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Legitimacy and Drug Policy

A critical look into the United States Government's approach
to justifying its policy positions on drugs

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Abstract

This paper represents an endeavor to describe the ways in which the United States Government currently is responding to growing changes in public opinion – running counter to existing policies – with regards to drugs, most specifically to marijuana, and to therein establish the context of the debate over drug policy. The paper is not, however, a critique of any particular policy, or an attempt to advocate the legalization of any drug or drugs. The aforementioned task has been accomplished through a content analysis and critical discourse analysis of two documents put out by the US Drug Enforcement Administration, in order to discern what kind of legitimacy and legitimacy achievement strategies are being used to justify their continued unaltered mandate to enforce drug policies. If the government can be determined to be seeking to justify its restrictive policies to the public and internally within its own hierarchy by using a manipulative approach to establishing legitimacy; can this phenomenon be seen as a potential critique for the continued legitimacy of authority to regulate such areas with prohibition and incarceration methods in the first place? Concepts of legitimacy have been used as the theoretical foundation for the application of the aforementioned methods on the critically analyzed texts. On account of the results from the analysis made by this study, it is argued that the hypothesized assumption that a manipulative legitimacy repair strategy is being employed by the DEA is in fact the case.

Key Words: Drug policy, drugs, legitimacy, United States of America (USA), US Drug Enforcement Administration (DEA)

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LIST OF ACRONYMS

CDA	Critical Discourse Analysis
CDAPCA	Comprehensive Drug Abuse Prevention and Control Act
DEA	Drug Enforcement Administration (US Federal Government Agency)
DPOM	<i>DEA Position on Marijuana</i> (DEA published document)
SOADL	<i>Speaking Out Against Drug Legalization</i> (DEA published document)
LGCRMPCNYC	La Guardia Committee Report on the Marijuana Problem in New York City
NSDUH	United States National Survey on Drug Use and Health
ONDCP	Office of National Drug Control Policy
US or USA	United States of America
WOD	War on Drugs

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1 Introduction

1.1 Research Problem and Purpose

“Drugs” as they are referred to today, but which historically have been described in many different ways, are an issue which have been and most likely will continue to be relevant to human society for the remainder of our species’ existence. This issue of ‘drugs’ is important to comprehensively understand in order to determine the best ways to deal with the social problems that drugs can create; through both their illegal or legal distribution and use. Drug abuse and the individual health consequences thereof, as well the costs to society at large from individual abusers’ actions, an increase in organized crime, reduced productivity of labor, and the vicious cycle of addiction; these are all elements of the pivotal issue that can be labeled as ‘drugs’. This is a problem, which deserves deep and careful consideration, as the consequences of failed policies and misunderstandings of the problem can have far reaching side effects.

This project therefore suggests a critical outline of the so-called ‘war on drugs’ by describing the background of the debate over drug policy in the US through a discussion of the legitimacy achievement strategies of the US Drug Enforcement Administration in two of their published position documents; *SOADL* and *DPOM*. The project is not meant or implied as a critique of particular policies, or as an advocacy for the legalization of any drug or drugs; but is rather structured as a look into how drug policies are defended and maintained. This project’s look into the particular drug policy case of marijuana, and the discussion of the high degree of demonstrated support for legalization thereof, is therefore simply intended as a means of demonstrating the context within which the DEA is attempting to justify its authority to legitimately continue the prohibition of marijuana. I have thus examined the arguments made in the DEA’s documents with content analysis and critical discourse analysis, and then attempted to clarify the types of discursive elements with which the arguments are being presented; looking specifically for indications of the type of legitimacy being sought, and the legitimacy achievement strategies at work. If a government must use manipulative tactics and methods to justify its own authority to set certain types of policies, what then can be inferred about its

legitimacy to do so? Could this call into question the authority of a government to stringently regulate such areas of society?

States and their governments have a responsibility to look after the welfare of their citizens; this is one of the foundations upon which the modern democratic state is based. Drug policy in the United States is presented as an attempt by the US Federal Government to protect its constituent citizens against the dangers of drug abuse. Thus, this can be seen as the foundation upon which the DEA bases its justification as being the moral authority on drug policy and for the continuation of current policies – as is argued in their documents. This paper therefore also efforts to critically discuss the way in which the DEA as the federal agency responsible for drug policy enforcement frames their responsibility to the public with regards to this issue, how they clarify their perceptions of the public good, and upon what basis they justify actions taken by the state in this regard.

I have chosen this subject to research and discuss in my Master's Thesis project, because I believe that the significance of the issue of drug policy and 'drugs' in general is something which impacts and informs many other areas of society. Successful and effective drug policies are crucial to solving the problems associated with drug abuse, and drug policies therefore must be comprehensive in dealing with the roots of the problem, not just the symptoms. The issue of how drug policies are justified is thereby crucial to understanding the larger social and political context of potentially abuse-able substances.

The DEA, a government agency, has published the two position documents which this study has examined. I therefore believe it is of vital importance to ask the question of why they are putting out such documents: What is the US Federal Government via the DEA trying to accomplish with the publication of these documents? Is it an attempt at building, maintaining and/or repairing legitimacy for the justification of current policies both internally within the government hierarchy itself, and externally for the general public?

1.2 Research Aims

1.2.1 Research Question

The central aims of this project are formulated in the following research question:

- What type or types of legitimacy (cognitive, moral, and/or pragmatic) and legitimacy achievement strategies (informative, conforming or manipulative) does the United States Government – via its Drug Enforcement Administration – use in its defense of current drug policies? Namely, what methods/strategies are employed in order to justify the government's authority to create, enforce and maintain drug policies through a period of changing cultural norms and medical opinions with regards to marijuana and other illegal drugs? This paper thus asks the question of not only what type of arguments are employed by the DEA to support the prohibition of marijuana and other drugs, but also on what legitimacy of authority these arguments are based.

1.2.2 Research Hypothesis

Through an in-depth content and critical discourse analysis study of two DEA published documents, *SOADL*, and *DPOM*, I will attempt to discern if the DEA is using an informative, conforming or manipulative approach – or to what degree a combination of these three – to establish, maintain and/or repair their legitimacy of authority to enforce current drug policies. This project serves to problematize the larger issue of how governments and government agencies as well as other power holding authorities manage to justify their legitimacy both internally and externally, while the broader scope of the project aims to shed light on this process. It is my hypothesis, that the US Government has used a manipulative approach as opposed to an informative approach – as they purport to be doing – in attempting to justify its legitimacy to preserve current drug policies.

1.2.3 Objectives

- To clarify the basis presented in the DEA documents *SOADL* and *DPOM* for the US Federal Government's authority with regards to the prohibition of drugs, as grounded in cognitive, moral and/or pragmatic legitimacy.

- To investigate the ways in which the arguments advanced by the DEA in their documents are based/framed: The use of informative, conforming and/or manipulative legitimacy building strategies.

1.3 Motivations

My biggest difficulty in this project has been selecting the exact topic of study. I knew from the beginning that I wanted to write about the issue of drugs, as this is a topic I find very interesting due to the highly charged nature of the discourse of the subject. This was amongst the broader question of what defines legality: what makes things legal or not, and by whom, and when and how is that defined? Many people take the concept of what is 'medicine', what is 'recreational but socially acceptable' and what is a 'drug' for granted, and I find this seeming lack of ambiguity – over what I see as a very vague concept – to be fascinating.

Narrowing down this subject into a manageable size however, proved very difficult, due to the various quite different social, political, economic, and medical dimensions of the issue of 'drugs'. I preferred to undertake a linguistic type of analysis, as linguistics is one of my other areas of interest besides the social sciences, and was my minor during my Bachelor studies in Political Science. I nevertheless was at first not certain what type of text to analyze with regards to policy itself, as the text of laws would make for in my opinion a bland and uninteresting – not to mention somewhat beyond my area of expertise – source for content and discourse analysis, which were the methods I was most interested in employing.

I ultimately decided to base my study on the two documents published by the DEA, as I found them to be very intriguing and telling as to the kinds of language and statements that were used throughout. Immediately upon reading *SOADL* and *DPOM* I was struck by the propaganda-esque feel of the text, with the employment of blatantly questionable arguments, while portraying them in a light of 'truth' and 'authority' by trying to sound objective and informative. Many of the things the documents are saying or implying are however far from objective, and the tactics used appear to be manipulative – something this study aims to discern. I therefore realized

that to approach the issue of drugs, a study of the discourse and content of these two documents would be very well suited to the type of study I was interested in conducting. Although I will also examine some elements of validity with regards to the DEA's texts' arguments, this project is also not intended as a look specifically into the scientific validity or general accuracy of the DEA's various arguments, but rather at the types of discursive strategies they use to convey their overall message within the documents, and to accomplish the goal of repairing or maintaining the legitimacy of their mandate.

1.4 Significance

1.4.1 Policy

The notion of public policy is something which underlines the entire framework of the concept of a nation, a state, or public administration of any kind. Governments and/or authorities of one form or another exist throughout the world, and have throughout human history. Small and large, and attempting to be democratic or not, the powers that be have endeavored to assert their authority over their assumed domain of influence. Governments make policies which regulate and structure our everyday lives in innumerable and complex ways. Both highly undemocratic dictatorships, as well as purposefully democratically structured societies use policy and the implementation thereof in an attempt to accomplish their goals for the society. Some of these goals are less honorable and noble than others, while some start out as a good idea but end up as a disastrous blunder. Still others accomplish something useful for the general good of society in both measureable and immeasurable ways. This is an issue which the field of Political Science deals with in a larger context, in the sense of the ways and means in which governments regulate through policy and enforcement, as well as the styles and methods used to attempt to meet goals which all democratic states have in common: i.e. the welfare of citizens, and protecting members of the given government's society from both internal and external threats to order and stability, public health, economic wellbeing and the constitution upon which a government is founded – or the authority upon which a dictatorship rests (Smith and Larimer 2009, Lasswell 1951).

The idea of what exactly a public policy is or can be should also be clarified. According to Park (2000) a policy is “A decision or, more usually, a set of interrelated decisions concerning the selection of goals and the means of achieving them. The identification of policy as a set or web of decisions is useful in that it underlines the notion that policy is best seen as a course of action—or inaction—rather than a single, discrete decision or action” (Shafritz & Park 2000, 39).

1.4.2 Government and Policy

According to Dworkin (2006) “A legitimate government must treat all those over whom it claims dominion not just with a measure of concern but with equal concern” (Dworkin 2006, 97). Wojciech (2008), contends that this statement “...links two major concepts in legal and political philosophy—legitimacy and equality—by making the former dependent on the latter” (Wojciech 2008, vii). Nevertheless, the question of what exactly a legitimate government *is* remains difficult to exactly define, and one can ask if this idea of legitimacy “necessarily implies that citizens have a moral duty to comply with all the directives [their argument] issues?” (*ibid*)

On December 22nd 2010, Michele M. Leonhart was confirmed by the United States Senate as the next DEA Administrator. Upon confirmation, Administrator Leonhart said:

“... I am dedicated to meeting the challenges that the DEA faces, from disrupting and dismantling extremely violent Mexican based drug cartels; to defeating narco-terrorists operating in Afghanistan and around the world; and doing all we can to reduce prescription drug abuse, our nation’s fastest growing drug threat. I will ... guide the DEA as we enforce the nation’s drug laws and take the lead in the global fight against drug trafficking.” (22nd Dec. 2010, Washington, D.C.)

I believe that this quote from Administrator Leonhart is quite telling of the significance and importance of examining US federal drug policy. As stated by Administrator Leonhart, of the three biggest threats mentioned, two of them were involving foreign interests outside of US territory. The DEA therefore sees itself not only as an agency for enforcing drug policy within US borders, but they see their mandate as extending beyond the US to anywhere that such “threats” might originate from. The third of the biggest threats she mentioned was interestingly the problem of prescription drug abuse. I believe this is also quite telling, as it sheds light on the DEA’s attempt to highlight its legitimacy as based on other areas of policy besides illegal drugs

– as the fight against drugs such as marijuana has become increasingly unpopular in recent times – thereby reinforcing its claim as being the protector of the public’s interests. Furthermore, Michele Leonhart has been a figure of some degree of controversy during her time with the DEA. She has repeatedly denied federal funding for research into the medicinal and therapeutic benefits of marijuana, despite already completed and well-substantiated medical studies demonstrating compelling evidence into the medicinal benefits of smoked marijuana as helpful to, among others cancer, AIDS and multiple sclerosis patients (Center for Medicinal Cannabis Research, 2010). Administrator Leonhart also has a clear record of seeking to undermine state laws allowing medical marijuana, and prosecuting patients and distributors.

1.5 Delimitations

This paper is not concerned with a critique of policies themselves, but rather a critique of policy enforcement legitimization processes. For the analysis section of this project, I chose to limit the data being examined to a manageable size, that would still be able to provide a representative picture from the results. I chose to focus exclusively on the already existing primary data of two DEA published documents defending current drug policies, as the nature of the research question being asked requires such a method. I have nonetheless also used a number of secondary sources for the sake of demonstrating the wider context within which this issue can be understood. I decided to limit the scope of this project to cover the United States alone, and exclude drug policy issues from other parts of the world due to constraints of time and space, and the allotted length of this project.

1.6 Relation to Previous Research

In practical terms, this study has no direct relation to previous research, as it is a study of two specific documents, no such analysis of which has been previously done – at least that could be located. However, the book by Robinson and Scherlen (2007) titled *Lies, Damned Lies, and Drug War Statistics* is in some ways a similar type of study, but is instead looking into claims

made by the ONDCP, the policy creating element of US Federal drug policies, while the DEA is the enforcement element.

1.7 Structure of Thesis

This project's chosen research question will be examined in the following steps, organized into six chapters: Immediately after this *Introduction* section there is the *Background* chapter, where the history and wider context of the issue of ‘drugs’ and drug policy will be examined. Next the *Theoretical Frameworks* as the backbone of this study will be presented, discussed and problematized. The theory section is intended ultimately to inform the analysis chapter near the end. After the theory chapter, the methods – content analysis and CDA – which the study employs to examine the source material are explained and justified in the *Methodological Frameworks* chapter. Chapter five, *Analysis and Results* is where the entirely original investigative work of the study itself is undertaken, and the results thereof are explained and interpreted while being related to the theoretical bases and the research question. The final chapter, *Interpretations and Conclusions*, presents a summing up of the project’s principal conclusions and postulations.

2 Background of the Study

2.1 What is a ‘Drug’?

The question as to what is or is not a “drug” is a vague and contentious issue to say the least. In reality, the definition of the term according to the *Concise Oxford English Dictionary* (2004) is “any medicine or other substance which has a physiological effect when ingested or otherwise introduced into the body”. Nevertheless, despite the seeming simplicity and straightforwardness of the term as displayed by this definition, when one hears or thinks of the word “drug”, depending on the context, they construct three separate and distinct definitions in their heads. Firstly there are the ‘drugs’ that people think of and almost exclusively refer to as “medicine”.

Then there are the types of ‘drugs’ which are considered to be recreationally appropriate and socially acceptable. And finally, there are those ‘drugs’ which are forbidden by law, and can either be somewhat to highly socially acceptable, or extremely taboo and stigmatized, depending on established social norms and discourses.

According to Wexler (2009), “Drugs are nonfood chemicals that alter the way a person thinks, feels, functions, or behaves. This includes everything from prescription medications, to illegal chemicals such as heroin, to popular and widely available substances such as alcohol, tobacco, and caffeine,” and “a wide variety of laws, regulations, and government agencies exists to control the possession, sale, and use of drugs. Different drugs are held to different standards based on their perceived dangers and usefulness, a fact that sometimes leads to disagreement and controversy” (Wexler 2009, 1-2). Wexler also states, that

“Any drug which has no federally accepted medical use such as heroin, LSD, and marijuana is referred to as an illegal drug. Legal drugs, by contrast, are drugs whose sale, possession, and use as intended are not forbidden by law. Their use may be restricted, however, [as certain drugs] are available only with a prescription and are called controlled substances. The term “‘illicit drugs’” is used … to describe both controlled substances that are used in violation of the law and drugs that are completely illegal” (*ibid*).

Beginning in the late-19th century, the concept of a “drug” began to be defined in the US as certain substances began to be regulated. The first law in the US that prohibited the use of a specific drug was an ordinance in the city of San Francisco, which banned the smoking of opium and opium dens in 1875 (Brecher 1972). In previous times, drugs were dealt with through a laissez-fair approach, where the impact of drug abuse was considered to be the responsibility and consequence of the individual and their family. When the US Federal Government began to flex its muscles for the regulation of business, industry, and society at large to a much greater degree than had previously been attempted, the issue of pharmaceutical/medical and recreational drugs became another area of society that was to be defined and confined by regulatory statutes (MacCoun & Reuter 2004). When the prohibition of alcohol was enforced in the US from 1920 to 1933 the US experienced its first serious venture into the regulation of drugs; this so called “Noble Experiment” (*ibid*) was ultimately considered a failure, and was reversed to re-allow the

sale and consumption of alcohol – albeit with limitations of age, and on locations of sale/consumption. Other drugs such as tobacco, marijuana, heroin, LSD and cocaine were slowly incorporated into a national drug policy agenda with some being more restricted than others. Tobacco was one of the last of these to be strictly regulated, as proof of its harmful effects on the body was held back by the tobacco industry for decades (*ibid*).

2.2 History of Federal Drug Laws in America

Despite the aforementioned opium ban in San Francisco in 1875, the Harrison Narcotic Act of 1914 – which outlawed opiates and cocaine nationwide – was the first federal legislation aimed at prohibiting the possession and use of mood-altering drugs. Ensuing laws were passed or revised after this, including the Marijuana Tax Act of 1937 – effectively outlawing marijuana – but the current drug policy situation in the US is mainly a result of the “war on drugs” – coined as a phrase in 1971 during the first Nixon administration – which did not earnestly begin in its full force until 1970 with the Comprehensive Drug Abuse Prevention and Control Act, which served as the US legislation for implementing the Single Convention on Narcotic Drugs; an international treaty prohibiting the production and supply of certain drugs (Wexler 2009, 135). Controlled substances are categorized by “schedule”, and each schedule categorization is based on the “potential for abuse” for a given substance (Cornell-University-Law-School).

