. I felt like I became the music. It was so amazing, I could go up to anyone and hug them. It inspired me to buy more music and start to push the boundaries of my musical knowledge. Ecstasy helps to let thing out and help you to become who you are."

- Daniel, Los Angeles, USA.

"As a DJ, ecstasy helps me expand my perception of sound. It has also helped me to enhance my relationships with other people. I try to be happy and fun loving anyway but E has made me 110% more so. Even when I'm not on E, I feel the positive effects."

- DJ Davie, Canada.

"Ecstasy makes you feel like you love the world! When you see thousands of smiling faces in love with the world, it's an indescribable feeling. It gives you an idea of what our world would be like if we were as accepting of everything as we are when we are one."

- Frank Zelaya, Los Angeles, USA.

"Ecstasy helps people to understand their true being. It gives people a new perspective on the way they usually think and act and lets them see who they really are!"

- Amit K., electronic engineer, raver, Haifa, Israel.

"I don't think that enough people realize the powerful ability of psychedelic drugs to be used as a tool for self-discovery. This is obviously taboo in today's society, but it's interesting how many intelligent people I know who realize the value of altered states of perception and observation to discovering internal energy and feelings."

- DJ Drenalin, Salinas, California, USA.

"My first ecstasy experience made me really love life for about a week after. I felt really open to the world. I think everyone has a very intense high their first time. It shows you your potential for absolute joy."

- Olivia, DJ, trader, Auckland, New Zealand.

specmind

From: <poemelyric@mediaone.net>
To: <rgb@cognitiveliberty.org>
Sent: Saturday, February 03, 2001 9:41 PM
Subject: The Commission's Proposed Amendment Equates MDMA to Heroin

Dear Sir or Madame,

I am writing to let the Commission know my stance on the Amendment to make MDMA the equivalent to heroin that is before the commission.

First off, I would like to state that MDMA is not an addictive drug as heroin is. It is absurd that this commission would EVEN consider classifying MDMA in this group. Heroin and Cocaine addiction is a very serious issue in this country and to put MDMA in this class is downplaying the seriousness of addictive drugs.

MDMA should carry the same drug penalty as Marijuana. MDMA isn't addictive like heroin and it doesn't alter peoples minds like LSD or cause violent outbreaks like Crystal methamphetamine. It is by no means a hallucinogenic and doesn't alter the users reality. On <http://www.esctasy.org>, a reader sent in a question about hallucinogenic properties of E and the scientific response was "I expect it was strong MDA, 2CB or possibly a mixture containing LSD. You could probably tell by how long it lasted: in order, MDMA is shortest then 2CB then MDA then LSD which is up to 8 hours". There is no scientific basis to consider MDMA on the same level as heroin and cocaine. Scientists aren't even sure what the long term drawbacks to MDMA is.

People are treating MDMA like it causes people to do injury to themselves or to others. With knowledge of how MDMA works in the human body, the user can come away from the experience with a enlightenment and a perspective to things that they wouldn't have discussed or thought about before. MDMA expands the horizons that people close off due to the harsh realities of interpersonal relationships. This is a drug that can benefit humans if used to its full potential as a psychiatric drug. By making it illegal, the Federal Government has only succeeded in making it one of the most unpredictable street drugs. Now, people don't know if they are receiving Ecstasy or if they are getting the dangerous and cheaper to make alternative, DMX and it's largely due to the fear of being arrested due to the irratic drug laws. The drug quantity table should also be altered so that if you do hold MDMA in the same respect as Heroin, jail terms should only be dispensed for high quantities of MDMA. A five year prison term shouldn't be dispensed for 2 pills of Ecstasy. Not only would that cause more prison overcrowding for a non addictive drug, it would drive production of the drug up once again and it would cause a flood of dangerous batches of DMX.

Secondly, MDMA was initially a drug that was used by psychiatrists to cure violent mentally ill patients. Like any antidepressant, there are drawbacks to usage of this drug. When I was taking dizipramine, I was told to drink water often, about 8 oz. an hour or so. Even with Prozac, I was given this suggestion. And I ask this question: What makes MDMA illegal and Xanax not? Xanax is also an abused psychiatric drug that has a higher street value than Ecstasy. Why ban one and not the other? While it is true that MDMA has been the cause of death by teenagers, the amount of kids being hospitalized is no greater than thoses being brought in for alcohol poisoning. With MDMA, knowledge is power and many kids are riddled by the press about what they believe to be the truth about it but they never are given accurate information about it or what to do or not to do. I recall watching a local news

program in Boston that stated that parents that find their kids "high" on Ecstasy should give their children lots and lots of water because it will dilute the MDMA in their systems. This was totally false information that could potentially kill because MDMA depleats the salt in the human body which makes it difficult to absorb the high rate of water that is being taken in. Either that or kids are told not to drink water which causes dehydration.

In all truth, there wouldn't be an Ecstasy problem if the press didn't keep glorifying the "rave scene". Before the Ecstasy craze, you would see one or two people selling at a rave, now because of all the press being dug up, the clubs are being over run with "E" dealers. If the press didn't constantly keep hitting teens with the image of partying "X'ed" out 20-somethings dancing the night away. In my opinion, that's what's is causing the rise of Ecstasy use.

I thank you for taking time to read this letter.

