

# COGNITIVE LIBERTY IN 2002

## ☆ Introduction ☆

The past year has seen a proliferation of cognitive liberty issues. New federal MDMA legislation was introduced. The DEA announced that it is considering scheduling the plant *Salvia divinorum*. Heated up “zero-tolerance” Drug War rhetoric is pouring forth from the new DEA chief and the likely Drug Czar. The federal government is at war with the states over medical marijuana. New high-tech methods of internal and external surveillance, and a host of new federal laws and other government actions, threaten to restrict and violate basic civil liberties. With these and other pressing concerns, the Alchemind Society and our Center for Cognitive Liberty & Ethics have been extremely busy defending freedom of thought and mental autonomy.

In January, the Alchemind Society will begin its third year of operations. We are happy to report that our organization is making significant contributions to drug policy reform, and is now being called upon to play an ever-greater role in the full panoply of cognitive liberty issues currently confronting society, especially in the aftermath of the 9/11 events.

The Alchemind Society was formed two years ago for the purpose of defending what we term *cognitive liberty*: the right to freedom of thought, the right of each person to think independently, to use the full spectrum of his or her mind, and to engage in multiple modes of thought and alternative states of consciousness. As we earn name recognition and expand our influence, the cognitive liberty meme is gaining wider support. Increasingly, the term is being applied outside the context of entheogens and drug policy, to broader concerns about invasive new technologies, and a changing cultural landscape that often seems to oppress unorthodox thinkers and cognitive dissidents.

Cognitive liberty is a fundamental right, one that now more than ever is in desperate need of defense. We have established the foundations for an organization of international importance, one which can do a great deal of good on a critically important yet woefully neglected fundamental freedom. As you consider the following list of projects for the coming year, we hope you will agree that this work is important, and that the Alchemind Society/Center for Cognitive Liberty & Ethics is uniquely positioned to become an important civil rights group, making major contributions to individual freedom and social policy in the coming years.

# Major Cognitive Liberty Projects for 2002

- **FEDERAL LEGISLATION MONITORING & ANALYSIS**
- **MEDIA OUTREACH & EDUCATION PROJECT**
- **COGNITIVE LIBERTY JURISPRUDENCE DEVELOPMENT**
- **SALVIA DIVINORUM DEFENSE**
- **COGNITIVE LIBERTY & MARIJUANA LAW REFORM**
- **NEW TECHNOLOGY, SURVEILLANCE & COGNITIVE LIBERTY**
- **PUBLIC EDUCATION & ALLIANCE BUILDING**
- **JOURNAL OF COGNITIVE LIBERTIES**
- **COGNITIVE LIBERTY LITIGATION PROJECT**
- **ALCHEMIND SOCIETY WEB SITE & ASK DR. SHULGIN ONLINE**

## ★ **FEDERAL LEGISLATION MONITORING & ANALYSIS** ★

**Purpose:** To provide a cognitive liberty analysis of selected federal bills and regulations.

**Why important:** The Alchemind Society's Center for Cognitive Liberty & Ethics (CCLE) is the only organization providing legislators, the media, drug reformers, and civil rights groups with professional analysis of pending legislation with an eye towards its potential impact on mental autonomy and cognitive freedom.

- **2001 Spotlight: MDMA Sentencing:** On January 26th of this year, the CCLE's monitoring of federal regulatory notices revealed that the US Sentencing Commission was acting under its 10-day emergency powers to significantly raise the federal penalties associated with MDMA. We immediately issued an Action Alert to our members and to other organizations, informing them of the Commission's intention and providing guidelines for effectively responding. Our director, Richard Glen Boire, spoke at the San Francisco "State of Ecstasy" conference on February 2, 2001, explaining how the Commission intended to equate MDMA to heroin, and alerting gathered attendees that immediate action was necessary to object to intended change. We provided these conference attendees and the general public with the proper format for submitting written comments, and assisted them in filing of these documents with the federal Commission. As a result of our actions, in addition to submitting our own comments to the Sentencing Commission, the CCLE submitted 270 pages of public comments, including contributions by respected MDMA scientists and researchers. Our work led to a public hearing on MDMA sentences in Washington, D.C., at which Richard Glen Boire, and a panel of other MDMA experts testified. As a result, while the penalties were increased, the resulting increase was *one-half* that initially proposed by the Commission. In addition, our work on MDMA sentencing produced important contacts with people in the federal government, with the media, and with other organizations.