2.3 Defining the current discourse on drugs and drug policy in the United States:

Substance abuse is a worldwide problem. ‘Drugs’, including alcohol, tobacco, and prescription drugs, can be abused and cause serious physiological and social consequences. In the US today, there is a widely felt sentiment, that drug abuse is a serious problem which affects the whole country, as is demonstrated by Figure 2.1 showing the results from a poll by Angus Reid:

Which of the following statements comes closest to your view?				
	Total	Democrat	Republican	Independent
America has a serious drug abuse problem and it affects the whole country	64%	68%	70%	58%
America's drug abuse problem is confined to specific areas and people	20%	18%	20%	24%
America does not have a serious drug abuse problem	7%	5%	6%	10%
Not sure	9%	9%	5%	8%

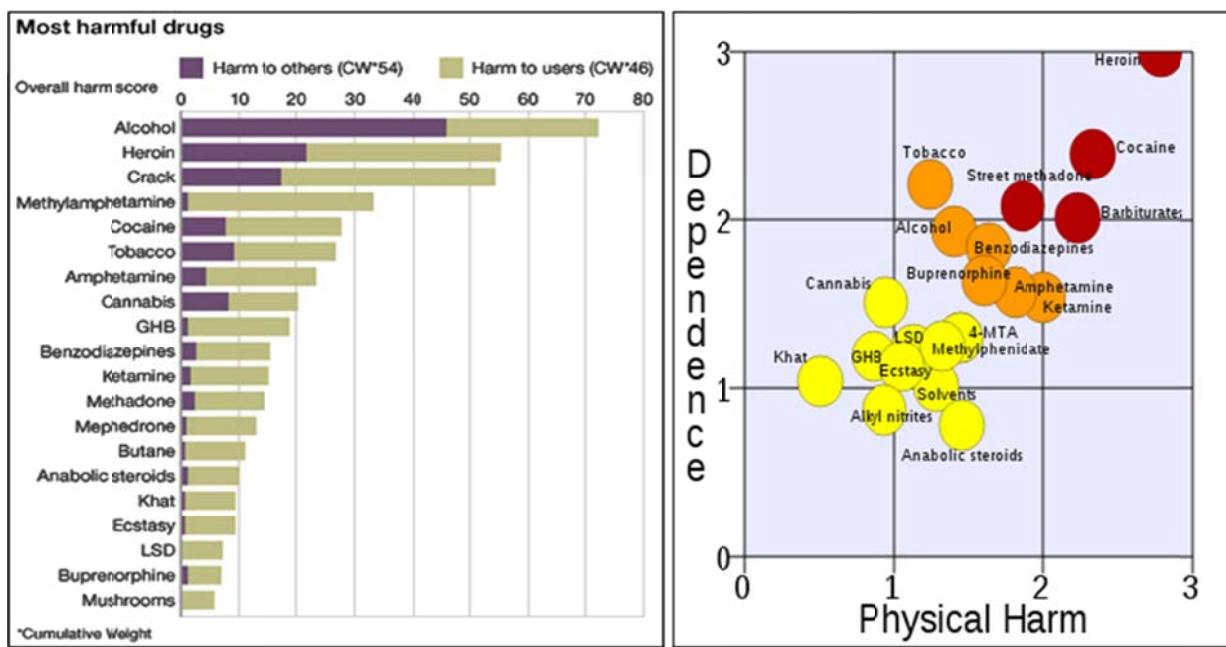
Source: Adapted from AngusReid (2010)

Figure 2.1

As it is clear from both law enforcement and incarceration statistics, along with the abovementioned public opinion sentiments, the issue of ‘drugs’ in America is a highly charged, socially relevant and pivotal topic. Due to the important nature of this issue, and the failure of policies over the past many decades to effectively combat the social problems associated with drug abuse (MacCoun & Reuter 2004), there is a growing sentiment that current policies are ineffective at their goals of reducing drug-related problems (AngusReid). According to the Drug Enforcement Administration itself, “there is a growing discussion as to whether or not current drug policies are effective and appropriate” (SOADL). Already existing state and local laws legalizing marijuana for medicinal prescription use, and the recent narrowly defeated attempt to legalize marijuana for general taxation and sale in California seem to be indications of this trend. In addition, according to MacCoun and Reuter (2004) "Prohibitionist organizations, both public (the Drug Enforcement Administration) and private (the Partnership for a Drug Free America), increasingly feel the need to write anti-legalization position papers [such as SOADL & DPOM], surely a sign of growing nervousness about the issue" (MacCoun & Reuter 2004, 50).

In addition, according to Nutt, et al. (2007), the current scheduling categories of drugs and their assessments of harm are invalid in their assumptions about the nature of different substances. The study, led by David Nutt who was an advisor to the United Kingdom Department of Health,

attempted to create a comprehensively based harm-ranking system for a variety of significantly relevant drugs. The new classification system employs a “nine category matrix of harm ... to assess the harms of a range of illicit drugs in an evidence-based fashion.” This new system suggests that alcohol and tobacco fall in the mid-range of harm, while cannabis, LSD and ecstasy are all shown to be less harmful than those two legal drugs (Nutt et al. 2007). The findings of this study were controversial, as they ran contrary to the UK Government’s long-established drug classification system – a system which is basically the same as the one in place in the USA. The authors of the study contend that their new system, which is based on the consensus of experts, provides a more accurate assessment of harm for policy makers to consider. Figure 2.2 displays these findings in two different forms:



Despite this updated categorization of the potential harm of various drugs, the notion of ‘harm’ with relation to ‘drugs’ is nevertheless a complicated and elusive subject to assess. This represents a functional categorization of the extreme complexity of the debate over drug policy. MacCoun and Reuter (2004) discuss the notion of drug harm in this passage:

"The question then is how much harms are changed by differences in [policy] regimes. For example, under almost any imaginable regime there will be drug-related deaths. What must be

determined is whether there would be more or fewer, and whose deaths they would be (users, sellers, innocent parties), under specified alternative regimes, since we might place higher value on those (e.g., bystanders caught in drug dealers' cross fire) who are innocent victims of 'others' decisions to violate the law." (MacCoun & Reuter 2004, 104).

Furthermore, the following selected conclusions from Robinson and Scherlen's (2007) study into claims made by the ONDCP demonstrate the often ambiguous and normative nature of US drug policy decisions:

- Many of America's drug wars have been inspired by racist sentiment or ethnocentrism.
- It is not the nature of the drug that determines its legal or criminal status. At one time, both alcohol and tobacco were illegal drugs, whereas cocaine, heroin, morphine, and other drugs were once legal.
- America's drug laws are not necessarily in place to reduce illicit drug use for the sake of reducing drug use. Ulterior motives also operate.
- Evidence and expert opinion about the true nature of a drug and use of the drug have mattered less than politics in the nation's drug war. That is, drug wars throughout our history have been about creating and maintaining the dominant ideology of the time.
- The majority of funding in America's drug war has always been, and remains, intended for reactive measures aimed at supply reduction rather than proactive and preventive measures aimed at demand reduction. The drug war is therefore not, nor has it ever been, balanced as the ONDCP claims. (Robinson & Scherlen 2007)

2.3.1 Defining the current discourse on *marijuana* and marijuana policy issues in the US as an example of the most visible and contentious drug policy debate in the US:

Currently, marijuana is an illegal substance in the United States, meaning that save for medically licensed usage in 18 states – a practice still forbidden on the federal level – the use, possession and distribution of cannabis plants and cannabis-derived products – hashish and marijuana – is prohibited (ProCon.org). According to Stafford (1992), "While many drugs clearly fall into the category of either stimulant, depressant, or hallucinogen, cannabis exhibits a mix of all

properties, perhaps leaning the most towards hallucinogenic or psychedelic properties, though with other effects quite pronounced as well" (Stafford 1992). Cannabis is defined by US law as a level one controlled substance, meaning that in many cases there is mandatory prison sentencing – not taking circumstances into account – for breaking these laws (*ibid*). The discourse about this issue is highly charged and has fluctuated in peak end ebb phases throughout the last 80-90 years. The discourse that exists today in American society on the issue of marijuana is currently in one of the peaking phases where public sentiment for legalization of marijuana is at an all-time high (ProCon.org). In a recent public opinion poll done by AngusReid (2010), it was shown that 52 % of adults in the US support the legalization of marijuana, while a significantly smaller percent supported legalizing other drugs. The opinions about other drugs included in the poll results shown in Figure 2.3 clearly suggests that American attitudes about marijuana are in stark contrast to attitudes about other illegal substances. This would seem to imply, that Americans are not "soft on drugs" so to speak, but rather that a majority no longer perceive marijuana as a harmful enough drug to justify criminalization (AngusReid).

Do you support or oppose the legalization of each of the following drugs? – "Strongly Support" and "Moderately Support" listed.				
	Total	Democrat	Republican	Independent
Marijuana	52%	57%	38%	59%
Ecstasy	10%	9%	8%	9%
Heroin	8%	7%	9%	6%
Powder cocaine	8%	8%	9%	8%
Methamphetamine or "crystal meth"	8%	8%	8%	6%
Crack cocaine	7%	7%	7%	5%

Source: Adapted from AngusReid (2010)

Figure 2.3

Additionally, despite the current and longstanding illegal status of marijuana, polling done in the United States by the World Health Organization shows that 42 % of adults surveyed had tried

marijuana at least once in their lifetimes (WHO Survey). Therefore, if 42% of adults today had no problem with breaking the law in order to try marijuana at one point in their lives, I believe it is not farfetched to draw a link suggesting that the current marijuana prohibition policy which has existed since the passage of the Marijuana Tax Act in 1937 is not currently seen as valid and justifiable by a large percentage of Americans; so much so that breaking the law in order to try marijuana was not something they felt to be wrong enough to stop them (WHO Survey & NSDUH). This suggests that the number of adults having tried marijuana is not simply a reflection of American's overall attitude towards illegal substances, or law breaking in general. Therefore, the significance of the number of adults having tried marijuana cannot be explained away by assuming that Americans have a lax and lenient attitude toward law breaking, or towards 'drugs'.

With regard to historic public opinion trends on marijuana, this poll data in Figure 2.4 from the Gallup Organization – a self-described non-biased polling organization with no official policy on the subject of Marijuana – indicates a steady rise in public support for legalization since their polling on the subject began:

Poll Asking: Do you think the use of marijuana should be made legal, or not?

Date of Poll	Yes, legal %	No, illegal %	No opinion %
2010 Oct 7-10 ^	46	50	4
2009 Oct 1-4 ^	44	54	2
2005 Oct 13-16 ^	36	60	4
2003 Nov 10-12 ^	34	64	2
2001 Aug 3-5	34	62	4
2000 Aug 29-Sep 5 ^	31	64	5
1995 Aug 28-30	25	73	2
1985 May 17-20	23	73	4
1980 Jun 27-30	25	70	5
1979 May 18-21	25	70	5
1977 Apr 1-4	28	66	6
1973 Jan 26-29	16	78	6
1972 Mar 3-5	15	81	4
1969 Oct 2-7	12	84	4
^Asked of a half sample		Source: Adapted from Gallup	

Figure 2.4

These polls show how trends in attitudes towards marijuana have seen a significant shift towards support for legalization just in the last five years. If two recently released polls are any indication, this may now be a majority position. A poll from ABC News and the Washington Post released on April 30, 2010, also found that 46% of adults surveyed supported "legalizing small amounts of marijuana for personal use," while a Zogby poll released later in the year found that 52% supported the "legalization, taxation, and regulation of marijuana" (Zogby, ABC News). According to Rob Kampia, executive director of the Marijuana Policy Project, "this new survey [shows that] ... voters are coming to realize that marijuana prohibition gives us the worst of all possible worlds: a drug that's widely available but totally unregulated, whose producers and sellers pay no taxes but whose profits often support murderous drug cartels," and that "the public is way ahead of the politicians on this" (Drug War Chronicle).

Furthermore, historical studies already led to many of these same conclusions about marijuana long ago. A study commissioned in 1939 and finished in 1944 by then New York mayor Fiorello La Guardia, the La Guardia Committee Report on the Marijuana Problem in New York City, sheds light on the historical significance of the issue of marijuana policy in the US. The LGCRMPCNYC was prepared by the New York Academy of Medicine, and it was intended to shed light on the necessity of the 1937 Marijuana Tax Act – which effectually outlawed marijuana in the United States. La Guardia saw the need to conduct scientific studies into the actual effects of marijuana on the body and on society. The publicly funded report deals with sociological, medical, psychological and pharmacological studies done on cannabis and cannabis users. The LGCRMPCNYC was the first detailed look into the medical, social, and psychological effects of using marijuana and hashish. The report systematically contradicted claims made by the United States Treasury Department – the U.S. federal body charged with the establishment of drug policy at the time – that using cannabis resulted in insanity, deteriorated physical and mental health, assisted in criminal behavior and juvenile delinquency, was physically addictive and acted as a "gateway" drug to more dangerous drugs. The sociological conclusions of the LGCRMPCNYC include among others:

- The majority of marijuana smokers in New York [were] African Americans and Latin-Americans.

- The consensus among marijuana smokers is that the use of the drug creates a definite feeling of adequacy.
- The practice of smoking marijuana does not lead to addiction in the medical sense of the word.
- The use of marijuana does not lead to morphine or heroin or cocaine addiction and no effort is made to create a market for these narcotics by stimulating the practice of marijuana smoking.
- Marijuana is not a determining factor in the commission of crimes. (LGCRMPCNYC)

Additionally, a further chapter in the recent US discourse on marijuana is The National Commission on Marijuana and Drug Abuse – also known as the Shafer Commission – which was commissioned by President Richard Nixon to study the effects of marijuana on society. The commission's report, titled *Marijuana: A Signal of Misunderstanding*, was published in March 1972 and concluded that marijuana prohibition was “Philosophically Inappropriate”, “Constitutionally Suspect”, and “Functionally Inappropriate.” The commission decided that while marijuana use should be discouraged, prohibition was not a practical or justifiable solution (McVay). Nixon however did not like the results that the study demonstrated, and promptly ignored and tried to discredit it (CSDP). Upon hearing preliminary elements of commission's conclusions, Nixon began publicly criticizing the commission leader and its other members, attempting to ruin their credibility and render their report as insignificant (*ibid*). As is revealed in taped sessions from Nixon's time in the White House, Nixon wanted the report to be “tough on crime” irrespective of the evidence (*ibid*).

2.3.2 Medical Marijuana

Marijuana for medical purposes as a prescription drug is a concept which has been gaining wide support in recent decades, both from the medical community, as well as the public – which both overwhelmingly support the notion (ProCon.org and Grand 2010). Currently, marijuana is medically licensed for prescription usage in eighteen of the fifty US states, and is prescribed in the smoked form for patients with among other ailments; cancer, AIDS and multiple sclerosis (*ibid*). The following polls from the Gallup organization in Figure 2.5 demonstrate the trend for public acceptance of medical marijuana:

Would you favor or oppose making marijuana legally available for doctors to prescribe in order to reduce pain and suffering?

Date	Favor	Oppose	No Opinion
20-03-99	73%	25%	2%
11-11-03	75 %	22%	3 %
14-09-05	78 %	22 %	0%

Source: Adapted from Gallup (1999, 2003, 2005)

Figure 2. 5

This poll indicates that there is a high degree of support in the US for allowing medically prescribed marijuana, although the framing of the question as “reducing pain and suffering” could possibly have contributed some degree of effect towards this result. Despite these revealed trends in public opinion and opinions from a majority of medical professionals in favor of medical marijuana (*ibid*), the DEA under Administrator Leonhart, as well as the FDA continue to deny funding for medical marijuana research. In addition, the DEA has repeatedly attempted to disrupt and undermine attempts at medical marijuana distribution in the states where it is legal by conducting raids on medical marijuana dispensaries (Riggs 2010). A Zogby poll shows that 72% of likely voters want President Obama to end the DEA’s raids on medical marijuana dispensaries, with only 21% in opposition to ending the raids, and 7% as “not sure” (NORML).

2.4 US Drug Policy Makers and Enforcers

2.4.1 Office of National Drug Control Policy (ONDCP)

The White House Office of National Drug Control Policy is a division of the Executive Branch of the US Government. This department is under direct authority of the US President, and it was established by the Anti-Drug Abuse Act of 1988 (ONDCP). According to the ONDCP’s website: “The principal purpose of ONDCP is to establish policies, priorities, and objectives for the Nation’s drug control program. The goals of the program are to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences.” The ONDCP is therefore the US government agency responsible for making

policy recommendations about federal drug policy. I nevertheless found it more relevant to look into the two documents I have chosen from the DEA, rather than a text from the ONDCP, despite the fact that this paper is about the DEA's defense of current policies. Firstly, this is because of the nature of the DEA as the enforcement apparatus of drug policy and drug control efforts, which thereby means that they are the agency responsible for putting policy into action. Thus, by seeking to defend their legitimacy they are defending a right to police and enforce policy, not just define it. Secondly, as the previously mentioned study by Robinson and Scherlen (2007) has already made a detailed critical analysis of ONDCP claims of legitimacy and accuracy, and I believed it would be more productive to look into the other side government of drug policy processes, namely the enforcement side.