Thanks again,

Karen Fouche
70 Alder St
Waltham, Ma 02453

"Don't you try to save that anchor from drowning cause it won't work..."-Scarce

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specmind

From: "Jeremi Finn" <elfinn3@hotmail.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 10:01 PM
Subject: MDMA = Heroin
Sentencing Commission,

I have been an advocate of harm reduction programs almost all of my life. When the AIDS epidemic surfaced in my home town high school a few years ago, I was one of the few Protestants who recognized the futility of pushing abstinence. I supported realistic solutions to the problem of promiscuous sexual activity among teenagers. I pushed for a condom distribution program and encouraged my fellow students to educate themselves about the dangers of unprotected sex so that they could make informed decisions. Many people in the Christian community looked down on me for "encouraging" such behavior. But what they didn't realize is that those kids were going to have sex no matter how hard we pummeled them with doctrines of abstinence. I am convinced that probably more than a few lives were saved by making condoms available at my high school.

When I read that congress wants to increase the penalty of trafficking and selling ecstasy to a level equivalent to heroin I had a terrible vision of ecstasy producers putting all kinds of dangerous, less expensive chemicals into their pills. Yes, some of them might be intimidated to the point where they quit making ecstasy, but those are the ones with some moral values. The rest of the ecstasy manufacturers are simply going to look at the ecstasy anti-proliferation act and say to themselves, "hey, I could put cheaper products into my pills and still have the same penalty if I get caught."

As of right now, we know enough about ecstasy to know that the dangers of taking real MDMA are less than those of taking fake pills. Many pills containing DXM (a legal but more dangerous drug than MDMA) or speed (a far more addictive and dangerous drug than MDMA) are being sold already as ecstasy. The solution to this problem is not to make the penalty for the safer drug equivalent to the more dangerous. The solution, like with the AIDS epidemic, is to educate people on the real dangers of each drug and give them the freedom to make an educated decision. People are going to buy pills and take them. It would be better for everyone if the pills they take are real MDMA rather than speed, ketamine, PMA, DXM, or heroin.

My plea is that you will look at the actual evidence for MDMA neurotoxicity, possibility of addiction, and long term effects, physical and psychological (which, by the way, you'll find are almost all remarkably positive despite temporary lower levels of serotonin), and compare these to the other schedule one (or two, or three) drugs before you assign the sentence for trafficking this substance. Keep in mind that by increasing the penalty for trafficking MDMA you are encouraging manufacturers to use less expensive, more dangerous chemicals, effectively flooding the black market with adulterated pills. This would cause far more problems than it would solve.

First of all, there would be a higher rate of ecstasy related deaths. The current number of ecstasy related deaths per year is remarkably low

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given the number of people who use ecstasy, especially when compared to other drugs like heroin, alcohol, speed, and tobacco. The few ecstasy related deaths that have been reported were almost all caused by adulterated pills. The six "ecstasy related" deaths in Florida last year, and the three before them in Chicago, were all caused by PMA, a non-ecstasy like substance. In fact PMA is not a recreational drug; no one would willingly take PMA if they knew it wasn't real ecstasy.

Second, many people would become addicted to the non-MDMA substances being sold as ecstasy. MDMA is not itself physically addictive. There are people who may develop psychological "addictions" but even these must fade. The effects of MDMA wear off if it is taken too often. However, other chemicals which are cheaper and easier to manufacture will produce chemical dependency if they are sold as ecstasy. This is definitely a step in the wrong direction, especially when combined with the influx of deadly non-MDMA pills discussed above.

The solution does not lie in the idealist principles of abstinence. What we need is a realistic solution, and increasing the punishment for not being abstinent is not realistic. Harm reduction programs, such as Dance Safe, are a step in the right direction. They recognize the reality of the situation--people are using drugs--and they work to educate those people, providing accurate information and realistic safety procedures for those to whom "just say no" is not a practical alternative.

If the world were an ideal place, people would do everything they wanted to do, want only what was beneficial to everyone, and have all that they wanted. But it is not. And idealist principles do not result in effective action in the real world. Please consider the facts about MDMA, compare them to the facts about other drugs, and make a fair decision. To pretend MDMA is as dangerous as heroin is to effectively make it so. Please exercise caution and work towards a real good. Reduce harm, don't just legislate against it.

Jeremi Finn

Get your FREE download of MSN Explorer at <http://explorer.msn.com>

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specmind

From: <juliano@cwctv.net>
To: <rgb@cognitiveliberty.org>
Sent: Thursday, February 01, 2001 6:22 AM
Subject: punishment is not the intelligent answer

i live in england, and am a voluntary project worker. i work in a needle exchange which provides advice and support for people with substance misuse problems.

this service is vital! not only does it protect clients, and the rest of the community from the spread of diseases such as HIV, AIDs, Hepititus, etc., but it allows people whose only "crime" is being physically addicted to a substance to be dealt with with respect, and a friendly caring attitude.

such respect has its own results. what systems of punishment do is create paranoia, and disrespect for authority. not only from the pople who are persecuted, but also from young people who being astute will detect the double standards regarding what society allows and what it condemns. For example alcohol and tobacco are tolerated.

regarding Ecstasy being similar to heroin? false. Heroin is a narcotic whih in its extreme use will provide sleep, and death, whist E is a stimulant, used by youth as part of the rave culture.

i have chosen to approach this issue in my way because i'm not trusting in playing the formal game. the whole premise of the "war on drugs2 is a false one, and in fact encourages what it claims it seeks to avoid. which is driving people TO drugs.