- **2001 Spotlight: Ecstasy Prevention Act of 2001:** In August, the Alchemind Society's Center for Cognitive Liberty & Ethics (CCLE) prepared a full analysis of a newly introduced federal bill titled the "Ecstasy Prevention Act of 2001." On September 10, we submitted this analysis to members of the Senate and House Judiciary Committees and to other drug reform organizations. Our analysis was used by the Drug Reform Coordination Network in support of an Action Alert that resulted in more than 2,500 people sending over 9,000 e-mails to Washington D.C., objecting to the bill. We continue to monitor progress of this bill and provide information and feedback to Congressional staffers and the media. The bill will almost assuredly pass, but we continue our efforts to have the most egregious provisions removed or softened. Already we have educated a growing number of Congress members and their staffers regarding MDMA, and demonstrated the fundamental cognitive liberty violation of addressing MDMA within the criminal law rubric.
- **For 2002,** we will continue to monitor federal legislation for key bills and regulations with the potential to impact cognitive freedom and autonomy. When such bills are identified we will aggressively take the following actions:
  - Notify our members, relevant experts, and other drug reform and civil rights groups;
  - Produce professional legislative analysis;
  - Disseminate our analysis to the appropriate members of Congress, to the media, and to other organizations;
  - Provide ongoing analysis, information, and testimony to Congressional staffers;
  - Follow up our analysis with press-releases hooked to newsworthy events;
  - Establish a central Internet site for continuous updates on the bill and our analysis, and publicize this site to the media, allied organizations, and political activists.

## ★ MEDIA OUTREACH & EDUCATION PROJECT ★

**Purpose:** To continue building relationships with individual members of the media, and to provide reporters with the "cognitive liberty" perspective on issues related to the law, policy, and cultural theory concerning free and autonomous cognition. In particular, we seek to address the wholesale criminalization of entheogens and other drugs, and the negative impact of reactionary new laws sanctioning widespread deployment of new internal and external surveillance methods.

**Why Important:** The media plays a critical role in shaping public opinion and political power concerning controlled substances. Yet, the vast majority of print and broadcast news articles fail to acknowledge any point of view other than the government's zero-tolerance position – a position that equates all drug *use* with drug *abuse* and endeavors to make criminals out of even responsible drug users. In order to combat government rhetoric and build public and political support for cognitive liberty, we must introduce the

cognitive liberty perspective into these articles. Our initial efforts in this area have been very positive — 6 out of every 10 reporters we contact express an interest in cognitive liberty and inform us that they will indeed contact us when working on future stories related to entheogens or other mental autonomy issues. With MDMA and medical marijuana continuing to be such prominent media topics—and ones that the DEA is rallying around—it is imperative that our perspective be included in media coverage. Likewise, in the aftermath of the 9/11 events, it is important that we add our voice to the public debate over reducing civil rights and increasing surveillance.

**Scope:** The Media Outreach and Education Project has three major elements, all of which we will continue in 2002:

- Locating and aggressively contacting reporters who write articles on the “drug war” in general, and on entheogens and cognitive enhancing substances in particular.
- Responding to these (and other reporters) who contact us for information and work with them to include the cognitive liberty perspective and analysis in their articles;
- Producing timely cognitive liberty press releases, editorials, articles, and letters to the editor, and disseminating these to the media.

### ***2001 Media Spotlights***

- **Interviews, Press Coverage and Assistance.** Thus far in 2001, we have been quoted or had editorials published in over 70 newspapers and magazines. Additionally, we have given dozens of radio interviews. We also provided legal information or other assistance to authors of the following books published in 2001: *Psychoactive Sacramentals* (Council on Spiritual Practices); *The Spirit of the Internet* (Matrix Masters), *Ecstasy: The Complete Guide* (Park Street Press); *Illegal Drugs: A Sagebrush Medical Guide* (Sagebrush Press); *Zig Zag Zen: The Buddhist Encounter With Psychedelics* (Forthcoming, April 2002, by Chronicle Books of San Francisco).
- **Cognitive Liberty on CNN:** On July 2, CNN’s *Talkback Live* aired a show titled “Why All The Agony Over Ecstasy.” Deroy Murdock of the Scripps Howard News Service argued the cognitive liberty position, stating among other things: “the whole point I’m making is that I endorse something that I call Cognitive Liberty. A group called the Alchemind Society has been promoting that concept. And that is that we ought to let adults enjoy, a variety of states of consciousness if they wish.” (A complete transcript of this show is available online at: <http://www.alchemind.org/DLL/cnmurdock1.htm>.)

## ★ COGNITIVE LIBERTY JURISPRUDENCE ★

**Purpose:** To elaborate cognitive liberty as a fundamental legal right.

**Why Important:** Developing the jurisprudence of “cognitive liberty” is central to our mission. This is an extremely complex and progressive legal concept, but one which is deeply embedded in existing protected rights. We will conduct groundbreaking legal research and create a landmark legal brief establishing that cognitive liberty is a fundamental right.