2.4.2 History and purpose of the Drug Enforcement Administration

The Drug Enforcement Administration was formed on 1 July 1973, by Reorganization Plan No. 2, an Executive Order signed by then President Richard Nixon on the 28th March 1973 (History of the DEA). This Reorganization Plan called for the establishment of a unified federal government agency – merging the *Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement*, among other federal offices – with the mandate to enforce and police federal drug laws, and to “consolidate and coordinate the government’s drug control activities” (*ibid*, Wexler 2009, 1-2). Nixon sought to establish a unified command apparatus to combat and coordinate “an all-out global war on the drug menace” (*ibid*). At its inception in 1974, the DEA employed 1,470 Special Agents, had 43 foreign offices in 31 countries and was allotted a budget of just short of \$75 million dollars. Presently, the DEA employs 5,235 Special Agents, operates 87 foreign offices in 63 countries, and receives a budget of over \$2.3 billion dollars (*ibid*). Considering adjusted dollars, this represents a 600% increase in funding in the last 35 years.

The U.S. Food and Drug Administration, is also involved in drug control procedures. The FDA “regulates the manufacture and marketing of prescription and nonprescription drugs, requiring the active ingredients in a product to be safe and effective before allowing the drug to be sold” (Wexler 2009, 1-2).

I speculate that it is relevant with regards to the DEA, to consider the question of why exactly it is placed within the Justice Department and not in the Health and Human Services Department. Drugs are essentially a health and welfare issue, and the enforcement of policies with relation to drugs is maintained to be for the purpose of protecting citizen's well-being. Therefore, such a strong emphasis on law enforcement – as demonstrated by the ‘war on drugs’ – seems to be sidestepping the purpose of why drug laws were purportedly instituted in the first place. It is also interesting to note this fact, as the documents being examined in this study are therefore a product of the US Justice Department, which is one of the most powerful arms of the government; having the ability to dole out punishments and thereby make restrictions on citizens' rights and freedoms. Consequently, it is relevant to note that it is implied in the documents that if one doesn't agree with the way the DEA thinks, then they are a deviant.

2.5 The War on Drugs

2.5.1 Background of the ‘War on Drugs’

The ‘war on drugs’ refers to a US government campaign to combat illegal drug distribution in the US through prohibition, as well foreign military aid. The WOD was an attempt to respond to drug related crime with a more heavy handed and – as the name implies – in many ways militaristic approach (Payan 2006). This policy “includes a set of drug policies … that are intended to discourage the production, distribution, and consumption of illegal psychoactive drugs” (Cockburn & St. Clair 1998, Chapter 14). The term “war on drugs” was coined by President Richard Nixon on June 17, 1971 (Wexler 2009, 135). The WOD is not by any means an inexpensive endeavor for the US taxpayer, whether or not it is worth the cost is not however a subject this study will attempt to discern. Nevertheless, The U.S. Federal Government spent over \$18 billion dollars in 2010 alone for the WOD, this constitutes a rate of about \$570 dollars every second (MacCoun & Router 2004, 24).

2.5.2 Costs of the Enforcement of Drug Policy

According to McCoun and Router (2004), “the most striking characteristics of the U.S. response to illicit drugs in the last decade have been its scale and its punitiveness” (*ibid*). In addition, “the federal government spends about \$18 billion annually on drug control, carried out in almost all cabinet departments, ranging from the Department of Education to the Department of State. State and local governments spend at least as much ... Thus, drug control was a roughly \$35 billion government program in the mid-1990s, massively up from \$10 billion in the mid- 1980s” (*ibid*). Furthermore, any analysis of drug enforcement in contemporary America is difficult to make without significant reference to ‘race’ (Tonry 1995). According to MacCoun and Router (2004): “Those arrested for drug selling are predominantly minorities; that disproportion is even higher for prison sentences. In 1992, African-Americans constituted two thirds of those admitted to state prison for drug offenses, compared to slightly less than one-half for all nondrug offenses; African-Americans constitute 12 percent of the general population. Hispanics (10.2 percent of the general population) accounted for 25 percent of commitments for drug offenses, compared to about 15 percent for nondrug offenses” while “focus groups in the late 1980s found that many African-Americans believed that drug enforcement was part of an effort by the white community to oppress African-Americans” (MacCoun & Reuter 2004, 27-28). This therefore demonstrates one of the central social costs of US drug enforcement policies; namely the exacerbation of discourses on racial segregation and inequality.

2.5.3 Incarceration Overload

The high degree of punitiveness as mentioned above can be seen from examinations of drug related budget expenditures, as well as the extent of incarceration levels (*ibid* 24). According to MacCoun and Reuter (2004), “At least three-quarters of the national U.S. drug control budget is spent on apprehending and punishing drug dealers and users, with treatment getting about two-thirds of the remainder. In terms of punishment, the U.S. imprisonment rate for drug offenses alone is much higher than that of most Western European nations for all crimes” (*ibid*). Additionally, arrests related to drug offenses increased from 581,000 in 1980 to around 1,500,000 in 1996, which represents a change from 5.5% to 9.9% of total arrests (*ibid* 25). Nevertheless, MacCoun and Router (2004) contend, that even such an increase as this still

"Masks the real increase in punitiveness; understanding that requires an examination of the changing composition of the arrests. In 1980, arrests for drug offenses were predominantly for marijuana (70 percent); marijuana possession offenses alone accounted for 58 percent of the total. In 1996, heroin/cocaine arrests rivaled those for marijuana (40 percent versus 43 percent, respectively) and distribution arrests accounted for a slightly higher share of the total (25 percent in 1996, compared to 18 percent in 1980)" (ibid).

The trend for drug related arrests to be dominated by marijuana violations still continues to this day: In 2008, still 50 % of the 1,702,537 total drug abuse related arrests were for marijuana. Of those arrests for marijuana, 89% were for possession alone, not trafficking or other drug related crimes. This represents a 5% increase from 1999 in drug arrests being for marijuana (CSDP). Figure 2.6 bellow demonstrates the rates of drug related incarceration as discussed by MacCoun and Reuter:

<i>Trends in drug enforcement, 1981–96</i>					
	1980	1985	1990	1994	1996
Drug arrests	581,000	811,000	1,090,000	1,350,000	1,506,000
Heroin and cocaine only	70,000 (12%)	240,000 (30%)	590,000 (54%)	635,000 (47%)	602,400 (40%)
Distribution only	104,000 (18%)	192,000 (30%)	345,000 (31%)	370,000 (27%)	376,500 (25%)
Currently incarcerated for drug offenses (one day count)					
(Total)	31,000	68,000	291,000	392,000	401,000
Local jails	7,000	19,000	111,000	137,000	112,000
State prisons	19,000	39,000	149,000	202,000	234,000
Federal prisons	4,900	9,500	30,500	51,800	55,200

Sources: FBI (annual); BJS (biannual); 1980–94 jail figures are authors' estimates, 1996 from BJS.
Adapted from: MacCoun 2004, 25

Figure 2.6

An apparent consequence of the 'war on drugs' has therefore been a significant increase in incarceration rates in the US. According to Fareed Zakaria (2010), "[The US] has about a four to five times higher rate per capita of incarceration than any other industrialized democracy in the world. We had about the same rate as everybody else in the early 1970s, what changed was the

war on drugs. The line begins to go crazy after the war on drugs" (Zakaria 2010). While MacCoun and Reuter (2004) contend that "the evidence is against ... the toughness [of enforcement as being] effective in decreasing drug use in the general population" (MacCoun & Reuter 2004, 30).

This would seem to indicate a failure of the 'war on drugs', as since its inception incarceration rates have historically increased over time rather than decreased. These increases cannot be accounted for by rates of population increase, which means that the 'war on drugs' has merely put more people in prison; while not reducing the demand or availability of drugs, which have both in fact increased (Robinsen and Scherlen 2007).

2.5.4 Success or Failure of WOD?

According to a poll done by AngusReid in July of 2010, 65 % of Americans polled believe that the "war on drugs" has been a failure; while only 8 % believed it had been a success (AngusReid Poll). The following statistics from the AngusReid poll in Figure 2.7 demonstrate this correlation; political party affiliation was also taken into consideration with regards to the polling data:

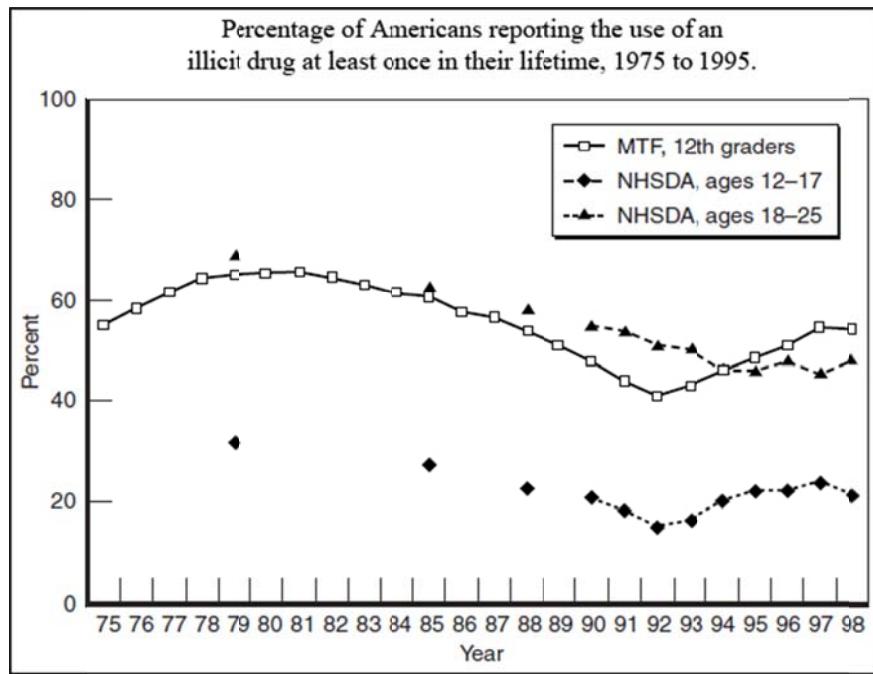
The term "War on Drugs" has been used to describe the efforts of the U.S. government to reduce the illegal drug trade. From what you have seen, read or heard, would you describe the "War on Drugs" as a success or a failure?				
	Total	Democrat	Republican	Independent
A success	8%	11%	9%	5%
A failure	65%	63%	64%	70%
Not sure	27%	26%	27%	24%

Source: Adapted from AngusReid (2010)

Figure 2.7

I believe that this poll is a very telling indicator that public opinion is not matching up with official drug policy, and as demonstrated previously, neither are many established medical facts (Grand 2010).

Furthermore, the following polls from Figure 2.8 demonstrate an additional failure of the WOD; if so many Americans have at one point in their lives tried illicit drugs before, the WOD is clearly not accomplishing its main aim, namely the reduction/elimination of illicit drug use.



Source: Adapted from MacCoun & Reuter (2004) p.16

Figure 2.8

Due to the seeming failing nature of the WOD, I contend, that it is therefore crucially important to understand the issue of the means through which drug policies and the enforcement thereof are legitimized, and to critically look at the strategies meant to accomplish these aims; as the consequences of failed or inadequate drug policies undoubtedly create a heavy burden for society.

3 Theoretical Frameworks

In this section I will discuss the theories upon which my examinations and subsequent interpretations of the DEA's documents are based. Theory is the tool of conceptual

backgrounding, which combines with methodological procedures to create results and findings. Therefore, the theories I have chosen are specifically tailored to my selected methods, and to the investigation of my hypothesis.

3.1 Legitimacy

3.1.1 Defining Legitimacy

The main theoretical backbone of this study is the concept of legitimacy. I am particularly interested in the ability for theories on legitimacy to shed light on approaches to justifying a mandate to create and enforce policies; as if a government or government institution must use a manipulative approach to doing so, this can call into question their actual legitimacy to do so.

The concept of legitimacy can be defined in many different ways, and legitimacy has been defined by social scientists with theories that incorporate varying degrees of specificity (Schuman 1995, 573). Maurer (1971) talks about legitimacy in a hierarchical and evaluative way, and he asserts, that “legitimation is the process whereby an organization justifies to a peer or superordinate system its right to exist, that is, to continue to import, transform, and export energy, material, or information” (Maurer 1971, 361). This definition of legitimacy as discussed by Maurer sees legitimacy as “stemming from congruence between the organization and its cultural environment” (*ibid*). Other authors have discussed the concept of legitimacy as more of a cognitive rather than evaluative process, namely Meyer and Scott (1983) who discuss legitimacy as based on understanding rather than desirability (Meyer & Scott 1983, 202 and Schuman, 573). Schuman (1995) claims to adopt an “inclusive, broad-based definition of legitimacy, that incorporates both the evaluative and the cognitive dimensions, and that explicitly acknowledges the role of the social audience in legitimation dynamics” (Schuman 573-574). Schuman states this as his working definition for legitimacy:

“Legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.” (Schuman 574)

It is this broader and inclusive approach towards understanding legitimacy as explained by Schuman, that I have chosen as my working definition for this study, namely the idea that

organizations are legitimate when they are *understandable*, as well as when they are *desirable* (Schuman 573). Also according to Schuman, an external audience is the bestower of legitimacy, and it “represents a reaction of observes to the organization as they see it” (*ibid* 574).

Parkinson (2006) discusses how traditional concepts of legitimacy in political science literature have been based on sociological rather than moral foundations (Parkinson 2006, 33). These have according to Max Weber started with a categorization of claims to authority: traditional, charismatic, and legal-rational (Weber, et.al. 1978, 215). Weber contends that authority systems result from psychological phenomena, and this assumption led political scientists to the conclusion that legitimacy was founded upon a belief in legitimacy alone, whereby citizens going to vote in elections was seen as proof for a prevalent belief in a regime’s legitimacy (Parkinson 2006, 33). This traditional concept of legitimacy in the field of political science theory, is explained here by Lipset (1984); “Legitimacy involves the capacity of its political system to engender and maintain the belief that the existing political institutions are the most appropriate for the society” (Lipset 1984, 88). Parkinson on the other hand, contends that legitimacy can be seen as being based on a moral presumption more than belief in legitimacy, or cooperation with authority (Parkinson 33). This is a reference to the idea of desirability (evaluative) in legitimacy construction as more important than understandability (cognitive). Parkinson sees a basis of the foundation of legitimacy on belief alone as problematic, and contends that “it equates legitimacy with stable and effective political power, reducing it to a routine submission to authority” (*ibid*). Belief in an authority’s legitimacy is nevertheless clearly important and relevant to the establishment of legitimacy, as belief in an authority creates stability and greater cooperation with decrees and policy. Politicians and other political players such as the DEA use their position of power and prominence in the public sphere to make claims for legitimacy with both symbolic and verbal methods of communication (*ibid*).

However, Parkinson believes that the most critical aspect of legitimacy, “at its most abstract level” is the “moralization of authority” (Parkinson 2006, 32). Additionally, Parkinson states, that “belief is important, it is people’s belief in the legitimacy of regimes that helps render them stable” (Parkinson 2006, 22), and Poggi (1978) states, that legitimacy is “the moral grounds for

obedience to power, as opposed to grounds of self-interest or coercion" (Poggi 1978, 101-102). Parkinson continues, that

"It is only when decisions or regimes are legitimate that those who refuse to accept them should be coerced into following them, on the grounds that their refusal is illegitimate. As well as value which springs from our moral convictions, legitimacy also has instrumental value: legitimacy makes political processes more efficient by reducing the costs of enforcing compliance. Regimes, institutions, or decisions with low legitimacy face higher costs associated with uncooperative, strategic behavior" (Parkinson 2006, 32-33).

The above passage from Parkinson provides an excellent grounds for the purpose of this study, namely to look into the legitimacy building in drug policy. The combination of a cognitive and evaluative approach towards legitimacy construction is the basis upon which I will make my analysis of the DEA's documents. The DEA, as a government institution, must legitimize themselves as both desirable and understandable in order to most effectively affect their purposes, but are their attempts based on a "moral grounds for obedience to power", or "grounds of self-interest or coercion"?

3.1.2 Legitimacy for what Purpose?

According to Mark Schuman, "legitimacy enhances both the stability and the comprehensibility of organizational activities, and stability and comprehensibility often enhance each other" (Schuman 1995, 575). Organizations seek to establish their legitimacy in the mind of their intended audience for a multitude of reasons, but I believe that stability and comprehensibility stand out as the most common purposes of legitimacy. Legitimacy has a large impact on how people will regard an organization and respond to it, but also how they understand the purpose and/or function of the organization. When an organization is established as more legitimate, in the eyes of the intended audience it becomes more deserving of respect, more meaningful, more predictable, understandable and trustworthy. According to Jepperson (1991), "part of the cultural congruence captured by the term legitimacy involves the existence of a credible collective account or rationale explaining what the organization is doing and why" (Schuman 1995, 575. Jepperson 1991). In addition, according to Meyer and Rowan (1991) "organizations that ... lack acceptable legitimated accounts of their activities .. are more vulnerable to claims that they are negligent, irrational or unnecessary" (Meyer and Rowan 1991, 50).

The issue of objectives can be further narrowed down into what Schuman describes as “Two particularly important dimensions”, namely “(a) the distinction between pursuing continuity and pursuing credibility and (b) the distinction between seeking passive support and seeking active support” (*ibid*). This distinction is crucial to the context in which legitimacy building efforts are undertaken. Whether the DEA is using *SOADL* and *DPOM* as a means of pursuing continuity of policy, or credibility to enforce policy is an important question to ask as a researcher, as is the distinction between seeking passive support or active support, which entail quite different goals and methods. An active approach to seeking support entails achievement strategies that either “conform to the external audience, manipulate the external audience, or inform unaware audience members of the organization’s activities” (Cashore 516). I would also add to this definition of achievement strategies, that it is not only the organizations activities that are sought to be explained, but also their ‘truths’, i.e. opinions they seek to establish as facts about reality. This is what I believe can be referred to as a manipulative approach under the guise of an informative approach.