Filling up prisons with the disaffected, and persecuted minority/majority is only a "putting off2 what culture will sometime HAVE to face. the whole question of why people do drugs needs a radical revision of how we ALL are with our culture

Julian (throw a pebble in a pond and see what happens)

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specmind

From: "Chris Rivas" <thinctwo@mail.utexas.edu>
To: <rgb@cognitiveliberty.org>
Sent: Wednesday, January 31, 2001 9:27 PM
Subject: Ecstasy Anti-Proliferation Act of 2000 (section 3664 of Pub. L. 106-310),
Hi

News of having similar punishment for 'ecstasy' possession as for heroin is very discouraging in the U.S.'s anti-drug stand. I can understand the laws concerning the stiffness for possession of heroin; I have seen many people destroyed by the drug. While I do know a few 'e-tards', most ecstasy users I know are fairly responsible and reliable individuals, certainly not the miscreants heroin use seems to breed. It is a safer drug than heroin; 100mg of mdma will not injure, while that much heroin is a very stout dose, and liable to injure.

Its risk per gram is much less than that of heroin.
It does not cause as much deterioration of society.

Of course I have no numbers, I just report what I see. Were I to study this more, I would look at users of each, although it would be hard to get the middle class, college students, and responsible users to admit use.

If I were to outline new punishments, I would recommend an exponential curve, as many possess smaller amounts ranging up to 1-3 grams without being distributors in the way that someone in possession of 3 kilograms of marijuana would be a distributor.

my two cents.

chris r

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specmind

From: "Kenneth Kron" <kkron@IPRG.nokia.com>
To: <rgb@cognitiveliberty.org>
Sent: Monday, February 05, 2001 8:19 AM
Subject: MDMA sentencing guidelines
To whom it may concern

Please reconsider the proposed action on the Ecstasy Anti-Proliferation Act of 2000. In particular I have a problem with the the phrasing

"that has either a chemical structure similar to MDMA or an effect on the central nervous system substantially similar to or greater than MDMA."

The phrase "greater effect" on the nervous system does not constrain itself to health risks.

So first I ask you to send the Ecstasy Anti-Proliferation Act of 2000 back to congress for clarification. I would support efforts to control the distribution for human consumption of any dangerous poisons but am concerned about the potential for abuse of laws that could be used against well informed and well intentioned health care providers. Traditional medical practitioners have at their disposal very potent herbal concoctions which "large pharmacy" could use this law to stifle.

I'll also ask you to consider the following quote from John Gilmore.

"The fundamental problem with outlawing consensual crimes is that none of the participants will report them. To make them enforceable you need a societal mechanism for monitoring consensual behavior and reporting it to the police. This is not conducive to privacy."

John Gilmore -- excerpted from a message on the politech mailing list <http://www.politechbot.com/p-01561.html>

It is obvious to me that giving MDMA a heroin equivalence will result in massive privacy invasions and police raids on what are otherwise legally organized social occasions.

While I do not take lightly the reported deaths from MDMA usage, negligent homicide is already prosecutable under the law. It is not the function of our government to protect it's citizens from every dangerous situation. The United States is said to be founded on a free and open society. With this freedom comes responsibility ,only by accepting the responsibility do we earn the freedom. When you protect us from responsibility for our actions you take away or freedom to act.

Sincerely,

Kenneth Kron

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2/5/2001

specmind

From: "Virskus, Joe" <Joe.Virskus@caspiangroup.com>
To: <rgb@cognitiveliberty.org>
Sent: Thursday, February 01, 2001 12:28 PM
Subject: Ecstasy Sentencing Alert

I would like to make some comments on the Ecstasy Anti-Proliferation Act of 2000. First, for background, I am 21, a computer programmer, and catholic. I rarely drink alcohol, and the only drug I use on occasion is MDMA. In the past (in high school), I experimented with a variety of drugs, from Marijuana, to LSD, to Mescaline, to Mushrooms, to Cocaine, to DXM, to Methamphetamines. I make it a point to research the effects and side-effects of all of these drugs prior to taking them, so that I may make an informed decision about what types of things I put into my body. Over the years, I have come to the decision that in general, most of these drugs are bad for me, and that is why I no longer use them. MDMA is the only one I continue to use, and the one I feel is the least harmful.

Reasons Mescaline is worse than Ecstasy:

- Mescaline lasts for hours, at least twice as long as MDMA.
- Mescaline can result in a "bad trip"... MDMA never will.. only positive feelings arise.
- When on Ecstasy, you pretty much just act like yourself. The drug itself is very subtle in it's effects. General euphoria, empathy, and other subtle effects creep over you, but you still generally appear to be yourself. Mescaline, on the other hand, can dramatically change your personality... making you seem strange and foreign... alienating people... and possibly permanently affecting your personality (if not clinically, then just through new perspectives you have gained from your trip).
- Ecstasy becomes less potent the more you take. If you take one pill earlier, and then continue to take more later.. they will not affect you as strong as the first (because your reaction to the pills is limited by your seratonin levels). With Mescaline, you will go farther and farther into your trip.. perhaps to dangerous levels.
- Ecstasy is commonly used in clubs and legal raves.. where medical personal are on site, and ready to take care of OD cases if they occur.

