NEW HIGH: A FUTURE-ORIENTED STUDY OF
AMERICAN DRUG POLICY

by

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December 2017

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Drug policy in the United States is reactive and unprepared for burgeoning phenomena related to the convergence of drugs and technology. In the twenty-first century, innovations are disrupting society with unconventional rules. This thesis investigated how emerging technologies and global megatrends might converge to affect the future of United States drug policy. Through a scenarios-based future studies methodology, global megatrends and other nascent variables intertwine in two fictional scenarios to highlight regulatory and ethical challenges. Thesis findings underscore how it is critical for the United States to remain adaptable and identify general long-term, cyclical forces. Subsequently, it is imperative to analyze how these forces might influence the environment of illicit drug use before current regulatory drug frameworks become obsolete. Thesis findings recommend that the U.S. government decriminalize illicit drugs and transition drug policy from the domain of law enforcement to a strengthened public and behavioral healthcare system. Finally, this thesis also recommends the creation of a national biotech ethics committee and an office of the future.

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NEW HIGH: A FUTURE-ORIENTED STUDY OF AMERICAN DRUG POLICY

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ABSTRACT

Drug policy in the United States is reactive and unprepared for burgeoning phenomena related to the convergence of drugs and technology. In the twenty-first century, innovations are disrupting society with unconventional rules. This thesis investigated how emerging technologies and global megatrends might converge to affect the future of United States drug policy. Through a scenarios-based future studies methodology, global megatrends and other nascent variables intertwine in two fictional scenarios to highlight regulatory and ethical challenges. Thesis findings underscore how it is critical for the United States to remain adaptable and identify general long-term, cyclical forces. Subsequently, it is imperative to analyze how these forces might influence the environment of illicit drug use before current regulatory drug frameworks become obsolete. Thesis findings recommend that the U.S. government decriminalize illicit drugs and transition drug policy from the domain of law enforcement to a strengthened public and behavioral healthcare system. Finally, this thesis also recommends the creation of a national biotech ethics committee and an office of the future.
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<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>ADHD</td>
<td>attention-deficit/hyperactivity disorder</td>
</tr>
<tr>
<td>AI</td>
<td>artificial intelligence</td>
</tr>
<tr>
<td>BBI</td>
<td>brain-to-brain interface</td>
</tr>
<tr>
<td>BCI</td>
<td>brain-computer interface</td>
</tr>
<tr>
<td>BRAIN</td>
<td>Brain Research through Advanced Innovative Neurotechnologies</td>
</tr>
<tr>
<td>CSA</td>
<td>Controlled Substances Act</td>
</tr>
<tr>
<td>DARPA</td>
<td>Defense Advanced Research Projects Agency</td>
</tr>
<tr>
<td>DEA</td>
<td>U.S. Drug Enforcement Agency</td>
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<tr>
<td>DHS</td>
<td>U.S. Department of Homeland Security</td>
</tr>
<tr>
<td>DIYbio</td>
<td>do-it-yourself biology</td>
</tr>
<tr>
<td>FBI</td>
<td>Federal Bureau of Investigation</td>
</tr>
<tr>
<td>FDA</td>
<td>Food and Drug Administration</td>
</tr>
<tr>
<td>IoT</td>
<td>Internet of Things</td>
</tr>
<tr>
<td>LDS</td>
<td>lysergic acid diethylamide (also acid)</td>
</tr>
<tr>
<td>LOC</td>
<td>lab-on-a-chip</td>
</tr>
<tr>
<td>MAT</td>
<td>medication-assisted treatment</td>
</tr>
<tr>
<td>PCP</td>
<td>phencyclidine (also Angel Dust)</td>
</tr>
<tr>
<td>RFID</td>
<td>radio-frequency identification</td>
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<tr>
<td>VNS</td>
<td>vagus nerve stimulation</td>
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</table>
EXECUTIVE SUMMARY

The United States’ war on drugs has become a war of innovation, as criminals adapt new technologies faster than the government can regulate them.1 Evaluative analysis of research and literature regarding the U.S. war on drugs indicates that the war is a systemic public policy failure.2 The problem with losing the war on drugs is twofold. First, the United States has an ineffective drug policy that is not evidence-based, thus producing harmful consequences rather than real benefit to Americans.3 The second problem is that it makes U.S. drug policy reactive and unprepared for emerging trends shaping the landscape of illicit drugs.

Disruptive technologies ignore conventional societal rules.4 The history of illicit drug use in the United States is one of resilient adaptation and deviant innovation. A burgeoning technological revolution may change the landscape of the current policy environment with the introduction of such emerging technologies as embodied intelligence augmentation, synthetic biology, unmanned aerial vehicles, and the ability to use 3D printers to create new drugs. The literature on emergent trends and forces is rife with anticipation about how accelerating technological innovation could affect illicit criminal enterprises. It is critical that the United States identify long-term, cyclical forces, and analyze how these forces might influence the environment of illicit drug use in the country.

This thesis answers the question how might emerging technologies and global megatrends converge to affect the future of United States drug policy? Society often portrays drug policy reform through a false dichotomy: prohibition or full legalization.

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Between these two policy extremes, it is possible to envision alternative and preferred futures. New technologies warrant changing behavioral norms and cultural values. If U.S. drug policy is not adaptable, emerging technologies could ultimately make the ability to regulate illicit drugs obsolete due to digital convergence.

To capture the most relevant uncertainties and driving forces related to the landscape of illicit drug use, this thesis uses a future studies methodology. This methodology facilitates the exploration of present trends and potential systemic interconnections to identify forces that may influence the future. Occurring at the intersection of many trends, megatrends are large, transformative global forces in societal development expected to affect the probable future. The megatrends driving this thesis include globalization, urbanization, Internet of things/hyper-connected society, and exponential technological growth.

This research uses a three-point Likert scale to classify emergent variables into three categories: likely (marijuana legalization, synthetic drugs), possible (nootropics, digital currency), and radical (artificial intelligence and brain-computer interfaces/neural stimulation). Combining megatrends with these emergent variables categories, two fictional scenarios underscore the challenges in defining a drug, governing its use, and incorporating ethical considerations into regulatory frameworks. The utility of scenarios is in their ability to highlight irreducible uncertainty and draw attention to the notion that the future is not predetermined.

The future may not emerge as a linear extrapolation of the present. Findings from each scenario underscore a challenge for how society decides to define a “drug.” Furthermore, each scenario highlights the difficulty in regulating emergent forms of drug use, as well as potential ethical issues resulting from these nascent technologies. The United States needs a new social framework to incorporate rapidly growing technological innovations to change and modernize its drug policy.

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The fictional thesis scenarios highlight countless interdiction challenges as the Internet has revolutionized an already lucrative transnational drug trade in a landscape of increasing global connectedness. Analysis of the fictional scenarios concludes that 1) people use drugs, 2) innovation is outpacing drug policy, and 3) the United States must rethink its approach to drug policy. The country is living through an era of exponential technological growth. The speed at which neoteric technologies emerge is unprecedented and beyond the ability of regulators to govern under current policy frameworks.

This research concludes that a national drug policy should reflect a deliberate system of doctrines leading to the intended outcome of reducing morbidity and mortality caused by drug use. To create a resilient, adaptable drug policy prepared for the future, the United States should decriminalize all drug use and move drug policy from the realm of law enforcement to public health. The federal government should also create an office of the future, as well as a national biotech ethics committee and strategy. Finally, a drug policy framework for the twenty-first century should actively promote expanded access to public and behavioral healthcare.
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Family is everything. My grandparents, Jerry and Lorraine Kienlen, teach by example with integrity, drive, and leadership. Jenny, Andrea, and Kat: I am so fortunate to have three sisters who share my unrelenting passion for social justice. Thank you for your foxy eclecticism. Last in order but first in scale, I am grateful for my parents, Douglas and Karla Bress, for all of the sacrifices they made for me over the past 30 years. They continue to instill the importance of family, education, and public service.
I. INTRODUCTION

After forty years, thousands killed, millions imprisoned, and $1 trillion spent...we are still no closer to controlling either the supply—or demand—side of the illicit drug trade.¹

A. RESEARCH QUESTION

This thesis answers the question, “How might emerging technologies and global megatrends converge to affect the future of United States drug policy?”

B. PROBLEM STATEMENT

Conformity to old ideas is lethal; it is rebellion that is going to change the planet.²

The United States has lost the war on drugs. Neuropsychopharmacologist Dr. David Nutt summarizes this claim with his assertion, “Anything that tries to measure or evaluate the success of the war on drugs inevitably finds that it has failed, so evaluation and measurement are either suppressed or not carried out in the first place.”³ Since President Richard Nixon infamously declared drug abuse “public enemy number one” in 1971, the United States continues to spend billions of dollars on the war.⁴ Across the world, oil is the only industry larger than the illicit drug trade.⁵ Analysis of the efficacy of the war on drugs consistently concludes that the herculean effort is a failure, as outlined in Figure 1.⁶ According to Dr. Nutt, policies concentrated on decreasing the prevalence of illicit drug use are ineffective and “often cause more harm than good.”⁷ This is a policy problem.

² Joshua Cooper Ramo, The Age of the Unthinkable: Why the New World Disorder Constantly Surprises Us and What We Can Do about It (New York: Little, Brown and Company, 2009), 262.
³ Nutt, Drugs without the Hot Air, 273.
⁵ Nutt, Drugs without Hot Air, 276.
⁷ Ibid., 22.
Figure 1. Perverse Effects Caused by the War on Drugs

Dr. Nutt, former chair of the Advisory Council on the Misuse of Drugs, outlines eight negative repercussions caused by the war on drugs:

1. Increasing the spread of infectious disease.
2. Causing terminally ill people to die in agony.
3. Increasing instability and unaccountability in financial systems.
4. Holding back research on new medicines.
5. Increasing levels of drug-related violence and crime.
6. Increasing the number of users by forcing them to become dealers.
7. Bringing the law into dispute; allowing discriminatory policing.
8. Diverting attention away from the dangers of alcohol and tobacco.

For decades, illicit drug use is causing rising morbidity and mortality across the United States. According to the Substance Abuse and Mental Health Services Administration, in 2014, over 10 percent of Americans had used illicit drugs within the past month of the survey. With over 27 million citizens admitting to using illicit drugs within the past month in 2014, the incidence of misuse of alcohol, tobacco, marijuana, prescription drugs, and other substances continues to rise. This trend is not new; research examining rates of lifetime substance use disorder indicate a national increase among adults from 10.3 percent in 2002 to 15.6 percent in 2013. Additionally, the Centers for Disease Control and Prevention report that over 47 thousand citizens died from drug overdoses in 2014, indicating more than a doubling of the rate from 2000.

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8 Ibid., 274.


the U.S. Government Accountability Office in 2017, illicit drug overdose is now the leading cause of death by injury in the United States.

Illicit drug use is a homeland security problem. In 2007, the Department of Justice’s National Drug Intelligence Center estimated that illicit drug use costs the United States over $193 billion dollars per year. In fiscal year 2016, the U.S. government spent $30.6 billion on drug control alone. Aside from the staggering economic impact, the high prevalence of illicit drug use affects other domains tangential to the homeland security enterprise. For example, according to the U.S. Government Accountability Office in 2016–2017, evidence demonstrates high rates of drug abuse among veterans. The Federal Bureau of Prisons claims that approximately half of the federal prison population is serving sentences for crimes related to drugs. Similarly, the U.S. Drug Enforcement Administration (DEA) spends considerable resources tracking more than 33,000 domestic gangs involved in drug trafficking and distribution. The threat posed by illicit drug use is transnational.

The problem with losing the war on drugs is twofold. First, the United States has an ineffective drug policy that is not evidence-based, thus producing no real benefit to Americans. The second problem is that it makes U.S. drug policy reactive and unprepared for emerging trends shaping the landscape of illicit drugs. This is important

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17 Ibid.


because trends may emerge as a string of random unconnected dots on the fringe that eventually materialize into the mainstream.20

Since 1970, the Controlled Substances Act (CSA) has governed U.S. drug policy. The act established a federal drug policy regarding the manufacture, importation, possession, use, and distribution of certain substances falling under five schedules in accordance with such criteria as potential for abuse and currently accepted medical use.21 In this categorization, schedule I drugs are the most highly regulated while Schedule V drugs are considered the least dangerous are less regulated. Schedule I drugs have a high potential for abuse, no currently accepted medical value, and a lack of accepted safety for use of the drug.22 Examples of drugs in this category include heroin, ecstasy, and marijuana.23

A snapshot of marijuana use in America today provides evidence of how the war on drugs is failing to keep pace with a societal shift for legal access to the drug. While marijuana remains federally illegal as of 2017, 29 states and the District of Columbia have approved the use of marijuana for medicinal purposes. Further ignoring federal law, nine states and the District of Columbia have approved legislation for the legal recreational use of marijuana.24

Critics claim that politics—rather than evidence—formed the basis for the decision to classify cannabis as a schedule one drug.25 To support their point, they point to research studies highlighting the medicinal benefits of using marijuana for treating a number of conditions including glaucoma, seizure disorders, chronic pain, muscle and


spasticity as well as helping patients with nausea due to chemotherapy. To critics of the war on drugs, it appears incongruent to declare marijuana as more hazardous than cocaine, oxycodone, or methamphetamine—all of which fall into a lower Schedule II classification. This juxtaposition indicates the politicization of the scheduling of controlled substances. Furthermore, it highlights how conflicting information undermines public confidence as individuals look beyond government documents for sources of information.

In contrast to findings in evidence-based and peer-reviewed literature, the United States continues to push forward with ineffective supply reduction strategies. According to the Office of National Drug Control Policy, domestic supply reduction measures include regulation, enforcing anti-drug laws, eradicating marijuana plants, controlling the supply of precursor chemicals, screening prisons for drugs, creating drug-free school zones, and the implementation of screening procedures at customs. Internationally, supply reduction strategies include global accords, initiatives to prevent money laundering, drug-crop eradication, controlling precursor chemicals, and other means. As a strategy, supply reduction is not working.

1. A War of Innovation

The war on drugs has become a war of innovation, as criminals adapt new technologies faster than the government can regulate them. Illicit use of the Internet’s dark web provides an example of deviant innovation. In 2017, illicit drugs are available

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27 Nutt, *Drugs without the Hot Air*, 31.


29 U.S.-Mexico border expert, Dr. Tony Payan, summarizes the failure of supply reduction strategies: “A frontal attack on a particular group providing an illegalized good may reduce the supply temporarily, but the demand does not go away and the supply is fairly elastic. Thus drug traffickers simply shift strategies to continue supplying drugs.” Tony Payan, *The Three US-Mexico Border Wars: Drugs, Immigration, and Homeland Security*: 2nd ed. (Santa Barbara, CA: ABC-CLIO, 2016), 33–34.

for purchase online using technologies, like bitcoin and Tor, which make sales and purchases nearly impossible to track.31

The presence of pharmaceutical drugs continues to challenge federal, state, and local efforts to prevent illicit drug use. For instance, after federal and state governments strictly regulated abuse of prescription painkillers, the United States has developed an opioid epidemic.32 The epidemic has claimed the lives of more than 33,000 Americans due to overdose in 2015 alone, as people substituted prescription opioids with heroin and other opiates like the drug fentanyl.33 In 2017, pharmaceutical companies continue to produce more performance-enhancing drugs with strong, legal, direct-to-consumer marketing.34

Despite popular perception, illicit drug use extends beyond the realm of criminals and lower income populations. The World Chess Federation reports that players often test positive for the use of modafinil and Ritalin to enhance performance during chess matches.35 Likewise, college students colloquially refer to Adderall, a drug frequently used to treat attention deficit hyperactivity disorder, as “Ivy league crack.”36 These “smart drugs” positively augment cognitive function, and researchers anticipate the development of even more effective compounds in the future.37 Given their legal pharmaceutical status, current drug prohibition efforts make controlling illicit use a

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daunting challenge that will only become more difficult as new pharmaceutical drugs enter the market.

A burgeoning technological revolution may change the landscape of the current policy environment with the introduction of such emerging technologies as embodied intelligence augmentation, synthetic biology, unmanned aerial vehicles, and the ability to use 3D printers to create new drugs. It is critical that the United States identify long-term, cyclical forces, and analyze how these forces might influence the environment of illicit drug use in the country.

2. Future Scenarios for Drug Policy Reform

This thesis operates under the premise that the war on drugs is a policy failure. A significant amount of literature on drug policy deliberates the ideological and moral foundation of certain drug laws. Other discourse focuses on the manipulation of drug policy for political convenience.38 While this examination of drug policy is indispensable, there is a current knowledge gap regarding how emerging technology and global megatrends could influence the future of U.S. drug policy. New technologies warrant changing behavioral norms and cultural values. They also facilitate a confrontation of established beliefs based on outdated technology. At the core of social change are new technologies innovatively disrupting society with unconventional rules. If U.S. drug policy is not adaptable, emerging technologies could ultimately make the ability to regulate illicit drugs obsolete.

Forecasting visions of potential future drug use form the foundation for present action pertaining to policy.39 Solutions proposed in literature on the war on drugs typically call for drug policy reform. For instance, the Global Commission on Drug Policy concluded that society must transform the international prohibitionist approach to illicit drugs with the creation of a policy regime grounded in science, health, and human

38 *13th*, directed by Ava DuVernay (Netflix, 2016), DVD.

Society often portrays drug policy reform through a false dichotomy: prohibition or full legalization. Between these two policy extremes, it is possible to envision, identify, and invent alternative and corresponding preferred futures.

Using future studies research methodology, this thesis aims to explore present technological trends, global megatrends, and potential systemic interconnections to identify how these forces may influence the future of U.S. drug policy. The intersection of multiple forces shape important effects; scenarios aim to capture relevant uncertainties and driving factors to highlight different plausible futures.

C. LITERATURE REVIEW

There is no reason for any individual to have a computer in their home.

—Ken Olsen, Founder of Digital Equipment Corporation, 1977

1. Futures and Megatrends

Reality is infinitely complex, and humans have a compulsive explanatory urge to interpret and understand personal experiences. The future is both predictable and unpredictable, although these categories are not mutually exclusive. According to futurist Amy Webb, a trend is “a new manifestation of sustained change within an industry, the public sector, or society, or in a way that we behave toward one another.” Trends do not occur in a vacuum; compounding acceleration from changes in emergent technology influences how trends move from the fringe to the mainstream.

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44 Webb, The Signals Are Talking, 47.

45 Ibid., 57.
Occurring at the intersection of many trends, megatrends are large, transformative global forces in societal development expected to affect the probable future.\textsuperscript{46} Occurring in the present, megatrends indicate a world in motion.\textsuperscript{47} To forecast and envision plausible futures, it is important to first identify and investigate these long-term forces. Subsequently, understanding the interaction between overlapping trends is equally important. Seeking answers to epistemic uncertainty, megatrends research comprises broad trend analysis research, which evaluates social, economic, and political conditions forecast to change the environment in the near future. This research methodology does not present deterministic, succinct narratives of the future. Rather, megatrends research describes probable futures, recognizing that there are many possible futures. Moreover, there is always the chance of an unlikely wildcard event, such as 9/11, that can create counter-forces to established trends. For example, State Secretary Joergen Ørstrøm Møller in the Danish Ministry of Foreign Affairs argues that the United Kingdom’s 2016 decision to succeed from the European Union was partially due to a backlash against globalization.\textsuperscript{48}

Literature on megatrends research primarily comprises reports, scholarly articles, books, and systematic reviews. In dealing with probable, possible, and preferred futures, the tone of existing literature varies on a spectrum from optimistic to pessimistic. Many articles have a tone of peril, warning readers of the threats of what could happen if society fails to act. Other articles focus on the potential of technological developments promising to improve the human condition. Reports differ based on the intended target audience. For instance, some research is specific to manufacturing industries. Other research is jurisdiction-specific, such as CSIRO Futures research, which focuses on how

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global trends will affect Australia explicitly. Timeframes of megatrends literature generally remain within a 10–20 year time span. For instance, some reports contain 10-year projections, while other sources focus on megatrends expected to affect the next 15–20 years.

Researchers identify megatrends with a fair degree of consistency. Given labels for megatrends are variable, but many of the chosen classification schemes nonetheless appear to fall into the same category. For example, a megatrend focused on an increasing influence of technology is described across the literature with such diverse titles as “technological convergence,” “technological breakthrough,” “technological singularity,” and “disruptive technology.” Some publications also identify megatrends that are outliers, such as “multipolar geopolitics,” which stand unique when contrasted with most other research in the field. Each source of information on megatrends varies in the number of identified megatrends, although most sources identified for this literature review comprised, on average, six to 10 distinct trends.

Despite variance in labeling and identification, common themes emerge across the literature on megatrends, which allows for the aggregation of perspectives. Globalization is taking place, and it is strongly expected to increase in the future. The world economy is shifting west to east, with an anticipated surge in middle class growth and increasing urbanization. Megatrends research forecasts demographic change as the world faces an aging population, increased discretionary spending power, class ascendancy, individualism, and surging opportunities for entrepreneurialism. Megatrends researchers anticipate exponential growth and a hyper-connected, digital world of prosperity, complexity, and acceleration wherein data is the raw material of the information age.