3.1.3 Types of Legitimacy

As discussed in the section above, legitimacy is not only the belief in an authority as legitimate, but also the effective justification of the authority’s moral authority to be legitimate. In order to create the main theoretical basis for this study’s examination of the legitimacy achievement strategy used by the DEA in *SOADL* and *DPOM*, I have chosen the theories discussed by Schuman (1995) on the different types of legitimacy and legitimacy achievement strategies. The types of legitimacy discussed by Schuman are; *pragmatic*, *moral* (sometimes referred to as *normative legitimacy*) and *cognitive* legitimacy; while the achievement strategies used to justify legitimacy discussed are; *manipulation*, *conformity*, and *informing* (Schuman 1995, 577). Schuman contends, that each of the three legitimacy types convey and entail a “generalized perception or assumption that the organizations activities are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions” (*ibid*). Although these types of legitimacy are based on this common assumption, they nevertheless each are based on a different type of behavioral dynamics (*ibid*). I will now discuss the features and functionality of each of these three types of legitimacy, which will then lead into an outline of

the various types of legitimacy achievement strategies that Schuman discusses. These concepts are indispensable as the theoretical basis for this study, which will be described in the next chapter.

Pragmatic Legitimacy is based upon the calculations made by the immediate audience(s) of a given organization, for the sake of the audience(s)'s own self-interests (*ibid* 578). What defines an immediate audience of an organization is the interconnected and interdependent nature of their relationship to one another; either in the form of direct exchanges, or in broader political, economic, or social connections. Such connections entail the organization's actions as being able to visibly affect the well-being of the immediate audience (*ibid*). According to Schuman, in such cases involving pragmatic legitimacy “audiences are likely to become constituencies, scrutinizing organizational behavior to determine the practical consequences, for them, of any given line of activity. Thus, at the simplest level, pragmatic legitimacy boils down to a sort of exchange legitimacy-support for an organizational policy based on that policy's expected value to a particular set of constituents” (*ibid*).

Moral Legitimacy: When an organization is able to achieve a positive normative evaluation of its undertakings, this is what is referred to as moral legitimacy (Aldrich & Fiol 1994, 652). Schuman differentiates moral legitimacy from pragmatic legitimacy by saying that “moral legitimacy … rests not on judgments about whether a given activity benefits the evaluator, but rather on judgments about whether the activity is ‘the right thing to do’. These judgments, in turn, usually reflect beliefs about whether the activity effectively promotes societal welfare, as defined by the audience's socially constructed value system” (Schuman 1995, 579). Nevertheless, whether an activity is ‘the right thing to do’ or not, does not automatically entail that moral legitimacy is based on selflessness alone. This is exemplified by the ways in which institutions can manage to convince an audience that their interests represent a larger interest for society as well (*ibid*). The core basis of moral legitimacy however, is not based upon self-interest, but altruism. Therefore, moral arguments are consequently more resilient in the face of attempts at self-interested manipulation than purely pragmatic arguments (*ibid*).

Cognitive Legitimacy: As previously discussed, legitimacy can be based on either active or passive support, and it is in this distinction that cognitive legitimacy is separated from the former two types mentioned. According to Schuman (1995), "legitimacy may involve either affirmative backing for an organization or mere acceptance of the organization as necessary or inevitable based on some taken-for-granted cultural account" (Schuman 1995, 582). Taking something for granted is different than evaluating it, as when evaluating there can be taken-for-granted-ness occurring regardless of what kind of evaluation is happening or what the results of the evaluation describe. Therefore, it is possible to differentiate this third type of legitimacy bases with a foundation in cognitive processes, rather than evaluative or interest-related ones (Aldrich & Fiol, 1994. Schuman 1995). Schuman describes two variants of cognitive legitimacy, namely legitimacy based on *comprehensibility*, and legitimacy based on *taken-for-granted-ness*. Comprehensibility denotes a propensity for actions/policies to be understood and accepted, not as natural or a given, but rather as logical and sensible. Schuman discusses how "studies of comprehensibility suggest that not all explanations are equally viable: To provide legitimacy, an account must mesh both with larger belief systems and with the experienced reality of the audience's daily life" (Schuman 1995, 582).

In terms of the taken-for-granted-ness type of cognitive legitimacy, this refers to the phenomenon whereby an audience sees the legitimacy of the actor as not only understandable, but also natural and presumable. As according to Shuman, "for things to be otherwise is literally unthinkable" (ibid 583). Furthermore, according to Aldrich and Fiol, "Research has documented the powerful psychological effects of issue framing. Issue frames are important not only because of their psychological consequences, but also because of their value as legitimating and motivating symbols" (Aldrich and Fiol 1994, 651). This passage illustrates the power of framing in the processes of legitimacy construction, and the technique of framing is a cognitive legitimacy approach. It is therefore this idea of cognitive legitimacy that I have found to be most relevant and suitable in terms of understanding the DEA documents.

Figure 3.1, adapted from Schuman 1995, p. 584, displays the three types of legitimacy, and their actions and essences. This is a representation of the effects and causes of different types of

legitimacy building efforts, the achievement strategies for which will be discussed in the next sub section.

A Typology of Legitimacy			
	Actions	Essences	
Episodic Continual	Exchange	<i>Disposition</i>	
	Influence	Interest	Character
Episodic Continual	Consequential	Personal	
	Procedural	Structural	
Episodic Continual	<i>Comprehensibility</i>		
	Predictability	Plausibility	
	<i>Taken-for-Grantedness</i>		
	Inevitability	Permanence	

Figure 3.1

3.1.4 Legitimacy Achievement, Management and Repair Strategies

3.1.4.1 Gaining Legitimacy

Schuman discusses three strategies for gaining legitimacy, but in his work he deals primarily with the concepts of building legitimacy in new sectors, as well as new entrants into old sectors (Schuman 1995, 587). For the purposes of my study into the DEA's documents, neither of these two categories are relevant, as the DEA is an already established actor in an old sector. Nevertheless, the strategies for achieving legitimacy which Schuman discusses are still relevant to an analysis of the DEA's documents, as they demonstrate what I have seen as an attempt to maintain, re-establish/repair, or re-enforce legitimacy. Schuman also discusses the maintenance and repairing of legitimacy, and I believe that a mix of these two is the goal of the DEA's documents. The building, repair, or maintenance of legitimacy is essentially pre-emptive in nature. This is due to the fact that the leaders of an organization which seeks legitimacy will have prior awareness of their plans or requirements, and of the need for the legitimization thereof (*ibid*). Figure 3.2 displayed bellow, represents a graphical representation of the combinations of different legitimacy achievement strategies and types:

Legitimation Strategies			
	Gain	Maintain	Repair
General	Conform to environment Select environment Manipulate environment	Perceive change Protect accomplishments -Police operations -Communicate subtly -Stockpile legitimacy	Normalize Restructure Don't panic
Pragmatic	Conform to demands -Respond to needs -Co-opt constituents -Build reputation Select markets -Locate friendly audiences -Recruit friendly co-optees Advertise -Advertise product -Advertise image	Monitor tastes -Consult opinion leaders Protect exchanges -Police reliability -Communicate honestly -Stockpile trust	Deny Create monitors
Moral	Conform to ideals -Produce proper outcomes -Embed in institutions -Offer symbolic displays Select domain -Define goals Persuade -Demonstrate success -Proselytize	Monitor ethics -Consult professions Protect propriety -Police responsibility -Communicate authoritatively -Stockpile esteem	Excuse/Justify Disassociate -Replace personnel -Revise practices -Reconfigure
Cognitive	Conform to models -Mimic standards -Formalize operations -Professionalize operations Select labels -Seek certification Institutionalize -Persist -Popularize new models -Standardize new models	Monitor outlooks -Consult doubters Protect assumptions -Police simplicity -Speak matter-of-factly -Stockpile interconnections	Explain

Source; Adapted from Schuman (1995) page 600

Figure 3. 2

Cashore (2002) also uses the theories discussed by Schuman in his work about legitimacy-granting models for Non-State Market-Driven Governance Systems. Although the text by Cashore deals specifically with NSMDGS' legitimacy forming strategies, I believe the concepts dealt with therein are very useful for the purposes of this study, as they are functionally comparable to the idea of government policy being defended by a government agency such as the DEA. However, given the lack of directly comparable examples in the work by Cashore, the use of his work as a theoretical basis entails certain limitations. I nevertheless found Cashore's explanations for how to apply Schuman's legitimacy typology and achievement strategies to understanding an institution's efforts at legitimacy building, to be highly relevant to my study of the DEA's documents. Cashore describes the following three types of legitimacy achievement strategies: *Conforming*, *Manipulating*, and *Informing*. This is a slight variation on Schuman's

“three clusters”, namely “(a) efforts to conform to the dictates of preexisting audiences within the organization's current environment, (b) efforts to select among multiple environments in pursuit of an audience that will support current practices, and (c) efforts to manipulate environmental structure by creating new audiences and new legitimating beliefs” (Schuman 1995, 587). The following Figure 3.3, also adopted from Cashore but based on Schuman's theories, explains the nature of the three different legitimacy achievement strategies that I will be using as a theoretical basis:

Achievement Strategies		Types of Legitimacy		
	Achievement Strategies	Pragmatic	Moral	Cognitive
Conforming	<i>Offering external audience's substantive needs.</i>	<i>Addressing principled ideals Adjusting organizational goals</i>	<i>Codifying informal procedures, linking activities to external definitions of authority and competence</i>	
Manipulating	<i>Molding constituents' tastes through such things as advertising or propagandizing (easiest type of legitimacy to manipulate)</i>	<i>Undertaking activity that then has important spill-over effects to moral ideas (difficult to do) Identifying constituents who value the sort of world-view that the organization is tasked to provide</i>	<i>Promotion of comprehensibility (popularization) or taken-for-grantedness (standardization) Organizations could also choose to "remake others in their own image" (most difficult to do)</i>	
Informing	<i>Get word of policy out to non-core-audience members who have a self-interest in supporting organization</i>	<i>Reach out to actors who ought to be in Tier 1 core audience, but do not know about it Explain to civil society that program's values match societal concerns</i>	<i>Relate governance system to external programs that themselves possess cognitive legitimacy</i>	

Source: Adapted from Schuman (1995) and Cashore (2002)

Figure 3.3

Conforming deals with attempting to meet the audiences expected or required needs. Manipulating denotes an attempt to mold the audience's needs and opinions through intentional tactics of manipulative discourse. Informing represents the more basic function of conveying a message to the non-core audience, in an attempt to enlarge the base for legitimacy (Cashore

2002). I have hypothesized that the DEA's documents attempt to seem as if their goal is to inform the general public about the 'dangers of drugs', and the importance of keeping drug policies the way they currently are, but that they are in fact manipulating their core audience into accepting/backing their original mandated agenda so as to dissuade them from following the changing culture of public opinion with regards to drug policy.

3.1.4.2 Maintaining Legitimacy

Maintaining legitimacy, i.e. perpetuating an already established claim to legitimacy, is much easier to accomplish than the tasks of gaining or repairing legitimacy (Schuman 1995, 594). Nevertheless, Schuman describes three aspects of legitimacy that make its maintenance at least intermittently problematic: "(a) audiences are often heterogeneous – legitimacy represents a relationship with an audience, rather than being a possession of the organization – (b) stability often entails rigidity, and (c) institutionalization often generates its own opposition" (*ibid*).

According to Schuman, strategies for the maintaining of legitimacy fall into two groups:

- Perceiving future changes: focusing on enhancing the organization's ability to recognize audience reactions and to foresee emerging challenges. With advanced warning, organizations can engage in preemptive conformity, selection, informing or manipulation, keeping the organization and its audience in close alignment.
- Protecting past accomplishments: organizations may seek to buttress the legitimacy they have already acquired. In particular, organizations can enhance their security by converting legitimacy from episodic to continual forms. To a large extent, this task boils down to (a) policing internal operations to prevent miscues, (b) curtailing highly visible legitimization efforts in favor of more subtle techniques, and (c) developing a defensive stockpile of supportive beliefs, attitudes, and accounts. (*ibid*)

3.1.4.3 Repairing Legitimacy

Repairing legitimacy once it comes into question is in many ways similar to the task of gaining legitimacy. Schuman states, that

"Unlike legitimacy creation ... legitimacy repair generally represents a reactive response to an unforeseen crisis of meaning. Such crises usually befall [organizations which] have become enmeshed in their own legitimating myths and have failed to notice a decline in cultural support,

until some cognitively salient trip wire (such as a resource interruption) sets off alarms. By the time these reactive [organizations] begin to address their problems, familiar legitimization strategies and familiar legitimacy claims may already be discredited. Suddenly, the successes of the past become impediments to the future" (Schuman 1995, 597).

I believe that this passage sums up the hypothesis of this study almost perfectly. The US Federal Government has enjoyed much success in the field of public opinion control during the last several decades – as demonstrated by previously mentioned trends in public opinion – while in recent times there has been a growing momentum for policy relaxation and radical change in certain drug policies, most notably with regards to marijuana. The DEA as the agency with the mandate to enforce drug policy perhaps sees its existence – and ultimately its funding – in danger if drug policies were to be altered in a more liberal way. Therefore, I contend that the DEA documents that I have analyzed are in fact an attempt to protect their mandate by repairing the legitimacy previously enjoyed in a much broader scope by federal drug policies. The "crisis of meaning" facing the DEA, is the crisis of the potential legalization of certain drugs, as *SOADL* so aptly states on the introduction page. If certain drugs were to be legalized – even only for certain purposes such as medical marijuana – then the DEA would essentially be reduced in purpose, size and funding; as is demonstrated by current drug crime statistics. This assumption about the DEA's conscious or unconscious intentions/motives is evidenced by the fact that DEA Administrator Leonhart has repeatedly refused federal funding for smoked medical marijuana research – despite overwhelming evidence supporting its helpfulness and safety – and actively engages the DEA in ignoring and superseding state medical marijuana laws (ProCon.org).

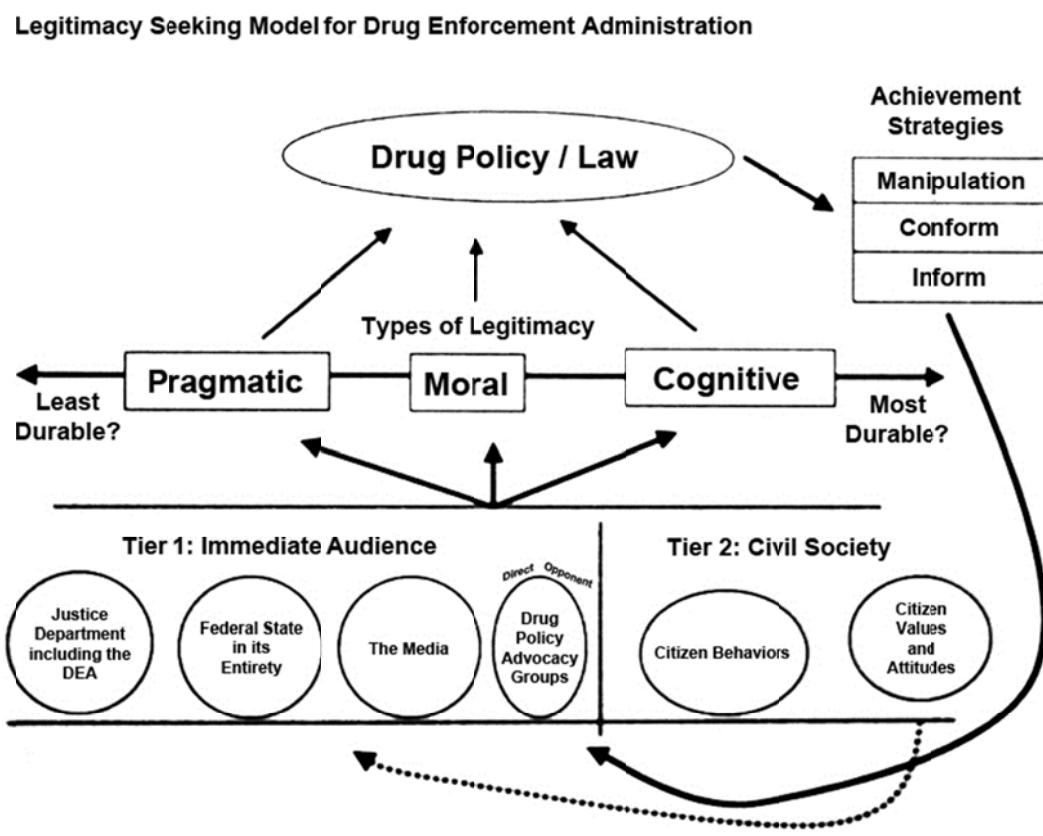
Furthermore, the following passage mentioned above "[organizations which] have become enmeshed in their own legitimating myths have failed to notice a decline in cultural support" is a perfect description of what this researcher sees as a direct consequence of the apparent failure of the so-called "war on drugs" (MacCoun 2004). While the United States Government, via its agency the DEA, has been enmeshed in the politics and 'battle plans' of the war on drugs, they have ostensibly failed to notice the declining cultural support for the war on drugs, and for policies outlawing certain drugs such as marijuana (Wexler 2009). The "cognitively salient trip wire" which "set off alarms" in this case can be seen as the passage in 18 US states of laws authorizing medical marijuana, and the recent narrowly failing attempt in California to legalize

marijuana for taxation and general sale (ProCon.org). The final passage “By the time these reactive [organizations] begin to address their problems, familiar legitimization strategies and familiar legitimacy claims may already be discredited” is further relevant in the sense that old legitimacy building strategies appear to no longer be as effective in influencing public opinion with regards to certain illegal drugs. This is evident considering the fact that according to the United States National Survey on Drug Use and Health from 2004, 42.7 % of Americans polled aged 18 and older admit to having smoked marijuana at one point in their lives (National Survey on Drug Use and Health). In addition, according to a recent poll as referenced in the introduction, around 52 % of Americans polled believe that marijuana should be legalized taxed and sold (Zogby), while many ‘truths’ that were propagated about marijuana in the past have since been disproven (Wexler 2009). These statistics are indicative of changing attitudes towards marijuana in the United States, and of the change in cultural support which is happening with regards to marijuana policy. If 42.7% of the population has done something that only 48% of the population think should result in a jail sentence – and still does – then clearly there is a disconnect in the correlation between policy and public opinion. I believe that this is one of the main reasons for which the DEA is seeking to repair its legitimacy with regards to drug policy.