Reasons Heroin is FAR worse than Ecstasy:

- The OD rate for Heroin is WAY higher than Ecstasy.
- Heroin users are generally addicted, or at least habitual. It is very common for Ecstasy users to try it only a handful of times.. with people they trust.
- Heroin can spread blood transferable diseases, Ecstasy can't.
- Too many more to list.. and I am sure others will cover this topic better than I could.

What it comes down to, is that I use Ecstasy, my conservative-republican-catholic mother knows it, and she is ok with it because she knows I am responsible. I think the best effect of Ecstasy

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is that it has turned dance clubs and raves into events that are safe. No longer are they full of drunk and angry punks.. but instead, sedated and empathetic punks. I will continue to make my decisions based on my own judgment, and not on yours, so this law does not affect me... but I would encourage you to try to keep an open mind when making YOUR decision.

Thank you,
-Joe Virskus
San Francisco, CA

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specmind

From: "Joseph Illescas" <joeill@mediaone.net>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 8:41 AM
Subject: Innacuracies
To whom it may concern,

As a former drug user and current professional that advocates a clean and healthy lifestyle, I am against any drug use. This is especially true for the use of the legal recreational drugs alcohol and nicotine, which ironically kill more people every year than illegal recreational drug use. This letter is to help clear up any misconceptions in order to help achieve accuracy in all ecstasy related information and fairness in sentencing.

To begin with, the effects of ecstasy are nothing like mescaline. Mescaline produces a "trip"- like effect - hallucination and a sense of complete detachment from reality. This can be very dangerous as laws of physics as well as the laws of government can seem irrelevant. Never have I hallucinated or have known anyone else to have hallucinated from the use of MDMA.

Cocaine and heroin have most often been compared but this is completely asinine. These drugs are, without question, addictive in nature leading them to be much more grave. An addict will do "ANYTHING" for their next hit - steal, kill,.... Moreover, these drugs can also be abused to the point of overdose and consequential death. These consequences are much more severe to individuals and society than ecstasy and should therefore not be compared in any way to ecstasy.

Ecstasy produces a sense of empathy, love, and euphoria with a combined rush from accelerating the heart and a heightened sense of touch. This is the complete opposite of the effects of marijuana or, more specifically, THC, which promotes apathy, and sedation. The effects of MDMA are, as you may well know, the consequences of a mass release of serotonin in the brain and the amphetamine nature of the drug. They lead to wanting to dance or "become one with the music" and be social and touched. In an environment of ecstasy users everyone wants to be friends and help each other and has been compared to the free-love atmosphere of the '60s. I have also read how psychologists in the late '70s and early '80s would take MDMA to foster their sense of empathy and therefore become better able diagnose and treat their patients .

Ecstasy is not addictive and its only side effects are dehydration and exhaustion usually from the combined effects of an accelerated heartbeat and dancing. These effects are not any different from caffeine or diet pills. The abuse ecstasy (by this I mean those individuals taking 10-30 pills over a day or two - an analogy (as the government seems to love those in matter of drugs for some reason) would be a few drinks (a dose, or pill) of ecstasy) vs. a case of vodka (over use)) leads to irregular sleeping patterns and depression from damage to the brains ability to re-uptake serotonin. Death from ecstasy has been linked to "bad ecstasy" such as the use of PMA or DXM instead of MDMA. I've read that in some rare cases severe dehydration and pre-existing heart conditions caused death in individuals taking ecstasy. Again though, these can cause death in individuals taking caffeine, diet pills, or any other substance containing amphetamines.

I would suggest that any official given the power to create laws regarding ecstasy, or any other non-addictive drug with no side effects if a mild dose is taken, to take a mild dose. How else can one accurately know and report on something except from a personal experience?

Lastly, as far as sentencing goes, the important issue here is to realistically weigh the cost of ecstasy use to society vs. the cost of increased punishment (including the cost (time and money) relating to police, courts, taxpayers, jails, government officials and the lives of individuals). Then is the projected decrease in use worth the cost to society and is it fair given the effects if the drug? We have seen from history what increasing punishment has done to the cocaine market, for instance, where cocaine is much more pure and plentiful today than in the past. The same goes for heroin. The only real solution to any drug related problem is education and better alternatives to drug use. Meeting drug problems with an extreme right wing solution makes it seem as though it is the politicians who are detached from reality.

Sincerely,

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2/4/2001

Joseph Illescas

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specmind

From: "weaselynn" <weaselynn@email.msn.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 4:43 PM
Subject: Response to Commission's Amendment

To whom it may concern,

This letter is in response to the Commission's proposed Amendment to equate Ecstasy with Heroin for the sake of sentencing.

I am a 21 year old female, engaged to be married. I own my own house and car, and pay all my bills. I work full-time with mentally disabled children, which is sometimes very stressful. On my weekends off, my fiance, and I will go out to the club, or go down to the city to a big rave to dance and have fun. I usually take just 1 pill a night, but have never taken more than 4 pills in a whole weekend, and I have been doing this just about every week for almost 9 months.

