No Ritalin, No Education?

New public education campaign spotlights the use of psycho-stimulants to modify the behavior of school children.

As diagnosis of Attention Deficit and Hyperactivity Disorder becomes increasingly common, American children are rapidly becoming the most medicated children in the world. Psycho-stimulant drugs such as methylphenidate (sold under the brand name Ritalin, among others) and amphetamine (sold under the brand name Adderall, among others) are being prescribed in record numbers and school administrators have resorted to heavy-handed measures to ensure no “problem child” gets left behind. In turn, national outcry over such coercive tactics in the public school system has led to a spate of legislation at the state and federal level that would ban educators from conditioning attendance on particular drug therapies or even suggesting them to parents. The CCLE’s new public awareness and education campaign, Making Choices for Children, draws attention to the social pressures and incentives that have caused this trend and works to promote the informed consent rights of parents as a means of safeguarding the cognitive liberty of their children.

The Disease of Inattention

Since the 1930s, stimulant drugs have been routinely used to alter the behavior of children who are inattentive, impulsive, or hyperactive to an abnormal degree. Currently, when such behavior exhibits an early onset and sufficient severity, it is diagnosed as attention deficit hyperactivity disorder (ADHD), a condition added to the Diagnostic and Statistical Manual of Mental Disorders in 1980.

ADHD has been the subject of intense controversy because there is no known biological marker for the disorder. The symptoms on which an ADHD diagnosis is based—inattentiveness, distractibility, hyperactivity, and impulsiveness, to name a few—are characteristics demonstrated in varying degrees by children who do not have the disorder. In fact, these behaviors are found to some extent in most children at any given time and are considered a normal part of childhood. Diagnosis, especially in borderline cases, can be a matter of subjective judgment and is partially complicated by an additional disorder classification “ADHD, not otherwise specified,” that serves as a catch-all for subjects with “prominent symptoms of inattention or hyperactivity-impulsivity that do not meet the criteria for ADHD.”

No one is exactly sure what causes ADHD. The fact that ADHD-diagnosed children tend to respond well to stimulant medication has led researchers to hypothesize that the disorder is caused by an imbalance of neurotransmitters in areas of the brain responsible for controlling attention. Stimulant drugs like Ritalin affect neurotransmitter balances in the brain by...
Projects

Choices for Children
Prevent schools from conditioning a child's attendance on the mandatory use of Ritalin or another controlled substance, and prevent States from removing a child from their home when a parent refuses to place their child on Ritalin or another controlled substance.

Judging Prohibition
Promote and strengthen judicial and public opposition to harsh drug sentencing laws.

Pharmacotherapy
Identify and publicize emerging drug control technologies that pose a threat to cognitive liberty.

Ask Dr. Shulgin Online
Provide reliable drug education aimed at reducing the harm associated with drugs and drugs prohibition.

Freedom of Thought Conference
(in planning stages)
Catalyze a cross-disciplinary discussion on the current state of freedom of thought, new threats and opportunities, and prospects for future action.

Note from the Directors

Freedom of thought is at a critical crossroads: schools are pressuring some kids to take Ritalin in order to attend; brainwave-reading devices are being promoted to state and federal law enforcement agencies; and a new breed of pharmaceutical neurocs designed to block the effects of illegal psychotropic drugs are currently in clinical trials. Raising public awareness about these issues, educating the press and policymakers, and advocating in the courts takes time, effort, expertise and money.

Since founding the CCLE in January 2000, we have had no shortage of effort or expertise (though we're learning all the time). Money is another matter. In the last two years we have seen two of our friends and biggest financial contributors pass away. For a nonprofit organization that doesn't fit neatly into any of the usual categories, we've found it challenging to raise the funds necessary to keep the CCLE running in an effective manner. With a staff of only four people (two full-time and two part-time), we'd like to allocate most of our energy to doing substantive work, rather than applying for grants and trying to track down open-minded philanthropists.

As you'll see in this issue of Mind Matters, in 2004 we'll be placing more of our efforts on bringing the concept of cognitive liberty to the mainstream. Our hope is that potential funders will hear about our work, realize its importance, and create a special category (not too tight, please) for funding an organization devoted to promoting the many dimensions of freedom of thought.

For those of you who have been with us since 2000, thank you for your unflagging support! Your commitment and encouragement has fueled us in more ways than you could imagine. We are also grateful to those of you who have joined us more recently, and who are now helping to spread the cognitive liberty meme in your town, around the globe, and to future generations.

