

VIA CERTIFIED MAIL and E-MAIL

October 16, 2008

ONDCP Chief-Of-Staff
Office of National Drug Control Policy
Executive Office of the President
Washington, D.C. 20503

Re: Petition for Correction of Information Publicly Disseminated by
ONDCP pursuant to ONDCP Information Quality Guidelines

Dear Sir or Madam:

The Marijuana Policy Project (“MPP”) submits this petition for correction of information publicly disseminated by the Office of National Drug Control Policy (“ONDCP”) regarding the relationship of marijuana to the abuse of illegal drugs. The information that is the subject of this request is erroneous and thus in violation of the Data Quality Act (“DQA”),¹ the guidelines issued by the Office of Management and Budget (“OMB Guidelines”),² and the Office of National Drug Control Policy quality guidelines (“ONDCP Guidelines”).³

I. Overview

The erroneous information appears in an informational publication produced and disseminated by ONDCP, which can also be accessed on the Internet at <http://www.whitehousedrugpolicy.gov/drugfact/marijuana/index.html> and is made available by ONDCP on its Web site in PDF format at http://www.whitehousedrugpolicy.gov/news/press08/Marijuana_2008.pdf. The publication can also be accessed on ONDCP’s “Pushing Back” Web site at http://pushingback.com/blogs/pushing_back/archive/2008/07/29/42723.aspx. A copy of the informational publication is attached as Tab A.

The informational publication, promoted by ONDCP as the “2008 Marijuana Sourcebook,” is entitled “Marijuana: The Greatest Cause of Illegal Drug Abuse”

¹ Pub. L. 106-554, amending Paperwork Reduction Act, 44 U.S.C. §§ 3501 et seq.

² Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by federal agencies; Notice; Republication, 67 Fed. Reg. 8452 (Feb. 22, 2002), *available at* <http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>

³ Guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by ONDCP, *available at* http://www.whitehousedrugpolicy.gov/about/quality_guidelines/index.html

(“Sourcebook”). The Sourcebook and its corresponding Web pages provide general information about marijuana and other drugs. The Sourcebook bears a publication date of July 2008.

The title of the Sourcebook – “Marijuana: The Greatest Cause of Illegal Drug Abuse” – is erroneous, unfounded, and misleading. The claim that marijuana is the greatest cause of illegal drug abuse is not supported by sound science; rather, there is a substantial body of scientific evidence confirming the opposite: Marijuana is not the greatest cause of illegal drug abuse. The theory that marijuana somehow leads to the use of other drugs, commonly known as the gateway theory, has been called in to question and debunked numerous times. In fact, the claim that marijuana is the greatest cause of illegal drug abuse is actually contradicted by other information generated and disseminated by ONDCP, as well as the Sourcebook itself.

ONDCP’s dissemination of this erroneous information has serious ramifications. No information is more important to the American public, medical community, government agencies, and the world than information about health. When a U.S. government agency is the source of such information, the public believes it and relies upon it. If the information disseminated is not accurate, it can do damage, both to the public health in general and to individuals who act, or fail to act, upon the misinformation.

The misinformation at issue here makes the erroneous, unfounded, and misleading claim that marijuana is the greatest cause of illegal drug abuse, which denies consumers of the Sourcebook the opportunity to make informed choices about marijuana and marijuana policy. There is virtually no health, drug policy, or criminal justice organization that does not rely to some degree on information ONDCP disseminates about marijuana.

Given the far-reaching consequences of disseminating this erroneous information to multiple consumers, ONDCP should act quickly to correct the information. Further, ONDCP should take steps to notify the public of the error and correction so that consumers of the Sourcebook do not continue to make decisions about their own health and the health of others based on inaccurate information. Lingering misperceptions can only be corrected by such measures.

What follows is a more detailed discussion of the grounds for this request. Pursuant to ONDCP Guidelines, the following topics are addressed: (a) the reasons for believing the information is erroneous; (b) the reasons for believing the information fails to comply with OMB and ONDCP Guidelines; (c) recommendations as to what corrective actions should be taken; and (d) a description of how MPP is adversely affected by the information error.

II. Description Of How The Disseminated Information Is Erroneous

The Sourcebook – specifically the Sourcebook’s title – along with the gateway theory as it has been applied to marijuana by ONDCP, is the only information being challenged here. No challenge is being made to statements that marijuana may be a factor in illegal drug abuse; only that marijuana is the greatest cause of illegal drug abuse.

The statement that marijuana is the greatest cause of illegal drug abuse is herein challenged on the grounds that the gateway theory, as it has been applied to marijuana, is not supported by sound science and has been debunked. There is now a substantial body of scientific evidence that shows marijuana is not the greatest cause of illegal drug abuse; in fact, the most reliable scientific information available strongly indicates that there are multiple factors contributing to the use and abuse of drugs. Drug use varies from person to person, and no drug occupies a more important place in any particular hierarchy or temporal sequence – which is exactly what the gateway theory proposes as ONDCP has applied it to marijuana.

What follows is a description of how the Sourcebook – specifically the Sourcebook’s title – along with the gateway theory as it has been applied to marijuana by ONDCP, is erroneous information disseminated by ONDCP.

A. The Disseminated Information Is Unsupported And Contradicted By Sound Science

There is no sound scientific research to support the claim that marijuana is the greatest cause of illegal drug abuse. In fact, there is a substantial body of scientific opinion that contradicts this claim and shows the opposite: namely, that marijuana is not the greatest cause of illegal drug abuse.

To understand this, it may be appropriate to first look at what this claim really means. While there is no argument that marijuana is the most popular illegal drug, used by some 100 million Americans, that does not make marijuana a “cause” of illegal drug abuse any more than food is a “cause” of obesity. For marijuana to cause drug abuse, it must somehow induce use of illicit substances – a claim that of necessity relies on the debunked “gateway theory.”

Not only has ONDCP failed to use sound scientific theories and methods to support its claim that marijuana is the greatest cause of illegal drug abuse, numerous other factors been shown to contribute to drug abuse. Unfortunately, ONDCP ignores alternative explanations in a manner designed to focus attention on marijuana, which has ultimately resulted in this request for correction.

1. The Gateway Theory Has Been Debunked

The federal government’s own official advisor on scientific matters, the National Academy of Sciences’ Institute of Medicine, has found “no conclusive evidence that the drug effects of marijuana are causally linked to

the subsequent abuse of other illicit drugs.”⁴ This finding directly contradicts the title of the Sourcebook.

RAND Corporation, one of the world's most respected think tanks, has firmly refuted the gateway theory as it relates to the claim that marijuana leads to the use of harder drugs: “The gateway theory has little evidence to support it despite copious research.”⁵ This statement not only directly contradicts the title of the Sourcebook, it indicates that there has been no shortage of opportunities for such a claim to have been given support.