Furthermore, Handler (1996) discusses how bureaucratic institutions – such as the DEA – are prone to enforce the laws they are mandated to preside over simply for the sake of maintaining their legitimacy. Handler states, that “challenges [to] the authority and legitimacy of the agency [are met with prosecution]. In other words, enforcement is less a reflection of the law than of the agency’s concept of self-preservation” (Handler 1996, 60). Government institutions seek to maintain their legitimacy and presence, and often to grow both of these as well (*ibid*). Consequently, I contend that the DEA is in fact using *SOADL* and *DPOM* as a means of manipulating its core audience into conformity with its already existing mandate, while it pretends to be informing the secondary audience – the general population – about its concluded realities of drugs and the impacts of drug policies. This will be determined as verifiable or not in the analysis section to follow.

3.1.5 Legitimacy and the DEA

When a government makes policy, this affects the everyday lives of countless citizens. I have therefore attempted to establish in my analysis of the DEA's documents, what kind of legitimacy building strategy the US Government is using in seeking to maintain and repair its legitimacy to create and enforce drug policies. A self-proclaimed democratic government such as the US Government, in order to be credible and thereby truly legitimate, must seek to establish its legitimacy on reasonable and justifiable principles, not an agenda that needs to be defended with manipulation. This project has therefore sought to establish what kind of elements are at play in the DEA documents in question. The following chart, Figure 3.4, represents the processes that I have identified for the potential legitimacy establishment/maintenance/repair of drug policies and the enforcement thereof – via the DEA – to be legitimized/realized:



Source: Adapted from Schuman and Cashore

Figure 3. 4

Firstly there is the notion of Drug Policy, which is both the source and the end goal of the chain of processes. Then through an achievement strategy, or a combination thereof, the policy is

argued for by the DEA, and the case is made to several actors: Tier 2 is composed of Civil Society; namely citizens of the United States and their behaviors (drug consumption or not), values and attitudes (which also have an impact on Tier 1 elements in conjunction with the legitimacy achievement strategy). Tier 1 composes the Immediate Audience which encompasses the Justice Department (which includes the DEA) of the US Government itself as well as the other branches of government which have granted the DEA its authority (Congress, the President, the Courts), namely the Federal State in its entirety. This audience is targeted with the goal of spreading a common message which all federal employees and politicians should accept and adhere to. Within the immediate audience there also is the media, and drug policy advocacy groups (as the opponent to be countered). The immediate audience is defined as these previously mentioned elements of Tier 1, as opposed to the general citizen in Tier 2, even though the document is directly addressed and worded as if it is for the general citizen. I believe this to be the case, because the general citizen is a proxy element of the larger debate, and public opinion is more easily affected through an internal policy coherence strategy, as well as directly countering drug policy advocacy groups and attempting to influence media opinion which then influences public opinion. The general citizen is presented as the target audience, as a further element of seeking to establish legitimacy; namely, the legitimacy of the DEA to seek to establish its own legitimacy by speaking to the public, who as citizens of a democratic society, as a whole grant the overall legitimacy to the Federal Government itself, and thereby the DEA. The general citizen is clearly of less relevance to the document's authors in an immediate sense, as the document appears to have been relatively poorly distributed to the public. It is only available on the DEA website, and no attempts seem to have been made to advertise or distribute it to the public. Therefore, I believe that the argument being presented as one which is being made to the general public, is as said simply a further tactic to justify the document's author's legitimacy to their main intended audience, the government and the media, and to engage in a debate with drug policy advocacy groups. Preceding from the audience of the employed achievement strategies the diagram above displays the types of legitimacy, i.e. the kinds of arguments for legitimacy that can be made. These are *pragmatic*, *moral*, and *cognitive* legitimacy, with pragmatic being potentially the least durable and cognitive potentially the most durable. The legitimacy achievement strategies interact with the audience of the document in order to produce legitimacy of a certain type or various types at once. Legitimacy is therefore a process created in the mind

of the audience, through the subtle or not so subtle priming and instigating processes of the message. The message must therefore be filtered through the audience to create the legitimacy effect, which then leads back to the origin of the cycle, the drug policies themselves, either legitimizing them, or not.

3.2 Effects of Positive and Negative Priming on Impression Formation

Tomoko Ikegami (1993) has conducted a study into the effects of positive and negative priming words on the subsequent attitudes of study participants with regards to the post-priming topics they were presented with. Priming is a type of framing in essence, and I believe that this theory developed by Ikegami is therefore relevant for my analysis of the DEA documents. Ikegami (1993) discusses the phenomenon through which positive or negative words, upon being heard or read can affect the subsequent thought processes of the audience. Ikegami states, that “the underlying mechanism of the positive-negative asymmetry of priming effects [has an effect on] the socio-cultural expectancy for normality of friendliness being evoked by priming manipulations. Hostile sentence completion tasks increase the likelihood that subsequent behavioral information would be assimilated into the primed hostile constructs, whereas the friendly sentence completion tasks increase the likelihood that behavioral information would be contrasted to the primed friendly constructs” (Ikegami 1993, 1). Ikegami speaks of a “temporary contextual effect on impression formation” when subjects of the study were primed with negative or positive words (*ibid* 2), and that the subjects of his study’s “feeling states in the hostile condition were more negative and less positive than the ones in the friendly condition. However, it was shown at the same time that the friendly sentence completion tasks did not elicit as much positive affect as the hostile ones elicited negative affect on the subject's part” (*ibid* 11). I believe that this effect of priming is also relevant in terms of examining the framing being attempted in documents such as *SOADL* and *DPOM*, as the use of positive and negative words will impact the readers’ interpretation of the subject being discussed.

3.3 Foucault: ‘Truth’, Knowledge and Power

The importance of Foucault’s theory on truth, knowledge and power in this study is in the theory’s ability to aid in the conceptualization of the broader context of legitimacy achievement strategies. Foucault’s theories on knowledge and power describe truth, meaning and morality as being products of discourse. Discourse describes the set of variables that we are equipped with in order to understand the realities we are presented with. Discourse in this way, can therefore be visualized as a conglomeration of ideas and concepts that are ‘known’ to be ‘true’. Therefore, any concept or idea that is outside of this conglomeration will tend to be rejected out of hand, as we can equate no past knowledge with the new idea or concept (Foucault). Furthermore, changes in discourse are possible only when counter-discursive elements are recognized by the same source of information, or more specifically communication. Therefore, in order for change in discourse to happen, an individual, group or organization must be in possession of the means of communication (Foucault).

James D. Faubion discusses Foucault’s view on power, as a “sharp and resonant critique of the themes of law and rights as the established language in which much of our political culture continues to conceptualize the foundations of political sovereignty, the way power is exercised, and the terms in which it can be challenged” (Faubion 2001, xxx). Additionally, Faubion discusses Foucault’s idea of the mistaken conceptualization of sovereignty as “[having] its roots in the medieval monarchy [consolidating] its power by confiscating a monopoly in dispensing justice, [and] in the process redefining crime itself and establishing … a new form of power-knowledge in jurisprudence, the form of the judicial inquiry” and that “from the early modern period, secular government has acquired additional techniques of power-knowledge, focused around the different technique of the examination, the investigation and questioning of the individual” (Faubion 2001, xxx).

Foucault explains his theory on truth in the following passage:

“Truth isn’t outside power, or lacking in power … truth is a thing of this world: it is produced only by virtue of multiple forms of constraint. And it induces regular effects of power. Each society has its regime of truth, its ‘general politics’ of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to

distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true.” (Foucault 1972-1977, 131)

This last sentence, “the status of those who are charged with saying what counts as true” seems especially relevant to this project, as the DEA is in fact one of the agencies of the US Government that is “charged with saying what counts as true”.

Foucault describes five important traits of the political economy of truth:

- 'Truth' is centered on the form of scientific discourse and the institutions which produce it
- Is subject to constant economic and political incitement
- Is the object, under diverse forms, of immense diffusion and consumption
- Is produced and transmitted under the control, dominant if not exclusive, of a few great political and economic apparatuses
- Is the issue of a whole political debate and 'ideological' struggles (Foucault 1972-1977, 132)

Foucault therefore sees a distinctive relationship between power and knowledge and he claims that “changes in thought are not due to thought itself, suggesting that when thoughts change, the causes are the social forces that control the behavior of the individuals” and that “power has a positive epistemic role, not only constraining or eliminating knowledge but also producing it” (Gutting 2005, 50-51). Therefore I think that within a society with an established central government such as the USA, when the authority over knowledge as ‘power’ is exercised by a government agency, this creates a social force that grants knowledge and therefore a degree of power in some levels to the audience of their message for agreeing to accept it as truth.

3.4 Limitations of Selected Theories

The limitations of the theories on legitimacy which I have discussed, are that none of the theories were specifically tailored to an analysis of an institution such as the DEA, or to the type of message such as the DEA’s documents I have examined. This denoted a degree of extrapolation of the theories into a new context, which inevitably has the potential to dilute the theoretical

foundations of the theories. Nevertheless, I believe that my correlation of the theories into my particular subject is plausible and functional.

The limitations of applying Tomoko Ikegami's study into the effects of positive and negative priming words are that this was a linguistic study based on a specific approach to gathering the data which is completely different from the approach through which I have gathered my data. The theory described by Ikegami is not a social science theory, but a linguistic theory. I nonetheless believe that as my methods for this study are looking at the specific linguistic characteristics of the text, such as their positive and negative words, and the types of framing being used in legitimacy achievement strategies, that a linguistic theory such as Ikegami's is well suited to this study.

The limitations of Foucault's theories on "truth knowledge and power" are the fact that Foucault is speaking in very broad and general terms about the larger concepts of truth, knowledge and power, and I am attempting to apply this theory as a conceptual basis for the interpretation of legitimacy achievement strategies, something which Foucault himself does not discuss the same way that I am attempting to. I have therefore attempted to apply the broader concept Foucault discusses into a specific example of this study, and I believe that my explanation for why I chose this theory is sufficient to justify its inclusion; namely as a basis for the conceptualization of the changing discourse on drugs, and the DEA's attempt to reaffirm the government's control of this discourse.

4 Methodological Frameworks

Having explained the theoretical basis for this study in the chapter above, I will now discuss the methodological frameworks, which I have used in order to provide an answer to this study's research question. A combination of a qualitative and quantitative methodological approach was used for this research investigation; I have chosen the methods of content analysis, and critical

discourse analysis and thereby will be using mixed methods. Firstly, I have used content analysis to interpret the tone and implicated meanings of *SOADL* and *DPOM*, this has been accomplished by counting the instances of certain words in the text, and inferring the intentions of the authors by drawing conclusions based on these data. Secondly, I have conducted a critical discourse analysis of the language used in *SOADL*, not merely the words, but the styles of speech and the interpreted intentions behind the message.

4.1 Mixed Methods

For the purposes of this study I have chosen to use an approach mixing both qualitative and quantitative methods. I believe, given that my research is confined to the *language* of two documents as the source of study, and is therefore relatively small sample size, that it is important to use triangulation to approach the subject of research from as many angles as possible (Greene 2007, 43). According to Hesse-Biber (2010), along with triangulation there are four other specific reasons for why a researcher should consider mixing methods: Triangulation, Complementarity, Development, Initiation and Expansion (Hesse-Bieber 2010, 3). In the context of research methods, *triangulation* allows for the researcher to combine the strengths of different types of methods in the pursuit of answers to a single research question. For the purposes of this study, triangulation provides a valuable means of interpreting the text of the DEA documents from both the quantitative method of content analysis with its interpretation of the frequency of words being used in the document, and the qualitative method of discourse analysis; looking at the way language is used to accomplish a goal or get across a message. These two methods while different at their foundations are essentially similar in their function. Hence, triangulation allows for the combination of these methods towards a complementary interpretation of the data. Mixing methods is therefore a highly useful approach, as by allowing for the combination of different types of data, “words, pictures, and narrative can be used to add meaning to numbers” (Johnson 2004, 21).

4.2 Content Analysis

For the content analysis section of my analysis, I have looked in depth into *SOADL* and *DPOM*, examining the frequency of ‘negative’ and ‘positive’ words within the two documents, as a means of discerning if my hypothesis about the methods through which legitimacy is being sought is in fact accurate. Seal (2004), defines content analysis as “any technique for analyzing texts in terms of the presence and frequency of specific terms, narratives or concepts. Even though the data is qualitative, the analysis is quantitative, for ... inferences can be made by comparing and looking for patterns and trends” (Seale 2004). Harold Lasswell in *Psychopathology and Politics* is credited to have articulated the core questions of content analysis, namely “who says what, to whom, why, to what extent and with what effect?” (Lasswell 1951). There are essentially two types of content with which content analysis deals: *manifest content*, which refers to what is actually being counted, and *latent content*, which is more qualitative and deals with the underlying deeper meanings or themes of the message (Stacks 2010, 121). The steps through which a content analysis method should be applied are described by Stacks (2010),

- 1) Review the research relevant to the problem, opportunity, or situation
- 2) Identify content
- 3) Specify the units to be counted
- 4) Create and pre-test unit categorization system
- 5) Select messages
- 6) Count the units and place them into categories; ascertain reliability (Stacks 2010, 120).

Furthermore, Holsti (1969) groups what he defines as the fifteen uses of content analysis into three basic categories:

- Make inferences about the antecedents of a communication
- Describe and make inferences about characteristics of a communication
- Make inferences about the effects of a communication (Holsti 1969)

According to Krippendorff (2004), “content analysis is a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (Krippendorff 2004, 19). Krippendorff also contends, that content analysis “must predict or infer phenomena that cannot [be] observed directly ... whether the analyzed source has reasons to

hide what the analyst desires to know, or the phenomena of interest are inaccessible in principle ... the content analyst seeks answers to questions that go outside a text" (ibid 10). Figure 4.1 below, represents a basic model of the communication process from a content-centered perspective:

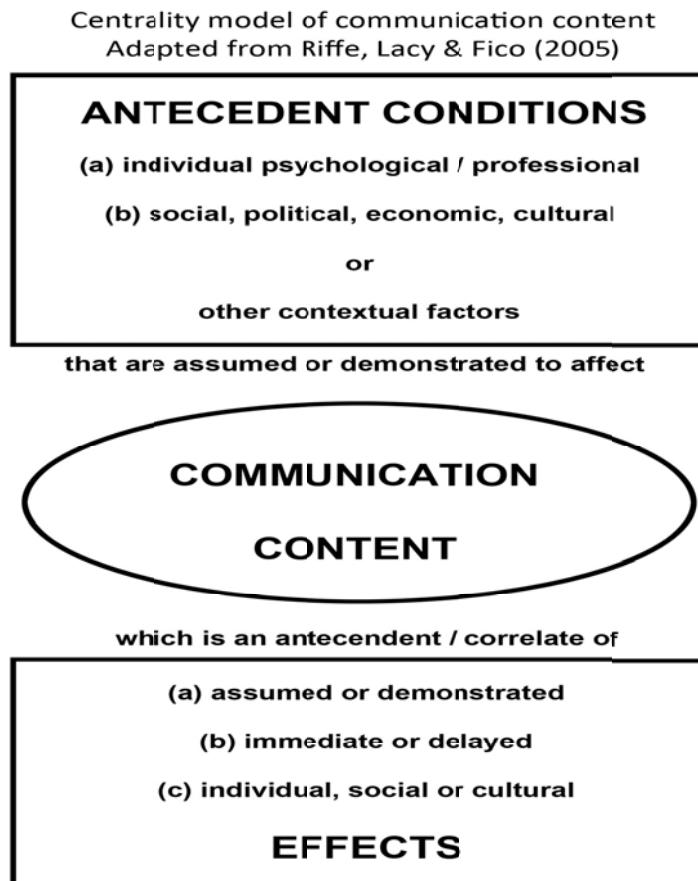


Figure 4.1

Descriptive content analysis focuses on the framing of the issues being discussed, and the means of doing so through specific word choices. According to Riffe, et.al (2005), "some descriptive content analyses are 'reality checks' ... [and in] some instances serve as an index of distortion" (Riffe, et.al. 2005, 13-14).

4.3 Discourse Analysis

4.3.1 General Discourse Scrutiny as an Analysis Method

The methods described as Discourse Analysis are a means of analyzing written, spoken, or visual language use or any substantial semiotic event (Brown & Yule 1983, 1). The term Critical Linguistics which is a synonym of sorts for discourse analysis, first came into popular use following the publication of a series of papers by Zellig Harris beginning in 1952. In terms of the usefulness of the method to this study, Roger Fowler in his book *Linguistic Criticism* explains how standard linguistic theories can be used to uncover linguistic structures of power in texts (Wodak & Meyer 2001, 6. Fowler 1996). With the purpose of this study being to uncover the structures of power in attempts at justifying the DEA's and thereby the Federal Government's drug policies' legitimacy, discourse analysis is therefore well suited to being this study's qualitative method.

While the term *discourse* might seem straightforward, in that the definition of the word according to the *Concise Oxford English Dictionary* is “a formal discussion of a topic in speech or writing”, the method of discourse analysis is considerably more complex, in that what constitutes “a topic in speech or writing” or even “a formal discussion” is not always entirely straightforward (Jorgensen & Phillips 2003, 12). According to Widdowson (1995), "Discourse ... is the pragmatic process of meaning negotiation. Text is its product" (Widdowson 1995, 164). As it is my assumption that the methods wherewith specific words, word order, and phrasing are used in the DEA documents is not general, but specific to the intended purpose of the document, I have chosen to also employ discourse analysis in this study.