*In 2001* we held several meetings with members, advisors and funders concerning the development of a model bill, which would provide a legislative accommodation for religious users of entheogens. As a result of these meetings, we concluded that it is still too early in the development of our organization to put forth a detailed legislative model. We concluded that a preliminary step to such a bill is the elaboration of cognitive liberty jurisprudence. Having mapped the juridical contours of cognitive liberty, we will then be in a much better position to evaluate the most effective strategy—whether proceeding in the courts, or in the legislature with a model bill, or both.

*In 2002:* Working from an outline of legal points and authorities in support of Cognitive Liberty prepared in 2001 by Richard Glen Boire (available for review upon request), we will build working relationships with legal scholars, attorneys and law students who will collaborate on developing this outline into a legal brief to be filed in potentially precedent setting legal cases. This process will not only result in the world’s first legal brief in support of Cognitive Liberty, but will also help us develop and strengthen relationships with a growing number of legal professionals who have a commitment to cognitive liberty.

## ★ Salvia Divinorum Defense ★

**Purpose:** To protect the unscheduled legal status of the plant *Salvia divinorum*, and its active principle salvinorin A.

**Why Important:** The Alchemind Society’s Center for Cognitive Liberty & Ethics has obtained proof that the DEA is currently making a preliminary evaluation of *S. divinorum* for the purpose of determining whether to officially move to classify this plant as a controlled substance. The Alchemind Society believes that people have a fundamental right to access the full spectrum of cognition, to engage in multiple modalities of thought, and to occasion alternative states consciousness. Because *S. divinorum* is both legal and visionary, some law-abiding people have relied upon it to occasion profound alternative states of consciousness unburdened by fear of incarceration. If *S. divinorum* becomes the next federally controlled plant, users will risk criminal penalties, and research into various applications of the plant (including, but not limited to medical uses) would be effectively blocked. In addition, because the chemical structure of salvinorin A is unique among

controlled substances, scheduling of the chemical would result in the proscription of an entirely new class of potential “analog” drugs.

**Tactic:** In September 2001, we coordinated, and contributed to, the preparation of a report on *Salvia divinorum* and its active principle. On October 15th, the Center for Cognitive Liberty & Ethics submitted this report to the DEA’s Drug & Chemical Evaluation Section. It is our belief that if the DEA has balanced information and makes an honest evaluation of the plant, it is reasonably likely that the agency will decide that control is unwarranted and legally inappropriate.

**In 2002,** The CCLE will continue monitoring federal regulatory notices and congressional actions concerning *S. divinorum*. If the DEA does move to schedule the plant, the CCLE will demand a public hearing and will submit and coordinate experts to testify before the DEA in Washington, D.C. We will also work to provide news reporters with balanced information about the plant’s history, effects, availability, and low abuse potential, stressing that *Salvia divinorum* is not a social problem and is not an appropriate candidate for scheduling.

## ***New for 2002*** ☆ Cognitive Liberty & Marijuana Law Reform ☆

**Purpose:** To participate in efforts to reform state and federal marijuana laws, and to add our voice to the public debate over marijuana law reform.

**Why Important:** According to the National Household Survey on Drug Abuse, 11 million Americans used marijuana at least once in the month preceding the survey. Just under 50 percent of the total number of drug arrests in the US are for marijuana (704,812 arrests in 1999). Medical marijuana is currently a hot issue in a growing number of states, while federal policy remains unbending, even for medical users. The national debate about marijuana is presently at a height not seen since the 1970s decriminalization wave, yet almost all of the related policy discussion remains utilitarian based. While the utilitarian issues (such as prison overcrowding, corrupt police, increased social and individual harm, etc.) are critically important, largely absent from the debate is the principled, liberty-based argument that a person has a fundamental right to make choices about his or her own mind, including whether to use marijuana for medicine or otherwise. Given that the debate is now taking place in state legislatures across the country, and the federal government is reacting in a militant manner, we have an important responsibility, and opportunity, to interject our unique viewpoint.

**Tactic:** The Marijuana Policy Project (MPP) in Washington D.C., is currently monitoring new marijuana legislation on a state-by-state basis. Working in collaboration with MPP, the Alchemind Society’s Center for Cognitive Liberty & Ethics proposes to prepare and submit legal reports to the state legislatures that are considering marijuana bills. Our reports will provide a principle-based cognitive liberty analysis to supplement the utilitarian analysis presented by other organizations such as MPP.