There are numerous studies showing that physiological mechanisms fail to explain any link between marijuana and the use of other drugs, and there is little evidence to suggest a causal connection between marijuana and the use of other drugs, licit or illicit.^{4 6 7} There is even less evidence to support a claim that marijuana is the greatest cause of illegal drug abuse – a pseudoscientific supposition with so little support that it must piggyback off the already shoddy gateway theory in order to find its way into the title of the Sourcebook.⁸

2. The Desire For An Explanation Has Taken Precedence Over Sound Science

Determining the reason(s) behind illegal drug use requires an understanding of causality and a willingness to acknowledge, if not accept, the basic scientific principal that correlation does not equal causation. Equating correlation with causation – a logical fallacy often employed to promote the theory that marijuana is somehow a gateway to the use of harder drugs – is an argument that appeals to the human desire to explain and make sense of things. In the search for answers, it is easy to confuse the causes of drug use

⁴ Joy, J., Watson, S., & Benson, J., Institute of Medicine, Division of Neuroscience and Behavioral Research (1999). *Marijuana and Medicine: Assessing the Science Base*. Washington, D.C.: National Academy Press, p. 111.

⁵ Levitt, R., Nason, E., & Hallsworth, M. (2006). *The Evidence Base for the Classification of Drugs*. RAND Corporation for UK House of Commons, p. 86.

⁶ Zimmer, L., & Morgan, J.P. (1997). *Marijuana Myths, Marijuana Facts*. New York: The Lindesmith Center.

⁷ Cleveland, H.H., & Weibe, R.P. (2008). “Understanding the Association Between Adolescent Marijuana Use and Later Serious Drug Use: Gateway Effect or Developmental Trajectory?” *Development and Psychopathology*. 20, 615-632.

⁸ Advisory Council on the Misuse of Drugs (2008). “Cannabis: Classification and Public Health.” UK Home Office, p. 31.

with simple precursors, but this confusion can impede efforts to prevent drug abuse.⁹

A pioneer in the field of empiricism, David Hume once stated, “There is no relation, which produces a stronger connection in the fancy, and makes one idea more readily recall another, than the relation of cause and effect.”¹⁰ To be sure, the application of the gateway theory to marijuana takes advantage of the human desire to explain and make sense of things. Hume, however, understood that “there are no ideas ... more obscure and uncertain than those of power, force, energy or necessary connection.”¹¹ That the ideas used to promote the gateway theory and marijuana’s connection to drug use might also be of the most obscure and uncertain type should be of major concern to ONDCP. Unfortunately, and to the public’s detriment, this does not appear to be the case as ONDCP frequently over-emphasizes correlations between marijuana and subsequent drug use in a manner designed to imply causation.

For example, cities with many churches have higher murder rates than cities with fewer. Using the reasoning ONDCP has applied to marijuana, this fact would mean that churches make people homicidal. Using sound scientific reasoning, however, it can be observed that cities with more churches have more people, and increased population, not churches, correlates with violent crime.

3. None Of The Criteria Necessary To Prove Marijuana Is The Greatest Cause Of Illegal Drug Abuse Is Satisfied By The Gateway Theory

Neither the gateway theory nor the claim that marijuana is the greatest cause of illegal drug abuse satisfies any of the three criteria necessary to prove that a cause created an effect: association (cause and effect must co-occur), temporal antecedence (the cause must precede the effect), and isolation (other possible causes must be ruled out).¹²

⁹ Earlywine, M. (2002) *Understanding Marijuana: A New Look at Scientific Evidence*. Oxford: University Press, p. 49.

¹⁰ Hume, D., (1739). *A Treatise of Human Nature* (2nd Rev. ed.). Edited by Selby-Bigge, L.A., & revised by Nidditch, P.H. (1975). Oxford: Clarendon Press, p. 11.

¹¹ Hume, D., (1748). *An Enquiry Concerning Human Understanding, in Enquiries Concerning Human Understanding and Concerning the Principles of Morals* (3rd Rev. ed.). Edited by Selby-Bigge, L.A., & revised by P. H. Nidditch (1975). Oxford: Clarendon Press, pp. 61-2.

¹² Earlywine 50.

The association between marijuana and the subsequent use of illegal drugs is not strong. In fact, the correlation between marijuana use and crack cocaine use is negligible. The correlation between marijuana use and heroin use is even smaller.¹³ One study found that 75% of those who had used marijuana between 10 and 99 times never used another illegal drug.¹³

Time and again, studies have failed to establish any consistent temporal antecedence with marijuana and subsequent illegal drug use. In fact, several studies suggest that cigarettes are the actual gateway to drug abuse problems.^{14 15 16} And while most research has found that adolescents use nicotine or alcohol before marijuana, the stereotyped progression of drug use probably starts with caffeine.¹⁷ In any event, there are numerous studies that reveal hard drug use is not always preceded by marijuana use and rarely follows it.

Isolation requires there be no other explanation for the association between marijuana use and subsequent use of harder drugs. As discussed below, there are many other plausible explanations.

4. Alternative Explanations Cannot Be Ignored

Besides failing to satisfy the three criteria outlined above, the gateway theory ignores alternative explanations for why marijuana use sometimes precedes the use of other drugs. For this reason, the gateway theory might be more appropriately referred to as the gateway hypothesis. Numerous scientific studies have already made this observation and refer to the idea that marijuana somehow causes the subsequent use of other drugs as a hypothesis rather than a theory.^{18 19 20 21}

¹³ Ibid. 54.

¹³ Kandel, D.B., & Davies, M. (1992). "Progression to Regular Marijuana Involvement: Phenomenology and Risk Factors for Near-Daily Use." In M. Glantz & R. Pickens (Eds.), *Vulnerability to Drug Abuse* (pp. 211-2530). Washington, D.C.: American Psychological Association.

¹⁴ Ibid. 221-2530

¹⁵ Labouvie, E., Bates, M.E., & Padina, R.J. (1997). "Age of First Use: Its Reliability and Predictive Utility." *Journal of Studies on Alcohol*, 58, 638-643.

¹⁶ van Ours, J.C. (2007, July). "Cannabis Use When It's Legal." *Addictive Behaviors*, 32, 1441-50.

¹⁷ Earlywine 56.

¹⁸ Tarter, R. E., Vanyukov, M., Kirisci, L., Reynolds, M., & Clark, D. B. (2006, December). "Predictors of Marijuana Use in Adolescents Before and After Licit Drug Use: Examination of the Gateway Hypothesis." *American Journal of Psychiatry*, 63(12), 2139.

¹⁹ Cleveland, H.H., & Wiebe, R.B. (2008, Spring). "Understanding the Association Between Adolescent Marijuana Use and Later Serious Drug Use: Gateway Effect or Developmental Trajectory?"