4.3.2 Critical Discourse Analysis

Among the methods of Discourse Analysis there is a type of method called Critical Discourse Analysis, and although some scholars say that the methods and theories of CDA are difficult to define into an exact category, CDA is a method for social science research that I see as ideally suited for this research project (Wodak & Meyer 2001). This is due to the fact that CDA deals with the analyzation of both the hidden and the obvious when it comes to structural relationships of dominance, discrimination, power and control as established through language (*ibid*). I believe this method is therefore highly appropriate to this study, because of the concept of truth, knowledge and power as discussed by Foucault, which I have touched upon in the previous section on the theoretic al foundations for this study. According to Foucault's ideas on power and

knowledge, the concept of *discourse* is in essence equitable to conversation, or even more simply; information (Foucault). Foucault contends that our identities as individuals and as members of a society are created through the functioning of discourse, this presupposes that we are the sum of our experiences and influences, and that the discourses we are subjected to – especially at the earliest stages of our lives – shape and form our identity and world view, as well as our ability to perceive and accept certain realities and concepts (Foucault 1954-1984 and Foucault 1972-1977). Therefore, those who are in a position of control over the discourses we are subjected to – those shown as legitimate at least – have a high degree of power and influence over our lives and thoughts (*ibid*). Consequently, the legitimization of institutions, or sources of information about issues which directly impact our lives as citizens – such as drug policy – is essentially a means of establishing power over our opinions and world views. The discourse used to attempt to accomplish such a goal is well suited as an object of analysis for CDA, due to the emphasis in CDA on political inequality. The position of the citizen, or a drug policy advocacy organization – either pro or contra – as juxtaposed to the DEA is clearly one of disproportionate political power; as although the citizen is the granter of authority to the government at large, the government agency of the DEA has the authority to influence the discourse which impacts the citizen's information, thus having power over the citizen.

Discourse thus is connected with both power and knowledge, and the power of discourse over our lives and thoughts stems from a taken-for-granted acceptance of reality as it is presented to us (*ibid*). As discourse is created and perpetuated by those in positions of power possessing the means of communication, it follows to conclude that in a way those who are in power decide part of who we are by deciding what we discuss and think about, and how we do so. Therefore, if the DEA's documents are an attempt to justify its own legitimacy for its given mandate by contriving a means of communication to disseminate 'truth' to its intended audience from its position of power, then the legitimacy achievement strategies employed therein warrant a critical examination; as whether or not the legitimacy achievement methods employed are in fact manipulative while they pretend to be informative – as hypothesized – is crucial to determine. If this proves to be the case, it could call into question that very mandate as legitimate or not.

Critical Discourse Analysis as a method for social science research was first described by Norman Fairclough who belongs to the Lancaster school of linguistics. The most pivotal aspect of CDA is its goal to provide insight into how discourses reproduce or resist social and political inequality, as well as power abuse and/or domination (Caldas-Coulthard & Coulthard 1996). This feature of CDA makes it ideal to the purposes of this study, as I have ventured to discern whether or not the DEA's documents are an attempt of reproducing domination of the discourse on drug policy and drugs themselves, which could thereby ultimately contribute to the reproduction of social inequality through the results of drug policies. Although this idea of the reproduction of social inequality would be an interesting subject to investigate with regards to this issue; for the purposes of this study it will not be discussed, as it would take the project in a completely different direction, time and text-space for which is not forthcoming.

CDA is billeted by Wodak and Meyer (2001) as a means of "critically investigating social inequality as it is expressed, signaled, constituted, legitimized and so on by language use (or in discourse)" (Wodak and Meyer 2001, 2). Additionally, according to Habermas referenced by Wodak and Meyer (2001), "language is also a medium of domination and social force. It serves to legitimize relations of organized power. In so far as the legitimations of power relations ... are not articulated ... language is also ideological" (Wodak and Meyer 2001, 2). Given that this project deals with an analysis of two documents, which for all intents and purposes – regardless of what kind of legitimacy achievement strategies are employed – are clearly attempts to assert dominance, exercise power and legitimize the right to control drug policy, critical discourse analysis thereby shows itself to be a useful complement to the content analysis procedure described above (*ibid*). Furthermore, McGregor (2003) notes, that "one key principle of CDA is that the way we write, and what we say, is not arbitrary—it is purposeful whether or not the choices are conscious or unconscious" (McGregor 2003).

In addition, Wodak and Meyer (2001) state, that "language is an integral element of the material social process" (Wodak & Meyer 2001, 122). I have chosen the approach towards CDA described by Wodak and Meyer because this method is based upon an understanding of semiosis – which includes all types of the creation of meaning, both visual images and body language, as well as verbal language – as pivotal and foundational for the establishment of the norms of social

life. This approach towards CDA is ideal, as this study is entirely based upon the analysis of language use and meaning, and the impact thereof on the social process of legitimacy construction through the creation/enforcement of drug policies.

Ultimately, a critical analysis of discourse is necessary in order to better understand and be able to question the ‘between the lines’ types of constructions that work to create people’s world-views and understandings of society. According to Foucault (1994):

“A critique does not consist in saying that things aren’t good the way they are. It consists in seeing on what type of assumptions, of familiar notions, of established, unexamined ways of thinking the accepted practices are based. To do criticism is to make harder those acts which are now too easy” (Foucault 1994: 456).

Thus, the key function of discourse analysis for the purposes of this particular study is to discern the framing aims of the discourse being examined. This has been accomplished by conducting both an analysis of the way in which the overall message of the text is being framed, as well as how the words, phrases and sentences contribute to the framing process. The examples below of how to go about doing so are adapted from Huckin (1997):

- Just as the overall text can be framed, so to can a sentence.
- The document and its sentences can convey information about power relations. Who is depicted as in power and over whom? Who is depicted as powerless and passive? Who is exerting power and why?
- Omission of information about agents of power can occur at both the document and sentence level and is most often achieved by nominalization (converting a verb into a noun) and the use of passive verbs.
- Many readers are reluctant to question statements that the author appears to be taking for granted; presupposition.
- Insinuations, another tool, are slyly suggestive, carrying double meanings.
- Even one word can convey strong meaning—connotations. These connotations are not always, or seldom, in the dictionary, but often assigned on the basis of the cultural knowledge of the participants.
- The tone of the text is set with the use of specific words to convey the degree of certainty and authority, or of doubt and weakness.

- As with the full body of the text, single words can convey register - do the words spoken ring true? (Huckin 1997)

4.4 Study Selection

I have chosen the two DEA documents published on their website as an example of legitimacy maintenance/repair processes, for the simple reason that I find the phenomenon of a government institution seeking to justify its legitimacy to enforce its mandate as a phenomenal example of the flaws in government processes; specifically when it comes to drug policy, a flawed process which I see as self-propagating.

4.5 Gathering of Research Material

The research materials, which I have based this study upon, are two DEA's documents as sources for analysis. I also have used secondary sources such as official research reports, and publications from various institutions and organizations to gain a better understanding of the context and background of the documents and of the wider issue. I have gathered this information from the primary sources themselves, along with references to the sources via secondary sources. All materials were subjected to scrutiny for their relevance, accuracy and reliability, and only sources from established and credible organizations have been used. I chose the two particular documents from the DEA that I have used for this study specifically for their relevance to the notion of policy, and their large degree of content and discourse dealing with marijuana – the drug showing the most interesting fluctuations in public opinion trends.

4.6 Data Collection

I analyzed the documents to collect my data in two steps. In collecting the data to be analyzed by my chosen methods and theories, I first looked through the texts and eliminated any irrelevant sections. For the case of content analysis, I deemed it necessary to remove the “Notes”, i.e. bibliography section from the documents, as words mentioned in these sections should not be counted in the totals. While the notes section of *SOADL* was removed for the content analysis

step in the study, I found it relevant for the discourse analysis section, as the sources of information that were chosen and the types of sources of information that were absent but which I found in my own research seemed relevant to understanding the implications of the discourse in the document itself.

Lastly, I classified the data from my analysis of the DEA document into categories based on correlated themes, and created three theoretical concepts based on these categories:

- What are ‘Drugs’?
- Drugs’ Potential for Harmfulness
- Law and Order

To arrive at these categories, I analyzed the text both for content and discourse, and put related findings together into groupings, thereby forming a structure for categorization. Categories were created according to the presumptions made by the document itself. Classes of words, and phrasing were organized together to create classes of information, and then the three main concepts listed above were built from these classes. The analysis of these data into categories was conducted as follows, demonstrated by Figure 4.2, which is an example of the analysis process whereby the theoretical concept ‘What Are Drugs?’ was established:

Example of the analysis process for information type categories

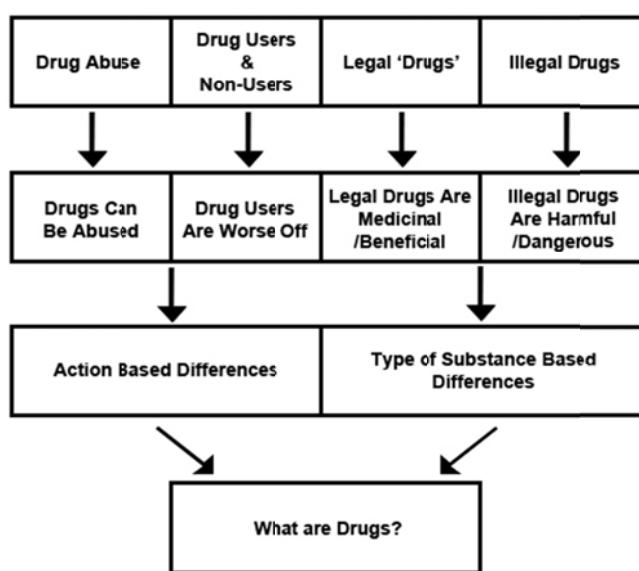


Figure 4.2

I therefore created a database of information from my analysis of the document and interpreted this as described in the Analysis and Results chapter to follow. These categories of discursive context were then examined under the following questions as recommended by Bacchi (2009):

- What is the problem represented to be?
- What presuppositions or assumptions underlie this representation of the “problem”?
- How has this representation of the “problem” come about?
- What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be thought about differently?
- What effects are produced by this representation of the problem?
- 6) How and where is this representation of the “problem” produced, disseminated and defended? How could it be disrupted and replaced? (Bacchi 2009: 4-19)

The actual work of the content analysis and discourse analysis procedures were conducted in their own ways – described in the following chapter – but these categories of information, and questions for initial examination were the precursor foundations for my arrangement of the data and beginnings of the interpretations thereof.

4.7 Strengths and Weaknesses of Chosen Methodological Approach

With regards to potential limitations of this study’s methods: As with any methods of research, there are of course problematic elements which need to be acknowledged and attempted to be accommodated for. Content analysis, according to West (2001),

“[Has a] tendency [whereby] many content analytic studies [simply] count, and then report the frequency of various constructs with the suggestion that they have some sort of obvious meaning. [This] has been [criticized] by numerous commentators ... [and] often, the critique of content analysis as mindless empiricism is closer to the truth than we might like to admit” (West 2001, 80).

Nevertheless, Stacks (2010), defends content analysis to such critiques, saying that “the major advantages of content analysis are found in its ability to objectively and reliably describe a

message or group of messages and its application to advanced statistical analyses. Content analysis also provides both logical and statistical bases for understanding how messages are created” (Stacks 2010, 120). It is for this reason specifically – “the ability to describe a message” – that I believe content analysis, despite its tendency towards “mindless empiricism” – compensated for by the CDA method – was well suited to be the quantitative method I used for this study.

Furthermore, in the undertaking of the CDA portion of the analysis, another potential weakness of this study can be identified. Namely, that the documents I am analyzing with this study are not intended as academic documents, but I as a researcher am analyzing them from the discourse of the academic field of political science. Therefore, as stated by Gee the notion of “what situated meaning(s) for a particular word or phrase can be attributed to influences from outside discourses, that is to say a discourse other than the one in which the message had been constructed being used as a viewpoint to interpret the message,” becomes relevant to the analysis process (Gee 2005, 69).

Critical Discourse Analysis is therefore also not without its flaws and shortcomings as a method. Henry Widdowson (1995) accused CDA of “blurring important distinctions between concepts, disciplines, and methodologies.” While the most fundamental problem with CDA for Widdowson is that CDA “collapses semantics and pragmatics: pragmatics is, in fact, reduced to semantics. Texts are found to have certain ideological meaning that is forced upon the reader: the function of a text can be deduced from its meaning, and whatever is ill-intended will also be ill-received” (Widdowson 1995 & Blommaert 2005, 32).

Bloemmaert (2005), objects to CDA’s often shown “demonstration of the obvious”, and she discusses how this is done:

“...from a particular analyst's point of view which does not differ in substance from that of the participants. One ideological form is replaced by another – a capitalist framing of meaning is 'criticized' by substituting it with an anti-capitalist one. This framing can be gauged [as] a distinction between 'good' and 'bad', which is often not supported by the evidence of the data.” (Blommaert, 2005 32).

Nevertheless, CDA has a great deal of potential despite these possible limitations, especially for the project I have undertaken. The notion of one ideological form being replaced by another is not relevant in terms of this study, as I have critically analyzed the DEA document for the intended *function* of the chosen sentences, not the specific meaning or implications thereof.

Furthermore, a ‘good’/‘bad’ distinction was not codified into my analysis in any substantial way, but rather the intentions and functions of observed types of framing and wording, and what types of strategies they might be based on. Blommaert (2005) herself defends CDA as “it [being] hard to disagree with the basic paradigmatic principles underlying CDA” and says that; “Discourse analysis should result in a heightened awareness of hidden power dimensions and its effects: a critical language awareness, a sensitivity for discourse as subject to power and inequality. Language to CDA is never a neutral object, [as] it is subject to assessment, value-attribution, and evaluation ... the emancipatory potential of work on such inequalities in and through language deserves emphasis” (*ibid* 33-34).

This appraisal of the potential for CDA is precisely why I found the method useful for my analysis of *SOADL*; “the hidden power dimensions” of discourse, being precisely what I have attempted to uncover.

5 Analysis and Results

The analysis section of this paper is intended to discuss and develop the study's main purpose of discerning which types of legitimacy and what kind(s) of legitimacy achievement strategy(s) the DEA is employing in the documents they have published on their website titled *Speaking Out Against Drug Legalization*, and *DEA Position on Marijuana*. I will also seek to discern if the study's main hypothesis is plausible and/or identifiable; namely that the DEA is using a manipulative approach while presenting itself in the documents as using an informative approach. Through the discussion of these topics I will try to shed light upon the means through which a government or government agency attempts to justify its legitimacy to exercise authority

in certain policy fields. I believe this is a useful enterprise, as understanding these dynamics can shed light on the larger picture of government legitimacy frameworks, and the foundations upon which these rest. If the results of this study show that the government of the United States of America via its agency the DEA through its documents, are using questionable legitimacy achievement strategies such as manipulation, and dubious information presented as 'fact' to repair or maintain its legitimacy to sustain and enforce current drug policies; then this would raise questions as to what extent policies being made today are trustworthy and sound. More significantly what would this imply for our propensity to follow the policies made, if the authority of our policy makers and their policies are undermined, as is ventured to be shown in this study? I have not only made an analysis of the content of the documents, but also the discourse therein, where I have looked at the arguments being made and put the objectivity and validity of their claims in a critical light.

5.1 Content Analysis

For the purposes of this study, as described in the content analysis methodological frameworks section, I have chosen to look at 'negative' and 'positive' words and their frequency in the two DEA documents. The 'negative' words I selected were chosen based upon the negative and deleterious implications and connotations they evoke upon reading or hearing them, while the 'positive' words were chosen for their positive connotations and effects. As discussed in the theory chapter, according to Ikegami (1993) 'negative' and 'positive' words each evoke a different subconscious reaction in the reader when encountering them, and a high frequency of such words can thus evoke a general feeling of negativity or positivity with regards to the subject(s) of the text. This phenomenon is referred to as priming (Ikegami 1993, 1). Given the potential effects of priming on the audience, and the general theme of this paper with regard to establishing the DEA's methods for repairing or maintaining legitimacy, I believe that it is therefore highly relevant to look at the frequency of negative words as compared to positive words in the two texts I have examined.

In order to arrive at a manageable yet functional sample size, I decided to choose ten negative words and ten positive words to examine for their frequency in the texts. The words were chosen

after an in depth examination of the documents, so as to determine the type of words the document was using when talking about things negative or positively. I decided upon these words – which all occur at least once in the document – based on the sorts of words which I presume would create either an effect of support for what my hypothesis of the document's intentions are, or a lack of support thereof. Namely, I believe that the positive words I chose to count would impact an audience to react subconsciously positively towards the topic of discussion, while the negative words would cause a subconscious negative reaction to the general theme of 'drugs' in the text. Although the selected words represent merely a sampling of the entire documents' texts, I contend that the frequency comparison between similarly loaded positive and negative words represents a reasonable sampling of the documents' language usage, and thus a statistically viable comparison of language typology. Despite the fact that I believe this method provides a useful and accurate representative picture of the language of the text, there still are certain limitations of the content analysis method, as described in the methodological frameworks chapter. Therefore, for the case of this study, content analysis did not seem entirely sufficient on its own, thus critical discourse analysis was also applied to the text, the results of which will be discussed in the next sub-section.