The CCLE will coordinate our legislative analysis of various state marijuana bills with our ongoing Media Education Project, by contacting five media outlets in each jurisdiction with tailored press releases concerning the marijuana bill under debate, and stressing that basic principles of freedom, autonomy, and fairness are violated when otherwise law-abiding people are made criminals for using marijuana.

## ***New for 2002*** ☆ Technology, Surveillance & Cognitive Liberty ☆

Developments in neuroscience, brain mapping, bodily fluid analysis and biometric surveillance all have the power to gravely impact cognitive liberty. And, a host of cognitive liberty issues lie just under the surface of the national and international reactions to the events of September 11, 2001.

As the only organization focused exclusively on defending freedom of thought, the Alchemind Society has an obligation to bring to the forefront of ongoing social and political discussions the importance of respecting the autonomy of mind. Our input is necessary with regard to high-tech surveillance and monitoring systems now being designed and deployed (and embraced in new laws), and with respect to cultures and individuals who may be targeted for repression due to non status quo ways of thinking, or perceiving. Well-intentioned, but misapplied technologies and reactionary laws authorizing extended surveillance need to be kept in check as these band-wagon “war” measures coalesce to create instruments of foreseeable mental control.

***2002 Focus.*** Brain fingerprinting, also known as “computerized knowledge assessment,” is among the many new high-tech surveillance systems currently on the fast track to deployment. One application of this invasive technology that purports to identify and track a person’s *memories* is in criminal investigations. Your mind may be used against you if brain fingerprinting becomes socially accepted and legally endorsed.

Brain fingerprinting advocates are working hard to sell this technology to law enforcement agencies, and are exploiting the 9/11 events to gain acceptance for this mentally-invasive technology. One recent article on brain fingerprinting, published in the October issue of *Signal*, the magazine of the Armed Forces Communications and Electronics Association, quoted a scientist as stating:

“We are at the point where this [technology] has been developed enough that we can use a single electrode or something like an airport security system where there is a dome above your head to get enough information that we can know the number you’re thinking,” he adds. “If you go to an automatic teller machine and the sensor system is in place, you could walk away and I would be able to access your personal identification code.” (See <http://cartome.org/brainmap.htm>)

Obviously, such technology presents a real and present danger to freedom of thought and mental privacy. As the only organization devoted to cognitive liberty and autonomy, the

Alchemind Society has an obligation to vigilantly object to the deployment of brain fingerprinting, and other impending uses of similarly invasive technologies.

**Tactics:**

- Educate the public on brain fingerprinting and how this technology invades privacy, violates the constitution, and runs counter to fundamental notions of individual freedom.
- Build a network of experts and organizations opposed to the use of brain fingerprinting.
- Prepare a report explaining how the use of brain fingerprinting violates several constitutional rights, including the Fifth Amendment. Follow this report with a legal brief.
- Create a brain fingerprinting web page, which explains the technology and includes our analysis of why police use of this technology is unconstitutional. In addition this site will provide news reporters with sources for experts opposed to the use of brain fingerprinting.
- Monitor the design and deployment of other internal and external surveillance technologies, and call attention to those with the potential to impact cognitive liberty and autonomy.

**★ PUBLIC EDUCATION & ALLIANCE BUILDING ★**

**Purpose:** To educate the public, build our organization, and create coalitions with other civil rights organizations.

**Why Necessary:** The history of civil rights advancement and other progressive social movements shows the importance of gaining public acceptance and support for enacting legal, political and social change. In an ongoing effort to introduce the concept of cognitive liberty into the public sphere, the Alchemind Society utilizes multiple methods for public education. In addition to our Media Outreach and Education Project and our Web Site, we engage in the following public education services:

- **Public Service Announcements.** In September, we produced cognitive liberty Public Service Announcements (PSAs) and sent them to 380 college and independent radio stations. We continue to receive confirmation from a growing number of radio stations that our PSAs are receiving airtime.
- **Pamphlets, Flyers, Posters.** Throughout 2001 we produced and disseminated over 8,000 cognitive liberty pamphlets, stickers, and flyers, all of which are also available for download from our Web site. As of October 2001 we have 202 Alchemind Society “Allies” – volunteers who work to distribute our literature at various events, on college campuses, and around their cities.