Throughout the history of scientific thought, problems with starting the search for an answer with a single hypothesis have been apparent.²² Bias and self-delusion have been known to arise due to an emotional attachment to the hypothesis.²³ Indeed, “the temptation to misinterpret results that contradict the desired hypothesis is probably irresistible”²⁰ and is most definitely present in the case at hand, especially considering the fact that ONDCP’s attachment to the gateway hypothesis goes beyond emotional terms and into the realm of political attachment. The result in the case at hand has been a scientific mistake: the labeling of marijuana as the greatest cause of illegal drug abuse, an error which scientists sometimes refer to as “pathological science.”²⁴ The application of the gateway theory to marijuana essentially amounts to a “fallacy of misplaced connectedness” that emphasizes “assumptions about categories that do not correspond with the empirical world.”²⁵

In an attempt to offset the pitfalls inherent in working with a single hypothesis, the “strong inference” method was developed. This approach focuses attention on possible alternative explanations of an observation and allows those alternative explanations to be compared.²⁶ Because several alternative causes of illegal drug use besides marijuana have been identified, the strong inference method should be of particular interest to ONDCP; unfortunately, this is not the case, as ONDCP frequently ignores correlations between other factors and subsequent drug use in a manner designed to focus attention on marijuana.

5. Numerous Causes Of Illegal Drug Abuse Have Been Identified

Development and Psychopathology, 20(2), 615-632

²⁰ O’Donnell, J. A., & Clayton, R. R. (1982). “The Stepping-Stone Hypothesis—Marijuana, Heroin and Causality.” *Chemical Dependencies: Behavioral and Biomedical Issues*, 4, 229–241.

²¹ Hall, W., Room, R., & Bondy, S. (1995, August). *A Comparative Appraisal of the Health and Psychological Consequences of Alcohol, Cannabis, Nicotine and Opiate Use*. World Health Organization Project on Health Implications of Cannabis Use.

²² Chamberlin, T.C. (1897). “The Method of Multiple Working Hypotheses.” *Journal of Geology*, 5, 837-48.

²³ Jewett, D.L. (2005, November). “What’s Wrong with Single Hypotheses?: Why It Is Time for Strong-Inference-PLUS.” *Scientist*, 19(21), 10.

²⁴ Langmuir, I. (1989). “Pathological Science.” *Physics Today*, 42(36).

²⁵ Tarter 2129.

²⁶ Platt, J. R. (1964). “Strong Inference.” *Science*, 146, 347-353

If the gateway theory is to support the claim that marijuana is somehow responsible for the subsequent use of illegal drugs, then there should be no other explanation for any association between marijuana and the use of illegal drugs; however, there are several alternative explanations that directly contradict the gateway theory.

The statistical independence hypothesis seeks to account for phases of drug use by concentrating on the idea that drug use stems from a particular drug's own availability, expectancies, and motivations that are separate from those associated with other drugs.²⁷ This hypothesis is useful when considering the fact that more people use marijuana than other illegal drugs. 25,085,000 people used marijuana in 2007, while just 21,144,000 used all other illegal drugs combined.²⁸ Recalling that correlation does not equal causation, it must follow that the popularity of marijuana use does not mean that marijuana is a cause of a more rare phenomenon – the subsequent use of other illegal drugs. In all probability, the two acts arise from independent, individual processes; the most common act transpires first simply because it is more common.²⁹

The problem behavior theory seeks to account for phases of drug use among adolescents by concentrating on the abuse of drugs as part of a cluster of larger problem behaviors that include crime, unsafe sex, and delinquency. In this model, drug use is examined as just another problem behavior that typically leads to negative consequences.³⁰ Indeed, studies show that marijuana itself is not a cause of crime, delinquency, or violence.³¹ For example, findings that young people who used marijuana in the generations before and after the baby boomers were unlikely to move on to using harder drugs suggest “that the gateway phenomenon reflects norms prevailing among youths at a specific place and time” and support the problem behavior theory as an explanation for the cause of drug use.³²

²⁷ Miller, T.Q. (1994). “A Test of Alternative Explanations for the Stage-like Progression of Adolescent Substance Use in Four National Samples.” *Addictive Behaviors*, 19, 287-293.

²⁸ Substance Abuse and Mental Health Services Administration, 2007 National Survey on Drug Use and Health, September 2008, table G.3.

²⁹ Earlywine 54.

³⁰ Jessor, R., & Jessor, S.L. (1977). *Problem Behavior and Psychological Development: A Longitudinal Study of Youth*. New York: Academic Press.

³¹ Nolin, M., Kenny, C. (2002, September). *Cannabis: Our Position for a Canadian Public Policy*, Report of the Senate Special Committee on Illegal Drugs, p. 15.

³² Golub, A., Johnson, B.D. (2001). “Variation in Youthful Risks of Progression From Alcohol and Tobacco to Marijuana and to Hard Drugs Across Generations.” *American Journal of Public Health*, 91(2), 225-32.

Another explanation for an association between marijuana and the use of illegal drugs is personality traits that lead to an addictive personality. The idea “that there is something genetic that renders the use of both marijuana and other drugs more likely for some people than others” is not a novel one.³³ Studies suggest that the same personality traits that lead to using marijuana also lead to using harder drugs, i.e., both actions stem from the same underlying characteristic – the desire for thrills.³⁴ For example, the fact that some people use both marijuana and cocaine can be attributed to unobserved personal characteristics and not with the use of marijuana causing the use of cocaine.³⁵

Mathematical modeling by RAND Corporation researchers has demonstrated that a gateway effect is not needed to explain the correlations commonly used to justify the gateway hypothesis: “The results reported here demonstrate that a simple common-factor model with population-based parameters can reproduce each of the phenomena previously used to support claims of a marijuana gateway effect. Thus, the strong relative risk, ordering and dose–response relationships observed between marijuana use and hard drug initiation do not require an assumption that marijuana initiation, or even the first opportunity to use it, increases the risk of either hard drug initiation or the opportunity to use hard drugs. While not disproving the existence of a marijuana gateway effect, our findings demonstrate that the primary evidence supporting gateway effects is equally consistent with an alternative model of adolescent drug use initiation in which use, *per se*, of marijuana has no effect on the later use of hard drugs.”³⁶

The National Institute on Drug Abuse (NIDA) states that people begin using drugs for a variety of reasons. Some people use drugs to feel good. Some use drugs to feel better or to do better. Others use drugs out of

³³ Cleveland, H.H., & Wiebe, R.B. (2008, Spring). “Understanding the Association Between Adolescent Marijuana Use and Later Serious Drug Use: Gateway Effect or Developmental Trajectory?” *Development and Psychopathology*, 20(2), 615-632.

³⁴ Simon, T.R., Stacy, A.W., Sussman, S., & Dent, C.W. (1994). “Sensation Seeking and Drug Use Among High Risk Latino and Anglo Adolescents.” *Personality and Individual Differences*, 17, 665-672.