49 Stefan Hajkowicz, Hannah Cook, and Anna Littleboy, Our Future World: Global Megatrends that Will Change the Way We Live. The 2012 Revision (Brisbane, Australia: CSIRO, 2012), doi: https://doi.org/10.4225/08/584ee9706689b.


Interpretations of established megatrends vary. For example, there is a consensus that digital connectedness is leading to a change in social behaviors, but there is no clear agreement about how to elucidate this shift. Viewing this shift as positive or negative depends on the author’s interpretation, as some reports focus on how people are moving away from corporations and toward the individual, while other reports focus on how digital connectedness is leading to an increased demand for personalized services and experiences. Evaluation of any trend can be portrayed in either a positive or a negative light. As concluded by research on megatrends, the most important factor is that society remains open and adaptable rather than working to oppose the force of change.53 This requires an intellectual flexibility to reconcile probable futures with irreducible uncertainty.

Even with an abundance of research on megatrends, flaws and gaps in the literature remain. Forecasting methods often lack objective, scientific monitoring or evaluation to determine the accuracy of predictions. Methodologies across studies also differ as researchers use a wide range of techniques, including predictive modeling, foresight studies, scenarios, and analysis of trends databases. From these varied techniques, it is unclear how researchers rank the significance of megatrends in their analysis. This leads to inconsistent results, as some studies list urbanization, for example, as one of the top three megatrends likely to influence the future, while other authors rate urbanization lower on the list.54 Literature on megatrends research appear to maintain a high degree of internal validity, though the accuracy of claims made in conclusions remain unknown for years. Additionally, megatrends research leaves certain areas unexplored. For instance, even if the megatrends occur as forecasted, it is unknown how societies will react to the forces. Moreover, it is unknown how these broad global megatrends may affect specific fields like drug policy.


54 Urbanization is listed as the number one megatrend likely to affect the future: Sarwant Singh, “Top 20 Global Megatrends and their Impact on Business, Cultures and Society,” Frost & Sullivan, March 10, 2014. In this source, published the same year, urbanization is only listed at number four: Matthew Burrows, The Future, Declassified: Megatrends That Will Undo the World Unless We Take Action (New York: Palgrave Macmillan, 2014), 89.
2. Trends and Forces Shaping the War on Drugs

In the same way that megatrends are transforming the global landscape, smaller trends are shaping the United States’ war on drugs. As of 2017, social attitudes favor deregulation and call for reform of drug policy at the national level. Aside from this shift in social perception, as previously stated the United States is in the heart of an opiate epidemic claiming the lives of tens of thousands of Americans due to overdose. Upcoming trends are visibly influencing the illicit drug ecosystem in ways that should not be surprising. This review focuses on the literature surrounding the forces shaping the war on drugs to inform an analysis to forecast future trajectories using currently available information.

Literature pertaining to drug policy and shifting dynamics comprises books, documentaries, studies, and peer-reviewed publications. Abundant news media and material supplied by advocacy organizations aim to reform U.S. drug policy. Heavy bias plagues the majority of non-academic literature, typically calling for specific actions such as the recreational legalization of drugs. In writing for the purposes of achieving an agenda, these publications have a tendency to emphasize specific aspects of reform rather than taking an objective, wide-lens perspective to analyze critically how larger forces may be influencing the drug policy environment.

The most salient resources for understanding the trends affecting the current landscape of illicit drugs come from the application of trend analysis research. Four trends emerge from this literature review research: 1) criminals are early adopters of technology; 2) the creation of drugs outside of the law; 3) emerging technologies beyond the horizon; and 4) a shift in drug trafficking from land to air and sea.

Criminals and cartels are perpetual early adopters of new technologies and use them to their advantage, often before the government agencies prosecuting them do. This is not a new trend. For instance, drug dealers adopted pagers before police officers,

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55 Burke, “Forecasting the Opioid Epidemic,” 529.
56 NORML, “Legalization.”
57 Goodman, Future Crimes, 223.
and they use Square technology to sell drugs in cities like San Francisco. Literature on drug cartels support the notion that this trend is continuing, and there is evidence that cartels use their own encrypted cellular radio telecommunications systems and divert significant resources to focus on cyberspace research. At a time when the United States government is using Palantir to track drug cartels, narcotics organizations are already using social media to assemble their own intelligence on law enforcement. Drug traffickers have exploited the digital underground through Tor, a software allowing for anonymous communication. As law enforcement continually attempts to keep up with drug dealing organizations, they have already implemented broad sophisticated counterintelligence operations.

A second trend appearing throughout the literature is a growing challenge to stay abreast of interdiction. There is a growing presence of drugs existing outside of the law as it is currently written. The format of the Internet scrambles the ties of drug trafficking organizations to geography as dealers are turning to the dark web on sites, such as the now shut down Silk Road to sell illegal items. Moreover, the creation of new synthetic drugs such as “Spice,” “K2,” and “Scooby Snax” appear on the streets faster than they can be added to the CSA, the statute establishing federal drug policy.

While dark web drug sales and unclassified synthetic drugs fall into the realm of illicit drug use, literature on the field of drug policy also covers an emerging field of legal smart drugs for cognitive enhancement. Also called “nootropics,” these pharmaceutical compounds aim to augment cognitive function positively in areas such as focus, memory,
creativity, and/or motivation. Peer-reviewed articles on this subject often equivocate over the ethical and pragmatic implications for the use of smart drugs. Researchers anticipate the future development of more of these types of compounds and predict that future formulations will be even more effective. Researchers also debate the practicality of prohibition and relate the use of nootropics to using drugs for performance enhancement in sports. Literature on nootropics has not arrived at a consensus on the intrinsic ethics of using pharmacological substances to enhance mental function.

The third element across the literature on trends affecting drug policy focuses on the potential misuse of such emerging technologies as synthetic biology, 3D printing, robots, and artificial intelligence (AI). Synthetic biology, also known as “synbio,” has the potential to disrupt drug trafficking as it creates economic incentives to engineer new pathways of producing illicit drugs without having to cultivate fields of real plants. Already, researchers have genetically engineered THC from E. Coli bacteria and turned baking yeast into lysergic acid diethylamide (LSD) and opium. The potential radical disruption of synbio may cancel the mediating role of existing players in the narcotics trade. This same set of issues related to supply chain simplification applies to the potential misuse of 3D printing as devices can be hacked to produce illicit drugs instead of the intended pharmaceutical compounds. Concern over the potential misuse of emerging technologies also extends to robots and AI. Literature on these subjects discusses the use of robots for surveillance and the ability to kill law enforcement officers or rival drug gang members. Likewise, the cognitive abilities of AI present potential for the role of developing or selling drugs.

Finally, the fourth trend across the literature indicates that narcotraffickers are shifting distribution tactics from ground to air and sea. Researchers tracking drug trafficking illustrate the trajectory of the emerging use of drones and unmanned

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66 Cakic, Smart Drugs for Cognitive Enhancement, 611.
68 Ibid., 428–430.
69 Ibid., 398.
submarine technologies.\textsuperscript{70} Narcosyndicates in Latin America and Mexico are already using drones and reinvesting some of their funding into research and development for new technologically-based strategies, such as launching their own satellite systems for communication.\textsuperscript{71}

Literature on the trends and forces shaping the war on drugs is rife with anticipation about how accelerating technological innovation could affect the illicit drug enterprise. However, what remains unknown is the social response to these changes, and whether they will influence perceptions of illicit drug behavior. For instance, society may be increasingly accepting the fallibility of humans as indelible data preserves people’s collective indiscretions.\textsuperscript{72} In the future, society may need a new social framework to incorporate rapidly growing innovations.

3. The Failure of the War on Drugs

Evaluative analysis of research and literature regarding the United States’ war on drugs indicates that the war is a systemic public policy failure as summarized in the problem statement above.\textsuperscript{73} National and international shifts in language around this subject indicate a movement toward a paradigm of drug policy reform. An accumulation of contradictions surrounding the war indicates that the existing system is neither working nor matching the reality of citizens. Evidence conclusively points to the notion that targeting people who use drugs with criminal sanctions fails to reduce demand for illicit drugs.\textsuperscript{74} Literature suggests the war has failed at decreasing both supply and demand at the same time that it infringes on civil and human rights, and politicians militarized the war instead of taking a public health approach.

Economists conclude that after over four decades of fighting, the United States has spent over one trillion dollars on the war on drugs, yet it has not decreased supply or


\textsuperscript{71} Goodman, \textit{Future Crimes}, 393–394.

\textsuperscript{72} Alec Ross, \textit{Industries of the Future}, 179.

\textsuperscript{73} Baum, \textit{Smoke and Mirrors}, vii.

\textsuperscript{74} Nutt, \textit{Drugs without the Hot Air}, 22, 272.
demand. Rather, supply reduction measures have led to unintended consequences, such as fueling a criminal black market. Trend analysis research provides evidence that despite strong supply reduction efforts, access to illicit drugs is increasing as is drug purity. Meta-analysis studies and systematic reviews conclude that disrupting drug markets actually increases violence and that prohibition has not succeeded in decreasing demand.

Most literature on the subject of U.S. drug policy concludes that the U.S. war on drugs has led to mass incarceration, and millions of Americans in prison for nonviolent offenses. The prison-industrial complex is fast growing; since 1980, the number of incarcerated Americans has increased by more than 450 percent. Strict sentencing laws, such as mandatory minimum sentencing and “three strikes,” have created an unprecedented growth in the number of people imprisoned in the United States. Mass incarceration has profound social and economic effects. Because of strict drug laws, first time nonviolent offenders can receive de facto life sentences if the court prosecutes multiple trafficking convictions together. Judges argue that mandatory minimum sentencing shifts the power of sentencing from judges to prosecutors. Criminal justice experts argue that a system of mass incarceration leads to additional societal burden as

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75 Ibid.


individuals exiting the criminal system face difficulties in employment, housing, and other areas such as the burden on families deprived of a person’s income.84

Substantial discourse regarding the war on drugs focuses on the civil and human rights violations of the war. For instance, a body of research and literature provide evidence that the war on drugs disproportionately affects communities of color in the United States. Policy research supports the notion that U.S. drug policy leads to disparate criminal sentencing, wherein three quarters of state prisoners incarcerated for drug conviction are people of color, despite quantitative evidence that black and white citizens use drugs at approximately the same rates.85 In an erosion of civil rights, law enforcement officers may confiscate property before a judge declares an individual is guilty; getting these items back is difficult even if the person is found innocent or not charged.86 Furthermore, the war has led to expanded search and wiretap authorities.87 Privacy advocates and experts in the field of civil rights challenge these policies pertaining to the drug war.88

The literature discusses the militarization of the war and the greater effort focused on criminalization rather than on treatment for addiction. Rather than following a public health approach to drug use, the United States concentrates most of its effort on law enforcement.89 A zero-tolerance drug policy impedes public health approaches, subsequently marginalizing and stigmatizing those who suffer from the disease of addiction.90 Researchers in healthcare fields claim that zero tolerance dismisses evidence-

84 13th, DVD.
86 Tony Payan, Kathleen Staudt, and Z. Anthony Kruszewski, eds. A War that Can’t Be Won: Binational Perspectives on the War on Drugs (Tucson, AZ: University of Arizona Press, 2013), 278 [privacy], 232 [civil rights].
87 Ibid., 278.
88 Ibid.
90 Godlee and Hurley, The War on Drugs Has Failed, 1.
based harm reduction strategies, such as syringe exchange programs. These types of counterintuitive policies affect students as well as hundreds of thousands of students are ineligible for federal financial aid due to laws prohibiting students convicted of illegally possessing a controlled substance from taking out student loans. Without an education, individuals remain limited in the realm of job prospects for the rest of their lives.

While the majority of research on the war on drugs concludes that it is a public policy failure, there is often a discrepancy in proposed solutions for reform. Frequently, solutions across the literature pose a false dichotomy wherein the country either legalizes illicit drugs entirely or continues with prohibition. Literature on U.S. drug policy contains a noticeable abundance of research with built-in bias or advocacy.

Many experts conclude that the United States should spend less on law enforcement and more on prevention, education, and/or treatment. Limiting this notion, these solutions assume a stable trajectory in the status of illicit drug use. However, future trends will likely affect illicit drug usage. The scope of this thesis is not to contribute to the literature assessing whether or not the war on drugs is a failure; the objective is to identify megatrends influencing the future of drug policy. Nevertheless, it is important to establish a baseline understanding on the discourse surrounding the war before moving forward to analyze how megatrends might influence the future of U.S. drug policy.

This thesis comprises five chapters, as illustrated in Figure 2. The next chapter (Chapter II) describes methodology. Chapters III and IV present two alternative scenarios for the future. Finally, Chapter V contains analysis and policy recommendations arising from the two fictional scenarios.

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92 Eric Blumenson and Eva S. Nilsen, *How to Construct an Underclass, or How the War on Drugs Became a War on Education* (Boston, MA: Suffolk University Law School, 2002), 68–69.


Figure 2. Overview of Thesis Format
II. METHODOLOGY

If you don’t like change, you’re going to like irrelevance even less.

Eric Shinseki, Chief of Staff, U.S. Army\textsuperscript{95}

To capture the most relevant uncertainties and driving forces related to the landscape of illicit drug use, this thesis uses a future studies methodology. The future is uncertain, but policymakers do not have to speculate “like blind men arguing over the colors of the rainbow.”\textsuperscript{96} Future studies, or “futures,” is “the study of postulating possible, probable, and preferable futures and the worldviews and myths that underlie them.”\textsuperscript{97} By its own merits, Google Trends data can help researchers predict the present, allowing for a new form of contemporaneous forecasting.\textsuperscript{98} This methodology facilitates the exploration of present trends and potential systemic interconnections to identify forces that may influence the future.

Using a three-point Likert scale and the process described in this chapter, the approach of this thesis weaves together megatrends and technological variables to form hypothetical scenarios. The utility of scenarios is in their ability to highlight irreducible uncertainty and draw attention to the notion that the future is not predetermined. In this thesis, two fictional scenarios frame possibilities for how low-impact emerging technologies may intersect with global megatrends to move illicit drug use issues into the realm of high impact.


\textsuperscript{96} Ira Rutkow, \textit{Seeking the Cure: A History of Medicine in America} (New York: Simon and Schuster, 2010), 98.


A. DATA COLLECTION

This thesis presents an analysis of existing research to forecast future phenomena related to trends in illicit drug use. Understanding this topic involves researching two primary domains: 1) emerging technologies and 2) global megatrends. The scope of this study is on timely and current trends. Thus, this thesis uses literature published primarily within the last decade (2007 and later). With the exception of informing background contextual information, the analysis does not focus on the failure of the war on drugs. As reviewed in the literature review in Chapter I, a substantial body of research already exists on this topic. Data sources primarily comprise academic literature, nonfiction books, international publications, and internal reports and/or records. Research also included peer-reviewed journal articles identified by querying PubMed, Google Scholar, Dudley Knox Library’s Homeland Security Digital Library, and other relevant publications.

B. PROCEDURE

The procedure described in this section occurred after this researcher completed an extensive review of research on the topics of emerging technologies and megatrends. Future studies methodology incorporates systematic and pattern-based understanding to highlight trend analysis. Accordingly, this thesis uses a systematic and deductive approach to assess specific technological developments and subsequently to deduce specific insights as to how these technologies could relate to illicit drug use. As outlined in this chapter, the methodology utilizes a diverse range of models and methods, mostly normative and qualitative in nature. Qualitative methods inform an examination of social systems and accompanying ambiguities to extrapolate future possibilities.

99 Forecasting involves the use of “nowcasting,” a process of using current information to predict future trends to derive, subsequently, alternative future scenarios. Nieto-Gómez, “A Director of the Present?”

100 Ziauddin Sardar, “The Namesake: Futures; Futures Studies; Futurology; Futuristic; Foresight—What’s In a Name?,” Futures 42, no. 3 (2010): 177–184.
1. **Step 1: Megatrends Research**

The researcher organized a compilation of megatrends literature sources from publications within the past decade into a table. Research on the subject of megatrends largely comprises reports listing and describing upcoming trends. Most publications postulated a range of around six to ten megatrends. Table 1 consolidates and organizes similar trends without changing the labels as written in individual publications. Due to the large number of sources reviewed, the Table 1 presents an example classification scheme in lieu of a lengthy appendix comprising all research materials. Double or triple “Xs” indicate reports listing multiple megatrends within a single consolidated box.

<table>
<thead>
<tr>
<th>#Megatrends identified by each source</th>
<th>Example Source 1</th>
<th>Example Source 2</th>
<th>Example Source 3</th>
<th>Example Source 4</th>
<th>Example Source 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>-Globalization</td>
<td>X</td>
<td>X</td>
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<td>X</td>
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<tr>
<td>-Climate change</td>
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<td></td>
<td>XX</td>
<td>X</td>
<td>XXX</td>
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<tr>
<td>-Environmental crisis</td>
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<tr>
<td>-Resource scarcity</td>
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<tr>
<td>-Resourceful planet</td>
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<tr>
<td>-Hyper-connected society</td>
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<td>-Digitization</td>
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<tr>
<td>-Digital future</td>
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<tr>
<td>-Network organizing</td>
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<tr>
<td>-Communication</td>
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<tr>
<td>-Demographic change</td>
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<tr>
<td>-Aging population</td>
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<tr>
<td>-Social change</td>
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<tr>
<td>-Individualism</td>
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<tr>
<td>-Social Inequalities</td>
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<tr>
<td>-Exponential technological growth</td>
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<td></td>
<td></td>
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<tr>
<td>-Technological convergence</td>
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</tbody>
</table>

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Despite variance in labeling and identification, common themes surface across the literature on megatrends, allowing for the aggregation of perspectives. Sources with the greatest number of Xs are considered thematic, due to the repetition of their existence across the literature. From this meta-analysis, four prominent megatrends emerged for the purpose of this thesis: 1) globalization, 2) urbanization, 3) Internet of things/hyper-connected society, and) exponential technological growth. A description of each megatrend appears later in section C below.

### 2. Step 2: Variables

Myriad technologies and innovative disruptions contain potential to influence illicit drug use. The methodology for selecting key variables began with brainstorming a
list of emergent technology and topics mentioned frequently in literature covering emergent technology. A non-exhaustive version of this list appears in Figure 3.

Figure 3. Partial List of Potential Variables

- Robotics
- Virtual reality
- Whole-brain interface
- Nootropics
- Genomics
- Bio-printing
- Nanotech
- Precision guided firearms
- Space travel
- Quantum computing
- Embodied intelligence augmentation
- Xenotransplantation
- Artificial intelligence
- CRISPR
- 3D printing
- Synthetic drugs
- Mind uploading
- Bitcoin/digital currency
- Direct neural stimulation
- Brain—computer interface
- Drones
- Hyper loop
- Satellites
- Marijuana legalization
- Cloud computing
- Autonomous vehicles

For practical reasons, the list of potential variables was too long to incorporate into one analysis. Some literature sources already linked items, like virtual reality, with potential for illicit drug use. In other cases, the potential illicit drug nexus of items on the list is more readily discernable. The ultimate purpose of this thesis is to describe how megatrends and emerging technologies may converge in the future to challenge the ability to regulate illicit drug use. Thus, the actual variables selected are irrelevant as they only exist for structuring scenarios to highlight future policy implications.

Next, this researcher developed a three-point Likert rating scale to categorize variables for the analysis within the following categorical parameters: radical, possible, and likely. The created Likert scale assigned a point-based rating for the nominal data. The categorical labels indicated the plausible possibility of a variable changing the landscape of illicit drug use. As illustrated in Figure 4, the higher the plausible possibility of a variable, the higher the variable score.

Radical variables describe plausible extreme technologies that largely do not fully exist yet. These atypical gadgets and conceptual blueprints represent fringe signals of future technologies on the horizon. Possible variables designate uncommon and emerging phenomena. Most variables in this category are still in development, and their connection to illicit drug use may seem improbable as of 2017. Finally, likely variables define items appearing with frequency in public policy discourse. The high prevalence of their existence supports a strong likelihood that these variables will shape illicit drug use in the near future. Based on research assessing each variable individually, this researcher placed variables along the possibility scale as indicated in Figure 5. Discussion of individual variables in detail occurs later in this chapter.

3. Step 3: Scenario Creation

This thesis is grounded on a fundamental assumption that the future is not singular. Thus, the final product incorporates multiple alternative scenarios. The intention of the fictional narratives is not to predict a likely future. Rather, the intention is to first stimulate a conversation about the utility of current drug policy and, second, to
proactively nowcast the potential influence of upcoming technologies as they relate to the realm of illicit drug use.

Megatrends paired with variables from all Likert classification categories create hypothetical, yet plausible, scenarios. The two-scenario format used in this thesis is based on an adaptation of the methodology used by Shell in its new lens scenarios.\(^\text{102}\) Figure 6 outlines the structure of how megatrends and variables drive the two scenarios characterized in Chapters III and IV.