- **Conference Participation:** Our experiences over the first two years of operations have proven that organized conferences provide a cost-effective viral node for disseminating information about cognitive liberty, for making contact with significant allies, and for building a network of active members and volunteers. We will continue our presence at key conferences in 2002.
  - **2001 Conference Spotlight:** Representatives from the Alchemind Society presented or disseminated information at the following conferences in 2001: **Altered States of Consciousness** (NY, NY), **Gathering of the Tribes** (Los Angeles, CA), **State of Ecstasy** (San Francisco, CA), **Entheogenic Evolution** (British Columbia), **Mind States II** (Berkeley, CA), **Lindesmith/Drug Policy Foundation Annual Conference** (Santa Fe, NM), **Association for Computer Machinery Convention** (San Jose, CA), **Technology & Us: Visions of the Future** (Santa Clara, CA), **American Anthropology Association Annual Conference 2001** (San Francisco, CA), **Society for the Anthropology of Consciousness Annual Conference 2001** (Seattle, WA), **Northwest Anthropology Conference 2001** (Moscow, ID), **Esalon Institute** (Big Sur, CA), **Western Regional Humanities 2001 Conference on Civil and Uncivil Societies** (Davis, CA), **Annual Students for Sensible Drug Policy: Student Leaders in Drug Policy and Justice Conference** (Washington D.C.).
- **Building Alliances:** Introducing the cognitive liberty concept to key groups and building a network of support is essential to our mission. In addition to the strong individual contacts we have established with groups such as the Multi-Disciplinary Association for Psychedelic Studies (MAPS), the Marijuana Policy Project (MPP), and the Drug Policy Foundation, in the wake of the 9/11 events we have collaborated with other well-known civil liberties and human rights organizations, such as the ACLU, Amnesty International USA, and Human Rights Watch in issuing statements calling for a continued national commitment to civil rights and personal freedom.

## ★ JOURNAL OF COGNITIVE LIBERTIES ★

**Purpose:** To create and sustain a forum that facilitates the scholarly development of the law, policy, and cultural theory related to cognitive liberty.

**Why Important:** If cognitive liberty is to ultimately become a legally protected right, we must encourage sophisticated thinking that addresses the myriad social, political, and juridical complexities. These issues must be confronted in order for cognitive liberty to eventually become a legitimate legal principle that judges and legislators will respect and apply.

**Year 2001 Success:** In the past year we have published three more issues of the *Journal of Cognitive Liberties*, (available upon your request) and obtained an additional distributor who is a major supplier to academic libraries. Articles published in the *Journal* have been regularly quoted in the media, as well as in books, and legal briefs. For example, our *Journal of Cognitive Liberties*, as well as Richard Glen Boire, were cited by the ACLU in briefs filed in federal court on behalf of the defendants in the New Orleans

MDMA/Rave-“Crackhouse” law case. (The ACLU’s brief can be viewed online at <http://www.aclu.org/court/brunet.pdf>.)

*In 2002*, the *Journal* will begin its first year of peer review. Credentialed experts on the new editorial board will referee articles. This new process of peer review will increase our academic credibility and profile. In turn, this will increase university and public library holdings, as the *Journal* becomes more-widely indexed and cited.

## ★ COGNITIVE LIBERTY LITIGATION ★

The Alchemind Society’s Center for Cognitive Liberty & Ethics does not currently have funding to engage in cognitive liberty litigation, however, in July of this year we were called upon by the Central California Appellate Project of the Third and Fifth Appellate Districts to represent an indigent client in a potentially precedent-setting medical marijuana case. We agreed to take the case and are currently litigating it before California’s Fifth Appellate District.

## ★ ALCHEMIND SOCIETY WEB SITE ★

The Alchemind Society’s Web site is one of our principal means of interacting with the public, and is essential to our nationally and globally distributed constituency. Visitors to our site have dramatically increased this year, going from 43,871 page views in the month of January, to 246,042 page views in the month of September. Aside from other services, visitors to our Web site are able to:

- read current cognitive liberty news and archived news;
- access and obtain legal reports and analysis;
- read articles from our *Journal of Cognitive Liberties*;
- join our legal network or locate legal assistance;
- access our extensive and ever-growing law library;
- communicate with one another via our discussion lists;
- put questions to Dr. Alexander Shulgin and read archived Q & As;
- donate money or volunteer services;
- download reproducible cognitive liberty flyers and pamphlets.

***SPOTLIGHT: ASK DR. SHULGIN ONLINE:*** Accurate information concerning entheogens and empathogens is extremely difficult to find. On February 2nd of this year the Alchemind Society initiated “Ask Dr. Alexander Shulgin Online” — providing true drug education and harm reduction information concerning entheogens and empathogens in an easily accessible question and answer format. Since its inception in February, the number of people visiting Ask Dr. Shulgin Online has steadily increased, with 7,576 page views in the month of October. In Europe especially, Ask Dr. Shulgin Online has raised a stir in the media, bringing to the forefront important issues such as freedom of speech, the right to disseminate harm reduction information, and the US government’s abdication of providing responsible drug education.