³⁵ van Ours, J.C. (2001, December) *Is Cannabis a Stepping-Stone for Cocaine?* Centre for Economic Policy Research Discussion Paper No. 3116.

³⁶ Morral, A., McCaffrey D., & Paddock S. (2002, December). *Reassessing the Marijuana Gateway Effect*. RAND Corporation for Addiction, 97(12), 1493-504.

curiosity.³⁷ Regardless of the reason, “the initial decision to take drugs is mostly voluntary.”³⁸

As noted above, there is a substantial body of scientific opinion to support the idea that biological and environmental factors are responsible for the association between marijuana and the use of other illegal drugs, rather than marijuana itself.³⁹ It could be suggested that the gateway theory would be just as well applied to those environmental or genetic variables as it would marijuana when attempting to explain drug abuse. In any event, there is no shortage of data indicating that the same factors that make some people likely to try marijuana also make them likely to try other substances.⁴⁰

6. Support For The Gateway Theory Is Not Strong

“No single factor determines whether a person will become addicted to drugs”; rather, “the overall risk for addiction is impacted by the biological makeup of the individual” and can be influenced by gender, ethnicity, developmental stage, and the surrounding social environment.⁴¹

Even when studies suggest that marijuana use is associated with increased risks of progression to other illegal drug use, “it is not possible to draw strong causal conclusions solely on the basis of the associations.”⁴² Make no mistake, many researchers have examined the adult consequences of adolescent marijuana use, and many of them have found evidence of a regular sequence of initiation into the use of illegal drugs in which marijuana use precedes the use of harder drugs.^{43 44 45 46 47} However, few researchers have

³⁷ National Institute on Drug Abuse. (2007). *Drugs, Brains and Behavior: The Science of Addiction* [booklet], p. 6.

³⁸ Ibid. 7.

³⁹ Agrawal, A., Neale, M.C., Prescott, C.A., & Kendler, K.S. (2004, May) “Cannabis and Other Illicit Drugs: Comorbid Use and Abuse/Dependence in Males and Females.” *Behavior Genetics*, 34(3), 217-28.

⁴⁰ Agrawal, A., Lynskey, M. T., Bucholz, K. K., Martin, N. G., Madden, P. A., & Heath, A. C. (2007, January). “Contrasting Models Of Genetic Co-Morbidity for Cannabis and Other Illicit Drugs in Adult Australian Twins.” *Psychological Medicine*, 37(1), 49-60.

⁴¹ National Institute on Drug Abuse. (2007). *Drugs, Brains and Behavior: The Science of Addiction* [booklet], p. 8.

⁴² Lynskey, M.T., Heath, A.C., Bucholz, K.K., Slutske, W.S., Madden, P.A., Nelson, E.C., Statham, D.J., & Martin, N.G. (2003, January). “Escalation of Drug Use in Early-Onset Cannabis Users vs. Co-Twin Controls.” *Journal of the American Medical Association*, 289(4), 427-33.

⁴³ Hall, W., Room, R., & Bondy, S. (1995, August). *A Comparative Appraisal of the Health and Psychological Consequences of Alcohol, Cannabis, Nicotine And Opiate Use*. World Health Organization Project on Health Implications of Cannabis Use.

reported a causal significance to this sequence of initiation into drug use without controversy. In fact, there is better support for at least two other hypotheses: that those who are predisposed to use illegal drugs are selectively recruited into marijuana use, and that after beginning marijuana use, social interaction with fellow drug users – along with exposure to other drugs when buying marijuana on the criminal market – increases the opportunity to use other illegal drugs.^{48 49 50}

The importance of local communities cannot be dismissed either, as they also “play an essential role in preventing youth drug use and influencing youth attitudes.”⁵¹ This idea is echoed by NIDA, which advises that home, family, peer, and school environments play the biggest roles in increasing the risk of drug addiction.⁵²

Another problem with the gateway theory as applied to marijuana is that it fails to account for serious drug abuse, a major blind spot in light of the fact that studies show serious drug users do not use the same drugs or in the same sequence as typical drug users, suggesting that “for a large number of serious drug users, marijuana does not play the role of a gateway drug.”⁵³

⁴⁴ Kandel, D.B. (1984). “Marijuana Users in Young Adulthood.” *Archives of General Psychiatry*, 41, 200-209.

⁴⁵ Donovan, J.E., & Jessor, R. (1983). “Problem Drinking and the Dimension of Involvement with Drugs: A Guttman Scalogram Analysis of Adolescent Drug Use.” *American Journal of Public Health*, 73, 543-552.

⁴⁶ Yamaguchi, K., & Kandel, D.B. (1984a). “Patterns of Drug Use From Adolescence to Adulthood. II Sequences of Progression.” *American Journal of Public Health*, 1984, 74,668-672.

⁴⁷ Yamaguchi, K., & Kandel, D.B. (1984b). “Patterns of Drug Use From Adolescence to Adulthood. III Predictors of Progression.” *American Journal of Public Health*, 1984, 74, 673-681.

⁴⁸ Hall, W., Room, R., & Bondy, S. (1995, August). *A Comparative Appraisal of the Health and Psychological Consequences of Alcohol, Cannabis, Nicotine and Opiate Use*. World Health Organization Project on Health Implications of Cannabis Use.

⁴⁹ Baumrind, D. (1983). “Specious Causal Attribution in the Social Sciences: The Reformulated Stepping Stone Hypothesis as Exemplar.” *Journal of Personality and Social Psychology*, 45, 1289-1298.

⁵⁰ Goode, E. (1974). “Marijuana Use and the Progression to Dangerous Drugs.” In L.L. Miller (Ed.) *Marijuana: Effects on Human Behavior*. New York: Academic Press.

⁵¹ The president’s National Drug Control Strategy (2008, February), p. 7., available at <http://www.whitehousedrugpolicy.gov/publications/policy/ndcs08/2008ndcs.pdf>

⁵² National Institute on Drug Abuse. (2007). *Drugs, Brains and Behavior: The Science of Addiction* [booklet], p. 9.

⁵³ Mackesy-Amiti, M.E., Fendrich, M., & Goldstein P.J. (1997). “Sequence of Drug Use Among Serious Drug Users: Typical vs. Atypical Progression.” *Drug and Alcohol Dependence*, 45(3), 185-96.

Other factors that are likely contributors to illegal drug abuse are: thinking of oneself as an illicit drug user, being exposed to other illicit drugs via the criminal market, and the state of being intoxicated, all of which may alter the probability of consuming harder drugs.^{54 55 56 57}

If marijuana did in fact lead to the use of harder illegal drugs, then we would see many more crack cocaine and heroin users. Recent U.S. government survey data show that more than 100 million Americans have tried marijuana at some point and about 14.4 million Americans have used marijuana in the past month; however, there were only 2.08 million who used cocaine in the past month and a mere 153,000 users of heroin during the past month.⁵⁸ The numbers simply don't add up to support the gateway theory – much less the claim that marijuana is the greatest cause of illegal drug abuse.