### Figure 6. Megatrends and Variables for Thesis Scenarios

<table>
<thead>
<tr>
<th>Megatrends</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Globalization</td>
<td>• Internet of Things: hyper-connected society</td>
<td></td>
</tr>
<tr>
<td>• Urbanization</td>
<td>• Exponential technological growth</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Variables</th>
<th>Scenario 1</th>
<th>Scenario 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Radical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Possible</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Likely</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Artificial intelligence</td>
<td>1 Brain-computer and neural interfaces</td>
</tr>
<tr>
<td>2</td>
<td>Nootropics</td>
<td>2 Digital currency</td>
</tr>
<tr>
<td>3</td>
<td>Marijuana legalization</td>
<td>3 Synthetic drugs</td>
</tr>
</tbody>
</table>

4. **Intended Output**

Literature on emergent trends and forces is rife with anticipation about how accelerating technological innovation could affect illicit criminal enterprises. While most articles focus on a singular technology, this thesis presents possible effects to illicit drug use when numerous future technologies exist congruently. The United States needs a new social framework to incorporate rapidly growing technological innovations to change and

modernize its drug policy. Extrapolations from the analysis of emergent technological innovations suggest a new framework for conceptualizing domestic drug policy.

This thesis includes a definition and brief description of emerging technological phenomena and concludes with a set of actionable policy recommendations. After presenting and analyzing relevant data, Chapter V includes recommended policy solutions for addressing future trends. The consequences and outcomes of each solution appear within the context of homeland security.

C. DESCRIPTION OF KEY MEGATRENDS

The following section provides a brief overview of the megatrends driving this thesis. As previously mentioned, these are 1) globalization, 2) urbanization, 3) Internet of things/hyper-connected society, and 4) exponential technological growth.

1. Globalization

Globalization refers to the dynamic movement of increasing connectedness across the world and between nations.\textsuperscript{103} This connectedness is evident in the accelerating flows of capital, people, finance, and information. In a highly interconnected and growing global system, shifts in one region can stimulate unanticipated volatility in another region.\textsuperscript{104} Amid this swirling, furious energy, a global marketplace of economic integration and democratization usher in increased opportunities for transnational organized crime.\textsuperscript{105} Globalization occurs through multiple complex processes rather than through a single linear process.\textsuperscript{106} In academia, globalization is often broken down into economic, cultural, and political categories, although it also exists under other lenses such as cultural, political, economic, and technological.


\textsuperscript{104} J. Dobbs, Manyika, and Woetzel, \textit{No Ordinary Disruption}, 72.


as military or environmental globalization. Globalization helps fuel an international cross-country illicit drug trade, making interdiction by law enforcement increasingly challenging.

2. **Internet of Things/ Hyper-Connected Society**

Where globalization refers to cross-border flows, hyper-connected society refers to the skyrocketing digital flows of data and information in a converging, digitized society. In the digital future, instant access to information will be omnipresent. Fueled by social network organizing, ubiquitous mobile connectivity, and cloud computing, a quickly increasing number of devices are joining the “Internet of Things (IoT).” More and more objects, such as household coffee makers, are transforming into digitized technologies. Digitization enables easy communication and for the collection of enormous amounts of data. As more devices join the IoT, cybersecurity threats become increasingly salient as all devices are becoming connected and dependent. Criminals are perpetual adopters of new technology. The same hyper-connectedness that benefits society is also benefitting drug cartels and powering a digital underground where illegal items are readily available for purchase on the dark web. Society’s collective vulnerability to hacking is driving societal discussions on the values of privacy, transparency, and security.

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110 Ibid., 226.

111 Ibid., 32, 45.

112 Ibid., 147.

3. **Exponential Technological Growth**

Exponential technological growth is transforming the world with disruptive technology. This change is taking place rapidly and in accordance with Moore’s law, an empirical observational theory postulating that computer technology constantly doubles in the performance ratio of power versus price.\(^{114}\) This means that breakthrough technology is developing expeditiously and affordably for consumers. The shift toward democratization of technology is accelerating, especially as different technologies merge into technological convergence. These technologies require diligent oversight; such technologies as additive manufacturing, synthetic biology, and robotics hold immense potential for misuse by criminal syndicates. Following the trend of innovation, the future of crime will be exponential, automated, and three-dimensional.\(^{115}\)

4. **Urbanization**

Urbanization is occurring rapidly across the globe. An anticipated 67 percent of the planet will live in cities before the year 2050.\(^{116}\) This trend generates a boost in social and economic opportunities for residents. Along with urbanization, however, arise policy challenges to make cities both sustainable and resilient. The rural-urban migration movement toward cities necessitates planning and investment in effective infrastructure. Living in cities exposes citizens to the stresses of urban life and creates enabling conditions for illicit drug use. As an indicator for modernization, urbanization is highly correlated with drug abuse.\(^{117}\) While the proximity of healthcare providers and addiction treatment resources may help mitigate this increased risk, cities create conditions and opportunities allowing criminal enterprises to thrive, thus fueling illegal drug markets.

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D. DESCRIPTION OF KEY VARIABLES

Disruptive technologies ignore conventional societal rules.\textsuperscript{118} Embracing inherent unpredictability, innovation eventually produces social change. This section presents an overview of the key variables driving this thesis. Further analysis of each unique technology takes place in the following chapters.

1. Likely Variables

As mentioned earlier in this chapter, likely variables frequently appear in public policy discourse. The high prevalence of discussions regarding marijuana legalization and synthetic drugs indicate a high possibility that these variables will influence future drug policy.

a. Marijuana Legalization

The 1970 CSA governs U.S. drug policy. The act established a federal drug policy regarding the manufacture, importation, possession, use, and distribution of certain substances falling under five schedules according to such criteria as:

(1) Its actual or relative potential for abuse. (2) Scientific evidence of its pharmacological effect, if known. (3) The state of current scientific knowledge regarding the drug or other substance. (4) Its history and current pattern of abuse. (5) The scope, duration, and significance of abuse. (6) What, if any, risk there is to the public health. (7) Its psychic or physiological dependence liability. (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.\textsuperscript{119}

Despite this classification, there is a multifaceted movement in the country to legalize marijuana.\textsuperscript{120} As of 2017, nine states have taken unprecedented action to legalize the recreational use of marijuana.\textsuperscript{121} Moreover, 29 states and the District of Columbia

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\textsuperscript{119} Controlled Substances Act, 21 C.F.R. §811(c) (1970).

\textsuperscript{120} Jonathan P. Caulkins et al., \textit{Considering Marijuana Legalization} (Santa Monica, CA: RAND, 2015), 2.

have legalized the use of marijuana for medicinal purposes. Change is a contagious force, and marijuana is a controversial topic hanging in legal purgatory. In the context of underscoring the research question of this thesis, it is important to address the national trend toward marijuana legalization as well as to question the implications that arise from states taking authority to ignore federal law.

b. Synthetic Drugs

First formulated in the 1920s and known by such nicknames as “bath salts,” “spice,” “plant food,” and “synthetic marijuana,” synthetic drug use has been on the rise in the United States since 2009. From 2009 to 2014, the DEA identified approximately 200 to 300 new designer drugs around the country. One factor contributing to the popularity of synthetic cathinones is the myth that these dangerous substances circumvent drug laws. Seeking a “legal high” that will not be detected by a drug test, users report that synthetic drugs produce stimulant effects similar to cocaine or other amphetamines. In response, legislators ban the precursor chemicals used to produce these drugs. Subsequently, manufacturers of synthetic cathinones rapidly replace these specific molecules to create newer versions of drugs. This lack of consistency among synthetic drugs only furthers the danger to citizens who use them. The rising presence of synthetic drugs in the recreational drug market is engendering international apprehension. The rising incidence of synthetic drug use signals a trend toward the

122 Ibid.


consumption of drugs constructed from manufactured chemicals, regardless of their toxicity.

2. Possible Variables

Possible variables refer to technologies on the horizon that may influence drug policy in the future. These emerging phenomena are largely still in development and their potential association with illicit drug use may seem improbable in 2017.

a. Nootropics

Nootropics are pharmaceutical compounds that positively augment cognitive functioning in such areas as focus, memory, creativity, and/or motivation. While caffeine is an exemplar and culturally endorsed nootropic, peer-reviewed articles on this subject often equivocate over the ethical and pragmatic implications for the use of smart drugs. Researchers anticipate the future development of more of these types of compounds. ¹²⁹ Widespread abuse of nootropics, such as Adderall and Ritalin, is already pervasive on college campuses. ¹³⁰ As these “smart drugs” enhance cognitive function, researchers anticipate the development of stronger and more effective compounds in the future. ¹³¹ Compounding the development of performance-enhancing drugs, pharmaceutical companies engage in strong, legal, direct-to-consumer marketing. Given their legal pharmaceutical status, current drug prohibition efforts make controlling illicit pharmaceutical use a daunting challenge that will only become more difficult as new pharmaceutical drugs enter the market.

b. Digital Currency

Digital currency refers to electronic currency that operates in a manner similar to physical currency, such as the Euro or the U.S. dollar. Using this form of currency, transactions are instantaneous. Historically, government-run currency had a monopoly

¹²⁹ Cakic, *Smart Drugs for Cognitive Enhancement*, 611.


¹³¹ Cakic, *Smart Drugs for Cognitive Enhancement*, 611.
over traditional money because there was not a reliable alternative.\textsuperscript{132} In 2017, there are countless alternative virtual currencies. Cryptocurrencies, like Bitcoin, are a form of digital currency that use cryptography to secure transactions.\textsuperscript{133} Bitcoin is partially anonymous and decentralized instead of having backing from a government or similar state actor.\textsuperscript{134} Digital currencies, relying on peer-to-peer networking, are often vulnerable to fluctuating volatility in worth.\textsuperscript{135}

3. **Radical Variables**

Lastly, radical variables describe fringe technologies that are extreme yet plausible. Although these technologies are still under development, they signal future possibilities.

\hspace{1cm}**a. Artificial Intelligence**

AI refers to intelligence demonstrated by machines, often mimicking cognitive functions of humans like learning and reasoning. Technological advances employing deep neural networks already allow artificial intelligence to solve such complex pattern detection problems as speech recognition and word prediction.\textsuperscript{136} Experts predict that AI will most likely reach general human capability before the year 2050.\textsuperscript{137} Surpassing human abilities, the development of *superintelligence* refers to cognitive performance beyond human potential.\textsuperscript{138} Highly functioning AI poses an existential threat to humanity


as described by *technological singularity*. This hypothesis posits that accelerating growth in disruptive technologies may trigger an unfathomable phase that will radically change human civilization.\(^{139}\) Looming anticipation surrounds potential future usage of AI. Law enforcement officers anticipate the use of AI to investigate criminals and drug dealers. The pharmaceutical industry anticipates the use of deep learning to accelerate the discovery and development of future drugs. At the same time, AI could provide the ability to develop formulations for new illicit drugs or even to sell them.\(^{140}\)

### b. Brain-Computer and Neural Interfaces

Brain-computer interface (BCI) refers to direct communication between a brain and an external device such as a computer. Using internal implants or external wires, researchers typically use this technology to research and map brain functions so as to augment or rehabilitate cognitive functions.\(^{141}\) BCIs are a conduit for scientists to interact innovatively with the nervous system. For example, BCI research has produced neuroprosthetics applications to help restore impaired senses through cochlear or retinal implants. Motor neuroprosthetics restore movement in individuals with paralysis and deep brain stimulator implants assist individuals with Parkinson’s. This technology is still evolving, but in the future, BCIs will integrate with the body seamlessly, limited only by the brain’s plasticity.\(^{142}\) BCI may have potential use as a component of drug addiction treatment as it can provide a neurofeedback mechanism.\(^{143}\)

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\(^{140}\) Goodman, *Future Crimes*, 398, 413.


\(^{143}\) Brent J. Lance et al., “Brain-Computer Interface Technologies in the Coming Decades,” *Proceedings of the IEEE* 100, Special Centennial Issue (May 2012): 1588.
Within the next two decades, experts anticipate BCI technology will allow computing fueled by brain signals, rather than a person having to say or touch a device.\textsuperscript{144} While this will increase the ease of computing, BCI also opens the door for hackers to detect or even manipulate the thoughts of others without their knowledge. This presents a noticeable security threat, as narcotrafficking organizations may have the ability to decipher the thoughts of enemies and/or hack the computer interface strategic plans and network of law enforcement.

E. CONCLUSION

Reality is infinitely complex, but forecasting possible future scenarios provides support in laying the foundation for present action. There is currently a gap in the use of futures methodologies in the field of homeland security. The value of the thesis is not only the content itself but in the adaptation of future studies for homeland security. Adaptability requires an intellectual flexibility to reconcile probable futures with irreducible uncertainty. The following two chapters present scenarios illustrating how trajectories of megatrends and the specific technological variables outlined above could intersect. These scenarios are not predictions; they merely present narratives of alternative environments that intentionally feel unnatural. This method captures relevant uncertainties and dynamic factors related to the contextual landscape of illicit drug use. In doing so, this thesis highlights risks as well as opportunities for consideration in strategizing future drug policy.

III. SCENARIO 1: CHEMICALLY ENHANCED

Amid growing availability of high quality recreational drugs coming from Mexico and Canada, in this world, Americans legally regulate and augment their own cognitive functioning.

In 2018, the United States federal government strictly cracks down on all state-level recreational and medical marijuana legislation. Around the same time, international regulations and treaties on drugs collapse following the decisions from both Canada and Mexico to legalize recreational use of marijuana in 2017 and 2018, respectively. Following the economic success of marijuana legalization, in 2022, Canada decides to further decriminalize all recreational drugs. The decision by the United States to militarize the border and strictly enforce the nation’s CSA creates distinctive repercussions at a time when drugs from both border countries seep as through osmosis into the United States.

In 2030, the United States finds itself beleaguered by a confusing, inconsistent drug policy, coupled with a rising prevalence of illicit drugs. On the other hand, use of legal nootropics—drugs for enhancing brain cognition—is ubiquitous. Despite America’s new isolationist stance and increased law enforcement efforts, recreational drugs from Mexico and Canada continue to appear throughout the United States. Following IBM Watson’s success in the medical field, the Pharmaceutical Research and Manufacturers of America trade group collaborate with IBM Watson Group to create artificially intelligent Wendy, a deep learning sister system focused exclusively on research and development in the pharmaceutical industry. This partnership proves lucrative, ushering in an era of enhanced human cognition with the help of legal pills. In this world, Americans sleep better, are more productive at work, and experience general emotional well-being. Widespread use of nootropics is seen as miraculous and imperative, the key to advancing humanity.

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145 Deep learning refers to a process of applying artificial neural networks to learning tasks.
A. THE WORLD: 2030

Americans live in a world of increasingly enigmatic drug policy. On one hand, Americans view nootropics as acceptable legal substances, no different from taking daily vitamins with breakfast in previous decades. On the other hand, recreational drugs legalized in Canada and Mexico increasingly appear on the black market, despite their illegal status in the United States. Although the federal government continues to spend more on border enforcement and security, illegal drugs such as marijuana and psychedelics are increasingly flooding the country.

Pharmaceutical assistance improves almost any physical or mental ailment. Students take Memovirium for superior memory and focus, derisively remembering how people used to search for Adderall or Ritalin from friends lucky enough to get a prescription. Attorneys, politicians, and corporate businesspersons take Execumol for higher executive brain functioning. Permitted to by the International Olympic Committee, athletes take ViperEx for enhanced speed and muscle performance. Artists, musicians, and those who are creatively inclined take Partum for heightened creativity. As depicted in Figure 7, more than one-third of adults with full time occupations take Motus for boosted motivation and flexibility. The cognitive augmentation benefits from these substances appear limitless, enriching myriad facets of human life for those who can afford it.
Nootropics are for adults and children alike. Due to widespread use of Attentax among schoolchildren, the United States has risen to sixth among the world’s leading education systems. Harvard, Stanford, and the Massachusetts Institute of Technology have all pioneered new doctoral programs in neuroscience optimization.

The landscape of competitive sports looks distorted.\textsuperscript{146} Athletes throw further, run faster, and lift heavier than at any other time in history. Athletes augment themselves

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through powerful and potent nootropics, replacing the use of steroids, supplements, and other doping techniques of previous years. The field of competitive sports has yet to conclude how to regulate the use of these intense new drugs. The National Collegiate Athletic Association is in the midst of a highly controversial lawsuit for failing to drug test athletes for nootropics. Proponents of the lawsuit claim that the drugs are prohibitively expensive and give students the means to having an unfair advantage over their competitors. Critics of the lawsuit call it quixotic, claiming that nootropics are legal substances and point to the use and normalization of other legal nootropics like caffeine.

Computer programmers and software engineers view the creation of IBM Watson as the breakthrough point for highlighting the societal benefits of using AI. Wendy, IBM Watson’s sister program, assists the pharmaceutical industry in researching and developing new cognitive enhancement drugs. In the same vein, Walter helps the agriculture industry by creating genetically modified organisms and synthetic substances. Similarly, Wiley analyzes biometric data and sorts through aggregate databases to help law enforcement jurisdictions prosecute crimes. Despite their specialized uses, all of the artificially intelligent programs exist in one centralized network, connecting the deep learning occurring within each individual system.

The age of nootropics highlights a watershed moment in the field of public health. There are countless nootropics to enhance physical health, leading to a decrease in morbidity and mortality from obesity. Nootropics on pharmacy shelves combat hunger, low energy, and overeating. Other nootropics increase fat burning and even physical performance while exercising. By 2030, most Americans have forgotten the opioid epidemic that engrossed the country during the previous decade. New vendors appear to promote cognitive enhancement drugs every year at annual conferences of the American Public Health Association. Simultaneously, concern rises for an increasing number of people seeking treatment from combining multiple nootropics. While most see nootropics as indispensable, physicians fear a lack of longitudinal data on their safety and worry that
the drugs may deteriorate the brain’s delicate balance of neurotransmitter levels. Other critics cite philosophical opposition to the “loss of what it means to be human.”

The pharmaceutical drug industry experiences soaring success. Capitalizing on uncertainty proves to be lucrative for the pharmaceutical industry; its aggressive lobbying efforts of the Food and Drug Administration (FDA) paved the way for the classification of nootropics as legal over-the-counter supplements. Successful lobbying has led to a furious rush to create and bring new cognitive enhancement drugs to the market. The federal government, lacking a national biology policy and focused on supporting corporate business interests, has shortened the clinical trial process for testing new drugs. The resulting surge in new drugs ushers in undeniable fiscal improvements to the American economy.

The success of nootropics does not replace the existence of illegal drugs, as highlighted in Figure 8. Increasing numbers of Americans are in prison following incarceration for nonviolent offenses related to drug use. Prohibitive drug policies do not reduce demand. Not surprisingly, underground speakeasies provide access to marijuana and other psychoactive drugs. “Physical rooms” provide comfortable settings for people to relax with illicit drugs, and complex air filtration systems disguise the smell of cannabis to anyone who may be passing near the establishments. Individuals patronizing these establishments refer to 2030 as “Prohibition 2.0” or “the roaring twenties.”

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148 Angus Bancroft, Drugs, Intoxication and Society (Cambridge, UK: Polity Press, 2009), 82.
In 2030, United States drug policy is in a state of pandemonium after withdrawing from the North American Free Trade Agreement. With America moving toward a more isolationist stance and an increase in law enforcement powers, further militarization of security makes illicit drugs harder to come by. In a search for legal (and affordable) alternatives, people welcome the development of nootropics. Their advent is an advertiser’s dream. The products sold themselves—at first, local pharmacies even struggled to keep the shelves stocked for customers. The rapid adoption of nootropics is comparable to the electronic cigarette, or “vaping,” phenomenon in the United States—
which quickly gained traction among tobacco smokers.\textsuperscript{149} From 2011 to 2012, e-cigarette sales in the United States doubled from $250 to $500 million.\textsuperscript{150} Sales of nootropics mirror this exponential growth.

Nootropics are domestic disrupters that bring a new type of inequality. The wealthy have access to new designer drugs first and can afford higher quality substances. Highlighted in Figure 9, urbanization accelerates this disparity. The gap between rural and urban populations increases as people living in cities have greater access to drugs and more discretionary income. The resulting social disparities slowly become apparent across multiple contexts, widening the gap between ends of the socioeconomic spectrum. This issue is especially prevalent in school systems and sports, wherein capabilities differ drastically between those who use and those who do not use enhancement substances. Debate over intentional cognitive augmentation creates rancor among politicians regarding the issue of equity.

\textsuperscript{150} Ibid., 1.
Despite American isolationism, the rest of the world continues to move forward with globalization. In December 2030, 18 countries sign a free trade agreement, radically changing the landscape of international trade and policy. The United States, still recovering from its withdrawal from the North American Free Trade Agreement, does
not participate in the deal. Experts predict a geopolitical crisis as the United States slowly loses its predominance in the world economy.

