

## A Donkey On Tilt

By Angela Kokinakos

First published 2021



If you have ever paid attention to poker, you might have heard a player described as being “on tilt.” This player makes decisions based on emotion, usually anger, instead of playing the situation as it exists. A typical example is when someone stubbornly continues to bet on a losing hand despite indications that he doesn’t have the strongest hand, usually because he’s invested such a large amount of money into the pot that he just can’t put down his cards. He imagines that he can get other players to fold by betting higher and higher. He’s shocked when other players call or raise his bets, and it makes him angrier and angrier

each time other players won’t fold. He imagines it’s already his pot, and they’re trying to take it from him. He can’t accept his cards aren’t the best cards, and he’s incensed that someone would try to take his winnings! However, if you are playing against someone who’s on tilt like this, and you have “the nuts” (a hand that mathematically can’t be beaten), you would never fold no matter how high the bet is raised because you know you are going to win. The angrier a person on tilt gets, the more bad bets he makes, trying to force a win from a losing position. Players on tilt may be referred to as “donkeys,” someone who plays his cards against the odds and doesn’t fold poor hands.

Every time I consider US drug policy, the “war on drugs,” it reminds me of a donkey on tilt. For a hundred years, the government has put so much effort and resources into trying to “win” this “war” that it just can’t admit has been a horrible mistake from the beginning. What about all that wasted money? What about all the lost or destroyed lives? How can we shamefacedly admit we were so wrong after all this time? We just can’t be wrong, we have to keep fighting! The federal government seems compelled to keep sinking money into a pot it can’t win. All the evidence indicating a flawed position has been ignored, and the Fed keeps pushing its weight around, trying to make others give up. The government has a losing hand, but it isn’t the one who has to ante up; that price is paid by its most vulnerable citizens. The war on drugs is a war waged on people who are already suffering, a war that punishes victims, enriches special interests, and further drives a wedge between marginalized people and the rest of society.

What would it even look like if we acknowledged we had already lost this erstwhile war and started to put all those resources into a different position? Johan Hari and Gabor Maté gave us a glimpse into the success other countries have had in employing harm reduction models to address “drug abuse.” For example, Canada, Great Britain, Switzerland, Uruguay, and Portugal all created successful treatment models whose outcomes fly in the face of US propaganda-driven policy. By decriminalizing substances of abuse, they ceased making criminals out of people who needed help and offered them a chance for rehabilitation, or at the very least, a humane existence. They made an investment in recovery instead of fighting a war that they can’t win. All of them were pressured by the US government, some successfully, to cease operations, to stop helping addicts. For example, “In the United Kingdom, opiate maintenance programs were

administered from the 1920s to the 1970s but fell into disfavour under heavy US opposition. Since then, despite the War on Drugs—or perhaps, in part, owing to it—the number of British opiate addicts has soared exponentially.” After all, the US cannot afford to allow any program that defies its drug policy to have any success; such evidence would further indicate our hundred-year war was a waste. The anti-drug propaganda machine is so entrenched in American policy and politics that leaders not only ignore any scientific or medical evidence that contradicts these deeply held, if flawed, beliefs, they actively suppress it and seek to destroy it.

However, progressive harm reduction ideas are rapidly diffusing. The global sharing of information via cable television and the internet has made it increasingly impossible to dismiss the accumulation of evidence, and people – citizens, voters, politicians – are beginning to realize that they have been misled.

Might we begin to end the war?

The trend of marijuana decriminalization and legalization across individual states is an indication that the tide is turning. In 1996, California became the first state to permit “medical” marijuana, and in just 25 years, all but 11 states have either decriminalized or legalized it to some degree. The federal government has allowed state-legal cannabis markets to operate without significant interference, despite marijuana still being a banned drug on the Controlled Substances Act. There have been several cases appealing to the US Supreme Court that sought to contest the scheduling of marijuana and the federal government’s drug policies. In June 2021, plaintiff’s attorney Jim Thorburn commented that marijuana might be legalized federally through the Supreme Court, similar to how it decided marriage equality.