7. What About Alcohol, Nicotine, and Prescription Drugs?

The Institute of Medicine has found that “most drug users begin with alcohol and nicotine before marijuana” and that “because underage smoking and alcohol use typically precede marijuana use, marijuana is not the most common, and is rarely the first, ‘gateway’ to illicit drug use. There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs.”⁵⁹

It is generally accepted throughout the scientific community that both nicotine and alcohol are more addictive than marijuana.^{60 61} One study that

⁵⁴ Morral, A., McCaffrey D., & Paddock S. (2002, December). *Reassessing the Marijuana Gateway Effect*. RAND Corporation for Addiction, 97(12), 1493-504.

⁵⁵ Hall, W., Room, R., & Bondy, S. (1995, August). *A Comparative Appraisal of the Health and Psychological Consequences of Alcohol, Cannabis, Nicotine And Opiate Use*. World Health Organization Project on Health Implications of Cannabis Use.

⁵⁶ Goode, E. (1970). *The Marijuana Smokers*. New York: Basic Books.

⁵⁷ Earlywine 59-60.

⁵⁸ Substance Abuse and Mental Health Services Administration, Office of Applied Studies (2008). Results from the 2007 National Survey on Drug Use and Health: National Findings (NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD, table G.4.

⁵⁹ Joy, J.E., et al.

⁶⁰ Nolin, M. & Kenny, C. (2002, September). *Cannabis: Our Position for a Canadian Public Policy*. Report of the Senate Special Committee on Illegal Drugs, p. 26.

⁶¹ Joy, J.E., et al.

examined dependence on alcohol, nicotine, marijuana, and cocaine found that “nicotine is the most addictive of the four drugs.”⁶²

According to the 2007 federal National Survey on Drug Use and Health, the average age of first use of marijuana for people aged 12 or older was 17.6 years. The average age of first use of alcohol in 2007 was 16.8 years, and the average age of first use of cigarettes that year was 16.9 years old.⁶³ The fact that people are using alcohol and tobacco at an earlier age than marijuana is another major blind spot of the gateway theory as applied to marijuana. Even when a typical sequence of drug use progression is shown (e.g., “cigarette and alcohol use was associated with the likelihood of marijuana use and marijuana use was associated with the likelihood of other drug use”), no causal effect is demonstrated.⁶⁴ Some research suggests that cigarettes, not marijuana, are the actual gateway to drug abuse problems.^{65 66}

Besides it being impossible to state with any certainty whether marijuana predisposes users to abuse harder drugs, any risks associated with marijuana and the use of harder drugs “are likely to be less than those associated with the use of alcohol and tobacco.”⁶⁷

The 1999 Institute of Medicine report concluded that “few marijuana users develop dependence”; however, those that do “appear to be less likely to do so than users of other drugs (including alcohol and nicotine), and marijuana dependence appears to be less severe than dependence on other drugs.”⁶⁸ Several studies have concluded that marijuana's addictive qualities

⁶² Kandel, D., Chen, K., Warner, L.A., Kessler, R.C., & Grant, B. (1997, January). “Prevalence and Demographic Correlates of Symptoms of Last Year Dependence on Alcohol, Nicotine, Marijuana and Cocaine in the U.S. Population.” *Drug and Alcohol Dependence*, 44(1), 11-29.

⁶³ Substance Abuse and Mental Health Services Administration, Office of Applied Studies (2008). Results from the 2007 National Survey on Drug Use and Health: National Findings (NSDUH Series H-34, DHHS Publication No. SMA 08-4343). Rockville, MD, Figure 5.3 et seq.

⁶⁴ Merrill, J.C., & Fox, K.S. (1994, October). *Cigarettes, Alcohol, Marijuana: Gateways to Illicit Drug Use, Introduction*. New York, NY: National Center on Addiction and Substance Abuse at Columbia University.

⁶⁵ Kandel, D.B., & Davies, M. (1992). “Progression to Regular Marijuana Involvement: Phenomenology and Risk Factors for Near-Daily Use.” In M. Glantz & R. Pickens (Eds.), *Vulnerability to drug abuse* (pp. 211-2530). Washington, D.C.: American Psychological Association.

⁶⁶ Labouvie, E., Bates, M.E., & Padina, R.J. (1997). “Age of First Use: Its Reliability and Predictive Utility.” *Journal of Studies on Alcohol*, 58, 638-643.

⁶⁷ Advisory Council on the Misuse of Drugs (2008). “Cannabis: Classification and Public Health.” UK Home Office, p. 31.

⁶⁸ Joy, J.E., et al.

are less than or about the same as caffeine.^{69 70}

The president's 2008 National Drug Control Strategy proclaimed that "aside from the misuse of prescription drugs, marijuana is the drug most frequently cited by new initiates of illicit drug use."⁷¹

Dr. Nora Volkow, director of NIDA, testified before the U.S. Senate Judiciary Committee on Crime and Drugs earlier this year that "several studies link the illicit use of prescription drugs with increased rates of cigarette smoking, heavy drinking, and marijuana and other illicit drug use in adolescents and young adults in the U.S."⁷²

B. The Disseminated Information is Contradicted by Other Information Generated and Disseminated by ONDCP

Not only is there a substantial body of scientific opinion that contradicts the gateway theory and the claim that marijuana is the greatest cause of illegal drug abuse, information generated and disseminated by ONDCP is also contradictory.

1. What Works: Effective Public Health Responses to Drug Use⁷³

This booklet, generated and disseminated by ONDCP, highlights demand reduction initiatives and is promoted as a publication that "could be helpful to countries around the world in addressing their own drug abuse challenges."⁷⁴ Completely absent from the booklet, however, is any discussion regarding marijuana's role in drug abuse. In fact, the word "marijuana" only appears four times in the entire 15-page booklet. Perhaps this is because the booklet considers drug abuse to be "inevitable," something that "improvements in communications, travel, and technology" – not

⁶⁹ Perrine, D.M., (1996). *The Chemistry of Mind-Altering Drugs: History, Pharmacology, and Cultural Context*. Washington, D.C.: American Chemical Society.

⁷⁰ "Is nicotine addictive? It depends on whose criteria you use" (1994, August 2). *The New York Times*, p. C3.

⁷¹ The president's National Drug Control Strategy (2008, February), p.2.