B. WHERE ARE WE IN 2017?

The previous section presented a plausible scenario for the year 2030. Stories that cannot be rendered impossible through logical reasoning, plausible scenarios present a challenge to deeply held assumptions. The depiction presented a narrative interweaving nootropics, AI, globalization, urbanization, and marijuana legalization in Canada and Mexico. Is this scenario plausible? In 2017, the driving forces behind each of these factors are already self-evident.

1. Nootropics

Humans naturally pursue pleasure; the desire to intentionally augment or enhance one’s cognitive functioning is not new. Nootropics are substances taken to augment positively cognitive functioning. These types of substances are omnipresent throughout daily life. As previously states, caffeine is an exemplar and culturally endorsed nootropic. Additionally, nicotine positively affects cognitive processing through improved motor abilities, attention, and memory.151 The L-theanine found in green and black tea provides relaxation and mental alertness,152 and theobromine found in chocolate has memory enhancement properties.153

Humanity’s evolutionary history points to a natural impulse to consume intentionally external substances to augment brain chemistry.154 For example, ancient Greek athletes consumed various plants and hallucinogens to improve speed and overall

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154 Nutt, *Drugs without Hot Air*, 132.
Olympic performance as far back as the third century B.C. Similarly, Roman gladiators ingested stimulants to fight fatigue. Nineteenth century Austrian lumberjacks boosted their endurance by consuming significant quantities of arsenic. For thousands of years, Indian Ayurvedic medicine employed forskolin extract, a plant derivative, to boost learning and memory formation. Neuropsychopharmacologist David Nutt highlights the role of drugs in human evolution by explaining, “Deliberately creating altered states of consciousness is one of the human universals.” Nootropics are not new, but their prevalence is slowly increasing in the societal consciousness.

Hollywood films capture the prevailing zeitgeist surrounding cultural trends. Recent media framing surrounding nootropics demonstrates increasing acceptance, as popularized by such recent movies as *Limitless* in 2011 and *Lucy* in 2014. *Limitless* provoked scholarly debate over the use of nootropics for human enhancement. The main character in the film takes NZT-48, a fictional nootropic causing perfect memory recall and the ability to cross-correlate large quantities of information at a high speed. Similarly, *Lucy* stimulated dialogue on nootropics following its portrayal of a woman who takes the fictional synthetic drug CPH4, leading to such psychokinetic abilities as telekinesis, enhanced mental capability, and the inability to feel pain. As debate on this topic continues, websites and groups continually move forward to promote smart drugs, as seen in Figure 10, a screenshot from the website smartdrugsmarts.com.


159 Nutt, *Drugs Without Hot Air*, 62.


162 See for example www.smartdrugsmarts.com. This site provides information and podcasts about such topics as brain health, neuro-tech, nootropics, and future fringe technologies.
Illegal use of nootropics is common in the United States. According to the National Survey on Drug Use and Health, in 2014, 1.2 percent of young adults ages 18–25 self-reported that they abuse such prescription stimulants as Adderall or Ritalin.\textsuperscript{164} One study analyzing abuse prevalence of individuals taking non-prescribed attention-deficit/hyperactivity disorder (ADHD) medications reported abuse rates of 43 percent.\textsuperscript{165} Abuse of ADHD medications is popular because the drugs enrich attention, motivation, and focus while decreasing fatigue.\textsuperscript{166} Likewise, many athletes abuse steroids, take growth hormones, or use other doping techniques to improve performance.\textsuperscript{167} 


bursts of synthetic clarity, some high performing professionals on Wall Street and in Silicon Valley abuse prescriptions of Provigil (modafinil), a wakefulness agent originally created to treat sleep disorders like narcolepsy. 168 This nootropic drug improves cognitive abilities through concentration, clarity, motivation, and focus, primarily by mediating an increase in adrenaline and dopamine release. 169 Although not approved for sale in the United States, piracetam is a nootropic sold in Europe, Asia, and South America to improve memory as well as learning capacity. 170 There are countless other drugs that people take off-label for nootropic abilities as well. 171

A considerable market for legal nootropics is also thriving. Backed by independent clinical results, a company known as Onnit sells Alpha BRAIN, a legal cognitive-enhancement drug promising to optimize memory, focus, and mental processing speed. 172 Likewise, Neurohacker Collective sells Qualia, a product to “build a better brain” at the cognitive, psychoaffective, and physiological levels. 173 The company Bulletproof sells Unfair Advantage for a burst of brain-enhancing energy, and KetoPrime for clarity via potent doses of the neuroprotective agent oxaloacetate. The marketing success of NeuroBrands provides evidence of demand for a culture of neural self-augmentation. 174 Seeking legal and natural products to enhance mental stimulation, some


173 To learn more, see for example, http://neurohacker.com/qualia/.

individuals snort raw cacao powder. A company called Legal Lean even sells a snorting powder called Coco Loko comprising cacao, gingko biloba, taurine, and guarana.

In what might sound like radical pop science, Americans are also taking initiative to combine genetic testing with nootropics. Individuals first obtain DNA analysis using saliva through a company like 23andMe. The kits are available online and through Best Buy, CVS, or Target for $100–$200. Next, several online companies like Nutrahacker or Promethease mine the individual’s genetic data and provide recommendations about supplements and nootropics that can enhance the mind and body. In case the list of recommendations is confusing, the site Nootropedia provides comprehensive information on every category of nootropics for self-optimization. The trend of hyper-personalized body hacking will likely continue to present a challenge to drug regulation.

Compelling research on the medical utility of certain illicit drugs continues to challenge the CSA. The American Academy of Neurology published a report in 2014 supporting the use of oral cannabis extract for such neurological conditions as muscle spasticity, pain, and urinary dysfunction. In 2013, researchers published longitudinal data demonstrating the lasting efficacy of using 3,4-methylenedioxymethamphetamine (ecstasy) within a clinical setting to treat patients suffering from chronic post-traumatic stress disorder. While some individuals report taking LSD as a nootropic for

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176 See www.23andme.com for more information on this genetic testing service.

177 Sites like Nutrahacker (www.nutrahacker.com) or Promethease (www.promethease.com) analyze genetic data for the purpose of providing DNA-based supplement recommendations.

178 See, for example, www.nootropedia.com.


Humans have a long history with nootropics—and one displaying a propensity to creatively adapt plant products to alter brain functioning. The pervasive and increasing promulgation of nootropics indicates that humans naturally desire the ability to biohack their brains for improved performance. Biohacking refers to the process of exploiting or tinkering with genetic material of existing organisms.\footnote{David B. Nash, “Beware Biohacking?,” \textit{Biotechnology Healthcare} 7, no. 1 (2010): 7.} Nootropics are everywhere, and experts anticipate their use will only increase in the future.\footnote{Cakic, \textit{Smart Drugs for Cognitive Enhancement}, 614.} The timeless search for new means of cognitive enhancement presents an ethical issue regarding the types of nootropics that society aims to develop and how Americans intend to use them.

2. \textbf{Artificial Intelligence}

The hypothetical scenario of 2030 incorporated a brand extension from IBM’s deep learning computer system Watson for specialized uses in particular industries. Wendy assisted the pharmaceutical industry in creating new drugs, Walter aided the agriculture industry, and Wiley combed through aggregated data for law enforcement. Anchored in events already taking place in 2017, this scenario is plausible.

IBM’s Watson already has an AI sister named Lucy working in Africa to tackle large-scale development projects across the continent.\footnote{“Lucy-Marketing’s Cognitive Companion,” IBM, accessed June 17, 2017, \url{https://www.ibm.com/us-en/marketplace/7857}.} IBM also pitches this cognitive supercomputer to businesses wanting to utilize aggregate data to enhance marketing capabilities. Lucy specializes in marketing by researching extraordinarily large structured and unstructured data in fractions of a second. Like Watson, Lucy understands natural language processing, and after digesting over 250,000 articles a day, she has the capacity to provide insights and plan the next course of action.\footnote{Ibid.}
Aside from marketing, IBM has developed numerous applications for using AI in targeted industries.\textsuperscript{186} For instance, Watson Education is a global alliance to bring Watson's cognitive abilities to bear to help educate citizens around the world. Additionally, Watson Talent assists human resource departments by aiding recruitment, providing talent insights, career coaching, and improving human resource operations, and Watson Financial Services assists the financial sector on a broad range of issues including customer demographics, risk management, regulatory compliance, and profit enhancement.

In the scenario of 2030, Wendy is a supercomputer that helps pharmaceutical companies rapidly develop new cognitive enhancement drugs. In 2017, Watson for Drug Discovery uses the AI's cognitive capabilities to help researchers identify novel drug targets and different uses for drugs already on the market. For example, Watson for Drug Discovery presently assists researchers at the Barrow Neurological Institute in their mission to discover new drug targets for treating amyotrophic lateral sclerosis. In September 2017, over 250 AI and pharmaceutical representatives from leading biotech companies attended a London-based conference on the use of AI in drug development.\textsuperscript{187} The company TwoXAR uses AI for drug discovery.\textsuperscript{188} Similarly, a startup company in San Francisco called AtomWise uses AI to scan over a million compounds in 24 hours, a process that typically requires months using traditional methodologies.\textsuperscript{189} The future use of AI across different business sectors and industries is not only possible...it is already happening.

\textsuperscript{186} IBM’s website provides information on all of the company’s current projects related to Watson: https://www.ibm.com/watson/.


\textsuperscript{188} For example, see www.twoxar.com for more information about artificial intelligence-driven drug discovery.

3. Marijuana Legalization

The scenario presented in this section involves the decision by Mexico and Canada to legalize marijuana and potentially other recreational drugs. In this scenario, Canada decided to decriminalize all drugs in 2022. The response by the United States is to enforce strictly the CSA, which drives the marijuana industry underground. This scenario highlights the unmaintainable discrepancy between federal and state marijuana laws.

Following campaign promises, in March 2017, Prime Minister Justin Trudeau’s Liberal Party voted to legalize marijuana across Canada. By July 2018, infrastructure will be in place for legal marijuana sales across the country. This legislative decision ultimately affects Canadian diplomacy and the country’s involvement in international drug control treaties. As of 2017, Canada is a signatory of the United Nation’s 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The geopolitical ramifications of deciding to break international law through marijuana legalization have yet to be determined.

On the southern border of the United States, Mexican President Enrique Peña Nieto signed a law to legalize medical usage of marijuana in Mexico in June 2017. Mexico’s Ministry of Health leads the implementation of regulating the medical use of cannabis and oversees a research program to study the impact of the drug policy. Given the shift from conservative drug laws to medical marijuana legalization, it is not improbable to anticipate full cannabis legalization in Mexico by 2030.

The fictionalized decision by Canada to decriminalize all drugs in 2022 is both conceivable and grounded in a global momentum toward a more liberal drug policy. In


July 2001, Portugal decriminalized possession and use of all drugs for personal use.\textsuperscript{192} Portugal’s Law 30/2000 decriminalized the use, possession, and acquisition of all drugs for personal use, defined as a 10-day supply.\textsuperscript{193} While it removed penal sanctions for drug crimes, this policy did not make drug use legal in Portugal. Rather, Portugal now treats drug use as an administrative violation that has the potential to receive punishment by either fines or community service.

As of 2017, Mexico and Canada have taken the stance that the criminalization of drug use has been a failure and that society needs to approach drug use from a public health lens. The countries are just beginning to move forward in regulating the legal use of marijuana and creating the infrastructure to support this shift. This period of transition leaves the United States in a quagmire at a time when marijuana already is in a regulatory grey area.

As Canada and Mexico scramble to set up infrastructure to regulate a new business industry, the United States is at a crossroads between action and the status quo. U.S. public policy surrounding marijuana is rife with inherent contradiction. The decisions by Mexico and Canada to legalize marijuana at various levels will have a profound impact on the United States. By maintaining the status quo in the United States, marijuana remains suspended in a paradoxical predicament, as any state legalizing marijuana in any form is inherently breaking federal law, yet 29 states and the District of Columbia have done so. Alternately, the United States could follow suit with sweeping decriminalization or move to enforce the CSA strictly. In the hypothetical scenario of 2030, the U.S. federal government decided to strictly enforce the CSA’s zero tolerance policy toward marijuana, which eventually drove the relatively new marijuana industry underground, evoking a tribute to the popularity of speakeasies in the early 1920s and 30s.


\textsuperscript{193} Caitlin Elizabeth Hughes and Alex Stevens, \textit{The Effects of Decriminalization of Drug Use in Portugal} (Oxford: Beckley Foundation Drug Policy Programme, 2007), 1.
In 2017, there is no indication that the U.S. federal government intends to reschedule marijuana within the CSA or decriminalize its use. In February 2017, the White House warned the marijuana industry that “greater enforcement” of federal drug laws would be taking place.\textsuperscript{194} Strict enforcement of federal drug laws would upend an industry that had over $6.7 billion in marijuana sales in 2016.\textsuperscript{195} An environment of legal uncertainty is unsustainable. Legislative ambiguity impedes the full potential of the marijuana industry.\textsuperscript{196} Former Mexican President Vincente Fox cautioned that the decisions by Canada and Mexico to sell marijuana in various forms would lead to stiff competition for marijuana entrepreneurs in the United States. Both border countries aim to export marijuana to the United States; Fox claimed that Mexico intends to integrate cannabis into the North American Free Trade Agreement.\textsuperscript{197}

Strict enforcement of the CSA might lead to a shutdown of state and local marijuana dispensaries, cultivation centers, and all associated business industry. The criminal justice system might boost its effort to prosecute personal marijuana use, including all owners, state regulators, and law enforcement officers complicit in their involvement. Although this decision would be extreme, it is not without precedent. In 2013, former Deputy Attorney General James Cole distributed a memorandum notoriously warning states that the Justice Department intended to enforce federal drug laws banning marijuana.\textsuperscript{198} The memo included a caveat that the department would likely overlook states with well-run programs, but it warned of federal intervention in states


lacking robust regulatory frameworks to control usage. Mounting friction between federal and state marijuana laws will eventually lead to a strategy of either prohibition or a move toward legalization.

4. Globalization and Urbanization

Innovation and globalization have created opportunity the likes of which has never before existed.199

Across the literature on megatrends research, globalization, and urbanization are two of the most prominently reiterated movements. In the scenario presented in this chapter, the United States responds to globalization by moving to an isolationist stance after the country withdraws from the North American Free Trade Agreement. In 2030, 18 countries sign a free trade deal without involvement from the United States. These changes lead to an amplification of border security control measures. At the same time, citizens continue the momentum of relocating to cities in search of employment. This scenario is plausible and highlights some of the issues occurring within the discursive framing surrounding transnational drug policy.

Globalization is a megatrend describing the dynamic movement of increasing connectedness across the globe and among nations. This phenomenon has existed for decades and occurs through multiple complex processes rather than via a singular linear progression.200 Cultural and social trends strongly influence norms surrounding drug use. The decisions of Canada and Mexico to permit the recreational and medical use of marijuana reflect a cultural trend happening around the world.201 Currently, more than 25 countries have shifted toward removing criminal sanctions for personal use of illicit drugs.202 For example, the Netherlands, Uruguay, and certain states within Australia have

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199 Ross, Industries of the Future, 249.


removed criminal sanctions for the recreational use of marijuana. Moreover, social attitudes in the United States currently favor deregulation and widely call for reform of draconian drug policy at the national level. In 2011, the Global Commission on Drug Policy concluded that the United States should spend less on law enforcement and more on prevention, education, and treatment.

In the midst of globalization, a swelling anti-globalization current is rising to push back the megatrend of international connectedness. Fueled by populist movements and anti-terrorism rhetoric, some countries are taking steps to becoming closed systems. For example in 2016, the United Kingdom decided to withdrawal from the European Union. Within this contextual landscape, it is plausible to imagine a scenario wherein the United States transforms itself into a more isolationist state dealing exclusively in bilateral negotiations. In 2017, the United States withdrew from the Trans-Pacific Partnership held among 12 countries. The federal administration in place in 2017 also intends to renegotiate or withdrawal from the North American Free Trade Agreement with Canada and Mexico. In 2017, the United States withdrew itself from the list of 195 signatories of the Paris Agreement on climate change. This same year, Japan and the European Union signed a free trade agreement encompassing approximately one-third of the global economy and 40 percent of international trade.

Around the world, urbanization is transforming the landscape of population density maps. Economic and social opportunities accompany the migration from rural regions to cities. Concurrently, urbanization taxes infrastructure and drains local


205 Global Commission on Drug Policy, War on Drugs.


207 White House, “Statement by President Trump on the Paris Climate Accord” (speech, Washington, DC, June 1, 2017).

resources. In the backdrop of a city, availability of illicit drugs permeates and conceals criminal enterprises. The correlation between drug abuse and urban living should inform U.S. strategy for regulating controlled substances. How can the Substance Abuse and Mental Health Services Administration effectively promote prevention of illicit drug use in an urban environment that enables an easy transfer of drugs?

The future is transnational. Globalization and urbanization may increase ramifications to the stability of United States drug policy. Globalization helps drive an underground drug trade between countries. Thus, interdiction and prosecution by law enforcement will continue be challenging. In a highly interconnected global system, fluctuations in one region can inspire unanticipated volatility in another region.\textsuperscript{209} Subsequently, the new marijuana policies of Canada and Mexico affect the United States and its place in a burgeoning North American marketplace of marijuana. Furthermore, the movement of many countries to decriminalize drugs will continue to challenge the existence and role of international drug treaties. Futurologist Alec Ross encapsulates that to flourish amid globalization, “a society must be open to exchange new ideas, conduct research free from political interference, and pursue creative projects.”\textsuperscript{210} The world is increasingly connected, and people are congregating in densely populated metropolises. The United States needs to determine its role among this momentum. The 2030 scenario may not come to fruition in the future, but nonetheless its plausibility should agitate greater questions about the utility and dexterity of the CSA within a rapidly changing world.

C. INFLUENCING UNITED STATES DRUG POLICY

This thesis asks how megatrends and emergent technologies may affect future United States drug policy. This first scenario described for 2030 underscores larger issues of strategic significance. The scenario highlights issues relating to neuroethics, the feasibility of regulating nootropics, marijuana policy failures, and the ethics of AI.

\textsuperscript{209} Dobbs, \textit{No Ordinary Disruption}, 72.
\textsuperscript{210} Ross, \textit{Industries of the Future}, 204.
1. Neuroethics

The drug landscape of the hypothetical 2030 highlights an underlying ethical challenge in framing national drug discourse. An examination of the rising prominence of nootropics elicits the following question: is there something intrinsically wrong with pharmacologically augmenting one’s own brain?211 In the early 1990s, psychologist Peter Kramer envisioned a medical realm of “cosmetic psychopharmacology” entailing the use of medications by healthy people to promote socially desirable personality traits.212 Since then, more and more people have sought to strengthen their neuroplasticity by biohacking their own minds.

In the scenario, the ubiquity of cognitive enhancement substances raised conflict. This notion incites a discussion on social equality and how the government should regulate the use of nootropics, especially in such realms as schools and sports. Psychologist Vince Cakic likens the use of nootropics in schools to the use of illegal drugs in competitive sports.213 Cakic points out that prohibiting nootropics in any realm does not level the playing field because inequality is already omnipresent in the United States. From this perspective, a decision to fight educational inequality by banning cognitive enhancement drugs should be consistent and accompany a ban of private tutors or other items for which distribution of access is not equal among all students. Could intelligence augmentation lead to identity-based conflict or civil conflict based on transhumanist advantage? Highlighting the potential for alterity conflict, futurist Rodrigo Nieto-Gómez points to the current dissonance between those supporting transhumanist advantage and those maintaining a bioconservative ethic.214

Analyzing the applied ethical issues arising from advancements in neuroscience is beyond the scope of this thesis. The intention of this scenario is to stimulate critical

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discussions about how an emerging science of intentional cognitive amplification might affect current drug policy. In 2004, neurologist Anjan Chatterjee coined the term “cosmetic neurology” in reference to the idea of neurocognitive enhancement. \(^{215}\) Chatterjee claims that humanity is now facing a historical inflection point as it hovers on the brink of a neuro-enhancement revolution. \(^{216}\) On the other side of this inflection point, the cognitive abilities of healthy individuals will be augmented using brain-enhancing drugs. \(^{217}\)

The intellectual movement of transhumanism embraces the use of new technologies to improve the human condition. With a limited mechanistic understanding of how the human brain functions, the incorporation of neuroethical discussions into National dialogue is imperative as newer onto-epistemological developments arise. For instance, in a capitalist society of naïve consumerism, what is the role of government in regulating direct-to-consumer marketing for cognitive enhancement drugs? Will employers one day require employees to consume certain substances for enhanced job performance? Will bioethical constructs within the neuroscience of free will change when it is conventional to alter one’s consciousness intentionally?

2. Is Nootropic Regulation Possible?

The 2030 scenario highlights the futility of regulating nootropics. The federal government modifies the CSA regularly to include newly discovered drugs. In 2017, the lag time between drug discovery and legislative change already borders on unattainable. The process for rescheduling the legal classification of drugs necessitates an intricate legal process involving either Congressional or administrative executive action. It is easy to classify certain drugs, such as marijuana or cocaine, but how might the federal government regulate substances like the Indian water plant `bacopa monnieri`, which


relieves stress and improves memory. At some point, regulators draw a line between illicit drugs and unregulated vitamins or supplements. Further confounding this issue, medical utility is one of the primary factors used to classify where to schedule illegal drugs. This presents a challenge when cognitive enhancement substances accompany solid evidence demonstrating their biological and/or medicinal value. How might the government regulate products like the snorting powder Coco Loko when all of the primary ingredients are available over the counter and occurring frequently in energy drinks?