When I am on Ecstasy, it is the best feeling in the world. I become more open to people and to myself, and everything just feels good and right. I'll sit down and look at all the other people having fun, and smile. Because that's what it is. It makes everybody happy and love each other, and if used safely, it will never take anyone's life.

I have never had a bad experience while "rolling." And I have never felt depressed or sad the next day. Actually I still feel like I'm coming down from the roll; relaxed and warm. A very happy feeling, almost like you're glowing. And if excessive, continuous use of Ecstasy will lead to a decrease in serotonin axons, then you must have to eat several pills a day, for several weeks in a row, because I have not noticed any changes in mood or memory in myself or anyone else.

Ecstasy is not a hallucinogen or a stimulant. It is in a category called Entactogens, which literally means "touching within." It lowers your fear response, so that you can connect with people you never thought you could.

It should never be placed in the same category as heroin, crack, cocaine, or any other drug like these, because it simply is not the same. It is not addictive, and when used safely, you will never die from it. You will only die from the fake pills that are being made everywhere.

So, being an adult, who has enjoyed using Ecstasy responsibly, I pose a question to anyone who thinks that it should be illegal...WHY???????????

Because people are dying from it???.....WRONG!!!!!!

Anyone who has died from using Ecstasy died because they either 1) combined it with other more dangerous drugs (ketamine, GHB, speed, or coke), 2) did not follow the safety precautions such as drinking water, and taking breaks from dancing to cool down (following these safety precautions are equivalent to not drinking and driving, except that is worse because the lives of everyone else on the road are at stake) 3) ingesting 14 pills or more all at once, because that is considered a lethal dose (what would happen to a small child if they got into a bottle of aspirin and swallowed the same amount? Probably a lethal dose as well) or 4) took a pill that was actually something else, such as DXM, PMA, or DOB. All it takes is one of these pills to kill you. I have never allowed my fiance, or anyone else that I know to take a pill without me testing it first. I bought a test-kit through DanceSafe, and it has saved our lives more than once.

Also, if Ecstasy was manufactured legally by the government, this would not be an issue. All the pills would be regulated by the FDA, and then nobody would have to die.

In addition to these facts, the government claims that MDMA has no therapeutic use in the medical world, yet they continue to keep it in Schedule I, which outlaws any research or medical testing. Wouldn't it be a better idea to place it in Schedule III, allow for research on the therapeutic uses as an adjunct to psychotherapy, instead of just testing for negative effects on rats? Which, by the way, rats have a brain about the size of a gumball, so any effects that MDMA has on them is really unrelated to the actual effects on people.

I would also like to point out a few more flaws with the placement of certain drugs in this society. The government will not allow responsible adults to use a non-addictive, relatively safe substance that makes people happy and content, but they will allow people to drink alcohol which for alcoholics, is more addictive than heroin. These people will then start to get sick with cirrosis of the liver, jaundice, and Hepatitis B. My father was an alcoholic who eventually needed to be put in detox for 6 months because the addiction was so bad. And 10 years later, with more drinking his liver gave out and he needed a liver transplant. But this "safe" drug is still legal and is easy to get into the hands of any child. I drank my first beer at the age of 10, and was drunk for the first time at 13, yet Ecstasy seems to be a huge epidemic.

The drug of choice for my father was really cigarettes. And this eventually killed him. He would smoke 2 packs a day, but at the time it seemed like alcohol was more of the enemy. Two years after his liver transplant (it was successful, but our insurance wouldn't cover it because it was alcohol related, my mom had to come up with \$500,000.00 for just the operation, not including the \$300.00 worth of medicine he had to take a day to keep his

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body from rejecting the liver) my Dad was diagnosed with lung cancer. They tried one operation to remove the portion of the lung with the tumor, but by that time it had already spread to his other lung. They gave him a month to live. He lasted 5 days. I was 12 years old.

Cigarettes have absolutely no medical uses at all. And Quite the contrary, regular smokers will die of some kind of smoking related disease. Does't anyone read the labels??? Smoking will cause lung cancer, emphysema, heart disease and fatal birth defects. People die from these, every minute, of every day. Second-hand smoke is probably more likely to kill someone than 1 pill of Ecstasy.

I am in no way suggesting that alcohol and cigarettes be illegal as well, it won't work anyway (look at prohibition in the early 1900's) also the government would hate to lose those taxes on these DRUGS. But doesn't anyone see, that even though more money is going into all these Anti- Club Drug Acts, and the sentencing times are increasing, that the amount of production, importation, selling, buying, and using of Ecstasy is still climbing steadily.

Not only is the government not winning the war on Ecstasy, it appears to be making it worse. The culture surrounding this drug used to be strictly the gay community during the 1970's and early 1980's. That is when it was still legal. Once DEA Administrator

Lawn pushed it into Schedule I in 1986, it disappeared and then started showing up in the underground rave scene. But today it has spread even further than that. You can hear 2 of America's most popular rappers have new songs that mention Ecstasy use; Eminem and Jah Rule.

