

Addicted to getting drugs wrong

Jon Silverman

A 40-year-old law constricts drugs policy – and some media don't help by ignoring facts and distorting problems, argues an academic

In May 2002, Tony Blair made a speech to the Royal Society in which he proclaimed the importance of science to the economic and social prosperity of the UK. An audience of scientists believed it heralded a new dawn for evidence-based policy making. Among those applauding the Prime Minister was Professor David Nutt, blissfully unaware that, within a few years, he would become perhaps the highest-profile victim of a clash between scientific evidence and New Labour realpolitik when he was sacked as chair of the Advisory Council on the Misuse of Drugs (ACMD).

While researching a book on the relationship between the media and criminal justice policy, I interviewed Professor Nutt and some of his fellow ACMD members who resigned in protest at his dismissal. I also talked to the man who wielded the knife, Alan Johnson, then Home Secretary, and many others with a close interest in UK drugs policy (all the quotes in this piece are from this research). My conclusion is that there is no field of public affairs which reflects the media influence more vividly than that of drugs and that, especially over the past decade, a small number of newspaper editors have acted as a policy “satnav”, which ministers have followed almost slavishly in their desire to send “messages”, with the outcome that drug classification has become ludicrously detached from drug harm. So, how on earth did we get here?

“The ‘death’ drug we can’t police” – Daily Mail, March 18, 2010.

“Police reveal 180 pupils at one school off sick after taking legal ‘Meow Meow’ party drug” – Daily Mail, March 8, 2010.

From the autumn of 2009, facing a bombardment of similarly lurid (and frequently inaccurate) headlines, the New Labour Government was under pressure to ban the “legal high”, mephedrone. That pressure was ratcheted up after the widely reported deaths of two teenage boys in Scunthorpe in March 2010. Former Home Secretary Alan Johnson told me: “The reason we hurried up banning mephedrone was firstly, a lot of newspaper stories after the death of the two boys in Scunthorpe, but also an election was coming and we wanted to get it through Parliament before the dissolution.” Asked whether there was also a desire to show the media, ahead of the election, that the Government was being “tough” on drugs, Mr Johnson said: “Well, you never know whether at the back of your mind there are other considerations, but I like to think it was the importance of getting the ban on the statute book before the election. We honestly didn’t do it [i.e. ban it] to grandstand in that way. We were being led by the ACMD... legal highs had become a big issue.”

No qualms about disregarding advice

If that answer appears selectively self-serving, it is. When the ACMD expressed the view, in December 2005, that cannabis should remain a Class C drug the Government had no qualms about disregarding its advice. Before the 2005 election, when the Conservatives seized on press stories about the popularity of magic mushrooms to attack the Government, the then drugs minister Caroline Flint responded by making them a Class A drug, without asking the advice of the ACMD. And when both the Runciman report in 2000 and the Home Affairs Committee in May 2002 recommended that ecstasy should be reclassified from Class A to Class B, the calls were resisted. It is clear that something other than evidence and the scientific advice of experts was driving much of New Labour’s drugs policy.

Until either Gordon Brown or Paul Dacre publish their memoirs, the closeness of the relationship between the two men can only be guessed at. But from the comments of those around them, it is evident they shared a moral vision on a number of important issues, with the result that Mr Brown enjoyed an unexpected honeymoon period from the arch Labour-hating *Daily Mail* when he took over the reins from Tony Blair in summer 2007. That autumn, the new PM flirted with the idea of calling a snap election to benefit from the “I’m not Tony” effect.

Professor David Nutt, the then chair of the ACMD Technical

Committee, told me: “The rumour is that Brown did a deal with Paul Dacre. Dacre said there are three things you must do to get *Mail* support, one of which is to reclassify cannabis... the Government was fixated on a daily basis on whatever the *Mail*’s attitude was. What will the *Mail* think? That was the mantra. It’s pathetic really.” Yet, interestingly, not many years earlier, the *Mail* and its stablemate the *Mail on Sunday* were sending out rather different signals in relation to cannabis. A balanced leader on the latter, prompted by a commissioned poll showing a two-to-one majority in favour of decriminalising cannabis and published on October 15, 2000, was headlined: “Time for debate – but first give us the facts”.

It is unlikely that the *Mail*’s temporary epiphany on the issue of cannabis came about spontaneously. It can be traced to a specific piece of lobbying by Dame Ruth Runciman, who chaired the ground-breaking Police Foundation inquiry in 2000 that recommended reclassification, not only of cannabis, but ecstasy and LSD as well. *The Guardian* columnist (and former *Times* editor) Simon Jenkins, a member of the inquiry team, recalled: “Ruth Runciman spent a lot of time with Paul Dacre and the *Telegraph* editor and very carefully pre-briefed them before the report was published. As a result of the briefings, the editors approved leaders which were on our side. We had opinion surveys in support. It was remarkably consensual.”

What changed between 2000-1 and a few years later can be summed up in one rather ugly word: skunk. Grown hydroponically in “cannabis factories” in the UK rather than imported, mainly as resin, skunk accounted for 15 per cent of the drugs market in 2002 and at least 70 per cent by 2008, according to an ACMD assessment in February 2008. The increase in the use of skunk was not in doubt. But what was a matter of intense debate among researchers was the potency and harm factor of skunk compared with the strains of cannabis that had dominated the market a decade earlier.

Some of the broadsheet press reflected these differences of opinion. Few of the tabloids and middle-market papers did, even sporadically. Instead, readers were subjected to a relentless drumbeat of stories, often based around personal accounts, of the link between “super strength” skunk, which was allegedly 20-30 times stronger than the cannabis of old, and psychosis in users. The “evidence” was so compelling that the *Mail on Sunday* published an editorial on January 18, 2004, headlined: “What will Britain be like when there’s a whole generation hearing voices in their heads?”

