

HM Government Evidence Session, With Annotations by the Drug Equality Alliance

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DRUG CLASSIFICATION: MAKING A HASH OF IT? - FOLLOW-UP

Wednesday 22 November 2006

MR VERNON COAKER MP, PROFESSOR SIR PHILIP RAWLINS and PROFESSOR
NUTT

Examination of Witnesses

Witnesses: **Mr Vernon Coaker**, a Member of the House, Parliamentary Under-Secretary of State for Policing, Security and Community Safety, Home Office, **Professor Sir Michael Rawlins**, Chairman and **Professor David Nutt**, Member and Chair, Technical Committee, the Advisory Council on the Misuse of Drugs (ACMD), gave evidence.

Q68 Mr Ffello: Professor Nutt, can I address the question to yourself. Do you see a disadvantage in decoupling the ranking of drugs from penalties?

Professor Nutt: In a way I probably do because at some point someone has to decide what the penalty is. It may be easier for a committee such as ours to look at rankings rather than the police or the judiciary themselves. At some point we have got to do it.

Professor Sir Michael Rawlins: It seems to be a principle of British justice that the penalty fits the crime. The more severe the crime and the more nasty stuff you are purveying then you go to prison for longer periods of time. That seems to be a perfectly reasonable approach to justice and I had always believed it to be the approach underpinning the classification system; the nastier the drug the longer you go to jail if you start trading in it.

Q69 Chairman: Nastier means the degree of harm to the individual and to society?

Professor Sir Michael Rawlins: Exactly.

Q70 Chairman: Which is why we sell alcohol in every supermarket!

Professor Sir Michael Rawlins: It would be a very brave Home Secretary who declared alcohol a controlled substance.

Q71 Adam Afriyie: I think that leads me to my line of questions. It is quite clear that alcohol and tobacco to some extent, and maybe even caffeine one could argue, but there is no doubt that alcohol causes a tremendous amount of crime, anti-social behaviour and all sorts of societal problems to the individual and to society overall. I wonder how you would rank alcohol and tobacco in the scale of harm that the ACMD uses.

Mr Coaker: Can I just say as an introduction to that, the Committee itself - and I thought it was a very sensible finding - was not suggesting that you make alcohol and tobacco illegal* and the Committee itself recognised that. I think what we are talking about with respect to alcohol rather than tobacco is the Government's position is that it is the misuse of alcohol that we wish to address.

Drug Equality Alliance Commentary:

**Alcohol and tobacco cannot be illegal under the Misuse of Drugs Act 1971. The act can only regulate human behaviour. We believe Coaker, who is a minister of the Crown, is introducing this legal/illegal distinction because the Crown is a signatory to the three UN drugs Conventions, which require a "policy of prohibition". hence, Coaker equates "control" under the act with blanket prohibition of human actions re "controlled drugs", i.e. production, supply, etc.*

Q72 Adam Afriyie: The question was where would you rank alcohol?

Mr Coaker: I think misuse and abuse of alcohol rather than alcohol per se is something that is obviously very harmful, and that is why the Government has spent a lot of money and a lot of time not just in the Home Office but working with other government departments trying to address the harm that alcohol causes when it is misused.

Q73 Adam Afriyie: With the harm caused by alcohol and arguably tobacco, in my view looking at the scales, they should be rated far higher than LSD and ecstasy. Where do you think it would be positioned on the table?

Mr Coaker: First of all, there is a distinction between illegal and legal drugs*, as I know you are aware, and what we have got is a classification system that ranks illegal drugs** . What we also have alongside that is issues with respect to substances which are legal, as alcohol and tobacco are, and that we know cause harm, particularly with the misuse of alcohol. The misuse of alcohol is a serious problem. I have seen what people have said as to where it should be placed. I think somebody was recommending somewhere on the border of A and B. I do not know whether that is the appropriate place for it but I stress again, Adam, it is the misuse of alcohol and we do have significant policies in government to try to tackle a problem which we know is a very real one.

Drug Equality Alliance Commentary:

**No, there is no such distinction in law. A drug is either controlled under the Act or it is not. and again, control does not mean blanket prohibition. But it is clear that that is Coaker's concern. This is why he keeps making the distinction*

***This is again wrong. Coaker does not understand the Act and no-one in the room corrects him. The classification system in Schedule 2 of the Act ranks drugs "controlled" under section 2 of the Act.*

Q74 Adam Afriyie: Okay, but do you think it might be helpful in the Government's aim to tackle the misuse of alcohol and perhaps even the use of tobacco, to educate people by including it in that table of harm so they can see very clearly where they fit as mind-altering drugs?