Perhaps the answer is not in the tightening of controls on the substance, but in the loosening and understanding of it. Maybe if we take the time to look at both the positive and negative effects (not just the negative) of MDMA, and see where it's place is in modern medicine, then maybe it will be a little more respected by society. And then maybe the government won't feel so obligated to put scare tactics on the people of America, because Ecstasy won't be that scary any more. (By the way, all the "negative" effects of Ecstasy that are listed on the NIDA (National Institute of Drug Abuse) website are no worse than any of the side effects of the drugs that are in the Physician's Desk Reference; they also coincidentally do not name any of the positive effects of MDMA, especially the feelings of empathy and love... go figure!!)

There will always be a demand for MDMA, whether it is for it's theraputic use in some psychiatrist's office, or to go to a rave and enjoy yourself and the company of others. I just feel that it is unjust to not allow those who can act responsibly to use a substance that they feel has total positive effects. Doesn't the phrase "Freedom of Choice" mean that you have the right to decide for yourself??? Think about it. Thank you.

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specmind

From: <Thescarletstar@aol.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 9:45 AM
Subject: correct information

I am writing in response to the inaccuracies in the proposed ecstasy law. It has been represented to the Commission that Ecstasy (i.e., MDMA, MDEA, MDA and PMA) is similar in its hallucinogenic effect on the user to mescaline. Also it has been described as having an added stimulant component that can elevate heart rate, blood pressure, and body temperature. It has also been suggested that the drug is neither physically nor psychologically addictive. The proposed amendment treats Ecstasy as being of comparable seriousness to heroin, providing a marihuana equivalency for Ecstasy that is the same as heroin. Accordingly, for sentencing purposes, 1 GM of Ecstasy will be the equivalent of 1 kg of marihuana. I think it is ridiculous to treat ecstasy in the same manner as heroin. They are in no way alike, and in no way equally serious the Commission treat Ecstasy as being of comparable seriousness to powder cocaine (which would result in a marihuana equivalency for Ecstasy of 200 GM) or methamphetamine mixture (which would result in a marihuana equivalency for Ecstasy of 2 kg). Still incorrect. Ecstasy is not comparable to cocaine either. The penalty, I think, should be comparable to that for mescaline (which would result in a marihuana equivalency for Ecstasy of 10 GM). Regarding whether the Drug Quantity Table in section 2D1.1 should be revised with respect to Ecstasy I think that all of these laws and revisions of laws and charts will not help. We need to provide education to the public about the risks and effects of the drug. This will scare away some, and those who will do it anyway will have the information to be safe as they do it.

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specmind

From: "Danny Yavuzkurt" <ady1@psu.edu>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 10:02 AM
Subject: Ecstasy sentencing guidelines are patently ridiculous
 The new Ecstasy sentencing guidelines being considered are patently ridiculous and should never have been proposed in the first place.

Ecstasy is in no way comparable to marijuana, cocaine, heroin, methamphetamines (even though it is chemically similar), or any other drug. Ecstasy is what cognitive scientists refer to as an "empathic entheogen," meaning that the main function of the drug is to increase empathy and interpersonal relations, making the user feel "at one" with everyone around him/her. There is no causal relationship between Ecstasy use and:

- violence
- physical addiction
- danger to self and others in general,

EXCEPT for its well-known and easily combated hyperthermic effects. Many of the deaths attributed to 'Ecstasy' were in fact caused by PMA or other drugs masquerading as E. In effect, by treating E as if it were responsible for the deaths, and thus as 'dangerous' as heroin, the Sentencing Commission completely disregards the truth in this matter, and is acting more out of a desire for political capital - seeming to 'crack down' on drug use is always desirable when a new presidential administration comes to power, especially one as in need of legitimacy as Bush's.

This new sentencing guideline, that will put thousands or tens of thousands of nonviolent, nonaddicted people, most of them young, college-age or younger, behind bars for years, is nothing more than a crass political machination, and takes advantage of a shortened public comment window and the calculation that many of those affected by this new law will never know of its existence until it is too late. It is truly shameful to enact a guideline that will massively increase criminality of a drug that is only dangerous to the user him/herself, putting young people behind bars for much of their lives, simply to further a political agenda of looking 'tough'.

The Sentencing Commission, if it truly believed in protecting the public interest, would concern itself with finding ways to stop nonviolent, nondangerous drug use before it starts, and treat it, when it occurs, not as a criminal act, but simply as a recreational act, like smoking, that comes with its own set of dangers and consequences, which individuals may consider consciously, and act of their own free will in deciding how to use their bodies.

Enacting this guideline is nothing short of declaring war on a generation, nothing short of seeing the world through black-and-white glasses, where everything labeled a 'drug' is evil, and those who use them are forever labeled 'criminals'. You cannot change the hearts minds of the people

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through threats and force - and that you have chosen, once again, to fight the 'war against drugs' as if it were a war against the citizens.

Shame on you.

Danny Yavuzkurt
Student, Penn State University, department of Information Science and
Technology
ady1@psu.edu

[163]

specmind

From: <ZenMichael@aol.com>
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 10:26 AM
Subject: Notes to Sentencing Commission

Dear Madam or Sir,

I am a former ecstasy user and would like to comment on the information submitted to you.