In this chapter’s scenario, the FDA shortens the clinical trial process to promote the proliferation of new drugs and its resulting fiscal boost to the economy. This idea is not outside the realm of possibility; research supports the notion that machine learning outperforms humans in drug design. Researchers studying translational paradigms in drug discovery claim that decisions in the field of pharmacology are increasingly based on aggregated, digitized groupthink in what has become a “positive-herding” phenomenon focused more on outcomes and less on the safety process. The cost of producing a new FDA-approved pharmacological drug is high and continues to rise. Eroom’s law states that the price of creating a new pharmaceutical drug doubles every nine years. In 2015, the FDA released a white paper regarding the administration’s aim to accelerate the development of new pharmaceutical therapies. To counter declining efficiency in research and development, the use of programs like IBM Watson could assist rapid succession in the discovery of new nootropics. As these new drugs enter the

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market in unconscionable proportion, trying to regulate all new substances adequately becomes an unsustainable game of whack-a-mole.

3. Marijuana Policy Failures

The scenario presented in this chapter draws attention to the challenge of managing the impact of marijuana legalization in the border countries of Canada and Mexico. In a landscape of globalization and a burgeoning movement to decriminalize drugs in certain countries, it is reasonable to forecast increasing recreational drugs becoming legal in Mexico and Canada. Borders are porous. Moreover, a decision by Canada or Mexico to follow Portugal’s model to decriminalize all drugs would have widespread implications for the United States. Regulation would be subject to the usual vicissitudes of drug control efforts on the border—but on a substantially larger scale.

In considering other recreational drugs, can the United States avoid the pitfalls and policy mistakes of marijuana regulation? In 2017, marijuana remains in a legal purgatory hovering between federal prohibition and asynchronous state laws that allow the drug in certain forms in certain contexts. A trend by Mexico, Canada, or other countries to legalize psychoactive substances beyond marijuana could further obfuscate the already complicated enforcement capability of United States drug policy. Escalating globalization further befuddles domestic drug control efforts amid international integration in the free movement of people and goods.

In considering the ability of the United States to keep marijuana illegal despite widespread availability in its border countries, it is helpful to revisit the efficacy of alcohol prohibition during the early part of the nineteenth century. American-Mexican relations were altered following the prohibition of alcohol production and consumption in accordance with the 1919 Volstead Act. Literature on drug policy implementation supports the notion that enforcement does not reduce availability. Rather, zero tolerance policies merely drive illicit drug markets underground as the United States

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experienced during Prohibition. During this period, Tijuana, as well as other Mexican cities, blossomed as havens for alcohol. Additionally, alcohol prohibition in the United States led to the formation of lucrative black markets. Mexico’s bootlegging role in 1910 established drug trafficking routes that are still in existence in 2017.

While marijuana legalization has yet to go into effect in Mexico and Canada, the domestic policy environment is facing rapid change. In July 2017, Oregon presented House Bill 2355, legislation decriminalizing cocaine, heroin, ecstasy, and methamphetamine for residents without previous felony convictions or more than two previous drug arrests. Marijuana legalization in both border countries will further agitate domestic drug enforcement policies with a significant change.

4. Ethics of Artificial Intelligence

In the scenario outlined in this chapter, in 2030, the pharmaceutical industry capitalizes on AI to help create new cognitive enhancement drugs. At a time when autonomous robots are already performing soft-tissue surgery, the use of AI for drug discovery is underway and thus highly relevant. The scenario highlights the need to assess developing technologies proactively as society moves toward an increasingly symbiotic relationship between human and machine.

Artificially intelligent robots are already in use in such fields as medicine, the military, transportation, and other industries. In October 2017, the first robot in the world was recognized with a nationality when Saudi Arabia official granted citizenship to

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226 Recio, *Drugs and Alcohol*, 22, 26.


Sophia, an intelligent humanoid robot.\textsuperscript{229} Despite this progress, the field is still nascent and growing; we can anticipate that AI and machine learning will play a more comprehensive role in biomedical research in the future.\textsuperscript{230} Moore’s law stipulates that the number of transistors per square inch on integrated circuit boards will double every year.\textsuperscript{231} One consequence of this type of exponential growth is that technology simultaneously becomes cheaper and more advanced. Applying this theory to AI, what happens when AI and programs like IBM Watson are affordable for anyone? Could drug syndicates hack AI units to develop new illicit drugs or even use their cognitive abilities to sell drugs?\textsuperscript{232}

Technological singularity refers to the ability of AI to improve itself autonomously, ultimately surpassing human control or grasp. As of 2017, many experts predict that AI technology will reach human capability before the year 2045; some experts predict singularity will even occur before 2030.\textsuperscript{233} Pushing for regulation in July of 2017, Elon Musk warned the National Governors Association about the existential risk posed by AI.\textsuperscript{234} What happens to U.S. national drug policy when AI comes to the life sciences in a more mainstream capacity? The United States currently lacks a national biology policy. This is concerning, as the future of cyber-crime will likely be exponential, automated, and three-dimensional.\textsuperscript{235} The United States needs a proactive policy


\textsuperscript{232} Goodman, \textit{Future Crimes}, 413.


\textsuperscript{235} Goodman, \textit{Future Crimes}, 506.
infrastructure that can anticipate how future developments in emerging technologies could affect the nation.

5. A Path Forward

When it comes to American drug policy, are policymakers asking the right questions? National drug policy should reflect a deliberate system of doctrines leading to the intended outcome of reducing morbidity and mortality caused by drug use. Antidepressants, anesthetics, and plastic surgery were all initially considered fringe and bizarre bodily modifications before becoming ordinary.²³⁶ Absent an unpredictable wildcard event, linear extrapolation of current trends indicate that emerging technologies will undoubtedly affect the future landscape of drug use in America. It is important to assess not only what United States drug policy aims to accomplish, but also how it intends to do so. Does the CSA effectively realize this goal or does the country have a catawampus collective of unsustainable policy directives ready to be undermined by digital convergence?

²³⁶ Webb, Signals are Talking, 128.
IV. SCENARIO 2: WEARABLE ENHANCEMENT

In this scenario, biohackers have discovered ways to trigger pleasure areas of the body to stimulate the brain via neural interface technology. In the hyper-connected world of 2030, Americans combine neural stimulation with illicit synthetic drugs and other technologies. Ubiquitous digital currency and exponential technological growth challenge interdiction efforts.

Over 35 billion devices comprise the worldwide IoT. Mired in the inertia of exponential technological growth, digital disruption improves the quality of life for most Americans. Stores are fully automated using RFID technology. Robotic digital assistants assiduously take care of mundane tasks, challenging the orthodoxy of the 40-hour work week. Banking systems use cloud-based digital currency with biometric scanning to verify identities. Due to the IoT and its interconnecting richness, the United States exists as a hyper-connected society. Human ingenuity produces a variegated mix of IoT-based toys and devices with a prevalent, if erroneous, belief that these new technologies are largely impervious to hacking.

The year 2030 is a world full of newfangled gadgets altering perception through cybernetics—the scientific study of the synthesis between humans, animals, and machines through frames of information, control, and communication. Through amalgamating the organic and the mechanical, people have ascertained ways to use neural interface devices for recreational drug use. An array of neural stimulation devices appear on the market for public consumption. Many of the devices mimic illicit drugs in the human brain, despite their lack of a physical biochemical structure. Should United States drug policy concern itself with the development of non-biochemical devices that alter consciousness?

237 Radio-frequency identification n (RFID) uses electromagnetic fields to identify automatically and track tags attached to objects.

A. THE WORLD: 2030

Americans live in a socio-technical world of human ingenuity and digital disruption. In this environment, there is greater tolerance for ambiguity. Digitized cities exist collectively on one national smart grid. Robust infrastructure improvements make the United States highly efficient, although critics point out how the unified grid essentially organizes the country into potential national instability. Over 99.5 percent of Americans are online and hyper-connected in a ubiquitous web of networked computing.

With countless new technologies on the market, Americans generally possess a sanguine view of exponential technological growth. Subject to frequent topics of discussion in the news, biohackers discover innovative ways to stimulate the brain to release specific neurotransmitters through neural interfaces. With direct neural stimulation, individuals can subversively hack their own neurotransmitters to release natural opioids or specific neurotransmitters like dopamine without having to ingest noxious chemicals physically. Lacking a regulatory framework to oversee many of these products, the U.S. Patent and Trademark Office reported a 460 percent increase in the number of patents filed during the last fiscal year.

A Japanese company called HaiRave sells neon, rainbow-colored hair wigs that cause hallucinations by the individual wearing the wig. The wigs operate by dramatically elevating dopamine levels in the brain. After appearing in a viral music video, the wigs became a staple feature at raves and music festivals. This year, the wigs were for sale by multiple vendors at Coachella. Carrying only beers and smart phones, festival-goers paid for the wigs seamlessly using ZaBux digital currency with the touch of their finger on the screen. Outside of the United States, the wigs are also popular across Europe and in parts of China and Japan. The theatrical antics of people wearing HaiRave wigs at music festivals belie the severity of the notion that humans are slowly merging with machines.

239 The Coachella Valley Music and Arts Festival is an annual music and arts festival held in California.
The landscape of competitive sports looks warped as new products, such as Vitaglass, spark heated debate. Vitaglass Products is a company producing neural stimulating eyeglasses for athletes. The glasses contain a transmitting node near the back of the ear to stimulate norepinephrine release to produce energy surges mimicking a fight-or-flight response. The company anticipates the release of a contact lens version of their product within the next five years. The glasses are especially prominent in sports, like sprinting, which require type II fast-twitch muscle fibers. Athletes wearing Vitaglass consistently outperform, at statistically significant levels, when compared with athletes not wearing the eyeglasses. Proponents of Vitaglass point to the fact that sports associations do not ban the wearing of eyeglasses. Moreover, the sheer variety of frames produced by Vitaglass Products makes it nearly impossible to determine who is wearing Vitaglass as opposed to ordinary eyeglasses. Critics of Vitaglass claim the wearables give athletes an unfair advantage over their opponents. Physicians and scientists are concerned with the unknown and potential long-term risks associated with manipulating norepinephrine levels in the brain. Already, abuse of Vitaglass is associated with causing a flat affect, an apathetic mindset, and general fatigue. A recent article in *The Atlantic* profiles four professional athletes known for openly using Vitaglass. The exposé highlights the danger of this new technology as all four athletes reported miserable feelings of anxiousness, hyperactivity, and hypervigilance in the 24-hour period following a major sporting event in which Vitaglass technology was used repeatedly. In spite of this negative news coverage, Vitaglass Products reported a steep increase in sales of glasses in the quarter following the article’s publication.

The utility of neural interface products extends beyond therapeutic use. Mellow Melon is a helmet stimulating serotonin receptors of the brain’s inhibitory system and a release of gamma-Aminobutyric acid. Wearing the device produces a gentle warming sensation and feelings of relaxation. This innovative technology galvanizes a potentially dangerous paradox; many individuals report using Mellow Melon in lieu of taking

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medications for anxiety or depression. Others report using the helmet as a replacement for smoking marijuana or consuming opioids.

Advertised on the QVC, Shed Head is a weight loss headband stimulating the release of epinephrine, a hormone essential to metabolism. Excess use of this product is associated with sleep problems, anxiety, and attention disorders. Nevertheless, the side effects fail to hinder sales of the headband; users report feeling mentally alert and focused while wearing it. Scientist Karla Kienlen, creator of Shed Head, claims empirical studies provide evidence that the headband successfully inhibits insulin excretion and raises levels of fatty acids in the blood. Double-blind placebo studies demonstrate that participants with a body mass index above 25 typically lose at least one pound per week while using Shed Head.241

The pharmaceutical industry faces a need to pivot their business strategy, as neural interfacing technologies slowly eliminate the need to ingest biochemical substances. Last year, the FDA approved Ceresulin, a hair cap to control type II diabetes. Placed on the head, the cap directs the brain to stimulate the pancreas to release more insulin, a peptide hormone involved in the regulation of metabolism. Ceresulin replaces the need for an arsenal of injections and diabetes prescriptions—the number of minutes spent wearing the cap replaces the need for rapid release, short-acting, and long-acting insulin regulation drugs. Biofeedback technology links a patient’s insulin vitals directly to their smartphone in real-time with a medical consent option to give physicians access to insulin monitoring. A built-in safety feature turns the cap off if a patient’s insulin levels approach dangerously high levels.

Combining neural stimulation devices with other substances and technologies amplifies their potential side effects. In 2030, synthetic drugs are highly prevalent with approximately 200 new substances arriving on the street each year. On college campuses across America, students experiment by combining neural stimulation devices like

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241 Body mass index (BMI) is a score based on an individual’s height and weight; it is used to categorize persons as underweight (<18.5), normal (18.5-24.9), overweight (25-29.9), or obese (>30). Mariel M. Finucane et al., “National, Regional, and Global Trends in Body-Mass Index Since 1980: Systematic Analysis of Health Examination Surveys and Epidemiological Studies with 960 Country-Years and 9.1 Million Participants,” *The Lancet* 377, no. 9765 (2011): 557–567.
HaiRave with synthetic drugs, as highlighted in Figure 11. Athletes test the limits of their physical endurance by coalescing Vitaglass eyeglasses and traditional forms of doping like steroids.

**Figure 11. GNN: Collegiate Drug Use in a Digital Age**

In the healthcare field writ large, physicians worry about the potential for long-term brain damage from excessive exposure to various neural stimulation devices. Underscoring their concern is a void in longitudinal data on the topic. On one hand, biohackers creating neural interface devices are tinkering with brain chemistry in the same manner as a biochemist would. On the other, the interaction effect from combining multiple neural interfacing devices remains unknown. Pharmacists argue that as an increasing number of neural interfacing devices appear on the market, it is important that the various FDA-approved healthcare devices are able to integrate their platforms to avoid the effects of drug interactions. At the last annual meetings of the American
Pharmacists Association and the American Medical Association, multiple pharmacists and neurosurgeons led forum discussions on the possible brain damage and lasting medical implications that could arise as Americans continue to experiment with various neural interface devices on the market.

However, not all physicians are against the use of neural interface technology. In the field of behavioral health, psychiatrists treating substance use disorders promote the use of interface technology as a replacement therapy for other biochemical recreational drugs, as illustrated in Figure 12. The use of interface replacement therapy is especially effective in treating patients addicted to such hallucinogenic drugs as ecstasy, psilocybin (“magic mushrooms”), LSD (or “acid”), and phencyclidine (PCP or “Angel Dust”). A clinic in San Francisco operates a clinical trial for substitution therapy wherein HaiRave technology works as a replacement for popular hallucinogenic club drugs. Behavioral health advocates and addiction counselors applaud this form of substitution therapy as an effective harm reduction approach.242 Preliminary data from a large pilot study reveals a 30 percent improvement in the success of substitution therapy for treating addiction when compared with standard detox and outpatient treatment.

242 As an approach, harm reduction seeks to utilize a broad set of strategies to meet individuals where they are, rather than aiming for strict abstinence from illicit drug use. This approach tolerates treatment goals as directed by consumers. An example of a harm reduction strategy in treating substance use disorders is the distribution of clean needles for injection drug users. Alan G. Marlatt, Arthur W. Blume, and George A. Park, “Integrating Harm Reduction Therapy and Traditional Substance Abuse Treatment,” *Journal of Psychoactive Drugs* 33, no. 1 (2001): 13–21.
This age of exponential technological growth and hyper-connectivity highlights the danger of trusting neural interface devices. When the IoT links everything, everything is vulnerable. Illustrated in Figure 13, the U.S. Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI) publish bulletins alerting state fusion centers about the possibility that neural interface devices could be hacked. Operatives within the intelligence community regard neural interface technology with trepidation, especially in light of the cavalier attitudes of Americans as most citizens lack awareness of how this same technology has utility for nefarious purposes. Just last year, a lawmaker in Germany had his Ceresulin cap hacked on the morning of voting for a highly controversial piece of legislation. An unknown source was able to access the Ceresulin cap and order it to release excessive levels of insulin, bypassing the automatic shutoff safety feature and causing the lawmaker to fall unconscious.
Critics of neural stimulation devices call for strict regulatory oversight. In response, advocates point to the fact that BCI devices are merely computers. How might the government create the regulatory infrastructure to govern their use—should the government even aim to do so?
B. WHERE ARE WE IN 2017?

The previous section presented a plausible scenario for the year 2030. The fictional narrative highlighted the structural inter-relationships of the driving forces of neural stimulation, BCI, the IoT, a hyper-connected society, and exponential technological growth. In 2017, the fundamental driving forces that could make this scenario come to fruition are largely already in existence.

1. Neural Stimulation and BCIs

That psychiatrists can use both drugs and electricity to battle illness testifies to the fact that the brain is both a chemical and an electrical organ.243

The concept of stimulating an individual’s nerves for therapeutic reasons is not new. In 46 A.D. Rome, a court physician to Emperor Claudius used electric rays to relieve headache pain.244 In the 1700s, Italian anatomist Luigi Galvani discovered that applying an electrical current to the muscles of dead frogs caused their limbs to twitch.245 Nearly a century later, German physicians Fritsch and Hitzig laid the groundwork for understanding the motor cortex through their realization that by stimulating various parts of the brains of live dogs, they could produce predictable limb movements.246 Since the eighteenth century, the understanding of neural interfaces continues to evolve.

A BCI allows an individual to communicate with a device using only the brain’s electrical conductivity.247 Previous research demonstrates BCI technology can already

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detect, noninvasively, whether an individual is thinking “yes” or “no.” A company called BrainGate aims to turn thoughts literally into action by developing neural interfacing technology. In March 2017, this technology allowed a man with quadriplegia to gain mobility in his limbs following implantation of a brain-recording, muscle-stimulating device. Clinical trials for the BrainGate2 Neural Interface System are underway to allow individuals with tetraplegia to operate communications software by simply imagining the movement of their hands.

By using neural interfaces, scientists aim to connect an individual’s nervous system with the outside world. In this scenario, neural stimulation devices serve multiple functions and purposes to stimulate one’s brain to release specific neurotransmitters. In 2017, physicians use neural stimulation technology to treat such neurological conditions as spinal cord injuries, neurological disorders, and sensory disorders. To stimulate human nerves, physicians already use electrical, mechanical, and/or light stimulation devices. Because of this technological innovation, individuals with sensory loss can use cochlear implants, retinal implants, and spinal cord stimulators to restore hearing, sight, and relieve pain, respectively. This technology supports cardiac pacemakers, implantable defibrillators, and even has potential for treating arthritis. The Bion microstimulator is a miniature wireless device that physicians inject into the body;

Clinical trials are currently underway to appraise the utility of this device for treating a wide range of neurological conditions from urinary incontinence to sleep apnea or headaches. Neural stimulation is also a key component of BCI technology.

Research on implantable “neural dust” shows promise for the future of brain monitoring. Neural dust refers to a technology involving thousands of free-floating, independent sensor nodes in the brain the size of dust particles. The particles identify extracellular electrophysiological data and communicate that information to a subcranial interrogator device. During in vivo testing led by the Defense Advanced Research Projects Agency (DARPA) in 2016, ultrasound wirelessly powered and communicated with tiny devices implanted into muscles and nerves. The use of ultrasound allows for the placement of tiny sensors deep within human bodies without interrupting the ability of the sensors to read neural signals. In the future, scientists aim to shrink neural dust to half the width of a single strand of human hair.

Most neural interface research focuses on outputs, but input research is slowly evolving. Input research allows scientists to record neural signals, an area where BCI technology is critical. For instance, by recording brain signals, researchers could decipher how individuals with paralysis intend to move their limbs. With a solid mapping of brain circuitry, researchers can understand neural coding, plasticity, disease origins, and the relationship between the brain and behavior. Understanding this foundational knowledge of the brain opens countless new avenues for utilizing neural stimulation.

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258 Ibid., 1.


The jump from invasive neural stimulation to wearable devices is not inconceivable. The products featured in this scenario profiled a hallucination-causing wig, norepinephrine-releasing sports eyeglasses, a relaxation-inducing helmet, a weight loss headband, and a hair cap for treating type II diabetes. Already in existence and sold in over 170 countries, people purchase HairMax, a wearable headband laser device to stimulate hair growth.262 In 2017, groundbreaking research is underway for using vagus nerve stimulation (VNS) to treat epilepsy and depression.263 Historically, treating severe depression using VNS has been invasive and involved neurosurgery to implant a stimulator device into the patient’s brain.264 In 2016, researchers successfully developed a noninvasive form of VNS for treating severe depression by merely clipping electrodes to a patient’s ear.265

People already use electrical signals from their brains to interact with and influence their environments.266 This technology is in use in robotic devices, in visual spelling apparatuses, in prostheses, in certain wheelchairs, and in the disabled community.267 Some pacemaker devices interface with the Internet for remote cardiac monitoring.268 Wearable fitness trackers, such as Nike’s Fitbit, track body movement, heart rate, sleep, and calories. User data transmits in real time to a computer, tablet, or smartphone app.269 Doppel is a wearable technology that uses rhythmic pulses to induce

262 See, for example: www.hairmax.com.
265 Ibid., 266.
calmness and focus. Placed on the base of a user’s neck, Thync uses neurostimulation to lower stress and anxiety.