Who gave him that ludicrous idea? It was conservative Supreme Court Justice Clarence Thomas, the most unlikely “hero” of the war against the war on drugs. “Justice Thomas is providing the roadmap to the end of Prohibition,” says Thorburn. “He’s trying to end the federal prohibition.”

Perhaps Justice Thomas might not put it that way, and he certainly never fashioned himself an anti-prohibition crusader. However, because it has made exceptions to allow legal state markets to exist, Thomas suggested that the federal government might have ceded its authority to ban cannabis. “Once comprehensive, the Federal Government’s current approach is a half-in, half-out regime that simultaneously tolerates and forbids local use of marijuana. This contradictory and unstable state of affairs strains basic principles of federalism,” he wrote in a recent statement.

As a matter of jurisprudence, Thorburn does not believe that Thomas is a lone voice in this opinion. Congressman Earl Blumenauer (D-Oregon), the co-chair of the Congressional Cannabis Caucus, believes Thomas’ statement is “a signal” but doubts legalization will come through a Supreme Court decision. “Even in the most conservative circles, the dam is finally breaking, and people are understanding what an absolute failure the war on drugs has been. While Justice Thomas’ comments are a sign of progress and could signal future action by the court if a case arises, it does not change the urgent need for Congress to do our job to end the prohibition of cannabis.”

Andrew Freedman, the executive director of the Coalition for Cannabis Policy, Education and Regulation, described Justice Thomas’ statement as a “tipping point” for federal legalization, a signal indeed, endorsing other conservatives to support the idea. “This is significant—he’s not a former Republican senator or an op-ed columnist, he’s an active, conservative Supreme Court justice who is pointing out the inconsistency

with which we've been dealing with this policy." Freedman believes Thorburn's statement was a call for Congress, not the Supreme Court, to act.

To say this is huge is putting it lightly. Could Congress act – soon? – to end the prohibition of marijuana? What would be the implications to the "opioid epidemic" if we were to decriminalize or legalize drugs of abuse such as marijuana? Some would argue that marijuana is largely benign, a "less-serious" drug. But what about heroin? It's pretty serious, right? We should keep it illegal, right? People who get hooked on it have only themselves to blame and should probably be left to die, right? That's what a Royal Canadian Mounted Police officer seemed to believe when he said, "It's well known that negative consequences are the only major deterrent to drug use. If you are saving people's lives, you are sending the message that it's safe to use drugs."

Columbia psychologist and addiction researcher Carl Hart asserts that the violence and despair typifying the lives of addicts have more to do with the social conditions in which addicts exist than they do with the physical pull of drugs. Drugs don't become problematic for most people who try them, even drugs we have been taught to fear, such as heroin and crack cocaine. "The key factor is the environment," he said.

A proponent of decriminalization and the regulation of all drugs from a perspective of harm reduction, Hart realized he had never actually experienced that which he was advocating for. He began to experiment with heroin use with the frequency with which he had previously enjoyed alcohol. Through his experimentation, he observed that it was possible for even the hardest drugs [to] serve as tools for a more balanced life. "Neither heroin nor marijuana is inherently more evil than the other," he claimed.

Hart argues that the current "war on drugs" mentality is infantilizing; removing choice assumes a parental role forbidding supervised experimentation that leads to competent and responsible use. Adults typically attain responsibility with legal substances such as cigarettes and alcohol, even though paradoxically, they are known to be much more dangerous, addictive, toxic, and hazardous to one's health than the substances the federal government has declared illegal. Because he was curious to explore something other than the just negative consequences of drug use, Hart lost his grants from the National Institute on Drug Abuse.

Addiction specialists argue "hard drugs" like heroin and opiates are different because they carry a higher risk of developing physical dependence with frequent and regular use. While that may be true, without the psychological drive to soothe the wounds of trauma, many people, even professionals such as Hart, can use narcotics sporadically or temporarily. As demonstrated after the Viet Nam war, the GIs who'd been using cheap and easily accessible heroin while at war came home and went back to life as usual once they were no longer stressed, with relatively few having a remaining addiction. This seems to support the idea that, to paraphrase James Carville, it's the environment, stupid.