The ACMD assessment of 2008, cited above, was delivered by Dr Les King, formerly head of the Forensic Science Service’s (FSS) drugs

intelligence unit. He now has this to say about the impact of skunk on the Brown administration's determination to reclassify cannabis as a Class B substance: "I did a report on cannabis potency in 2007 with the Home Office people at Sandridge near St Albans and the FSS. To our surprise, Gordon Brown asked to see a copy of our conclusions. He clearly read it, but not long after came out with the statement that skunk is lethal. We all laughed. It wasn't supported by our research at all and I don't know why he did that. I think the newspaper stories about links between skunk and schizophrenia must have had an impact on policy."

"Professor David Nutt, that ninny-brained menace to the nation's young people... I do hope that, long before the end of his smug life, Professor Nutt wakes up one night in a cold sweat and realises what it is that he has done."—Peter Hitchens, writing in the *Mail on Sunday*, March 28, 2010.

"You really do have to scrape your jaw off the floor. Not only will such trivialisation of ecstasy cause grave distress to parents whose children have died from taking the drug but it knocks the ground from under the feet of parents terrified that their children will start taking it."—Melanie Phillips, writing in the *Daily Mail*, February 9, 2009.

Bemused by the media storm

Perhaps it's naivety, but Professor Nutt remains bemused by the media storm which ensued when he attempted to put the risk of taking ecstasy into some kind of context by comparing deaths from the drug with those from horse-riding: "When I wrote my paper on ecstasy for the *Journal of Psychopharmacology*, I ran it by the Chief Scientist at the Home Office, Professor Paul Wiles. He said it was valuable and helped broaden the debate, asked me to moderate one or two things—for example, don't say this should be the basis for law—but he had no objections to it being published. As often happens these days, the paper was first published in the online version of the journal. I didn't even know it had appeared until a reporter from *The Daily Telegraph* rang me on a Friday morning and asked me: 'Do you stand by this article?'"

All credit then to an alert journalist for spotting it? Well, not quite, it seems. "The reporter said he had just found the journal paper online," continued Professor Nutt, "but I think I'm being 'searched'. There are a group of people out there, an anti-drugs cabal, scanning the literature. That's how the *Telegraph* learned of it. Once they'd run it, it took off in all the

other papers, the BBC and so on. On the Monday morning, the Home Secretary, Jacqui Smith, rang me at my clinic and I said: ‘Am I being sacked?’ It was a coincidence of timing that she was in the middle of a media storm of her own over her parliamentary expenses and it was a useful distraction to have a go at me. She was able to say she’d spoken to me, that I’d apologised because I’d upset families of those who had died and that I had promised not to stray into this territory again. The whole thing was bizarre.”

Had Professor Nutt been a keener student of the ways of the media and their impact on drugs policy he might have been less surprised. The drug GBL, known in party-going circles as “liquid ecstasy”, had been a political issue since the death of a young medical student called Hester Stewart in Brighton in April 2009. Blonde, vivacious and from an articulate middle-class family, she embodied many of the stereotypes which have long focused press reportage on some drugs deaths rather than others. A decade and a half earlier, Leah Betts, who died after taking one ecstasy tablet on her 18th birthday, had attracted a similar ghoulish notoriety in the media.

Hester Stewart’s death was not just a personal tragedy for her family but a political embarrassment, because the Home Office had promised in the summer of 2008 to ban GBL but had not yet done so, provoking headlines such as: “Medical student dies after taking ‘party drug’ GBL that Home Office failed to ban” (*Daily Telegraph*, April 28, 2009), and “Coma in a bottle: GBL, the 50p party drug which is easier to obtain than heroin... and is legal” (*Daily Mail*, May 1, 2009).

Hester’s mother Maryon, a prominent writer on nutrition, described in authored articles in the press and in interviews that she felt “cheated, frustrated and angry” that the Home Office had not made good on its promise. Although Jacqui Smith was Home Secretary at the time of Hester’s death, within weeks she had lost her post over the expenses scandal and it fell to Alan Johnson to meet the angry and bereaved parents: “I remember Hester’s mum coming to see me and she wanted something done quickly, overnight. She was involved in the media.” Did that carry weight with him? “Not really. She was particularly upset but we said if we ban it without proper consultation, we’ll be judicially reviewed. We did try to speed things up as much as possible because a face-to-face meeting with parents who had watched their daughter die was very powerful. It had great emotional impact.”

An impact amplified by the media. So it was no surprise that in August 2009 the Home Secretary announced that GBL would be banned – despite

concerns that drug treatment services would be unable to cope with addicts no longer able to obtain it and the knowledge that it would inevitably be replaced by one of a number of other legal highs marketed via the internet.

Why have some newspapers had such a strong impact on drugs policy? Former chief constable of Cambridgeshire Tom Lloyd believes he has an answer: “Unlike transport, health or education, drugs have attained the status of being about morality. You are immoral not only if you take drugs but also if you argue against the drugs laws. It’s almost a religious thing.”

In a number of countries with a less adversarial press – Mexico, Portugal, the U.S. and Switzerland to name but four – the scope of public discourse on drugs is being broadened, and/or formerly taboo policies such as decriminalisation have been implemented. In the UK, the debate is constricted by a 40-year-old piece of legislation, the Misuse of Drugs Act, 1971. A media high on their own self-importance would do well to consider why.

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