Emerging research also grounds the idea of using wearable neural stimulation for drug delivery, medical treatments, and health monitoring. Like the Ceresulin hair cap for treating diabetes in the scenario, evolving medical device research highlights how neural stimulation has value for drug delivery. For instance, a patent filed in 2001 outlines the use of neural stimulation devices to deliver drugs to patients in the treatment of cardiovascular disorders. In 2014, Google submitted a patent for digital multisensing contact lens that could help individuals with diabetes by monitoring glucose levels in their tears. Collaborating on this initiative, Novartis aims to link Google’s smart lens to smartphones or tablets to help diabetic patients monitor their blood glucose levels using real-time data from the contacts.

Also targeting the eyes, Sensimed is a Swiss startup developing FDA-approved contact lens for treating glaucoma by embedding microsensors for monitoring intraocular pressure into silicone lens. In collaboration with the Gates Foundation, Fuse Project is developing Kernel of Life, a diagnostic medical device necklace using cloud technology for health monitoring and diagnosis. Biosensing pads test blood, saliva, urine, and breath; results transmit by Bluetooth to mobile apps. The rapid adoption of wearable

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270 For more information, see www.doppel.london.
276 For more information, see https://fuseproject.com/work/kernel/diagnostic-amulet/?focus=overview.
277 Ibid.
fitness trackers provides evidence that wearable neural stimulation devices could be similarly embraced in the future.

Not all innovative neural stimulation devices target medical conditions. In her book, *Bonk: The Curious Coupling of Science and Sex*, Mary Roach describes how neural stimulation can assist individuals in achieving orgasm. For instance, FertiCare creates a transcutaneous mechanical nerve stimulation device to help males with spinal cord injuries achieve orgasm. Separately, Dr. Stuart Meloy created the “Orgasmatron,” a modified spinal cord stimulator device wired to an individual’s spine to emit pleasure signals directly to the spinal cord. At Oxford University, researchers discovered that stimulating the orbitofrontal cortex produces pleasure; their goal is to create a “sex chip” using deep brain stimulation to target this area of the brain. In 2017, individuals heighten experiences by taking illicit drugs while experiencing virtual reality. Capitalizing on the potential for combining technology with pleasure, other companies have built virtual reality pornography sites. Challenging the limits of how technology can impact human sexuality, sexual education expert Dr. Laura Berman argues that the future will include sex with robots, virtual reality, and the use of drugs.

Outside of the private sector, BCI research is also taking place through government-sponsored initiatives. With a budget of over $100 million, DARPA is

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working to develop an implantable neural interface through the BRAIN initiative.\textsuperscript{285} Announced by the Obama Administration in 2013, the Brain Research through Advanced Innovative Neurotechnologies (BRAIN) project is a collaborative, public-private research enterprise.\textsuperscript{286} The project’s goal is to develop innovative technologies to provide insight into how the brain works as well as applications to enhance brain functioning.\textsuperscript{287} The creator of GPS and the Internet, DARPA has also created a new Biological Technologies Office in 2014 to “harness the power of biological systems.”\textsuperscript{288} The BRAIN initiative is only one of many ongoing projects within this office.

Other projects underway in the Biological Technologies Office include memory improvement and human-machine symbiosis. One way DARPA is assisting with the BRAIN initiative is through its Electrical Prescriptions program. The goal of this effort is to “help the human body heal itself through neuromodulation of organ functions using ultraminiaturized devices, approximately the size of individual nerve fibers, which could be delivered through minimally invasive injection.”\textsuperscript{289} Its Hand Proprioception and Touch Interfaces and its Neural Engineering System Design programs are developing implantable devices that communicate with the brain directly and wirelessly with external modules.\textsuperscript{290} Another program, the Systems-Based Neurotechnology for Emerging Therapies program aims to create an implantable device for diagnosis and treatment of neuropsychological illnesses.\textsuperscript{291} These are only a few of the projects DARPA is focusing on as part of its role in the empirical BRAIN initiative.


\textsuperscript{287} For more information, visit www.braininitiative.org.


\textsuperscript{290} Ibid.

\textsuperscript{291} Ibid.
At a time when the Pentagon is funding BCI research, private companies are also pouring funding into projects using the same technology. For example, Disney has created its own accelerator program to build a network of companies that “dream for the future” using technological innovation. The accelerator sponsors an annual portfolio of companies to merge the entertainment industry with such technologies as robotics, virtual reality, and mind control. Emotiv, a 2015 Disney accelerator finalist, produces electroencephalography headsets that noninvasively record brain activity and produce three-dimensional visualizations. Releasing new forms of “brainwear,” the company aims to measure brain fitness and harness this ability to control video games, among other activities. In 2016, the online payment company Braintree invested $100 million into Kernel, a startup company aiming to build a flexible platform for recording and stimulating neurons. This technology also has promise for treating Alzheimer’s or other diseases.

With approximately two billion users, Facebook is working on the creation of “optical neuro-imaging systems” to allow users to type words from their brain directly into the Facebook platform. In pursuit of this lofty goal, Facebook spent $2 billion in 2014 to acquire the virtual reality company Oculus. The company’s experimental technology division known as Building 8 claims that the goal of this telepathy is for users to type 100 words per minute, which is five times as fast as manual typing on a smartphone. Within seconds, people will be able to transcribe whole thoughts into texts or email without manual input. If successful, this consensual telepathy would remove language barriers.

293 See for example www.emotiv.com.
In the future, electrical impulses may stimulate neurons for countless medical and recreational purposes. The field of healthcare could one day revolve around the use of neural stimulation targeting specific nerve fibers or areas in the brain.\textsuperscript{297} With a full map of the brain’s circuitry, physicians could intentionally target specific neural impulses to achieve a desired medical response, like controlling inflammation. Beyond medical uses, it is plausible that future iterations of this technology could allow people to bypass the consumption of biochemical drugs as society knows them today and directly stimulate targeted areas in the brain to achieve specific forms of altered consciousness.

As of 2017, Americans have already merged with their phones, computers, and apps. Ambitious BCI technologies are not far from realization. It is now in the middle of an underdeveloped neurotechnology space that Americans should discuss the implications of BCI technology before intelligent dust particles can invade human brains. Inexorably, the existence of high performance BCI technologies places the onus on the government to decide how to regulate these devices. Is society willing to strike a Faustian bargain in its pursuit to augment human abilities?

2. The Internet of Things

Technology pioneer Kevin Ashton coined the term “Internet of things” in 1999 in reference to the growing web of Internet-connected devices.\textsuperscript{298} In 2017, devices as simple as coffee makers have now become “smart” and joined the IoT by connecting to the Internet; connecting to the IoT expands the device’s ability to produce coffee through remote activation or to analyze coffee consumption data.\textsuperscript{299} As the number of devices connected to the IoT continues to grow, the way that society operates will continue to transform. For example, as the online network of people and devices continues to grow, the job of collecting, organizing, and interpreting data will shift to machines, which have greater computing power in comparison to human capabilities. The accelerating speed of

\textsuperscript{297} Famm, Drug Discovery, 159.

\textsuperscript{298} William E. Eggers, Delivering on Digital: The Innovations and Technologies that are Transforming Government (New York: Rosetta Books, 2016), Kindle ed., location 344.

development in the realms of information and communications technology propels the IoT forward.\textsuperscript{300} Expanded Internet access to rural and developing countries will further this acceleration toward connectivity. In 2017, the goal of Google’s Project Loon is build a network of balloons to send to the stratosphere; the project aims to extend Internet access across the globe with its aerial wireless network.\textsuperscript{301}

The IoT connects people to one another, people to machines, and machines to other machines. In the next evolution of connectedness, researchers believe that human brains could ultimately connect with one another on this same Internet-enabled web. In 2012, an Israeli student connected his brain to a surrogate robotic avatar located 1,250 miles away using a camera and functional magnetic resonance imaging.\textsuperscript{302} In 2013, scientists at Harvard University succeeded in noninvasively interfacing the brains of a human and a rat using brain-to-brain interface (BBI), an advancement beyond BCI technology.\textsuperscript{303} Connected by the BBI, human participants could control the rat’s tail through thought alone. As this technology continues to progress, it is conceivable that a BBI could exist between humans, allowing for the bidirectional transference of complex ideas.\textsuperscript{304} Furthering this research, neuroscientists at Duke University are creating a Brainet, networking multiple animal brains together into one super-brain, allowing for synchronous brain connection during activities.\textsuperscript{305} In the future, these preliminary archetypes could evolve into full brain-computer and BBI paradigms.

Neural lace technology may be the next step in the progression to a human Brainet. Neural lace is a piece of ultra-thin mesh implanted in the skull to allow the brain


\textsuperscript{301} See, for example, www.x.company/loon.com.


\textsuperscript{304} Ibid., e60410.

to connect to a machine.\textsuperscript{306} Once implanted, the wireless mesh molds to the brain. Scientists anticipate that neural lace will ultimately allow human brains to communicate bidirectionally with computers.

With over $27 million in startup funding, Elon Musk created a project known as Neuralink that aims to advance humanity by essentially creating the equivalent of a human Brainet.\textsuperscript{307} In its simplest description, Musk is attempting to build an Internet-of-brains, wherein human brains and the Internet coexist on one large networked web.\textsuperscript{308} Intending to advance past neural lace, the project focuses on connecting human brains to the Internet and to one another, thus allowing for telepathy, among other changes, which could one day make language itself obsolete.\textsuperscript{309} If materialized, this technology would become intrinsically part of individuals, allowing mindless thought connection to cloud computing. Musk asserts that Neuralink is necessary to protect humanity from existential vulnerability in the face of AI.\textsuperscript{310} If the blueprint of whole-brain interface comes to fruition, society will need to usher in a new realm of brain security. Salient repercussions present themselves when criminals are able to access the biological core of human cognition.

In 2017, more than 8.4 billion devices already comprise the IoT; that number continues to increase rapidly.\textsuperscript{311} Beyond robust connectivity, developments in digital connectedness provide a platform for the advancement of innovation. The growing IoT and emerging brain-computer research may one day converge to form the Neuralink as Elon Musk envisions. If neural stimulation devices like the ones depicted in this scenario come to fruition, it is likely they would follow the established path of technological

\begin{itemize}
\item \textsuperscript{307} For example, see www.neuralink.com/.
\item \textsuperscript{310} Domonoske, Elon Musk Warns Governors.
\end{itemize}
progression and join the IoT. As the United States continues to move toward an environment of ubiquitous digital technology—enhancing collective vulnerability—the need to secure this network grows.

3. A Hyper-Connected Society and Exponential Technological Growth

The existence of almost all Americans and their devices on one connected IoT creates a hyper-connected society. In a hyper-connected world, people live embedded in a landscape of invisible, networked computing, without which is nearly impossible to function. A hyper-connected digital society challenges such fundamental rights as freedom of expression and the notion of privacy. For instance, what might privacy of thought look like in a world immersing everyone in one connected digital labyrinth?

Technology is growing exponentially, as described in several laws of exponential growth. In accordance with Moore’s law, technology is becoming smaller and more efficient as its cost decreases. Butters’s law of photonics claims that the cost for transmitting via optical fiber halves every nine months. This degree of technological advancement means that engineers can manufacture small, mobile devices that have the same performance capabilities of desktop computers. The laws of Reed and Metcalfe highlight how large networks, like social networks, scale exponentially with the number of people or devices in the network. In the realm of computation, Rose’s law for quantum computing describes exponential growth in computing power, a development that may allow people to solve humanity’s most complex problems. Together, these laws and others illustrate how the rapid pace of technological growth that the United States witnessed in the previous few decades will likely continue to grow exponentially.

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Assessing the future of technology and innovation, the United Kingdom’s Government Office for Science succinctly described the implications for the interactions of emergent technologies and driving forces, “The greatest future opportunities lie in enabling existing and emerging technologies to interact with each other.”

Underscoring this notion is the idea that trends do not evolve in a vacuum. Rather, the convergence of technological innovation, interacting with other trends, combine together to affect profound change in the rapidly evolving future.

One area highlighting the intersection of exponential technological growth and hyper-connectedness is in the realm of digital currency. Cryptocurrencies present a digital disruption to the standard notion of banking. The network of cryptocurrency known as bitcoin first came into existence in 2009. Bitcoin operates on a decentralized database known as block chain that records digital asset transfers in a distributed ledger. Although bitcoin was the first cryptocurrency to achieve widespread adoption, there are several other operational alternative digital currencies, like Ethereum. Beyond currency, a hyper-connected society of exponential technological growth presents a litany of implications in the domain of drug policy. In October 2017, the peer-to-peer payment app Venmo announced its expansion to allow users to purchase items from two million online merchants. In pursuit of creating a modern digital wallet, Venmo ultimately aims to allow users to use the app in physical stores to pay for purchases.

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319 See, for example: www.ethereum.org.


4. **Drug Substitution Therapy**

In the field of drug addiction, medication-assisted treatment therapy (MAT) is a central component used in treating certain substance use disorders.\(^{322}\) MAT helps people transition from substance use addiction to sobriety in a step-down fashion that avoids life-threatening responses associated with sudden withdrawal. One popular example of MAT is the use of methadone for treating addiction to opioids like heroin or Oxycotin.\(^{323}\) Patients on methadone typically visit a private or public methadone clinic daily for their dose of methadone and periodic counseling. Contingent on state laws, patients may receive a few days’ worth of methadone to take home, especially over the weekend.\(^{324}\) Depending on the severity of addiction, patients may be on methadone for years or for their remainder of their life. Beyond methadone, a catalogue of other drugs also treat opioid addiction: buprenorphine, naltrexone, disulfiram, and others.

In use since the 1960s, a large body of research provides evidence that methadone is effective in the treatment of opioid dependence.\(^{325}\) Notwithstanding its efficacy, this form of pharmacotherapy presents its own set of barriers and challenges. One significant barrier for patients is the fact that most methadone maintenance programs require patients to visit their MAT clinic daily for dosing.\(^{326}\) This presents an obvious hardship for patients as it logistically limits their ability to travel far from their dosing clinic. In response, pharmaceutical companies developed Vivitrol (naltrexone), a drug administered

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\(^{323}\) Substance Abuse and Mental Health Services Administration, *Federal Guidelines for Opioid Treatment Programs* (HHS Publication No. (SMA) PEP15-FEDGUIDEOTP) (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015), 22, 49.


intramuscularly once a month to improve treatment adherence. Vivitrol is approximately 10 times more expensive than methadone and is not appropriate for treating all types of opioid addiction.

Another challenge of MAT is that the pharmacotherapies are drugs themselves, creating an opportunity for diversion as well as abuse potential. For instance, methadone is an opioid drug; one major criticism of this treatment is that many patients move from an addiction to drugs like heroin to an addiction to methadone. A booming underground market exists for buying and selling MAT drugs. Aside from addiction potential, many MAT pharmacotherapies present a list of side effects for patients to deal with. For instance, common side effects, among others, of methadone include anxiety, insomnia, impotence, constipation, vomiting, and dry mouth.

Beyond the treatment of opioid addiction, other forms of substitution therapy show promise in treating addiction. MAT is the most popular and conventional form of replacement therapy used in treating substance use disorders. However, in 2017, emerging research draws attention to the use of marijuana as another form of substitution therapy. Along with state-level policy initiatives to legalize the medical and/or recreational use of cannabis during the past two decades, there is a growing social

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acceptance of its use. According to the Center for Behavioral Health Statistics and Quality in, 2015 roughly 22.2 million Americans over the age of 12 self-reported marijuana use within the past month. Experimentation with cannabis also extends to physicians, whose patterns of drug prescriptions is decreased in states that legalized marijuana.

Although state-level medical marijuana regulations is in a legal purgatory outside of the federal CSA, people are self-administering cannabis to treat pain, anxiety, and other conditions. In May 2017, researchers in the state of Washington published evidence demonstrating that people are using marijuana as a substitute for prescription drugs. Another prospective study shed light on the use of cannabis to reduce opioid use for individuals with chronic pain. Promoting a harm reduction framework to reduce negative outcomes, Dr. Amanda Reiman promotes the use of marijuana as a form of substitution therapy for alcohol and other drugs. In the near future, marijuana could become a standard component of substitution therapy. While the use of marijuana for this purpose has utility for decreasing the negative consequences of more harmful drugs, cannabis itself is still a drug.

In the more distant future, physicians may use neural stimulation technology as a form of substitution therapy for treating substance use disorder. Methadone and other


opioid analgesics treat addiction to such opiates as heroin, prescription painkillers, and morphine. In the future, marijuana could eventually become part of the standard protocol for treating other conditions and addictions. Complicating the field of addiction treatment is the fact that more and more novel synthetic drugs continue to appear on the streets, as discussed in the first scenario. For most of these novel drugs, substitution pharmacotherapy treatment options do not exist. With a more comprehensive understanding of brain circuitry and the capabilities of interfacing technology, could neural stimulation one day replace most forms of substitution therapy in treating the disease of addiction?

5. A Cultural Context for Drug Use

To reduce the harms associated with illicit drugs, society must understand both natural human impulses as well as the contemporary cultural context for taking drugs. Abundant evidence establishes the human impulse to augment one’s reality; the history of humanity is full of examples of drug use for various purposes. This desire explains the decision by some people to deprive their bodies of oxygen during sex or to hack existing technologies in an effort to alter reality. One reason people attend raves is to heighten the experience of a drug through loud music and flashing lights. The contemporary cultural context of drug use in 2030 will most likely look different than it does in 2017. Technological influence and ubiquitous connectedness will likely change the landscape of drug use and the options for altering mental status.

In 2017, one cultural context for illicit drug use revolves around the use of synthetic drugs. Synthetic drugs are a relatively new class of designer drugs promising potency, affordability, accessibility, and an inability for detection by drug screening.

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339 Nutt, Drugs without Hot Air, 68.
In 2017, there is already a strong demand for synthetic drugs. One reason these drugs are so popular is because of their perception as a “legal high.” For example, toxicologists point out that *Salvia divinorum* (salvia) and *Mitragyna speciosa* (kratom) are growing in reputation not only because of their hallucinogenic and morphine-like effects but also because the substances are unscheduled. As “legal” substances, they are available for purchase in convenience stores under a guise of such innocuous products as incense, bath salts, plant food, or potpourri. This emerging trend for legal highs is gaining traction; the dubious legality of these drugs allows them to evade toxicological monitoring. The American Association of Poison Control Centers illuminated an 80 percent increase in calls about synthetic cannabinoids from 2010 to 2012. Additionally, the DEA published a report revealing that in 2011, the number of emergency department admissions for this class of drugs had more than doubled. In 2017, the United States is combating an epidemic of heroin, pain relievers, and synthetic opiates such as fentanyl, a synthetic opioid analgesic 50–100 times more potent than morphine.

In 2017, the federal government is struggling to regulate synthetic cannabinoids. This class of drugs presents an oversight challenge due to a lack of standardization for testing as well as the seemingly endless number of variations. In 2010, the DEA passed an emergency one-year ban on five common synthetic cannabinoids, classifying them temporarily as Schedule 1 drugs. In 2012, President Obama signed the Synthetic Drug

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Abuse Prevention Act of 2012, a law banning a non-exhaustive list of 15 chemical precursors found across many synthetic drug formulations.\textsuperscript{349} In 2013, former Attorney General Eric Holder permanently classified the psychoactive stimulant methylone as a Schedule 1 drug.\textsuperscript{350} Are these new laws effective in reducing supply, or are they merely pallid renditions of old bans for such substances as marijuana, cocaine, and heroin?