If Hart, Hari, and Maté et al. are correct, that a person's environment has more of an impact on addiction than the substance being used does, what does that say about America's opioid epidemic? Statistics from the Centers for Disease Control and Prevention estimate that nearly half a million Americans have died from opioid overdoses in just the past two decades; clearly, the legal status of a drug isn't a deterrent for people determined to use it, and neither is the risk of tolerance, addiction, or even death. Apparently, so many people in America are so miserable that they'd rather just obliterate themselves; that's not a ringing endorsement of our society.

If I were to “follow the money” as Deep Throat suggested, to look at who benefits from this arrangement, this article would be a lot longer, but consider one statistic. In 2015, the Drug Policy Alliance, an advocacy group pushing to end the “war on drugs,” estimated that the US spends \$51 billion annually on anti-drug initiatives, and in 2021, after 50 years of the drug war, it was estimated that the US has spent a cumulative \$1 trillion on it. Drugs are not what we think they are, addiction is not what we think it is, and the war on drugs has very different motives than what’s been presented in the popular media, until recently. If living in America exposes citizens to conditions that are so miserable that people in droves are choosing to ameliorate their psychic pain with mind- and mood-altering chemicals to the exclusion of anything else and to the point of death, regardless of the risk of legal or other consequences, we are probably spending a whole lot of federal money addressing the wrong problem. What kind of utopia could we have built by throwing a trillion dollars at the conditions that created such an environment? What social problems could we have solved with that kind of money?

To put the numbers in perspective, local “hero” Jeff Bezos is spending a billion dollars a year on his spaceflight company Blue Origin, and he can spend at this rate for 200 years before going broke. He’s competing with other billionaires Richard Branson and Elon Musk in a private equity race for “space tourism;” all three have been lambasted in the popular press recently for spending... er, “investing” so much money on the future of space exploration instead of addressing the genuine problems of people alive here on Earth now. But, if Bezos, Branson, and Musk pooled their collective wealth and poured it into social programs at a rate comparable to the US’s spending on the war on drugs, their fortunes would be exhausted in just seven years.

The war on drugs is a joke, a killing joke. It’s a donkey on tilt, and way past time to fold the hand. May it happen soon, and we can finally start to clean up the mess we’ve made. We might contrive practical, realistic, and proven measures to help people currently suffering from addiction and prevent future addicts from being created. We might create an Earth we won’t be in such a hurry to leave. Until that happens, I guess we just have to keep playing the hand we’ve been dealt.

## References

1. Yakowicz, W. Supreme Court Justice Thomas Calling Federal Cannabis Prohibition ‘Contradictory And Unstable’ Signals Legalization Is Near. (Forbes; June 2021)
2. Mate, G. (2018). In the Realm of Hungry Ghosts: Close Encounters with Addiction. London, England: Vermilion.
3. Wallace-Wells, B. Is There a Case for Legalizing Heroin? (The New Yorker; April 29, 2021)
4. Goddard, T. It’s the economy, stupid. (Political Dictionary; July 21, 2021)
5. Opioid Data Analysis and Resources. CDC.gov (CDC; June 22, 2021)
6. Ellsworth, K. “Follow the money” quote from “all the president’s Men” explained, with context. (Groovy History; May 7, 2020)
7. Hari, J. Chasing the Scream: The Search for the Truth About Addiction. London, England (Bloomsbury Publishing PLC; 2019)

8. Drug War Statistics. from Drugpolicy.org. (Drug Policy.Org; 2021)
9. Mann, B. After 50 years of the war on drugs, “what good is it doing for us?” (NPR; June 17, 2021)
10. Hiltzik, M. The Bezos-Branson-Musk space race is a huge waste of money and scientifically useless. (The Los Angeles Times; July 6, 2021)