The words chosen are displayed in the following Figure 5.1. I have also grouped words based on synonymy and conjunction, but for the sake of conformity of concept, each synonym or conjunction group will be treated and counted as a single word, labeled with bold lettering:

<u>Negative Words</u>	<u>Positive Words</u>
Danger / Endanger / Dangerous – Risk / Risky	Benefit / Beneficial – Reward / Rewarding
Threat – Hazardous – Damage – Emergency – Weak	Progress – Improvement – Headway
Death / Dead / Deadly – Poison / Poisonous	Prevention / Prevent
Violence / Violent – Vicious / Viciousness	Safe / Safety
Harm / Harmful / Harming – Pain / Anguish	Pleasure – Enjoy / Enjoyment – Euphoric
Cost / Costs	Happy / Happiness – Joy / Joyful – Bliss / Blissful
Problem / Difficulty / Challenge	Help – Save / Saved – Rescue – Support
Abuse / Abusive / Abused – Misuse	Support / Supportive
Crime / Criminal	Medicine / Medicinal – Cure
Addiction / Addict / Addictive	Value / Valuable

Figure 5.1

Based on the findings of my frequency analysis of the principal document this study is based on, *SOADL*, it is clear that the number of positive priming words used is significantly smaller than the number of negative priming words used. The results are as follow in Figure 5.2:

Word Frequency Chart from *Speaking Out Against Drug Legalization*

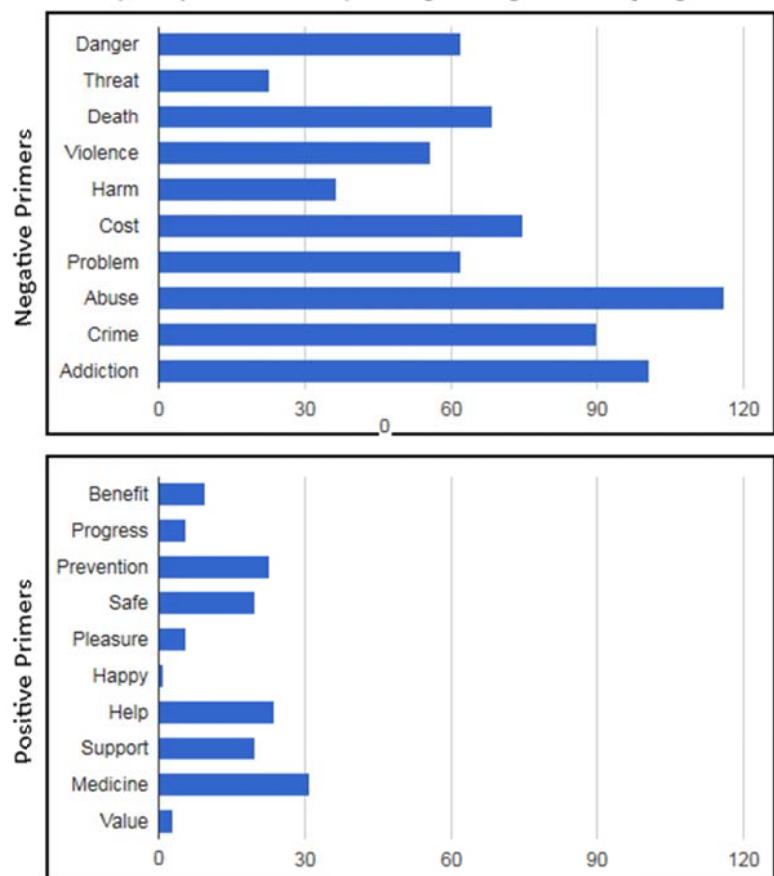


Figure 5.2

The total number of words in the document minus previously discussed excluded elements is 24,957, and for the total number of the types of negative words I was searching for, the frequency is 691. Therefore, approximately 3 % of the entire text of the document consists of these negative priming words. Three percent does not perhaps sound like a lot, but considering that this includes all words of the document, I believe that it is indicative of an attempt being made to frame the topic of drugs in a negative light, so as to lend further weight to the arguments made in the document, arguments which seek to repair and/or maintain the legitimacy of the DEA and of US Federal drug policies. Furthermore, the frequency of the positive priming words I searched for in the document was significantly lower, and the 144 positive primer words represent only half of a percent of the total words of the document. Of the 835 total words found of both positive and negative, the positive words were only 17.2 percent of these, while the negative words were 82.8 %. Figure 5.3 bellow demonstrates this comparison graphically:

Comparison of Positive and Negative Words

For Speaking Out Against Drug Legalization

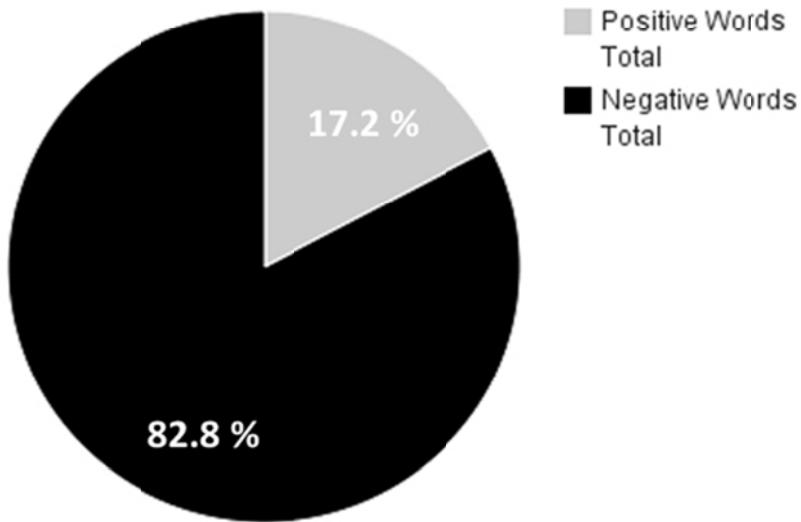


Figure 5.3

When examining the *DPOM* document, a similar picture with regards to word frequency became apparent. For this document I used the same words chosen from an examination of the previous document. Although there are perhaps different words which would be more suitable to present the picture of negative and positive priming for this document, I decided to maintain the same vocabulary choices in order to show continuity of the message style being put out by the DEA's various publications. The results from this frequency analysis are displayed in Figure 5.4:

Word Frequency Chart from *DEA Position on Marijuana*

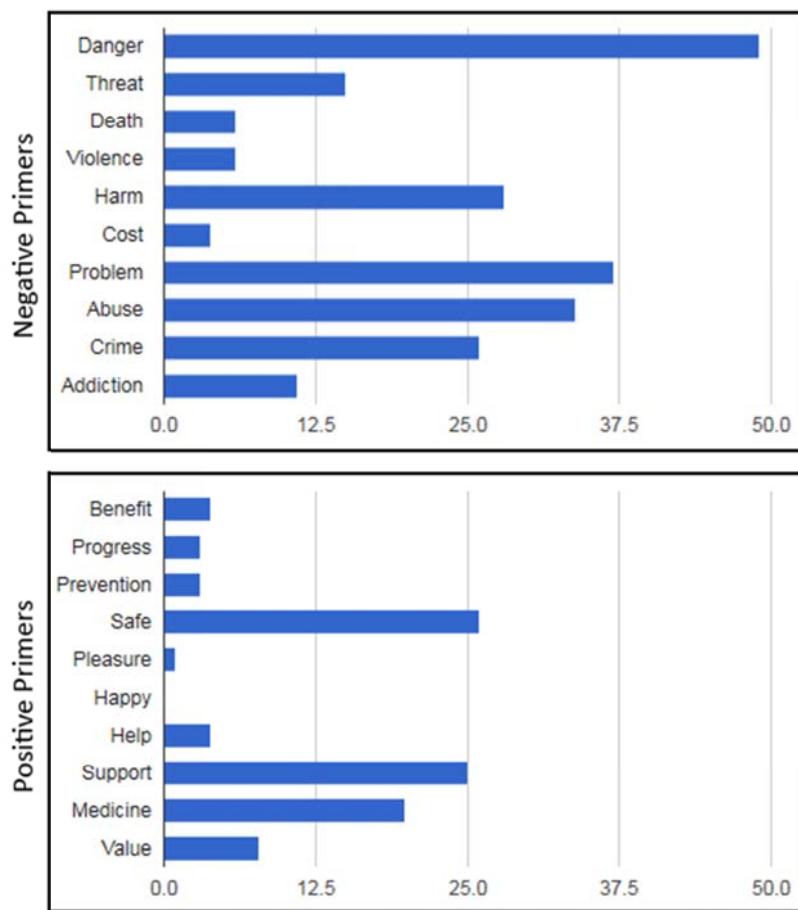


Figure 5.4

The second document contains 18,937 words, and of these words, 310 were located in my frequency analysis procedure for positive and negative words. The negative words represent 69.8 % of these words, and the positive words represent 30.2 %. This figure is slightly less disproportionate than in the previous document, but I accredit this slight discrepancy to the previously mentioned circumstance of not tailoring the word choices to this specific document, but rather to the previous one. Figure 5.5 represents this ratio in graphical form:

Comparison of Positive and Negative Words

For DEA Position on Marijuana

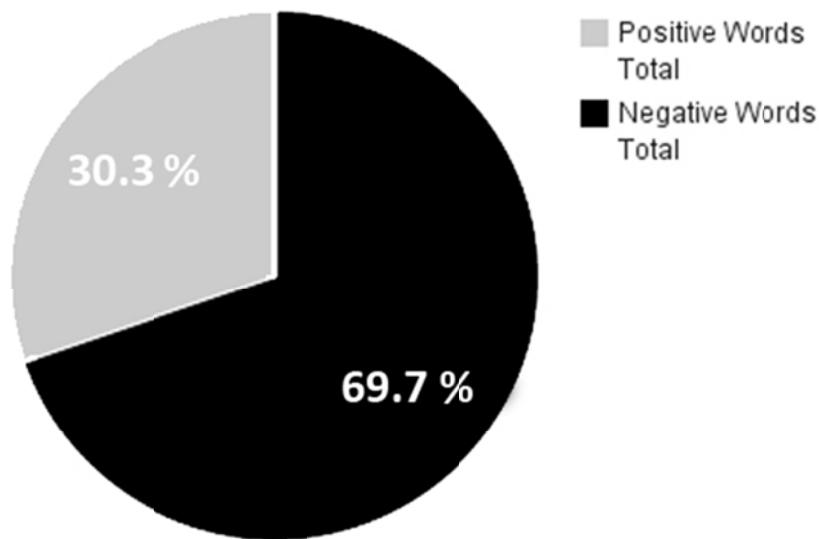


Figure 5.5

The direction of both documents clearly seems to be leaning heavily in the direction of the negative, and appears to be intending to create a purposefully unpleasant and intense atmosphere around the topic. The intensity of the message is a major one, as the language employed, and the types of words used gives the reader of both documents the impression that “these are the truths you must believe, as we are the non-partisan authority for truth of information in this area”, while this impression is made with a heavily negative undertone, given the frequency of negative words.

5.2 Critical Discourse Analysis

For the critical discourse analysis phase of this project, I proceeded to examine the text of *SOADL* sentence by sentence as well as occasionally paragraph by paragraph. I was particularly interested in the types of framing that were used in the text as a means of distinguishing the ways in which information was presented to presuppose authority and power under the guise of knowledge and truth. When critically analyzing a text, it is also important to look into various dimensions of the text, and to think about ways in which it could have been written differently.

The text also needs to be looked at in the context of the type of document or book or article that is being examined, as the various genres of documents are each characterized by a different rule set on the style of writing and thereby presenting information (McGregor 2003). McGregor states, that "because these rules, for how to structure the genre, belong to the institution that owns the genre, the genre becomes a means through which the institution extends power" (*ibid*).

I then attempted to discern and categorize the relevant functions that the units of discourse exhibited in the text have within the larger discourse on drug policy within society. The use of certain metaphors, and the types of words used became clear as part of the strategy of the document's argument. I therefore saw it useful to try to identify the properties of language that can be used to make a text appear to be informing in a general and non-biased sense, when it is in fact carrying a very specific and biased agenda. The properties at work were ultimately determined to be those discussed in the theory section on legitimacy, namely the strategies used in the repairing of legitimacy. In order to discuss the critical discursive analysis in a formulated way, I chose six types of framing and manipulating methods and grouped a selection of passages from the text into these. The six most relevant and telling categories identified and delimitated in the text are as follows:

- Idiomatic Assertions – Meant To Elicit a Subconscious Connection
- Authoritative Implications of Validity and Truth
- Tactics of Diversion – 'Red Herrings'
- Vague Claims with no Demonstrated Foundations
- Illogical Connections Presented as Logical Conclusions
- Scare Tactics – Coercing a Favorable Response by Preying Upon the Audience's Fears

For CDA it is important to examine the whole text, so as to grasp the entire picture of the message. Therefore, Huckin (1997) suggests identifying the perspective of the document as a whole that is being presented, namely what angle, slant, or point of view can be identified as the background concept. Nevertheless, due to the large number of pages and words in the document, I chose to discuss only statements from specific sections in detail progressively through the document; namely the beginning, middle and near the end. These three sections I chose are on Page 'ii' titled *A Message From The DEA*, Pages '2-3' titled *Popular Myths About Drug*

Legalization – “The enforcement of drug laws contributes to the violence along the Southwest border”, and Pages ’54-55’ titled Alcohol and tobacco have caused significant health, social and crime problems in this country, and legalized drugs would only make the situation worse. I contend that these sections are representative of the document’s perspective. The perspective of a document is what is referred to as its “framing”, and it is how a coherent message is established through the various methods and strategies employed in the text (Huckin 1997). McGregor discusses five techniques for framing – i.e. manipulating, which, if understood correctly can be extremely revealing:

1. Choosing and placing specific photographs, diagrams, sketches, and other embellishments to get the reader’s attention
2. Using headings and keywords to emphasize certain concepts by giving them textual prominence (called foregrounding if the text is emphasized and backgrounding if text is there but de-emphasized or minimized)
3. Leaving certain things out completely, counting on if it is not mentioned, the average reader will not notice its absence, and thereby not scrutinize it
4. Using certain words that take certain ideas for granted, as if there is no alternative (presupposition), begging the question of “What could have been said that wasn’t, and why [wasn’t it]?”
5. Manipulating the reader by using selective voices to convey the message that certain points of view are more correct, legitimate, reliable, and significant while leaving out other voices (referred to as register and relates to who the voice belongs to, such as elected politicians, corporation presidents, union leaders, bureaucrats, laborers, criminals) (McGregor 2003, Huckin 1997)

With these five techniques of framing discussed by McGregor, along with Huckin’s (1997) concept of framing devices as discussed in the methods section – similar to these but slightly different – briefly once again: *Sentence Framing, Power Relations, Omission, Presupposition, Insinuation, Cultural Connotations, Tone of Certainty and Authority, Register*, as a basis, I then formed/selected the six categories of manipulative statements to identify in the text. Some statements fall between two categories, and are thus placed in the category which represents the

largest element of the statement. The following is summary of my findings from a CDA approach to the selected sections of text from *SOADL*, categorized by type of approach:

Idiomatic Assertions:

- From Page ii, “This booklet … is designed to cut through the current fog of misinformation with cold hard facts.” The usage of the idioms ‘fog of misinformation’ and “cold hard facts” is an attempt to unequivocally establish their assertions as authoritatively accurate and truthful, since referring to arguments counter to those they are making as a “fog of misinformation”, and their arguments as being “cold hard facts” makes this quite clear. Therefore, this statement also touches upon that category of authoritative assertions of truth as well, and it is an example of presupposition, and certainty/authority assertion.
- Also from Page ii, ”The national drug policies presently in place were not dreamed up from an ivory tower of idealism, but instead were constructed from the cold realities of experience.” The use of the idiom “ivory tower” denotes the connotation that currently existing policies are based on fact, rather than something normative. While “cold realities” denote a further emphasis of the ‘factual’ nature of what they are expressing. This is an example of insinuation and presupposition.

Authoritative Implications of Validity and Truth:

- From the heading of Page 2, “Popular Myths About Drug Legalization”; this heading attempts to imply that arguments for drug legalization are based on “myths”, and that as the authority of truth, they will now proceed to illuminate us to the reality. This is an example of using headings and keywords to emphasize certain concepts by giving them textual prominence.
- From Page ii, “challenges to the basic concept that drugs are dangerous” denotes a claim of authority to present truth because of the fact that it refers to a “basic [fact] that drugs are dangerous”. This may be the case for whatever reasons, but the trueness or falseness of whether or not drugs are in fact “dangerous” is not entirely relevant to the argument of legalization in the broader picture. This is because no serious advocates of drug policy liberalization claim that drugs are not in fact problematic and potentially dangerous, but

rather that current policies are either ineffective and/or unjustifiable. Therefore this is also in a way a tactic of diversion, as it attempts to frame any challenges to their arguments, or the arguments they are challenging themselves as challenging this basic precept, despite the fact that this is largely not the case.

- Also from Page ii, “[This document] presents an accurate picture of America’s experience with drug use, [and] the nature of the drug problem.” This statement through the use of the words “accurate” and “nature of” with regards to the “drug problem” and “America’s experience with drug use”, demonstrates an attempt to establish credibility as *the authority* for knowledge and truthful information with regards to the issue of drugs. Considering that the DEA is in a position of power, this is as Foucault discusses a correlation between knowledge and power, and thus an example of a power relation conveyance (Foucault 1954-1984 and 1972-1977).
- Again from Page ii, "...the unique freedoms offered by the United States have always depended on a well-informed public." This passage attempts to connect the notion of freedom – something which is very positively emotionally primed in the US as a buzzword – with the presupposition of their message contributing to a “well-informed public”. While the next sentence states that “[the reader should] use the scrupulously researched facts you find in this booklet to help you educate your friends and family.” With the word “educate”, this sentence also presupposes the authoritatively/academically valid nature of the arguments. This is also an example of insinuation – that legalizing drugs would undermine freedom – and of register usage – “well-informed” and cultural connotations; “unique freedoms”.
- From Page 2, “Remember, drug traffickers do what they do for money, not for altruistic reasons.” The tone used by this sentence, is clearly aimed at demonstrating top down authority, specifically the word “remember” implies an authoritative position for the informer, and a position of needing to be informed for the listener. This further exemplifies the attempt in the document to establish the DEA as an authority for truth and ‘facts’ about drugs.
- From Page 3, “We must enforce our nation’s drug laws which fundamentally help protect our citizens and communities.” This sentence has a distinctively bold presupposition of authority and ‘truth’, as they simultaneously claim that enforcement of current laws is not

an option, but a necessity, thereby implying that changing the laws would be unthinkable as these very laws are “fundamental” in “protecting” US citizens and their communities. In this way it also exhibits elements of a scare tactic via insinuation as well, especially due to the use of the word “protecting”. They seem to seek to imply that their mandate to enforce the current law of the land with regards to drug policy is simply their duty, and a righteous and necessary one at that.