⁷² Testimony by Nora D. Volkow, M.D, before the U.S. Senate Judiciary Committee on Crime and Drugs (Wednesday, March 12, 2008), available at <http://www.hhs.gov/asl/testify/2008/03/t20080312a.html>

⁷³ Office of National Drug Control Policy. (2008, March). *What Works: Effective Public Health Responses to Drug Use* [Booklet]. Washington, D.C.: Author. Available at http://www.whitehousedrugpolicy.gov/publications/global_against_meth/index.html

⁷⁴ Comment made on ONDCP's Web site at http://www.whitehousedrugpolicy.gov/publications/global_against_meth/index.html

marijuana – have contributed to by facilitating “the globalization of problems that at one time may have been considered local, national, or regional.”⁷⁵

In the booklet’s discussion of drug screening, described as an important tool in identifying drug abuse problems, it is suggested that “with a few carefully worded questions using an evidence-based questionnaire, health care providers can learn a great deal about whether a patient is at risk for problems related to substance abuse.”⁷⁶ Highlighted by the booklet are four questions: “have you used drugs other than those required for medical reasons; have you abused prescription drugs; have you lost friends because of your drug use; and have you gone to anyone for help for a drug problem?”⁷⁷ Interestingly, while marijuana is not addressed by any of the questions, prescription drugs are. This is probably due to the fact that prescription drug abuse is currently a bigger problem than marijuana abuse, so it makes sense that prescription drugs occupy a more prominent role in the drug screening process than marijuana. The booklet even points out that marijuana use among young people has declined in recent years while “the abuse of prescription drugs by young people has increased.”⁷⁸

2. What Americans Need to Know About Marijuana: Important Facts About Our Nation’s Most Misunderstood Illegal Drug⁷⁹

Nowhere in the main section of this publication is the gateway theory even mentioned. It is not until the very last section of the publication, entitled “Related Issues,” that the gateway theory is first discussed. Even then, the small portion of text dedicated to the gateway theory begins by admitting that “a direct cause-and-effect relationship between marijuana use and subsequent use of other drugs is hard to prove.”⁸⁰

When addressing the first time use of marijuana by adolescents, the publication states as “fact” that “parents are the biggest influence in their children’s decisions about drug abuse,” indicating that a lack of parental

⁷⁵ Office of National Drug Control Policy. (2008, March). *What Works: Effective Public Health Responses to Drug Use* [Booklet]. Washington, D.C.: Author, p. 5.

⁷⁶ Ibid. 16.

⁷⁷ Ibid. 17.

⁷⁸ Ibid. 7.

⁷⁹ Office of National Drug Control Policy. (2003). *What Americans Need to Know About Marijuana: Important Facts About Our Nation’s Most Misunderstood Illegal Drug* [Booklet]. Washington, D.C.: Author. Available at http://www.whitehousedrugpolicy.gov/publications/amer_know_marij/

⁸⁰ Ibid. 9.

guidance – not marijuana – might more appropriately be referred to as the greatest cause of illegal drug abuse.⁸¹

The importance of parental supervision is underscored in a recent study debunking the gateway theory: “The gateway hypothesis holds that abusable drugs occupy distinct ranks in a hierarchy as well as definite positions in a temporal sequence. Accordingly, substance use is theorized to progress through a sequence of stages, beginning with legal, socially acceptable compounds that are low in the hierarchy, followed by use of illegal 'soft' and later 'hard' drugs ranked higher in the hierarchy. One of the main findings of this study is that there is a high rate of nonconformance with this temporal order. In a neighborhood where there is high drug availability, youths who have low parental supervision are likely to regularly consume marijuana before alcohol and/or tobacco.”⁸²

3. Leadership Conference on Medical Education in Substance Abuse⁸³

During the Leadership Conference on Medical Education in Substance Abuse in 2004, physicians, medical experts, scientists, and government officials gathered to discuss treatment of substance abuse.

ONDCP coordinated this conference and issued an official report that identified three “critical core competencies” relevant to caring for patients with substance use disorders: 1) screening, prevention, and brief intervention; 2) co-occurring medical and psychiatric disorders; and 3) prescribing drugs with abuse potential.⁸⁴ The report identified one of the principle challenges in achieving these competencies was “the problem that some physicians still do not regard drug abuse and addiction as biologically based medical disorders.”⁸⁵ ONDCP Director John Walters reiterated this point when addressing conference attendees: “This [substance abuse] is about recognizing the presence of a disease.”⁸⁶ In his more than 3,000-word speech, Director

⁸¹ Ibid. 5, citing to the National Center on Addiction and Substance Abuse at Columbia University’s 1999 “National Survey of American Attitudes on Substance Abuse V: Teens and Their Parents.”

⁸² Tarter 2138.

⁸³ Office of National Drug Control Policy. (2004, December 2-4). *Leadership Conference on Medical Education in Substance Abuse*. Washington, D.C.: Author. Entire report available at http://www.whitehousedrugpolicy.gov/publications/medical_educ_2004

⁸⁴ Ibid. 7.

⁸⁵ Ibid. 7.

⁸⁶ Ibid. 25.

Walters mentioned marijuana as a factor in substance abuse exactly zero times.

“When we hear the term ‘substance abuse,’ most Americans immediately think of marijuana, cocaine, heroin, and other illegal drugs. But prescription drug abuse and alcohol abuse also are harming and killing Americans of every race and socioeconomic group. Today, an estimated 6.2 million Americans abuse prescription drugs, compared to 1.6 million in 2000. That’s nearly a 400% increase in four years.” This was U.S. Surgeon General Vice Admiral Richard H. Carmona’s message to conference attendees.⁸⁷

In 2007, ONDCP hosted a follow up conference because “the goals for enhanced physician training on substance abuse and addiction have not yet been fully achieved.”⁸⁸ This time, ONDCP Director John Walters mentioned marijuana exactly one time (to report a 20% decline in use) in his nearly 2,000-word speech to attendees.⁸⁹

It is painfully obvious that ONDCP’s messaging to professionals and medical experts about marijuana’s role in substance abuse directly contradicts the message conveyed by the Sourcebook’s title.

C. The Disseminated Information Contradicts Itself

The claim that marijuana is the greatest cause of illegal drug abuse appears only once in the entire Sourcebook – the title. This claim that marijuana is the greatest cause of illegal drug abuse receives absolutely no support anywhere in the Sourcebook. The closest the Sourcebook ever comes to suggesting that marijuana even plays a role in illegal drug abuse is when it refers to marijuana as “a major component of the illicit drug problem” in the introduction on page 1. Nowhere in the Sourcebook is it mentioned that marijuana has anything to do with drug abuse, just that it is a component of the illegal drug problem, which could mean any number of things, including the fact that marijuana is the number one cash crop in the United States.⁹⁰

A chart on page 5 of the Sourcebook shows that the average age at first use is lower for both inhalants and PCP than marijuana. The gateway theory as applied to marijuana simply does not hold up, given that fact. Another chart on page 5 of the

⁸⁷ Ibid. 35.

⁸⁸ Office of National Drug Control Policy. (Draft, 2.28.07; Updated 5.7.07; Updated 9.04.07). *Leadership Conference on Medical Education in Substance Abuse*. Washington, D.C.: Author. Entire report available at http://www.whitehousedrugpolicy.gov/publications/medical_educ_2006/index.html

⁸⁹ Ibid. 17-20.