Mr Coaker: If you have retained the classification of illegal drugs, as we have done*, I do not think you could put it in that categorisation. What we are doing ---

Drug Equality Alliance Commentary:

**Here it is: "as we have done", in their minds only. The Act does not classify "illegal" drugs, it classifies "controlled drugs". Thereafter, activities with such drugs will be subject to restrictions, conditions, prohibitions, authorisations, etc.*

Q75 Adam Afriyie: --- But that is based on the harm to individuals and society and surely you can place alcohol within that table?

Mr Coaker: The judgment that we have made is a distinction between legal and illegal drugs, but what we have also recognised, however, is that you have got a classification system dealing with illegal drugs, then we have got legal substances - and again there is no division between us on this*- and we know where alcohol is abused there is a real issue. We know that we need to tackle that. We have an alcohol harm reduction strategy which we are looking at, and we are working with the industry, working with education, working with health, working with all other government departments to try to tackle that.

Drug Equality Alliance Commentary:

**Here he asserts that all are on the same page re this distinction "we have made", we being the Government.*

Q76 Adam Afriyie: The only short point I would make and ask for a comment on is why does the Government feel the need to withhold that information, if you like, as to the harm to individuals and to society of legal*drugs like alcohol? Why is that not in the table? Would that not help to educate people to see the impact that these substances have on society?

Mr Coaker: We are not trying to withhold information about the harm that the misuse of alcohol does. We know the misuse of alcohol is extremely harmful. There has been a lot of publicity about it, the information is out there, there have been a lot of debates in Parliament and so on about all of that. What I am saying is that we would not put it in a classification system at the current time where we rank illegal drugs.

Drug Equality Alliance Commentary:

**And now Afriyie buys in. Until now he wasn't using the term "legal drugs" to mean drugs not controlled under the Act.*

Mr Coaker: We are not trying to withhold information about the harm that the misuse of alcohol does. We know the misuse of alcohol is extremely harmful. There has been a lot of publicity about it, the information is out there, there have been a lot of debates in Parliament and so on about all of that. What I am saying is that we would not put it in a classification system at the current time where we rank illegal drugs.*

Drug Equality Alliance Commentary:

**And now it has become a mantra. Repeat after me... "where we rank illegal drugs" ... "where we rank illegal drugs" ... ad infinitum.*

Mr Newmark: That is only for historical reasons. The fact is that both alcohol and tobacco alter people's mental functioning.* If we are trying to educate the public as to the harm of drugs that are illegal, then I do think there is some sort of relativism in order to be honest with the public with respect to alcohol and tobacco. That is not something we are saying you should do but it is something that should be considered. Again, for historic reasons we have said that marijuana is illegal** and yet we know of many young people who take marijuana and who say it is no more harmful to them in terms of altering their mental functioning than two glasses of alcohol of some form. I think it is important if we are going to be honest with the public that we do tabulate it. We could have one column that says "illegal" and one that says "legal".*** The fact is just because for historic reasons we have decided marijuana is illegal and alcohol and tobacco are legal does not alter the fact that both actually alter people's mental functioning, and I think that is the important message we need to get across to people.

Drug Equality Alliance Commentary:

** Newmark mixes rationality with the false distinction of legal/illegal. They all alter people's mental functioning but then there is this artificial divide.*

*** But whether "we have said it" or not, marijuana is not illegal; but production, commerce and possession is currently illegal for most people.*

**** Newmark has bought the legal/illegal distinction, hook, line and sinker.*

Q77 Chairman: Do you agree with that?

Mr Coaker: First of all, marijuana - and I know you are not saying this, Brooks, but just to be clear about this - will stay a legal drug. I know that you were not suggesting that it should not be. Just to repeat the point, I think the important message is about the harm that the misuse of alcohol does. That is the message that we need to get out there. That is the message that we are trying to do. I am not sure to put that in a list with illegal drugs* is the most appropriate way to do that. There is an issue about ensuring that everyone is aware of the harm that misuse of alcohol causes.