Unfortunately, these laws often become obsolete almost immediately, and the list of chemicals used to create synthetics is ostensibly endless. Sentiment beclouds objective action, and too often, deviant innovation outpaces bureaucracy’s propensity for reactionary policy. Evading prohibitions of specific precursor chemicals, drug chemists easily recombine molecular structures to create even more potent drug strains. In the United States alone, the DEA identified approximately 300 new and discrete synthetic drugs between 2009 and 2014.\textsuperscript{351} Not surprisingly, there is little consistency in the range of reactions to various synthetic drugs—violence, hallucinations, death, paranoia, delirium, paralysis, psychosis, and irrational behavior are all reported side effects.\textsuperscript{352} The idea of banning analogues of existing controlled substances is a failed policy.\textsuperscript{353}

While most synthetic drugs in the United States originate in laboratories in China and Southeast Asia, the notion of homemade drug production is also conceivable.\textsuperscript{354} A quick YouTube search for “how to make drugs at home” generates over seven million videos; the same entry into Google reveals 28 million search results. In the future, lab-on-a-chip (LOC) technology could make it even easier to synthesize drugs at home. LOC is an appliance that can integrate multiple laboratory functions into a single small chip to

\textsuperscript{353} Nutt, Drugs without Hot Air, 121.
automate high-quality screening or detection.\textsuperscript{355} In 2017, researchers have begun to study the use of LOC technology for toxicity screening.\textsuperscript{356} Furthermore, law enforcement agencies are in the process of developing mobile LOC devices to screen saliva for the presence of a wide range of intoxicants.\textsuperscript{357}

In 2017, LOC technology has permeated multiple disciplines. In particular, LOC devices hold promise for use in the field of global health. Tiny portable lab chips provide a means for mobile testing without a laboratory, a significant benefit for disease screening in resource-challenged countries. Moreover, LOCs are especially attractive because of low manufacturing costs.\textsuperscript{358} Many researchers view LOC technology as the solution to future diagnostic testing.\textsuperscript{359} Aside from testing, current research indicates an intention to use the technology for drug discovery.\textsuperscript{360}

In 2005, the United Kingdom’s Government Office for Science assessed how future scientific advances could ultimately affect illicit drug use. Its analysis hypothesized that in the future, LOC technology could be used to “produce one’s own drugs, or to download online instructions for synthesizing them from common raw materials straight onto a chip.”\textsuperscript{361} What happens when LOC technology moves from a nascent device to a low-cost, widely available item—will anyone be able to use these devices to create designer drugs at home?


\textsuperscript{360} Khalid, \textit{Recent Lab-on-Chip Developments}, e1381.

C. POLICY IMPLICATIONS

As the U.S. policymakers consider neural interfaces, what policy implications arise from its recreational use? Would this technology fit into the realm of drug policy concerned with controlling illicit biochemical substances? The scenario presented in this chapter highlights the regulatory challenges associated with this form of technology, as well as the dangerous human bias to trust technology instinctively. Furthermore, recreational use of neural stimulation in a world of hyper-connectivity challenges interdiction efforts. Finally, emergent technologies and global megatrends could inadvertently lead to the creation of digital and transhumanist divides.

1. Regulating Neural Stimulation

The crux of this scenario revolves around the issue of whether drug policy should be concerned about the development of non-biochemical devices that alter consciousness. Although it regulates U.S. drug policy at the federal level, the CSA does not govern technological devices. Although they could one day stimulate the release of specific neurotransmitters to mimic illicit biochemical drugs, neural interface devices are essentially nothing more than computers. This presents a challenge in trying to regulate a motherboard and its associated computer parts rather than specific chemical molecules, like methamphetamine. This regulatory challenge elicits a discussion on whether the government should try to govern the use of technological devices for brain stimulation.

At its basic level, the purpose of U.S. drug policy is to protect citizens. If scientific advancements lead to the creation of a way to create pleasure in the brain noninvasively, society would possess a drug that could be very difficult to constrain. Lab studies provide evidence that animals can become compulsively addicted to neural stimulation. For example, in 1954, Olds and Milner discovered how rats would learn to work impulsively for direct electrical brain stimulation by pressing a lever. As neurological understanding of addiction progressed, scientists later discovered that monkeys would also compulsively self-administer pleasurable stimulants to the point of

362 James Olds and Peter Milner, “Positive Reinforcement Produced by Electrical Stimulation of Septal Area and Other Regions of Rat Brain,” *Journal of Comparative and Physiological Psychology* 47, no. 6 (1954): 419.
sickness or death.\textsuperscript{363} Beyond evolving collective understanding of the science of addiction, these studies ground concern regarding the potential for humans to become addicted to neural stimulation devices.

Knowing the addictive potential of neural stimulation devices, the government may not even have the option to govern these devices. What are the implications for the public once more advanced BCI technology comes to maturity? If the present is any indication of the future, it is likely that people will find ways to hack neural interface technology before commercial applications are even made available for purchase. Unlike FDA-tested drugs, recreational street drugs are not pure in quality. Individuals buying and selling illegal drugs generally chose to accept the risk accompanying an imprecise substance, even if that means the drugs could cause dangerous secondary effects. Rather than targeting a specific disease or condition, recreational drugs are illegal and largely operate as wide spectrum drugs. Applying this insight to neural stimulation, it is plausible that these same notions will hold true. Seeking an altered mental state, individuals may shrug at the notion that the technology is unsafe or not fully developed as long as it is effective in producing a high.

If neural stimulation devices become a common form of technology, would the United States regulate them as it does medical devices through the FDA? A 2015 study by Harvard University demonstrated that FDA approval for innovative medical devices took, on average, 7.2 months longer than drug approvals.\textsuperscript{364} This difference in approval time means that the FDA could stifle innovation by blocking new disruptive technology from appearing on the market. On a pragmatic level, it will not be hard for individuals to avoid the FDA approval process once this technology is pervasive. Like the 2017 marketing of synthetic drugs as potpourri or bath salts, neural stimulation manufacturers could attach similar packaging labels to indicate that the devices are not for medical use.


The regulatory challenges highlighted in this section largely focus on the recreational use of neural stimulation on the level of individual consumption. Considering this topic at large provokes a larger discussion of the implications for geopolitics, gangs, cartels, and militias.

2. Digital Insecurity: In Technology We Trust

Exponential technological growth positions the United States in an environment of staggering complexity, wherein accelerating change is networking everyday life through ephemeralization. In 2010, the chief executive officer of Google showed how every 48 hours, society generates as much information as it did from the beginning of humanity until 2003. As an increasing number of objects connect to the IoT, society generates even more data, allowing for complex analytics that produce new levels of efficiency. At the same time, this degree of connectedness means almost all things are becoming hackable. The country experienced this threat firsthand in 2013 when hackers stole personal and financial information from approximately 110 million customers of the retailer Target. The hackers were able to access this confidential information through poor security protocols of a third party heating, ventilation, and air conditioning contractor. As manufacturers attach sensors to more and more devices to allow them to communicate with one another, it is important to understand the data they generate. Risk increases as Americans entangle themselves further in the web of dependent connectedness: “when everything is connected, everyone is vulnerable.”

Research on “trust in screens” informs insight on how society may respond to neural stimulation and brain-computer devices of the future. For instance, abundant research establishes the human propensity to trust automated decision-making systems

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367 Ibid., 4.

368 Goodman, Future Crimes, 53.
over their own cognitive knowledge, a concept referred to as automation bias.\textsuperscript{369} Because of automation bias, there are countless examples of people ignoring their intuition and driving their vehicles into ponds and lakes as directed by GPS technology.\textsuperscript{370} When programmers design new technologies, they program ethics and decision making into the operating systems. Decisions arising from big data analytics are prone to reinforce negative biases.\textsuperscript{371} Consumers are generally unaware of which calculations go into programming ethics and black-box algorithms. For instance, programmers developing self-driving cars must program calculated ethics into the operation system of the cars. In confronting an unavoidable collision, should the car aim to save as many human lives as possible, or should it primarily protect the passengers in its vehicle?\textsuperscript{372} These examples demonstrate the fallacy of math neutrality and the danger of placing full trust in screens.

Applied to neural stimulation and BCI devices, trust in screens may one day extend to trust in neural devices. Connected to the Internet, implanted and/or external technology becomes vulnerable to hacking. In 2016, National Public Radio profiled “body hacking,” a movement among individuals who experiment with intentionally augmenting themselves with technology to enhance the human body.\textsuperscript{373} As society grapples with the implications of the IoT, policymakers must also take into consideration

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\item[\textsuperscript{371}] Ross, \textit{Industries of the Future}, 184.

\item[\textsuperscript{372}] The ethics of this dilemma arise from the “trolley problem,” a widely discussed thought experiment studied in the field of moral psychology. The general premise of the scenario describes a runaway trolley zooming down a set of railroad tracks. Five people are tied up and immobile further down the track, and the trolley is heading directly toward them. An observer stands off in the distance near a lever that, if pulled, will switch the trolley to a different set of tracks. However, the observer sees that there is one person standing on the second set of tracks. Which action by the observer is more ethical—to do nothing and allow the trolley to kill the five people, or to divert the trolley to the other set of tracks by pulling the lever (and thus killing one person)? As companies work to develop autonomous vehicles, programmers find themselves facing problems analogous to the trolley conundrum. During a potential crash, the autonomous vehicle’s software will have to decide how to respond. Philippa Foot, “The Problem of Abortion and the Doctrine of Double Effect,” \textit{Oxford Review} no. 5 (1967): 5–15.

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possible future threats emanating from accelerated digital convergence. In an age of deep digital insecurity, it may one day be possible to hijack someone’s mind.

Is it possible to hack neural stimulation devices? In 2017, hacker culture refers to a subculture of people who intentionally conquer software limitations. The cultural movement has led to the formation of more specific subgroups, such as black hat hackers (people who hack for malicious purposes) and white hat hackers (those who hack for good). The biohacker movement challenges the status quo by championing the open democratization of science. The hacker ethic generally promotes societal improvement, open sharing, and decentralized technology. While the hacker ethic of 2017 is generally positive, nefarious actors still present a threat to the security of the country. For instance, China hires a large number of fulltime hackers to target the United States, among other actors. As growing connectedness enhances society’s collective vulnerability, the government must implement strategic cybersecurity prophylaxis before brain-computer devices come to fruition.

3. Challenging Interdiction

The ubiquity of neural and BCI technology could bring a sea change to how the government prosecutes a new realm of drug crimes. How might the government enforce interdiction efforts against a computer?

A shift toward the use of neural stimulation in place of illicit drugs could have profound geopolitical ramifications. Drug trafficking is one of the most ubiquitous forms

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of transnational crime across the world.\textsuperscript{377} Trafficking illicit drugs comprises five parts: cultivation, production, trafficking, distribution, and consumption.\textsuperscript{378} The use of neural stimulation devices in lieu of biochemical drugs would upend this global system of supply and distribution. Manufacturers could produce neural stimulation devices in the United States (cultivation, production, trafficking) and sell the gadgets in retail markets (distribution) for consumers to purchase (consumption).

Global connectedness also presents a challenge in the ability to track drug crimes. In a hyper-connected society, it is difficult to track communication. As an example, the Telegram Messenger is a messaging platform that allows anyone to communicate anonymously with high speed and security encryption. Largely owing to this security, Telegram is the messaging app of choice of the Islamic State of Iraq and the Levant and its affiliates.\textsuperscript{379}

Beyond messaging, Internet-based monetary platforms present a further host of regulatory challenges in the effort to prosecute drug crimes. Digital cryptocurrencies, like bitcoin, are decentralized and pose competition to central bank fiat currency.\textsuperscript{380} Cryptocurrencies face issues of price volatility, hacking, theft, and the avoidance of government taxation. Nevertheless, their sovereign nature and anonymous platforms allow individuals to obfuscate their transaction histories. This benefit essentially creates a black market currency providing full amnesty—an issue with obvious implications in the realm of drug interdiction.\textsuperscript{381}


\textsuperscript{378} Ibid., 65.


\textsuperscript{381} The dark web site Silk Road was once the world’s largest purveyor of contraband; dealers sold illicit drugs and other illegal products directly to consumers. The interdiction challenges associated with prosecuting Silk Road highlight issues surrounding the use of digital black market currency. Goodman, \textit{Future Crimes}, 257.
The digital underground of the dark web further complicates the notion of drug interdiction. In 2013, the Federal Bureau of Investigation shut down the Silk Road, the largest international purveyor of contraband. Bypassing geopolitical borders and challenging prosecution, this site connected drug dealers anywhere directly with individuals on a quest to purchase drugs. The site operated as a Tor hidden service, allowing consumers to use browse and shop with anonymity. Tor is a protocol for asynchronous, loosely federated overlay network designed to anonymize major Internet applications. One month after the Federal Bureau of Investigation terminated Silk Road, a substitution site, Silk Road 2.0, was already operational. Although Silk Road 2.0 also shut down, countless other equivalent sites have opened. The massive economic success and global dimension of the original Silk Road indicates that illicit drug vendors are content with buyer demand. Cyber drug marketers are innovative in finding avenues for creating an online retail market for illicit products. Should law enforcement agencies continue to shut down an endless string of online clandestine marketplaces, or is this endeavor a failing game of whack-a-mole?

The U.S. government is aware of the prevalence of synthetic drugs as well as the challenges inherent in regulating these substances. In 2016, the Congressional Research Service released a report providing an overview of synthetic drugs in the United States as well as related issues for Congress. The report provides a synopsis of the increasing

389 Sacco and Finklea, *Synthetic Drugs*, 1.
prevalence of synthetic drugs as well as the resulting encumbrance on the nation’s public health system. The report further presents a list of issues for Congress to consider, including but not limited to: implications on the criminal justice system when scheduling synthetic drugs within the CSA, hindering future medical research by enumerating additional synthetic drugs as Schedule 1, and the idea of amending the CSA to facilitate easier enforcement against synthetic drugs. Articulating its role in scheduling drugs, the FDA testified before the Senate Committee on the Judiciary in 2016, cautioning, “New illicit synthetic drugs are flooding the U.S. market, and many pose significant health risks.”

The issue of how to regulate synthetic drugs overlaps with the issue of how to regulate do-it-yourself biology (DIYbio). DIYbio is an emerging global phenomenon of transversal collaborations promoting an open source ethos and access to resources for tinkering with biology. This movement of more than tens of thousands of amateur biologists challenges institutionalized biology, promising cheaper and simpler solutions. Although global governance of this movement is complicated, the DIYbio community has created its own safety and ethical framework of guidelines. Sophia Roosth, a cultural anthropologist with expertise in DIYbio, claimed, “Hobbyist tinkering and industrialized manufacture are two modes of production that are not dialectically opposed in the twinned cultures of synthetic biology and DIY biology.” Does this mentality of accepting the coexistence of divergent epistemic profiles have any utility in how policymakers view designer drugs?

Synthetic drugs create unique interdiction challenges due to a lack of means of drug testing, an endless catalogue of potential chemical configurations, pervasive availability for purchase online, and the ability to synthesize new drugs at home. Drug

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markets are perpetually resilient in the face of environmental changes.\textsuperscript{393} U.S. drug policy must be similarly adaptable so as to stay relevant in a changing world.

4. **Digital and Transhumanist Divides**

Serendipity fades with everything we hand over to algorithms.\textsuperscript{394}

What does it mean to be human in a hyper-connected world? The IoT’s capacity to affect the country profoundly is genuine and should not be underestimated.\textsuperscript{395} As Americans accumulate vast quantities of personal data, the ability of an individual to control their own data continually decreases. For example, an individual may choose not to create accounts on any social media platforms. Nonetheless, that individual will likely appear in pictures uploaded by friends, family, and colleagues—even if only peripherally. With the advent of biometric scanning and facial recognition software, sites like Facebook have the ability to compile a catalogue of images of that individual, despite the fact that she or he is not a registered user on the site. This level of deep-rooted connectivity raises policy implications regarding privacy, security, and human autonomy.

The acceptable limit of hyper-connectivity is a societal—rather than personal—philosophy. With the rate of objects joining the IoT and the exponential growth of technology, Americans may not have freedom of choice in their participation in a hyper-connected society. In the 1970s, social psychologist Henri Tajfel and John Turner theorized about the social selves of humans through their formation of social identity theory.\textsuperscript{396} Focusing on intergroup behaviors, Tajfel described one’s social identity as the piece of a person’s self-concept originating from perceived membership in various social groupings.\textsuperscript{397} For example, a person may identify herself as a woman, sister, daughter,


\textsuperscript{394} Ross, *Industries of the Future*, 180.


graduate student, professional, personal trainer, and crayon enthusiast. Within each of 
these self-selected categorizations, there are different sets of norms and behaviors that 
define the in-group. Social identity theory arose in a time before the Internet. As 
society becomes more connected, people may experience increased multidimensional 
framing of their social identity as digital privacy fades away.

Besides privacy implications, a hyper-connected digital society elicits ethical 
discussions on issues related to fairness, access, and equality. Because of exponential 
technological growth, the price of new technology decreases over time, as innovative 
disruption refines and challenges existing prototypes. Nevertheless, the rate of 
technological growth is striking. In 2007, Apple released the first iPhone, a revolutionary 
smart phone. Rivalling Blackberry, the first iPhone was a groundbreaking touchscreen 
handset fusing a mobile phone with Internet access, a camera, a calendar, email, and 
music/video streaming capabilities. Only a decade later, Apple has released the 
iPhoneX, featuring an intelligent personal assistant, augmented reality, a bionic chip, 
facial recognition technology, and two high-definition cameras.

The phrase “digital divide” refers to “the unequal access and utility of Internet 
communications technologies and explores how it has the potential to replicate existing 
social inequalities, as well as create new forms of stratification.” In a highly digitized 
world, those without economic means to access the same technologies are likely to be at a 
disadvantage. In a world of neural stimulation and BCI technologies, this same digital 
divide may transfer to a transhumanist divide, creating a deeper divide between those 
with and without access.

Merging man with machine is the prospect of using technology to augment human capability positive or negative for humanity? On one hand, a breadth of emerging BCI research promises to improve quality of life and cure medical conditions. Human brains have extraordinary cortical plasticity, the ability to self-reorganize by forming new neural connections in response to mental experiences. Because of this neuroplasticity, brain circuitry reflects individual habits and behaviors. Largely reliant on computers and mobile phones, Americans are already in the process of becoming digitally superhuman. According to writer Tim Urban, “the digital age has made us a dual entity—a physical creature who interacts with its physical environment using its biological parts and a digital creature whose digital devices—whose digital parts—allow it to interact with the digital world.”

On the other hand, it remains unknown how the use of BCI technologies in people beginning at birth could change the nature of how brains operate. Similarly, it remains unknown what could happen when BCI devices interface with AI. In future iterations, society may decide to employ BCI devices for perpetual health monitoring, and BCIs could transmit hourly biometric data into permanent electronic medical health records. This would revolutionize public health but also usher in privacy concerns regarding data protection. In the future, could BCI technology track or investigate citizens?

Used in the wrong hands, BCI technologies are also vulnerable to weaponization. Neuroethicist James Giordano states, “It’s not a question of if non-state actors will use some form of neuroscientific techniques or technologies, but when, and which ones they’ll use.” DARPA is currently in the process of creating neural implants that can detect and suppress urges in people. The proliferation of this type of device could treat addiction or anxiety, but it also generates a new vulnerability for mental hacking. In the

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404 Urban, *Neuralink and the Brain’s Magical Future*.


406 Tim Requarth, “This is Your Brain. This is Your Brain as a Weapon,” *Foreign Policy*, September 14, 2015, http://foreignpolicy.com/2015/09/14/this-is-your-brain-this-is-your-brain-as-a-weapon-darpa-dual-use-neuroscience/.
future, will the United States even need a drug policy, or will neural implants block Americans from temptation to try illicit substances?

5. A Path Forward

Facing growth projections for the IoT and continued exponential technological growth, the United States stands on the early moments of a seismic shift. Society will not see the boundary separating the everyday from hysteresis until past the point where technological progress is irreversible. As a country, the United States must decide whether citizens should be able to purchase objects to alter perception through cybernetics. After this is decided, policymakers must develop adaptable policies that can handle shape-shifting forms of drug use. Dexterous policy execution is critical for allowing the nation’s regulatory process to stay abreast in a complex, rapidly-evolving world.

V. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Whatever happens, it’s important that we begin the conversation about the society we want to create, and the role that drugs will play in that.408

A. INTRODUCTION

This thesis asks the question of which megatrends and emerging technologies are influencing the future of U.S. drug policy. Through the presentation of two scenarios, fictional “worlds” established and exposed flaws in the conventional wisdom driving modern day drug policy. Furthermore, the scenarios highlight broader umbrella implication of technological innovation when considering the future of drug regulation.

There is no effective panacea for banning all the other new illicit creations coming onto the street. Continuing along a longitudinal ascendant trend line over the past four decades, the use of recreational drugs has increased.409 As new technology continues to emerge, manufacturing synthetic drugs will only become easier. Neuropsychopharmacologist David Nutt summarizes the difficulty in regulating novel drugs, stating, “This is the designer drug problem: as fast as government can legislate against known drugs, chemists around the world design new compounds specifically to get around the law.”410

The value of fictional scenarios is in their creation of heuristic tools to emphasize hypotheses and insights.411 The future of the United States may not appear as a linear extrapolation of the present. The scenarios described in this thesis are not predictions of how the world will look in the future. Rather, they depict plausible alternative futures. In each of the two scenarios, megatrends and emerging technological variables intersected to highlight how people might use drugs in the future outside of the current regulatory frameworks.

408 Nutt, Drugs without the Hot Air, 305.
410 Nutt, Drugs without Hot Air, 121.
B. FINDINGS

Being willing to change our minds in the light of new evidence is essential to rational policy-making.412

All trends represent linear projections of the status quo, but black swan events could change forecasts. Black swan events refer to major, unforeseen events that could disrupt the megatrends discussed in this thesis. For example, nuclear war could have massive implications on Internet usage and/or reliance on technology.