- 1) Ecstasy is not a hallucinogenic drug. It does not alter visual perception in any way.
- 2) Ecstasy is psychologically addictive to some people, but no more so than alcohol. Your sources are correct that Ecstasy is not physically addictive.
- 3) The potency of ecstasy as a mood enhancer is analogous to marijuana. It does not approach heroin, cocaine or even mescaline in its ability to alter mood. Sentencing should reflect that one dose of ecstasy (approx. 150 mg) = one dose of marijuana (? g)

Sincerely,
Michael Foster
2401 Park Blvd. #6
Oakland, CA 94606-1576

[164]

specmind

From: "kim hanna" <onegreenday@hotmail.com>
To: <rgb@cognitiveliberty.org>
Sent: Saturday, February 03, 2001 10:17 PM
Subject: letter for Sentencing Commission
Dear Sentencing Commission,

I would urge you NOT to make the penalties for Ecstasy on a par with heroin; as they are not even remotely related in terms of drug danger. Once again our Congress clamors for tougher prison terms as a means to control drug use; when all such past attempts have failed miserably. We've got prisons full (2million) of drug offenders yet America has more pure, more kinds and cheaper drugs available; than ever before. That plan has failed and I don't want Ecstasy penalties equal to heroin.

If you must increase the penalties, I would equate Ecstasy with mescaline and treat it the same; Ecstasy of 1 gram equal to 10 grams of marijuana.

Switzerland's highest court ruled that Ecstasy was not a dangerous drug and was by most accounts used responsibly by people, without promoting criminal acts. They said Ecstasy should be considered a 'soft drug', less dangerous than heroin or cocaine dangerous .

If you take some time and read the accounts of Ecstasy used in psychological therapy here in the U.S., when it was legal; you'll find that it had much success and had minimal side effects (when used properly) or dangerous reactions.

At this moment, Spain is either testing or setting up testing for Ecstasy in trials to see if it should be made available to the public under doctor supervision. Here our Congress wants to lock you up and toss the key away.

Rick Doblin a graduate of Harvard's Kennedy School of Government who founded the Multidisciplinary Association for Psychedelic Studies said: Ecstasy 'helps people accept difficult emotions and it helps us learn about self love, openness to others, and openness to critical feedback. We shouldn't push this underground; we should study this intensely.'

I once again urge the Sentencing Commission to refrain from drug war hysteria and look to the science for the purported danger of Ecstasy vs it's many reported successes. Thank you.

Sincerely,

Kim Hanna, 3 Eames Road, Worcester, MA 01606

[165]

2/4/2001

specmind

From: [REDACTED]
To: <rgb@cognitiveliberty.org>
Sent: Sunday, February 04, 2001 1:29 PM
Subject: Ecstasy Sentencing

Dear Sir,

Please consider this as my written statement concerning the Sentencing Committee's upcoming decision concerning the sentencing of those convicted of possessing or trafficking in MDMA (and similar drugs). Also, are these comments anonymous? If not, can this comment be made anonymous? If anonymity is impossible though, please submit my response anyway.

thank you,

[REDACTED]

Members of the Commission,

These comments are in response to the proposed alteration of the Drug Schedule to increase penalties for possession and trafficking of MDMA, MDEA, MDA, and PMA. Under the proposal, these drugs will be equated with heroin for sentencing purposes. Please reconsider this decision, as MDMA and heroin are clearly in two different leagues.

MDMA is not hallucinogenic, as is stated in the Commission's report. Of the various people I know who use or have used MDMA in pure form, none have ever experience hallucinations and neither have I. A drug that acts the way MDMA does should not be treated as heroin. I have never tried heroin, and I never plan to try heroin. Heroin is highly addictive and severely damaging to the body. Of the MDMA users I know, none have ever even considered using heroin. On the other hand, MDMA is not physically or psychologically addictive. MDMA use results in an intense euphoria and a general acceptance of everyone and everything around. MDMA users are not violent, in fact, users tend to be very loving and open about their emotions. MDMA is non-lethal. Fake "ecstasy" though, can be cut with anything including, but not limited to, heroin, cocaine, ketamine, and PCP. Any pill passing as ecstasy that contains these drugs is dangerous to the user. MDMA, however, is not. Other ecstasy-like drugs such as MDEA, MDA, and PMA however, can be fatal. In your final decision, please bear in mind that MDMA is non-addictive and non-fatal. I would like to see penalties increased for MDEA, MDA, and PMA, as they are dangerous. Of the three, PMA is the most dangerous and should receive the largest increase of the drugs. If an increase is inevitable, please consider equating these drugs with mescaline because, clearly, MDMA falls well short of drugs such as cocaine and heroin.

Thank you for considering these comments.

Sincerely,
A

[166]

2/4/2001

specmind

From: "Debi Jasen" <debif@hotmail.com>
To: <rgb@cognitiveliberty.org>
Sent: Monday, February 05, 2001 8:46 AM
Subject: Ecstasy

Dear Sentencing Commission:

As a third year college student, I have seen a tremendous amount of drug use. As you may know, heroin is gaining popularity in the Northwest region of the U.S. I went to school in that area, and I can tell you all about the damage done by heroin. Although I spent the first twenty-one years of my life in a suburb of D.C, I have never seen as many addicts as I did in the Northwest. My friends would try all sorts of "cool" drugs, and ecstasy was one of them. Not one of my friends, roommates, or acquaintances became addicted to ecstasy. However, we did have some serious problems with heroin addiction. Ecstasy was a temporary high. Some of my friends would take it to help with their studies, others took it when they were going to a club or a party. Ecstasy was a group drug for them. However, heroin, in my experience, became more of a private drug. Many of my friends wouldn't touch heroin because they were afraid of becoming addicted. There is a tremendous difference between heroin and ecstasy: a difference in the effects, a difference in the addiction rate, a difference in the impact it has on one's life. If you treat ecstasy as heroin, with the same punishments, and act as though it's just as scary and evil, you will lose even more of your war on drugs. Young people don't trust the government's message very much these days. They've learned that marijuana isn't going to destroy them. They've learned that a hit of acid won't put them in the psycho ward. And they've learned that they have little to fear from Ecstasy. If you tell them that Ecstasy is as evil as heroin, they will believe that heroin isn't so bad after all. You will lose even more young people than you already have lost. Please, do more research on these drugs, and discover the major differences yourself.

Sincerely,
Debi Jasen
Maryland
debif@hotmail.com

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2/5/2001

specmind

From: "Kathy McLeod" <klmcleod@ev1.net>
To: <rgb@cognitiveliberty.org>
Sent: Thursday, February 01, 2001 1:12 PM
Subject: Ecstasy Sentencing

I am opposed to the increase of punishment for MDMA offenses. This substance is not the same as heroin and is not an addictive substance as heroin, we know, is. There is no justification whatsoever to classify this substance in the same category as heroin and impose such punishment.

I am vehemently oppsed to this proposed punishment increase.

Kathy McLeod
Houston, TX.

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specmind

From: "Eddie Codel" <eddie@eddie.com>
To: <rgb@cognitiveliberty.org>
Sent: Monday, February 05, 2001 9:38 AM
Subject: MDMA public comments

Dear Sentencing Commission,

This past weekend I attended a conference on 'The State of Ecstasy' in San Francisco, California. After listening to a number of medical doctors, psychologists and researchers present their results of research into MDMA, I am convinced that this a drug with definite medical potential, and not nearly as dangerous as is often represented in the media and by our Congress. Much work needs to be done yet to accurately determine how MDMA affects human beings and what the long-term consequences of abuse are. Nonetheless, I am convinced this is a drug that needs balanced consideration before determining that it's worth taking peoples' lives away for its abuse.

Given the evidence and record to date, it would be inhumane to classify MDMA at the same level as heroin. Heroin is by far, a much more dangerous drug, both in physical and emotional addiction. It would be more fair to classify MDMA at the same level as mescaline, for several reasons. From all accounts MDMA, does not appear to be physically or emotionally addictive, and it has been reported that it has some similar hallucinogenic effects.

Please consider this issue fairly and without prejudice as we have much to learn and little to gain for locking up more people for longer periods of time for something we know too little about.

Thank you for your time in this matter.

Eddie Codel
San Francisco, CA

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2/5/2001

specmind

From: "Kristen Calvo" <kristenlia@hotmail.com>
To: <rgb@cognitiveliberty.org>
Sent: Monday, February 05, 2001 9:52 AM
Subject: MDMA in a class of its own.

Hi,

My opinion on the drug ecstasy is this. . . I have talked to many doctors on the subject of MDMA and the long term effects of the drug, which none have been found. I have also talked to doctors about the addiction part of it for this particular drug there has found to be no addictive characteristics. So I do not understand how you guys are trying to say that it is on the same level as heroin. MDMA is not addictive. MDMA has never been proved a killer. All MDMA does is give people a false feeling of euphoria. If you are going to try and find a mind altering substance that has the closest effect you'd be better off comparing it to alcohol minus the violence alcohol incurs among some individuals. So I really don't understand why you don't just restrict MDMA as you have with alcohol. Even though Alcohol is addictive and has been proven to kill still it remains legal. While MDMA is non-addictive and has never killed anyone it remains illegal. If you want MDMA to remain illegal until more is found out than you should class it with Marijuana or in a class of its own.

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specmind

From: "Robert Cashion" <trebor@justice.com>
To: <rgb@cognitiveliberty.org>
Sent: Monday, February 05, 2001 9:59 AM
Subject: De-criminalize Ecstasy

Ecstasy far less dangerous than Heroin. You don't shoot it with a needle. No matter how much you do it doesn't get you high after more than 2 days. Most users use 1 or 2 pills at an event and many only every few weeks or even months. Heroin, even if your chipping is used at least several times a week, usually several times a day. It is often injected with needles. The high hits you so fast you can OD on the spot. Heroin is bought on the streets from people who try to gaffle you even knowing that you'll get sick physically if you don't get more. Ecstasy is distributed amongst friends through safer channels. It is consumed at events that can watch out for someone should something happen (just as bars watch all the drunks). People can do E and go to bed and go to work. If you're doing Heroin there is an adjustment period - you either get sick, depressed or both or you do more and boom you get hooked.

I have never heard of an EUI but there are 1000's of DUI's why is alcohol not banned (and cigarettes and caffeine) it causes violence and disease and deaths? You have drunkards running through the neighborhood peeing and puking and kicking things. I would much rather have a bunch of people dancing, laughing and hugging at a club, party event, rave.

Robert Cashion

1230 Market St. #629

San Francisco, CA 94102

trebor@justice.com

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