Together we can keep freedom in mind,

Directors, CCLE

CCLE in the News

So far in 2004...


increasing the time that certain molecules, such as dopamine, remain active in synapses, thereby increasing concentration and attentiveness. Neuroscientists, however, have known for some time that stimulants will produce improved concentration in just about anyone, including children who do not demonstrate ADHD symptoms. About 70% of ADHD-diagnosed children will respond favorably to stimulant medication, 15% experience relief from certain anti-depressant medications that affect similar classes of neurotransmitters, and another 15% do not respond to medication at all.

**THE GROWING TREND**

In the United States it is conservatively estimated that between 4 and 10 percent of school-aged children have been diagnosed as suffering from ADHD. This is ten times the rate observed in Europe or Japan. Currently, more than four million school-aged children in the United States are taking stimulant medication on a daily basis. In the decade between 1990 and 2000, annual production of methylphenidate increased by 730 percent and annual production of amphetamine increased by an astounding 2,500 percent. Each year 8.5 tons of methylphenidate are produced worldwide and the United States consumes approximately 90 percent of it.

The sudden increase in both the awareness and diagnosis of ADHD has caused concerns about potential misdiagnosis and about the liberal use of psycho-stimulant medication to modify the behavior of children. Because minor children are often incapable of making their own medical treatment decisions, the parents or legal guardians of ADHD-diagnosed children bear a heavy responsibility in deciding the best course of treatment. Another rising concern is that parents, who are not always aware of their right to informed consent, face strong social pressures to medicate their children.

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The fact that the symptoms of ADHD coincide with behaviors disruptive of classroom education may have a lot to do with the fact that the disorder is considered to arise, coincidentally, at about age five. In fact, symptoms are usually first noticed by educators, not parents. Well-meaning teachers, managing oversized classes with ever diminishing resources, might find the most disruptive children to be uncontrollable and potentially in need of treatment including drug therapy. Often school personnel, who observe children’s behavior firsthand, freely offer diagnoses for behavioral disorders and urge parents to place their children in drug therapy.

Because ADHD is also treated as a learning disorder, federal funds for special education accommodation create a financial incentive for schools educating ADHD-diagnosed children.

**MAKING CHOICES FOR CHILDREN CAMPAIGN**

In increasingly well-documented instances, school administrators will condition a “problem” child’s attendance on medication. In some circumstances, parents who decline to medicate their children are reported to child protective services by school administrators, and must then answer allegations of neglect or run the risk of having their children taken away by the state.

The CCLE’s Making Choices for Children project is a national public awareness and education campaign about the importance of parental informed consent in the medical treatment of children. Without advocating for or against the use of stimulant medications, the project will work to promote parental informed consent rights in psychotropic drug therapy for children.
to ensure that medication choices place the best medical interests of children above the administrative needs of educational institutions, and to provide policymakers with analysis and counsel emphasizing the importance of continuing to respect and protect the fundamental right to freedom of thought.

The project will be launched with the publication of a Making Choices for Children website later this year that will feature information on: the science, risks, and benefits of psycho-stimulant medications; parental informed consent rights, including the scope of these rights and how they apply to making decisions about whether or not to place a child on a stimulant like Ritalin; status updates on state and federal legislation and information on how to express your views to lawmakers considering these bills; and of course, project news and publications.

The project will also include publication of a non-partisan policy report on trends in the use of stimulant medication as a condition for the receipt of public education benefits nationwide and a Parent's Rights Kit, including information on informed consent rights in plain language, fact sheets about stimulant medication, and additional resources for parents facing coercive school medication policies in their communities.

CCLE's Making Choices for Children campaign is in its early funding stages. We estimate the project will cost $202,800. We are pleased to announce the receipt of roughly ten percent of the budget ($20,000) from a private donor. We plan to raise the remaining $182,800 from private contributions and foundation grants. Please visit www.cognitiveliberty.org/membership.html to learn how you can contribute to this project and look for more project updates in future issues of Mind Matters.

Notes
1 Both ADHD and its clinical variant, attention deficit disorder (ADD), are collectively referred to as ADHD throughout this document.
New Advisors

Ira Glasser, Douglas Husak & Zach Lynch

IRA GLASSER served as Executive Director of the American Civil Liberties Union (ACLU) for 23 years. He has been the recipient of numerous awards, including his most recent, the Lifetime Achievement Award (Massachusetts Civil Liberties Union 2003). Ira is a current and founding member of the Board of Directors of the Asian-American Legal Defense and Education Fund and is also President of the Board of Directors of the Drug Policy Alliance. He is the author of Visions of Liberty: The Bill of Rights For All Americans (1991).

DOUGLAS HUSAK is Professor of Philosophy and Law at Rutgers University. He holds both a Ph.D. and J.D. from Ohio State University. His main interest is in the connections between moral philosophy and substantive criminal law, specifically decisions about criminalization and the moral limits of criminal sanction. This interest has led him to critically examine the rationale for drug prohibitions.