⁹⁰ Gettman, J.B. (2006, December). “Marijuana Production in the United States.” *Bulletin of Cannabis Reform*, Issue Number 2. Available at http://www.drugscience.org/Archive/bcr2/bcr2_index.html

Sourcebook shows that there were more first time users of illicit pain relievers than of marijuana in 2006, further indicating that marijuana is not the greatest cause of illegal drug abuse.

The word “gateway” appears only once in the entire Sourcebook, perhaps not by accident, near the bottom of page 7, buried in the middle of a paragraph describing a chart that doesn’t address the use of any illegal drugs other than marijuana: “Recent research supports the ‘gateway’ dimension of marijuana – that its use creates greater risk of abuse or dependency on other drugs, such as heroin and cocaine.” Besides the fact that the chart does not address heroin or cocaine use, the “recent research” that the Sourcebook claims supports the “gateway dimension of marijuana” is not cited to or otherwise referenced anywhere in the Sourcebook. This is confusing, misleading, and should be clarified for the sake of those relying on the Sourcebook for accurate information.

III. Description of How the Disseminated Information Does Not Comply with OMB and ONDCP Guidelines

A. The Disseminated Information Fails to Comply with the Data Quality Act as well as OMB and ONDCP Guidelines

The erroneous statement at issue here violates the general standards of objectivity and utility, as well as the higher standards of quality for “influential scientific information” that are required by the guidelines of OMB and ONDCP.

1. Objectivity Standard

OMB Guidelines and ONDCP Guidelines require objectivity in both “presentation and substance.”⁹¹ This means information must be presented in an “accurate, clear, complete and unbiased manner”⁹² and must be based on “accurate, reliable and unbiased” information.^{93 94} In addition, OMB Guidelines provide that when disseminating influential scientific information, such information must be supported by data that has been generated and analyzed “using sound statistical and research methods.”⁹⁵

The title of the Sourcebook is not supported by specific studies or evidence cited in or outside of the Sourcebook. As a result, there is no way to

⁹¹ See e.g., OMB Guidelines, V.3, 67 Fed. Reg. at 8459.

⁹² Ibid. at V.3.a.

⁹³ Ibid. at V.3.b.

⁹⁴ ONDCP Guidelines at IV.6.

⁹⁵ OMB Guidelines at V.3.b.

verify the accuracy of the claim that marijuana is the greatest cause of illegal drug abuse. This is especially troublesome in light of OMB's emphasis on the importance of peer reviews.⁹⁶ The OMB Bulletin on Peer Review and Information Quality ("OMB Bulletin") proposes that peer reviews be standard policy.⁹⁷ ONDCP Guidelines reflect this directive and mandate that when drafting information intended for dissemination, "the most knowledgeable and reliable sources reasonably available" should be used "to confirm the objectivity and utility of such information."⁹⁸ Indeed, when proposing material to be disseminated, ONDCP is encouraged to seek input from other sources, including the public, government, and non-government agencies.⁹⁹ If the policies outlined directly above had been followed in the case at hand, it is highly unlikely that the claim that marijuana is the greatest cause of illegal drug abuse would have made it into the title of the Sourcebook.

Although there is a presumption of objectivity, "this presumption is rebuttable based on a persuasive showing by the petitioner in a particular instance."¹⁰⁰ As discussed previously, there is a multitude of scientific opinion that marijuana is not the greatest cause of illegal drug abuse. Even the most cursory review of the volumes of scientific evidence available that indicates marijuana is not the greatest cause of illegal substance abuse demonstrates that the title of the Sourcebook is erroneous and adversely affects those who view it.

Basically, "the more important the information, the higher the quality of standards to which it should be held."¹⁰¹ The Sourcebook as a whole and the claim that marijuana is the greatest cause of illegal drug abuse qualify as important scientific information for two reasons. First, they are "influential," as discussed above and again below. Second, they relate to ONDCP's position on marijuana generally, which affects the decisions of the millions of people who use marijuana, as well as helps to shape the policies of health, drug policy, and criminal justice organizations. ONDCP Guidelines specifically require ONDCP to "consider the uses of the information from both the perspective of ONDCP and the public."¹⁰²

⁹⁶ See Proposed Bulletin on Peer Review and Information Quality, 68 Fed. Reg. 54023 (Sept. 15, 2003).

⁹⁷ *Ibid.* at 54026.

⁹⁸ ONDCP Guidelines I.A.1.

⁹⁹ ONDCP Guidelines I.A.3 and I.A.7.

¹⁰⁰ OMB Guidelines V.3.b.i.

¹⁰¹ OMB Guidelines, 67 Fed. Reg. at 8452.

¹⁰² ONDCP Guidelines I.A.4 and I.A.7.c.

In this context, it is important to note that the Sourcebook was promoted to the news media for the specific purpose of influencing press and public opinion.¹⁰³

The Sourcebook's title as published in the document and on the Web site fails the tests of objectivity. As discussed above, the information is neither accurate nor presented in a clear, accurate, and complete manner. The information is contradicted by reliable scientific opinion, and the manner of presentation is misleading to consumers, perhaps intentionally.

2. Utility Standard

OMB and ONDCP guidelines require that disseminated information be useful to its intended users, including the public.¹⁰⁴¹⁰⁵ The Sourcebook, erroneously claiming marijuana to be “the greatest cause of illegal drug abuse,” provides information to the American public, medical community, government agencies, and the entire world on marijuana. In the case at hand, the erroneous information is not only not useful for these purposes, it is harmful to consumers of the Sourcebook who rely on this misinformation to make decisions that are ultimately deleterious to their own health and the health of others.

3. Standard for “Influential Information”

Under the OMB Guidelines, the information at issue here must meet a higher standard of quality for information, because it falls into the category of “influential scientific information.”¹⁰⁶¹⁰⁷ Similarly, in its Guidelines, ONDCP speaks of applying “extra care” and “rigorous robustness checks” when influential scientific information is being disseminated.¹⁰⁸ It is ONDCP's policy and stated goal to disseminate reliable and useful

¹⁰³ Office of National Drug Control Policy. (2008, July 29). *White House Drug Office Releases its Largest-Ever Compilation of Data Relating to Marijuana Abuse in the United State*. Press release available at <http://www.whitehousedrugpolicy.gov/news/press08/072908.html>

¹⁰⁴ See e.g., OMB Guidelines, V.3, 67 Fed. Reg. at 8459.

¹⁰⁵ ONDCP Guidelines I.V.9.

¹⁰⁶ OMB Guidelines at V.3.b.ii. The standard requires “a high degree of transparency about data and methods to facilitate the reproducibility of such information by qualified third parties.”

¹⁰⁷ *Ibid.* at V.9. “‘Influential,’ when used in the phrase ‘influential scientific ... information’ means that the agency can reasonably determine that dissemination of the information will have ... a substantial impact on important private sector decisions.”