Drug Equality Alliance Commentary:

** Where is this distinction sourced?*

Q78 Dr Turner: I think the point, Vernon, is not so much that anyone is suggesting that tobacco or alcohol should be made illegal but that it should be pointed out that were they illegal drugs* this is where we would put them on a scale of harm.

Drug Equality Alliance Commentary:

** And now Turner has bought it.*

Professor Sir Michael Rawlins: Can I come in here. In another life I live every day with the problem of alcohol and tobacco, which cause more misery and suffering than the whole of the misuse of drugs together. Collectively it causes about 150,000 premature deaths every year. Our response to that has to be very different to the response to the substance misuse issue. It is a massive problem, it causes, as I said, untold misery, and our reaction to it has to be predominantly a public health one. There are limits to what the law can do.* Everybody knows that too much alcohol is bad for you, everybody knows that. Kids are also taught at school about the harm caused by tobacco. What is very disturbing is the fact that the early use of tobacco and alcohol by kids is probably the main gateway to substance misuse later on, and I think we really do need as a society to recognise the importance of tobacco and alcohol in relationship to kids and do more in schools. However, frankly, putting it into the classification system I just do not think is going to get us anywhere. We have got to focus our effort on what will really, really work.

Drug Equality Alliance Commentary:

** Blistering rationality, and he doesn't trot out the mantra. But he also doesn't correct the misuse of language of others.*

Q79 Mr Newmark: This goes back to my point, therefore if you are trying educate children - and I agree as someone who is a non-smoker and non-drinker myself - as to why drugs are bad (and I agree with Vernon's statement that that does not mean that we should make anything legal that is illegal)* we must show young children in particular, if we are saying marijuana or LSD or anything else kids take is bad, in the exact same table that alcohol and

tobacco are just as bad or relatively as bad as the other drugs on the table. That is part of the education process. If you are saying one is a public health issue because for historic reasons we have said alcohol and tobacco are perfectly okay but for other reasons we have said dropping LSD and smoking marijuana is not, I think it is very misleading to the public, and in particular to young people, and I think it shows that we are being hypocritical.**

Mr Coaker: The only point I would make, just to repeat, is we have got a classification system for illegal drugs; we have got legal substances, alcohol and tobacco, which we try and regulate through other means such as through public health messages.

Drug Equality Alliance Commentary:

** We are not going to prohibit the production, commerce and possession of alcohol or tobacco. And wisely so as prohibition as a regulatory model has failed.*

*** Yes, it shows exactly that.*

Mr Coaker: The only point I would make, just to repeat,* is we have got a classification system for illegal drugs; we have got legal substances, alcohol and tobacco, which we try and regulate through other means such as through public health messages.

Drug Equality Alliance Commentary:

** Repeat after me... "where we rank illegal drugs" ... "where we rank illegal drugs" ... ad infinitum.*

Q80 Mr Newmark: In terms of its impact on society ---

Mr Coaker: And we try to address that in different ways through public health messages that we put out and through education.

Q81 Dr Turner: I think the point is that you cannot necessarily put them into totally distinct categories because if you talk to anyone who drinks a bit and certainly anyone that smokes, nine times out of ten they will say, "I do not do drugs"*, but of course they do.

Drug Equality Alliance Commentary:

**This is part of the problem. No-one wants to be tarred with the brush of "prohibition" semantics.*

Professor Sir Michael Rawlins: Coffee, tea, the whole lot; we all do drugs. *

Drug Equality Alliance Commentary:

** Hear, hear!*

Dr Turner: Tobacco is a lethal drug. All I am suggesting is that you draw the parallels and you use this as part of your public education to the effect that alcohol and tobacco are examples of potentially very harmful or even lethal drugs

Mr Newmark: And addictive.

Dr Turner: Which are as harmful if not more harmful than many Class A illegal drugs. I think that sends out a very powerful message if you link the two.*

Drug Equality Alliance Commentary:

** It certainly does. The Government were so fearful of that message getting out that the Home Secretary sacked Professor David Nutt.*

Chairman: To be fair, one of the most disappointing aspects of the response from the ACMD and the Government was the total rejection of a new scale of harm decoupled from criminal penalties to put alcohol and tobacco and other substances within that scale of harm. I will not ask you for a comment, Professor Nutt, because I know you totally agree with my comments!