ZACH LYNCH is the executive director of the Neurosociety Institute. He writes a daily column, Brain Waves: Neurons, Bits and Genes (www.neurosociety.net) that analyzes the societal implications of neurotechnology. Zach received a Masters degree in Economic Geography and double B.S. in Evolutionary Biology and Environmental Science, all from UCLA. He is also an advisor to the Center for Brain Studies, and social software company, Socialtext. His forthcoming book, Neurosociety: How Brain Science will Shape the Future of Business, Politics and Culture will be published in early 2005.

WWW.COGNITIVELIBERTY.ORG

THE SITE FOR FREEDOM OF THOUGHT ISSUES

The CCLE welcomes three new advisory board members

Ira Glasser, Douglas Husak & Zach Lynch
JUDGES ARE THE CORNERSTONES of the American justice system. When judges speak out against laws, they not only change public opinion, they can quite literally change the law itself. Yet, when brave judges do express their thoughts on controversial topics like criminal drug prohibition it is often only in the pages of legal opinions, and not in more widely read newspapers and editorial pages. While these critiques are crucially important, the fact that they are buried in legal opinions means that these forceful assessments of drug policy usually go unheard by the public, and often unnoticed by other judges or policymakers. Working under an ever-increasing caseload, judges are often isolated and unaware of what other judges are thinking about the “war on drugs.” This isolation results in the lack of a support system for those judges who – had they known that many of their fellows judges are speaking out against drug prohibition – would likewise register their dissent.

With ongoing funding we will continuously update the site as more and more judges issue legal rulings that criticize the war on drugs. We will send out e-mails to the press and the public with each new quote and a link back to the full catalog of legal opinions. Depending on organizational growth, we hope to later expand the project to encompass judicial interaction through surveys, organized “speak out” events, and published compilations of judicial criticism of drug prohibition policy.

www.judgesagainstthedrugwar.org

Going live in March.
Look for the announcement!
For the second year in a row, the CCLE is a supporting organization of the NBIC Convergence Conference for Improving Human Performance. Sponsored by the National Science Foundation, the Nano-Bio-Info-Cogno (NBIC) Convergence Conference will take place in New York City, February 26-28th, 2004.

NBIC convergence describes a broad and far-reaching consideration of possible and emerging opportunities for the improvement of human abilities, social outcomes, quality of life and national productivity based on cross-cutting advances in science, medicine, and technology. NBIC advances point to new possibilities in collaborative scientific research and development. More broadly, NBIC beacons pressing needs in addressing social and human well-being in the context of these integrated technologies and engineered systems.

A number of key innovations and potential NBIC applications zero in on exciting possibilities for cognitive enhancement and enhanced cognitive liberty. At the same time, other proposals—like DARPA’s “Aug Cog” program, which seeks to enable super-soldiers with the use of augmented cognitive technologies and drugs—raise concerns for cognitive liberty in terms of choice and individual autonomy.

The CCLE’s director and neuroethics expert, Wrye Sententia, will speak at the conference on how cognitive liberty can serve in guiding the application of NBIC opportunities. She will point out how the cognitive liberty framework allows individuals to choose whether or not to use cognitive enhancement technologies and drugs.

For more information:

CONFERENCE CALENDAR

**BOUNDARIES IN QUESTION**
March 11-13, 2004
The 13th annual Berkeley BIQ conference is titled Feminists Face the Future: New Feminist Perspectives on Biotechnology and Bioethics. http://socrates.berkeley.edu/~dalec/BI0BI0BI0IQ13Top.html

**DIGITAL COPS IN VIRTUAL ENVIRONMENT**
March 26-28, 2004
The Information Society Project at Yale Law School is pleased to announce its upcoming conference on Cybercrime and Digital Law Enforcement, to be held in New Haven, CT. http://islandia.law.yale.edu/isp/digital_cops.htm

**CNS ANNUAL MEETING**
April 18-20, 2004
More than 1700 cognitive neuroscientists will converge on San Francisco for this 11th annual meeting of the Cognitive Neuroscience Society. http://www.cognitiveliberty.org

**COMPUTERS, FREEDOM AND PRIVACY**
April 20-23, 2004
The 14th Annual CFP Conference will be held by the Association for Computing Machinery (ACM) in Berkeley, CA. http://www.cfp2004.org

**EXPLORING THE MIND: MULTIPLE PERSPECTIVES ON DECISION-MAKING**
April 22, 2004
This conference is one in a series of events celebrating the newly-established Center for Mind and Brain at the University of California at Davis, and is co-sponsored by Elsevier. http://mindbrain.ucdavis.edu

FORTHCOMING:
Below is an abridged listing of some of our most important achievements since our founding. For the full list with links to relevant documents, please visit http://www.cognitive liberty.org and click on History.