¹⁰⁸ ONDCP Guidelines I.A.5 and I.A.6.

information consistent with OMB and ONDCP Guidelines.¹⁰⁹ The statement at issue here – “Marijuana: The Greatest Cause of Illegal Drug Abuse” – constitutes “influential scientific information” because private citizens and public agencies (including schools, universities, and businesses) will rely on this statement – made by a government agency focused on public health – as they make choices and policy decisions regarding marijuana.

This higher standard applies to information that agencies can reasonably determine will have a clear and substantial impact on important public policies or important private sector decisions, or will have important consequences for specific health practices.¹¹⁰ In fact, “with regard to analysis of risks to human health, safety and the environment maintained or disseminated by the agencies, agencies shall either adopt or adapt the quality principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996.”¹¹¹ Although it is not clear that ONDCP has adopted or adapted the requirements of the Safe Drinking Water Act Amendments of 1996, it is clear that they bind ONDCP. While the possible failure of ONDCP to adopt or adapt these requirements as required by OMB Guidelines is beyond of the scope of this petition, it should be noted that while that the Sourcebook’s title addresses “public health effects,” it is not “comprehensive, informative, and understandable” as required by the Safe Drinking Water Act Amendments of 1996.¹¹²

The information challenged here, which appears in the title of a publication and on a Web site designed to offer information and recommendations about public health, also has important consequences for specific health practices, since its very aim is to influence consumers to make health-related decisions about their use marijuana. This is exactly the kind of influential public health information that OMB and ONDCP Guidelines require be supported by rigorous scientific standards. ONDCP has fallen short of meeting such standards.

That the Sourcebook even suggests marijuana is the greatest cause of illegal drug abuse without considering alternative explanations and satisfying criteria taught in introductory level psychology courses as necessary to prove cause and effect is alarming.¹¹³ For the reasons stated above, ONDCP’s

¹⁰⁹ ONDCP Guidelines, introduction.

¹¹⁰ OMB Guidelines I.V.3.

¹¹¹ ONDCP Guidelines V.3.b.ii.c.

¹¹² 42 USC, 6A, XII, Part B section 300g-1(3)(B).

¹¹³ Nicholas, L. (2008). *Introduction to Psychology* (2nd Ed.). South Africa: Juta and Company Limited. (ISBN 1919895027, 9781919895024)

analysis of the gateway theory as applied to marijuana, specifically the claim that marijuana is the greatest cause of illegal drug abuse, is essentially rendered devoid of any real empirical value and should be corrected immediately.

IV. Recommended Corrective Action

ONDCP Guidelines specifically state that the following factors are important when considering corrective action: the significance of the information involved, the nature and extent of the request, and the public benefit of making the requested correction.¹¹⁴ As outlined below, these factors support the recommended corrective actions being taken.

A. Correction of Erroneous Information

ONDCP's publication (Tab A) should be revised in the following way:

The words "Marijuana: The Greatest Cause of Illegal Drug Abuse" should be deleted from the cover of the Sourcebook, leaving "2008 Marijuana Sourcebook" as the title.

It is not sufficient simply to delete the inaccurate portion of the Sourcebook's title to omit reference to the erroneous claim that marijuana is the greatest cause of illegal drug abuse. This would do little to correct the misimpressions about the role of marijuana in illegal drug abuse created by the erroneous text. Additional corrective action in the form of a public notice of correction is needed as the misleading information affects individual adult and governmental agency decisions that could have a significant impact on public health.

B. Public Notice of Correction

Given the potential adverse consequences of widely disseminating erroneous information about the role of marijuana in illegal drug abuse, the degree to which other governmental agencies rely on such information, and the difficulty of identifying those members of the public who received the information, ONDCP should issue a press release to correct the error. In addition, ONDCP should provide notice of the error and correction on the home page of its Web site for a sufficient period of time to reach those repeat visitors to the site who may have received the erroneous information.

Clearly, corrective action is being recommended for information that the public and governmental agencies rely on, so it is of significant importance. Furthermore, the nature of the recommendation is appropriate and not unreasonable. Lastly, the public would benefit greatly if the recommended corrective action is taken.

¹¹⁴ ONDCP Guidelines II.7.

V. MPP is Adversely Affected by the Information Error

For over a decade, MPP has worked on the national, state, and local level to promote sensible, rational, compassionate, and scientific-based marijuana policies.

ONDCP's dissemination of erroneous information about the relationship of marijuana to illegal drug abuse, which contributes to widespread public misperceptions about the risks associated with marijuana, adversely affects the efforts of MPP to ensure that the public receives accurate and beneficial information about marijuana that is based on reliable scientific evidence.

Disseminating erroneous information and making unfounded claims, such as that marijuana is the greatest cause of illegal drug abuse, not only erodes the credibility of ONDCP, it is likely to result in the entire content of the Sourcebook, as well as all other information disseminated by ONDCP, being doubted. The ramifications of disseminating erroneous information are made apparent by federally funded studies that have found anti-marijuana ad campaigns by ONDCP to be ineffective.¹¹⁵ MPP has actively sought to inform the public about studies showing ONDCP's anti-marijuana ad campaign to be ineffective, as well as the fact that ONDCP tried to keep such information from the public.¹¹⁶

Efforts to prevent substance abuse should empower individuals to make informed decisions by using comprehensive strategies that properly consider contemporary knowledge that is used to formulate credible, verifiable, and neutral messaging.^{117 118} The Sourcebook's title – "Marijuana: The Greatest Cause of Illegal Drug Abuse" – is erroneous, not credible based on available science, contradicted by other information disseminated by ONDCP, and is by its very nature designed to be biased and misleading – an inappropriate but nonetheless expected outcome of ONDCP's political attachments and vested interest in continuing marijuana prohibition.

Sincerely,

¹¹⁵ United States Government Accountability Office. (2006, August 25). *ONDCP Media Campaign: Contractor's National Evaluation Did Not Find That the Youth Anti-Drug Media Campaign Was Effective in Reducing Youth Drug Use*. GAO-06-818, available at <http://www.gao.gov/products/GAO-06-818>

¹¹⁶ Marijuana Policy Project. (2006, August 31). *Report Finding Anti-Marijuana Ads Backfire Buried by White House, Group Alleges*. Press release available at <http://www.mpp.org/news/press-releases/report-finding-anti-marijuana-ads-backfire-buried-by-white-house.html>

¹¹⁷ Report of the Senate Special Committee on Illegal Drugs (2002, September). *Cannabis: Our Position for a Canadian Public Policy*, p. 26.

¹¹⁸ Skager, R. (2007). "Revisioning Youth Policy on Marijuana and Other Drug Use: Alternatives to Zero Tolerance." In *Pot Politics*; M. Earleywine, (Ed.) Oxford: University Press.

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