Tactics of Diversion:

- From Page 2, “Criminals won’t stop being criminals if we make drugs legal … they sell drugs because that’s what makes them the most money.” This argument is clearly a diversionary tactic, as according to my research – and simple common sense – advocates for drug policy change do not presume to imply or suggest that making drugs legal will put an end to all crime in general. Advocates of for example marijuana legalization are not talking about eliminating criminals, but rather reducing avenues for crime and thereby the associated social costs and financial costs of law enforcement and incarceration. This is also an example of sentence framing.
- Also from Page 2, “Marijuana is only a part of the illegal drug traffic moving between Mexico and the United States.” This passage does not address the argument it is meant to be contradicting at all. The “popular myth” which this section is attempting to shed light on, is the idea of “the enforcement of drug laws contributing to violence along the Southwest border”, therefore whether or not marijuana is only a part of the problem, the problem is still drugs in general. This is therefore also an example of omission.
- From Page 55, “One favorite argument of those who claim prohibition didn’t work point to the growth of organized crime. Although organized crime flourished under its sway, historians trace the beginnings of organized crime in the United States to the mid to late-1800s. Organized crime existed before prohibition was enacted, and persisted long after its repeal.” This sentence employs a diversionary tactic, as appears to be admitting the accuracy of its opponents claim that organized crime “flourished” – vague, as it could mean grew or simply continued to exist – under alcohol prohibition in the US, but it actually attempts to equate this as merely circumstantial evidence by implying that organized crime has other more important source causes than black market demand. The

statement thereby efforts to circumvent the significance of prohibition's undeniable impact on organized crime's growth and sophistication (MacCoun & Reuter 2004) with a diversion; that organized crime existed before and after alcohol prohibition.

Vague Claims with no Demonstrated Foundations:

- From Page ii: "Increasingly the news is full of reports providing misleading or biased information about our nation's drug policies." This is a claim which is not founded in any subsequently demonstrated evidence in the immediate vicinity of the statement or the entire document. The statement also uses the loaded terms "misleading" and "biased" to effectively refer to any opinions that did not agree with the view they are about to present in the document. It is also an example of a cultural connotation, as in the US there is a widely spread myth that the news media is "biased".
- From Page 2, "Changing the status of marijuana in the United States will not stop drug traffickers' motivations for moving drugs to U.S. markets." This argument is quite vague and has no demonstrated foundation, as it ignores the complexity of how the legalization of marijuana could change the demand for illegal drugs by making one less currently illegal drug profitable on the black market; omission. It also attempts to draw an illogical connection and present it as a logical conclusion by stating that that marijuana is better left categorized as a "drug" that must be "trafficked", because drug traffickers would continue to traffic drugs anyways. This argument is so confusing that it is perhaps intended to make the reader presume that since they don't understand what is trying to be said, that it must actually make sense in a way above their ability to comprehend.
- From Page 3, "drug trafficking and its associated violence isn't going to dissipate if the US decides to legalize marijuana." This sentence is quite vague indeed, as the claim that drug trafficking would "not dissipate" if marijuana was legalized completely ignores the assertions of the arguments it is trying to counter, namely that drug trafficking would be significantly *reduced* if marijuana were legalized (ProCon.org). It is therefore also a case of an illogical connection presented as a logical conclusion. The use of the word dissipate is a clever tactic – assuming it was intentional – as it does not exactly say that drug trafficking would not be reduced either, only that it would not completely go away. It

nevertheless implies that it would not change, as dissipate could also be interpreted to mean a lessening thereof. Additionally, the sentence is an example of a scare tactic in a sense, as it infers that drugs cause violence through their very existence in the US. What it fails to mention however – an example of an omission of information – is that drug trafficking into the US and its “associated violence” is in fact a direct result of the illegal status of such ‘drugs’.

- From Page 54, “The ‘legalization lobby’ claims that drugs are no more dangerous than alcohol, and no more harmful than smoking cigarettes. However, drunk driving remains one of the primary ways Americans die. Do we want our bus drivers, nurses, and airline pilots to be able to take drugs one evening, and operate freely at work the next day? Do we want to add to the destruction by making ‘drugged driving’ vastly more common than it already is?” This passage makes broad assumptions and draws connections that have no real demonstrated or provable foundation because of their vagueness. The tactic appears to be: to make a claim about the ‘legalization lobby’s claim’ that ‘drugs’ are ‘no more dangerous than alcohol’, and to then talk about how alcohol is bad, thereby drawing the connection that ‘drugs’ are bad too, and would cause additional harm; via the heavily drummed in cultural connotation of drunk drivers. This ignores the fact that alcohol is legal, and that ‘drugs’ are already out there causing harm anyways. In order for this point to be reasonably valid, the as un-yet provable claim that legalizing marijuana – for example – would increase its overall usage would need to be established. Also, it is unclear what they exactly mean by “drugs” as contributing to unsafe “bus drivers, doctors, nurses and airline pilots” as well as “drugged drivers”, as each illegal drug has different effects on the body some more debilitating to concentration, focus and reaction times than others (NSDUH).
- Also on Page 54, from the title passage “Fact 8: Alcohol and tobacco have caused significant health, social, and crime problems in this country, and legalized drugs would only make the situation worse.” To begin with, the use of the word “fact”, is highly presumptions, especially considering the unfounded nature of the presuppositions of the argument. Furthermore, the “situation” being made “worse” by legalizing ‘drugs’ – once again no specifics and widely labeling all currently illegal drugs with a wide fell swoop of equal ‘bad-ness’ – is an example of an insinuation of un-proven conclusions; that

legalizing any drug would increase substance abuse problems as usage of that drug would increase drastically after legalization.

Illogical Connections Presented as Logical Conclusions:

- From Page 2, " Some have proposed legalizing drug consumption in the United States as a way to reduce border violence. This ignores scientific, legal, and social arguments that highlight what legalizing drugs would cost the United States, and that marijuana legalization would be a failed law enforcement strategy for both the United States and Mexico." This passage is using the strategy of leaving things out to count on the reader to make a connection which is not makeable by argument; omission. Namely, the claims of "scientific, legal, and social arguments", specifically relate to the notion of what legalizing drugs would "cost the US", but then they add the underlined section of text above, intending for the arguments mentioned to be connected to this part as well – despite the fact that this is an unspecific and unfounded claim.
- Also from Page 2, "The violence in Mexico is a reflection of a larger battle as to whether Mexico will be governed under the rule of law, or the rule of the gun ... suggesting that legalizing dope is going to make a difference in this effort makes no sense. The fight in Mexico is over money". This argument is in fact contradicted by a statement from the previous paragraph, namely that "[criminals] sell drugs because that's what makes them the most money." Therefore, if the fight in Mexico is "over money", then clearly this argument is rendered illogical by an already admitted fact. This is an example of omission, as even though the information was mentioned earlier, it is disavowed now.

Scare Tactics:

- From Page ii, "the potential for damage if the United States adopts a more permissive policy on drug abuse." Denotes a clear scare tactic, they are attempting to imply that if their advice and opinions are not heeded, the US will be "damaged", quite a loaded term. And the notion that drugs can only be "abused" and not "used" is an example of a presupposition, while "permission to abuse" is insinuated by the idea of legalizing certain drugs or relaxing current laws.

In addition to these discursive elements at play in the selected passages from SOADL, a further application of content analysis to both SOADL and DPOM found a very interesting result: what appears to be very telling, is the documents' total absence of the term "war on drugs", which has been a very widely referenced political-institution by politicians and policy makers in the US over the last four decades. Perhaps this is due to the previously demonstrated unpopularity and perceived failure of the endeavor, whereby the DEA is trying to distance itself from this terminology. Nevertheless, the policies which the DEA is defending with its two documents are ultimately a simple continuation of the goals and methods of the unpopular and unsuccessful "war on drugs" (Robinson & Scherlen 2007, and AgnusReid Poll).

The analysis of the selected sections of text indicates a high degree of framing by using questionably valid rhetorical tactics. Even on the mere five pages I examined in detail, I was able to locate many instances of attempting to establish 'facts' by presupposing 'truths', as well as an often invoked tone of certainty and authority, together with insinuations which allow the document to say things between the lines – thus avoiding accountability; plausible deniability. As mentioned in the theoretical frameworks chapter, manipulating denotes an attempt to mold the audience's needs and opinions through intentional tactics of manipulative discourse (Schuman 1995). Therefore, together with the results mentioned in the content analysis section, the analysis of the DEA's documents has subsequently resulted in a confirmation of my hypothesis that manipulative tactics are being used, while the document attempts to present itself as merely an informative and educational document. The DEA can thus be concluded as using these tactics in an attempt to repair its legitimacy to enforce its mandate for policing federal drug policies, due to what I perceive as their facing an "unforeseen crisis of meaning" (Schuman 1995).

The approach to establishing legitimacy appears to be necessarily twofold, whereby as is apparent in the DEA's documents, the DEA is seeking to foster greater belief in the necessity for the policies they wish to continue to have the legitimacy to enforce, as well as a moral authority claim based on the claimed objectively – as according to their assertions in the document – harmful and dangerous nature of drugs. The so called "moralization of authority" (Parkinson 22) appears to therefore be the pivotal aim of attempts to establish legitimacy in the area of social

policies as those on drugs, as the ‘costs’ of enforcing compliance with regards to drug policy continue to mount. Furthermore, In the face of current historically strong public opinion in favor of legalizing marijuana in the US, as well as already existing state policies and growing support for medical marijuana, along with calls for relaxing mandatory minimum sentencing laws for possession of other types of drugs, it would appear as if the Federal Government via its agency the DEA is using the documents upon which this study has been based to foster a greater belief in and support for a failing policy.

6 Interpretations and Conclusions

With this project, I have sought out to understand and explain how the US Drug Enforcement Administration is attempting to accomplish the elements asked by my research question. I have sought to establish if the style of language and rhetoric with which the US Federal Government is trying to justify themselves as a legitimate authority to set and enforce drug policy is manipulative rather than informative. Upon examining the content and discourse employed in the DEA’s documents, by an application of content analysis and discourse analysis, and based on the theories of legitimacy types and strategies by Schuman, linguistic priming by Ikegami, and ‘truth, knowledge and power’ by Foucault; the results confirm my hypothesis that the DEA is in fact attempting to justify and achieve – maintain and repair – their legitimacy to preserve and enforce current drug policies with a *manipulative* rather than *informative* or *conforming* approach in arguing for their mandate to continue unchanged. The types of legitimacy that the manipulative legitimacy achievement strategy is attempting to create are *pragmatic* and *cognitive*, with apparently no real attempt for *moral* legitimacy; as the primary facet of legitimacy seems to be an attempt to establish and perpetuate a “taken-for-grantedness” with regards to drug policies for being how they currently are. While the secondary facet seems to be an attempt to “mold” the audience’s “tastes” through a kind of public advertising (Schuman 1995). The manipulative methods being used for accomplishing this task are important

understand and consider in a critical light; as they could call into question the genuine legitimacy of such policies in the first place.

The DEA's documents purport to be and try to present themselves as informative brochures on the topic of drugs in America. However, they clearly have a recognizable and unwavering agenda, and appear to have no problem with using manipulative rhetorical legitimacy achievement tactics to better achieve their goals. The DEA appears to be using *SOADL* to assert that they are the only source for accurate knowledge in relation to drug issues. Thus, *SOADL* claims the DEA to be *the* relevant and accurate authority on the subject in question; namely that they are the only producers of 'truth' concerning drugs. For a government authority such as the DEA – the enforcers of policy – to position itself as the disseminator of truth and correct information regarding the policies it has under its purview, what does this imply for our propensity to follow established policies, if the legitimacy for authority of policy makers and their policies can be undermined, as was demonstrated by this study?

Furthermore, with the so-called war on drugs widely referred to and seen as a failed approach to tackling the individual and social problems associated with substance abuse, why does the US government continue to cling to a failing policy of harsh and unwavering restrictions and penalties with regards to drugs? Can this stubbornness even in the face of faltering support in public opinion as well as medical professionals, possibly be seen as an indirect result of a government institution's attempts in seeking to maintain and repair its legitimacy to continue its given mandate of power simply for the sake of such power?

The way to deal with the problem of 'drugs' appears to not be best served by a harsh and intense crime and punishment approach – mostly alone – as this has been proven to be ineffectual in not only stopping illegal drug use, but in dealing with the social problems created by such drug use. I believe, as does the DEA itself, stated in *SOADL*, that social development and drug use prevention programs need to be orchestrated in tandem with a smart and effective legal and law enforcement strategy. In examining this issue critically through the course of this project, I have also come to the conclusion that drug policies need to be based on the potential harm of given

substances, while the feasibility of any control approach through prohibition, as opposed to taxation and regulation needs to be well-calculated and understood.

In conclusion, if a government policy must be defended and justified with coercive arguments and selective information, this begs the question of why then the policy should exist? Are the ‘real’ reasons for the policy perhaps simply too difficult to explain to the public, and therefore the public must be patronized instead? Or could there possibly be other motivations at work which are not quite as pure as the basic duty of a state to protect its citizens? This dilemma has wide-reaching implications, as if a government bases its authority to set policy on less-than-noble, or biased foundations, then such policies and perhaps even the legitimacy of the said government itself can be criticized and undermined; whereby questions can be raised as to what extent policies being made by that government in general are trustworthy and sound. If the American democracy can be shown as having elements within its legal frameworks that are based upon such questionable grounds, then I argue ultimately that it is imperative to study all types of policy from a similar perspective.

Executive Summary

The issue of ‘drugs’ in America is a highly charged and widely discussed phenomenon. This project deals with the issue of how The US Government defends their policies to the public with regards to drugs in order to establish, maintain or repair their legitimacy to do so. The paper therefore examines the history of and the ongoing debate on ‘drugs’ in the United States of America as a background to contextualize the issue of the legitimization of policy and the enforcement thereof. I have therefore looked into the ways and means through which the Federal Government of the United States of America attempts to legitimize the responsibility that they take on by enacting and enforcing drug policies. I have sought to explain the relationship between government policy and legitimacy, and to explore and explain the ways in which a government tries to justify its position on policy issues, by examining the DEA documents *Speaking Out Against Drug Legalization* and *DEA Position on Marijuana*, as examples of this phenomenon.

“Drugs” as they are referred to today, but which historically have been described in many different ways, are an issue which have been and most likely will continue to be relevant to human society for the remainder of our species’ existence. This issue of ‘drugs’ is important to comprehensively understand in order to determine the best ways to deal with the social problems that drugs can create; through both their illegal or legal distribution and use. Drug abuse and the individual health consequences thereof, as well the costs to society at large from individual abusers actions, an increase in organized crime, reduced productivity of labor, and the vicious cycle of addiction; these are all elements of the pivotal issue that can be labeled as ‘drugs’. This is a problem, which deserves deep and careful consideration, as the consequences of failed policies and misunderstandings of the problem can have far reaching side effects.

This project therefore suggests a critical outline of the so-called ‘war on drugs’ by describing the background of the debate over drug policy in the US through a discussion of the legitimacy achievement strategies of the US Drug Enforcement Administration in two of their published position documents; *SOADL* and *DPOM*. The project is not meant or implied as a critique of

particular policies, or as an advocacy for the legalization of any drug or drugs; but is rather structured as a look into how drug policies are defended and maintained. This project's look into the particular drug policy case of marijuana, and the discussion of the high degree of demonstrated support for legalization thereof, is therefore simply intended as a means of demonstrating the context within which the DEA is attempting to justify its authority to legitimately continue the prohibition of marijuana. I have thus examined the arguments made in the DEA's documents with content analysis and critical discourse analysis, and then attempted to clarify the types of discursive elements with which the arguments are being presented; looking specifically for indications of the type of legitimacy being sought, and the legitimacy achievement strategies at work. If a government must use manipulative tactics and methods to justify its own authority to set certain types of policies, what then can be inferred about its legitimacy to do so? Could this call into question the authority of a government to stringently regulate such areas of society?

States and their Governments have a responsibility to look after the welfare of their citizens; this is one of the foundations upon which the modern democratic state is based. Drug policy in the United States is presented as an attempt by the US Federal Government to protect its constituent citizens against the dangers of drug abuse. Thus, this can be seen as the foundation upon which the DEA bases its justification as being the moral authority on drug policy and for the continuation of current policies – as is argued in their documents. This paper therefore also efforts to critically discuss the way in which the DEA as the federal agency responsible for drug policy enforcement frames their responsibility to the public with regards to this issue, how they clarify their perceptions of the public good, and upon what basis they justify actions taken by the state in this regard.

Upon examining the content and discourse employed in the DEA's documents, by an application of content analysis and discourse analysis, and based on the theories of legitimacy types and strategies by Schuman, linguistic priming by Ikegami, and 'truth, knowledge and power' by Foucault; the results confirm my hypothesis that the DEA is in fact attempting to justify and achieve – maintain and repair – their legitimacy to preserve and enforce current drug policies with a *manipulative* rather than *informative* or *conforming* approach in arguing for their mandate

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