2003
Submitted amicus curiae legal brief in United States Supreme Court Case of Sell v. United States in support of Dr. Sell's effort to avoid forced-drugging with psychoactive drugs. Case decided in June 2003, with legal victory for Dr. Sell.
Submitted written testimony to the American Bar Association's Kennedy Commission on the topic of reducing or eliminating mandatory minimum sentences for nonviolent drug offenses.
Initiated a Mental Diversity Scholarship Fund, and made first four awards.
Prepared reports of the cognitive liberty implications of state marijuana laws, and submitted these reports to a total of 429 state legislators in fifteen states. Our reports were also presented to the press, by way of 234 press releases.
Submitted written testimony to the Drug Enforcement Administration objecting to the scheduling of three new drugs.
Sent our Salvia divinorum report to all members of the Oregon Judiciary Committee, considering two bills related to the psychoactive plant Salvia divinorum. Both bills died in that committee upon adjournment.
Sponsored and presented at the National Science Foundation's Nano-Bio-Info-Cogni Convergence Conference.
Logged 51 presentations and press publications.

2002
Presented written and spoken testimony on the topic of brain enhancement to the President's Council on Bioethics in Washington D.C. In October 2003, the Council issued its report "Beyond Therapy: Biotechnology and the Pursuit of Happiness."
Prepared bill analysis and presented spoken testimony before the California Public Safety Committee, who were considering a bill (SB 1103) that would have imposed a 90-day mandatory minimum sentence for using or being under the influence of MDMA (Ecstasy). At the end of the hearing, the bill was defeated by a 3-2 vote.
Approximately 75,000 people visited Ask Dr. Shulgin Online. ADS was mentioned on National Public Radio and discussed in newspaper and magazine articles around the world, [encouraging continued public debate about effective drug education and the negative consequences of drug prohibition.]
Provided research concerning the USA's founding fathers' devotion to "the pursuit of happiness" to Peter Jennings and Todd Brewster, authors of In Search of America, an ABC News Special and book. The book, published in September, includes a section on "Fighting for the right to pursue happiness."
Sent key members of the U.S. Congress our report on Salvia divinorum when they moved to upgrade the plant into Schedule I of the Federal Controlled Substances Act. H.R. 5607 failed to pass before Congress adjourned at the end of 2002.
Submitted written comments to the DEA objecting to the scheduling of the drug 2C-T-7.
Logged 43 presentations and press publications.
Created a rigorous cognitive liberty curriculum for university professors (educators) and student groups interested in teaching a course on cognitive liberty. The curriculum was unveiled in September 2002 and quickly generated interest from students and professors at universities across North America. This curriculum is freely available on our web site.
Filed a "friend of the court" legal brief in the United States Supreme Court, in support of Dr. Thomas Sell's attempts to block government efforts to forcibly inject him with mind altering drugs. The U.S Supreme Court accepted the case for review in November 2002, and decided the case in favor of Dr. Sell in June 2003.

2001
Coordinated and submitted 277 pages of written comments to the U.S. Sentencing Commission after they issued a ten-day notice of their intent to increase significantly MDMA sentences. In its final report to Congress, the Sentencing Commission notes: "the volume of public comment received on the proposed changes to the guidelines for MDMA trafficking far exceeds that for any issue this Commission has addressed since taking office in November 1999."
Initiated a CCLE Summer Fellows Program.
Initiated Ask Dr. Shulgin Online.
Initiated Salvia Divinorum Action Center and Salvia Divinorum Defense Fund to provide balanced information about the plant and its active principles to the press and policymakers.
Prepared a CCLE Report on Salvia divinorum in collaboration with other experts, and submitted this report to the Drug Enforcement Administration's Drug and Chemical Evaluation Section.
Produced public service announcements (PSAs) for 380 college and independent radio stations in the United States.
Logged numerous presentations and press publications.

2000
Founded the Center for Cognitive Liberty & Ethics (January 2000)!
Established a Board of Advisors.
Published our first three issues of the Journal of Cognitive Liberties.
Being the first organization to publicize a new federal bill - The Ecstasy Anti-Proliferation Act of 2000—which sought to significantly increase punishment for federal MDMA (ecstasy) offenses and to prohibit certain discussions about the drug—the CCLE produced and distributed a legal analysis of the bill to the press, other organizations, and to members of the Senate Judiciary Committee. Bill passed in September 2000 with lesser increase in punishment and without the ban on information.
Submitted written testimony to the Food and Drug Administration and the World Health Organization contesting the addition of three more substances to international control.

If you find our work important, please support it by making a tax-deductible donation to the CCLE!