Each scenario presented its own list of policy implications that arose from the fictional narrative. More broadly, patterns in these implications highlight three recurring themes present across all scenarios. First, underscoring each scenario is a challenge for how society decides to define a “drug.” Second, each scenario challenged the feasibility of regulating emergent forms of drug use. Finally, the scenarios drew attention to ethical issues resulting from these nascent technologies.

1. What is a Drug?

The word “drug” itself is polysemic in nature.413 Title 21 §802 of the U.S. Code outlines definitions pertaining to the CSA. In item 12, the legal definition for “drug” references back to §321(g) (1) of the same title, as Title 21 of the U.S. Code governs all food and drugs:

The term “drug” means (A) articles recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (B) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; and (C) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (D) articles intended for use as a component of any article specified in clause (A), (B), or (C).414

Under this regulatory framework, it is unclear how the federal government might define the products described in the two scenarios presented in this thesis. In light of

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412 Nutt, Drugs without the Hot Air, 7.
413 Ibid., 54.
414 21 U.S.C. §321 (g) (1).
various emerging technologies with the potential to alter one’s mental status, the federal
definition for a drug appears open to interpretation. For instance, the federal government
may consider neural stimulation devices as drugs under clause (B), as its use in the
case of drug substitution therapy would function in the mitigation and treatment of
substance use disorders. Furthermore, neural stimulation also fits into clause (C), as it is a
non-food item intended to affect the mental functioning of the body. Inconsistently,
coffee and green tea—nootropics altering the mind by stimulating alertness—are not
included within this same regulatory framework.

Within the Controlled Substance Act, actual classification schedules are
undefined and largely based on the abuse potential for each drug. According to the U.S.
DEA, “If a drug does not have a potential for abuse, it cannot be controlled.”415
Paradoxically, by law, U.S. Code does not consider alcohol or tobacco to be controlled
substances.416 While the DEA does not define “potential for abuse,” the administration
outlines four indicators in its Drugs of Abuse: A DEA Resource Guide, 2017 edition:

1. There is evidence that individuals are taking the drug or other
substance in amounts sufficient to create a hazard to their health or to the
safety of other individuals or to the community.
2. There is significant
diversion of the drug or other substance from legitimate drug channels.
3. Individuals are taking the drug or other substance on their own initiative
rather than on the basis of medical advice from a practitioner.
4. The drug
is a new drug so related in its action to a drug or other substance already
listed as having a potential for abuse to make it likely that the drug will
have the same potential for abuse as such drugs, thus making it reasonable
to assume that there may be significant diversions from legitimate
channels, significant use contrary to or without medical advice, or that it
has a substantial capability of creating hazards to the health of the user or
to the safety of the community. Of course, evidence of actual abuse of a
substance is indicative that a drug has a potential for abuse.417

Using the abuse potential criteria outlined above, it is not clear how the DEA
might consider the use of emerging technologies to augment mental functioning. The

415 U.S. Drug Enforcement Administration, Drugs of Abuse: A DEA Resource Guide 2017
(Washington, DC: U.S. Department of Justice, 2017) www.dea.gov/pr/multimedia-
417 U.S. Drug Enforcement Administration, Drugs of Abuse, 8–9.
FDA does not regulate vitamins or supplements. Would a recreational pharmaceutical like the fictional Motus, described in scenario one, fall under the vitamin/supplement category, or would the federal government determine that it should fall within the CSA due to its potential for abuse? Neuroprosthetics, like retinal implants, supplant or supplement the nervous system’s inputs and outputs. What happens when it becomes effortless to use these same devices to hack one’s own nervous system, especially for recreational purposes? As new intelligence augmentation devices continue to amplify human cognitive abilities, it will become increasingly difficult to discern what qualifies as a “drug,” and where to draw the line in ascribing abuse potential.

2. Regulatory Challenges

If the federal government does decide to regulate emerging technologies as drugs—pursuant to the regulations outlined above—regulation provides the next logistical challenge. The history of illicit drug use in the United States is one of resilient adaptation and deviant innovation. In 2017, traffickers are already bypassing federal drug laws by creating novel synthetic drugs and using packaging with labels indicating that products are not for human consumption. The United States is losing its whack-a-mole effort to control synthetics as producers rapidly innovate using new chemical formulations to create drugs outside of the law as written. This same approach may continue into the future with new mind-altering technologies. For example, a manufacturer might produce a neural stimulating sleep aid with the publicized knowledge that individuals could easily reconfigure the device to produce feelings of sedation akin to taking opiates. Can the government pragmatically regulate technology misappropriation?

Developing technologies may ultimately make drug regulation feasibly impossible as it is known today. In 2017, the CSA describes drugs in the context of such distinct biochemical substances as marijuana, heroin, or amphetamines. Law enforcement
officers can test substances to ascertain their chemical composition, definitively categorizing whether a white pill is ecstasy, oxycodone, or simply acetaminophen. On the other hand, a BCI is essentially a piece of hardware containing computer code. Individuals can hack 3D printers to produce drugs, but the physical device itself is merely a modern day printer.

Further compounding the feasibility of drug regulation, global connectedness makes interdiction more taxing. For instance, the decisions by Canada and Mexico to legalize marijuana will exacerbate interdiction efforts in the United States. As of 2017, the federal-state chasm in marijuana regulation continues to grow as new states legalize the drug in certain forms. In addition, globalization continues to make the world more connected than ever before. Digital currency, the rapidly growing IoT, and the ability to create drugs in one’s own home make drug prosecution efforts even more complicated. Perpetual shifting toward a dynamic socio-technical system presents vulnerabilities in this high level of connectedness. According to technology policy expert Alec Ross, “The layout of the Internet scrambles the traditional idea that both sovereign countries and warfare are tied to geography and physical place.” Unless the legislative or executive branches drastically modify the CSA to take into account new technologies for altering mental status, prosecutors will eventually face the limitation of outdated drug laws.

When it comes to drug policy, is society asking the right questions? Policymakers focusing only on the implementation of regulations pertaining to the present will find themselves unprepared for the rapidly evolving future. Testing drivers for marijuana intoxication provides an example of this notion. As states legalize the use of marijuana in defiance of federal law, they suddenly find themselves faced with the need to regulate its use. Without the technology to test for marijuana intoxication, for instance, policymakers must decide how to enforce policies for driving while under the influence. As lawmakers scramble to govern marijuana use, and researchers rush to engineer a breathalyzer for

420 Ross, Industries of the Future, 143.
cannabis to detect driving while under the influence, the advent of autonomous vehicles looms in the near future. Decades of research establish evidence that the war on drugs is an ongoing policy failure; the addition of new technologies for altering the mind will only exacerbate this defeat.421

3. Ethical Considerations

Beyond regulatory implications, emerging technologies and global megatrends may intersect to create a future of digital and/or transhumanist divides. The scenarios highlighted this idea in the context of such realms as the neuroethics of intentional cognitive enhancement and through digital insecurity. As humanity slowly merges with technology, society will continue to wrestle with what it means to be human.

One major realm in the field of biotechnical ethics pertains to the creation of economic divides. For instance, if nootropics become ubiquitous, it will create a monetary rift between individuals who can afford them and individuals who cannot.422 Novel forms of cognitive amplification and a progressive embodiment of augmentation technologies could lead to identity-based conflict.423 If humans stop sharing a common umwelt—a shared way of experiencing the world—the resulting alterity conflict could result in civil conflict based on transhumanist advantage.424

C. CONCLUSIONS

This thesis distills a broad arsenal of concepts and research pertaining to global megatrends, emerging technologies, and illicit drug use. Fictional scenarios underscore the challenges in defining a drug, governing its use, and incorporating ethical considerations into regulatory frameworks. The “Where Are We in 2017?” sections marshaled evidence to demonstrate plausibility. From these scenarios and ensuing

422 Nutt, Drugs without the Hot Air, 305.
423 Nieto-Gómez, “This is Your Brain on Code.”
424 Ibid.
findings, three general conclusions emerge: 1) people use drugs, 2) innovation is outpacing drug policy, and 3) the United States must rethink its approach to drug policy.

1. People Use Drugs

Humans are natural pleasure seekers.\textsuperscript{425} Humans have a long history of using drugs to alter their consciousness, physical functioning, and/or mental status. Historians of drug culture highlight how drugs are “an important part of our evolutionary history.”\textsuperscript{426} Policymakers cannot frame the use and acceptance of these substances through a purely mechanistic way as context and environment are integral components in understanding usage.\textsuperscript{427} Drugs already surround most Americans on a daily basis in the socially acceptable forms of coffee, nicotine, ibuprofen, or wine.

It is plausible to assume that humans will continue to use drugs—both legal and illegal—in various forms. This decade’s popularity with synthetic and emergent nootropics drugs indicate a societal desire for a legal high, and throughout history, people have tinkered with technologies to produce pleasurable results. It is reasonable, therefore, to presume that individuals will find ways to hack new technologies creatively for enjoyment. As new technologies continue to emerge, their potential for misappropriation only grows exponentially. The fact that scientists have discovered how to engineer baker’s yeast into LSD and opiates, for example, means that it likely will not be long before people figure out how to replicate this process in their homes.

Aside from misappropriation, pioneering ingenuity will continue to fuel society with characteristic American moxie. In the future, cultivators may adopt genetic technologies to splice the cannabis genome to produce different strains for different moods like calmness or creativity.\textsuperscript{428} Researchers may create a hangover cure in a pill

\textsuperscript{425} Nutt, \textit{Drugs without the Hot Air}, 69.
\textsuperscript{426} Ibid., 70.
\textsuperscript{427} Ibid., 61.

2. Innovation Is Outpacing Drug Policy

There really isn’t any way to shut down the Silk Road unless multiple governments synchronize a worldwide jam of the entire Internet.\footnote{Mike Power, \textit{Drugs Unlimited: The Web Revolution That’s Changing How the World Gets High} (New York: Thomas Dunne Books, 2013), 221.}

Innovation is slowly making U.S. drug policy irrelevant. Dealers peddling drugs will continue to fuel the supply of illicit drugs, and novel digital technologies will only make sales easier. As the country is already starting to witness in 2017, the CSA will not be able to enumerate a never-ending lineup of newer and more potent synthetic drugs.

The scenarios presented in this thesis highlight countless interdiction challenges as the Internet has revolutionized a lucrative transnational drug trade. The global drug trade is experiencing the same forces that revolutionized other industries: Netflix replaced Blockbuster, Airbnb is supplanting the hotel industry, and Uber is displacing taxis. Sales of drugs on the dark web are already entering the mainstream, with “Cyber Monday” sales offering discounts on drugs, such as 50 percent off of LSD.\footnote{David Gilbert, “50% off LSD and Discount Botox—Cyber Monday Deals Extend to the Dark Web,” \textit{International Business Times}, December 1, 2014, www.ibtimes.co.uk/50-off-lsd-discount-botox-cyber-monday-deals-extend-dark-web-1477453.} In a global landscape of hyper-connectivity, it is not feasible to oversee the online sale of illicit drugs in a comprehensive, sustainable way.
Whereas the war on drugs represents failed policy, the future of unchanged prohibitionist drug policies will be a futile abomination. The failure of U.S. drug policy was transparent, for example, in the country’s effort to ban the stimulant plant khat. Operating under a false premise that banning drugs reduces its use, the federal government banned khat in 1993. Predictably, there were subsequent increases in its price and related criminal activity and no advances in public health. As the United States already learned from Prohibition in the 1930s, this is the tradeoff, the danger in getting drug policy wrong.

The two scenarios presented in this thesis touched on only a few in a long list of emerging technologies. Countless innovations, like 3D printing, also threaten to influence the realm of illicit drug use. The disruptive technology of 3D printing may signal a third industrial revolution in the future, ultimately simplifying supply chain and distribution. Also known as additive manufacturing, 3D printing refers to a computerized process of stacking thin layers of material to create objects. Using a similar process, bioprinting allows scientists to manipulate cell structures and artificially construct living tissue. Layers of living cells are stacked on top of each other systematically to print tissues and organs. In March 2016, the FDA approved Spritam, the first 3D-printed drug for use in the treatment of seizures and epilepsy. 3D printing also has utility for printing guns or opioid pharmaceutical drugs on demand, creating vulnerabilities for this technology to be hacked to print illicit drugs.

According to technology policy expert Alec Ross, “Innovation brings both promise and peril.” Radical nascent technologies, like 3D printing, are mixing with drug use to form emergent social phenomena to produce concepts like “chemputers” for

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434 Nutt, Drugs without the Hot Air, 128.
436 See, for example: www.spritam.com for more information.
437 Goodman, Future Crimes, 430.
438 Ross, Industries of the Future, 6.
printing drugs. In 2017, self-proclaimed “psychonauts” are tripping on hallucinogenic drugs while experiencing full immersion in virtual reality. How will the government protect citizens when drug regulation is obsolete? The United States is living through an era of exponential technological growth. The speed at which neoteric technologies emerge is unprecedented and beyond the ability of regulators to govern under current policy frameworks.

3. The United States Must Rethink its Approach to Drug Policy

The biggest wins from technology will go to the societies and firms that don’t just double down on the past but that can adapt and direct their citizens toward industries that are growing.

The United States needs a new social framework for conceptualizing drug policy. A zero-tolerance policy approach of prohibition is not only myopic but soon to be unenforceable as well. A drug policy framework for the twenty-first century should actively incorporate ethics and new technological innovation. Instead of clinging to a failed policy agenda, the United States should take a clearheaded look at where the country is heading. The United States must have a drug policy grounded in solid evidence rather than a product of radical subjectivity and bitter partisanship.

The mission of the U.S. Office of National Drug Control Policy is to “lead the Nation’s counternarcotics efforts by developing policies and coordinating, promoting, and implementing initiatives to successfully reduce the supply, the use, and the social acceptance of Drugs in the United States.” With flexibility of purpose, the federal government can up-frame this mission statement to make it more relevant to current and emerging societal norms. For instance, a sociotechnical systems approach to drug policy

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441 Ross, Industries of the Future, 43.

would recognize the interaction between human behavior, drugs, and technology.\footnote{Gordon Baxter and Ian Sommerville, “Socio-Technical Systems: From Design Methods to Systems Engineering,” \textit{Interacting with Computers} 23, no. 1 (2011): 4–17.} Moreover, the cultural context of an illicit drug influences perceptions of how dangerous it is.\footnote{Nutt, \textit{Drugs without the Hot Air}, 261.} Regulatory drug policy structures should be antifragile—not only resilient to shocks but also strengthened by them.\footnote{Tetlock and Gardner, \textit{Superforecasting}, 244.}

An evolution in thinking requires adaptability in this face-paced world. With the creation of augmented reality applications and other novel approaches, the field of healthcare is already embracing emergent technologies.\footnote{Gloria Rothenberg, “10 Augmented Reality Apps for Healthcare: Medicine is Already on Board with Emerging Technology,” MedPage Today, July 14, 2016, www.medpagetoday.com/practicemanagement/informationtechnology/59072.} This type of intellectual flexibility requires lawmakers to challenge the status quo before it is too late. An adaptive mindset means being willing to accept that the federalist approach to drug enforcement may not be the most effective. In a global economy, transforming drug policy requires international support to discuss multijurisdictional interdiction responsibility. How countries adapt in the digital era will directly impact how competitive and stable they are in the future.\footnote{Ross, \textit{Industries of the Future}, 43.} The United States cannot afford to lack urgency or succumb to bureaucratic paralysis in this realm.

\section*{D. \textbf{RECOMMENDATIONS}}

Our Nation cannot arrest its way out of the drug problem…the Administration has made it a priority to identify and expand promising, evidence-based practices that increase public safety, promote public health, and correct injustice.\footnote{Office of National Drug Control Policy, U.S. Executive Office of the President, \textit{National Drug Control Strategy} (Washington, DC: Executive Office of the President, 2016), 32.}

What does the United States imagine for its preferred future? The country currently has an ineffective drug policy not based on evidence, thus producing no real benefit to Americans. As an example, there is a strong correlation between large anti-
drug promotions—like “this is your brain on drugs”—and increases in first-time drug use, as youth actually become more curious about drugs. Nevertheless, the same ineffective mass messaging campaigns continue to dominate prevention efforts. Before the United States makes decisions about reforming its drug policy framework, it needs to decide on the purpose of drug policy reform. Is our intention to treat or punish those addicted to illicit drugs?

What might the preferred future of this country look like? Policymakers should proactively envision a drug policy for the twenty-first century, rather than retrospectively looking back to the nineteenth. In contextualizing a modern drug policy framework, regulators must manage a balance between exploration (obtaining new knowledge about emergent drug use) and exploitation (using that knowledge to improve policy frameworks). A balance between these two behaviors will produce an optimal result for framing the future of U.S. drug policy.

The burden of illicit drug use is a real and significant policy problem. As the United States continues to increase spending on drug control programs, it is important to continually monitor and evaluate what policies are working and which are failing. It is imperative to analyze the issue of illicit drug use within a contextual framework assessing threats, laws, agencies, governance, culture, emergent trends, and mentality. The following four recommendations discussed below will create a resilient, adaptable drug policy prepared for the future.

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1. **Decriminalization**

Is criminalization ever an effective or appropriate moral response to drug use?452  

In public discussions on the topic of drug policy, American politicians frequently take a position of tough on enforcement on laws regarding drugs and crime. In the fields of healthcare, criminal justice, and behavioral health, leaders call for harm reduction approaches that do not penalize addicts for suffering from the disease of addiction. While often portrayed in this juxtaposed way, the two views are not inherently mutually exclusive.453 It is important to flag the false dichotomy between total drug prohibition and full legalization. It is a tragic paradox when policies designed to make the country safer end up making the world more perilous.454

To operate a modern drug policy for this century, the federal government should eliminate the CSA and the war on drugs. This policy recommendation joins an exhaustive collection of decades of research suggesting that the United States is not winning the “war,” and it is causing more harm than positive outcomes.455 This conclusion is not surprising; literature on the field of drug policy repeatedly concludes that as a mechanism, criminalizing drugs fails to deter use.456

As of 2017, states want to circumvent federal drug policy, as evidenced by the growing number of state-level marijuana laws. Another domain highlighting the state-directed shift toward drug policy reform is in the use of drug treatment courts. Beginning in the 1990s, some states created drug treatment courts to divert users out of the criminal justice system and into treatment, thus limiting criminal sanctions for personal drug

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452 Nutt, *Drugs without the Hot Air*, 31.
453 Ibid., 268.
use. The creation of this innovative approach indicated a paradigm shift toward treatment and restoration instead of punishment.

A decriminalization framework should replace the elimination of the failed war on drugs policies. There are various definitions for describing decriminalization; for the purpose of this policy recommendation, the term refers to a policy wherein use of drugs is not a criminal offense. A transnational threat requires a global response via international cooperation. In assessing the efficacy of decriminalization, the United States should look to Portugal.

In July 2001, Portugal decriminalized possession and use of all drugs for personal use. This innovative policy arose following a public health crisis, as morbidity and mortality from illicit drug use was rapidly increasing. Before 2001, Portugal’s drug policy, similar to that of the United States, centered on a criminal approach to dealing with illicit drug use. In the late 1990s, the country recognized that its strategy was not working. A drug use report produced by Portugal’s Counsel of Ministers in 1999 stated that 95.4 percent of drug addicts undergoing addiction treatment the previous few years were heroin users, of which 11.6 percent tested positive for HIV. At this same time, deaths from overdose and drug-related arrests were steadily increasing; 57.5 percent of arrests at that time were related to illicit drug use. In 1997, drug related convictions

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460 Domoslawski and Siemaszko, *Drug Policy in Portugal*, 17.


463 Ibid.
were rising in Portugal, with individual users (52.2 percent) being sentenced more than traffickers (43.6 percent).\textsuperscript{464}

Portugal’s Law 30/2000 decriminalized the use, possession, and acquisition of all drugs for personal use, defined as possessing up to a 10-day supply.\textsuperscript{465} While it removed penal sanctions for drug crimes, this policy did not make drug use legal in Portugal. Rather, Portugal now treats drug use as an administrative violation, and the violator has the potential to receive punishment by either fines or community service. The penalty for citizens rests at the discretion of the Commissions for the Dissuasion of Drug Addiction, a panel comprising health, social work, and legal professionals.\textsuperscript{466} Despite the existence of this panel, most individuals do not receive penalties as Portugal aims to have citizens enter into rehabilitation treatment voluntarily.\textsuperscript{467} It is important to note that under decriminalization, it is still a criminal offense to traffic and distribute drugs. Even so, Portugal is an ideal case study for assessing total drug decriminalization because 16 years of data help determine whether this policy was a failure or a success.

Contextually before 2001, cultural perceptions of drug use in Portugal favored a harm-reduction mentality in light of the illicit drug use crisis.\textsuperscript{468} Grounded in public health theory, harm reduction in this context refers to pragmatic policies, such as syringe exchange programs, intended to reduce the harmful consequences of drug use behaviors.\textsuperscript{469} Most Portuguese citizens favored decriminalization in principle, despite concern over how this notion would work in practice.\textsuperscript{470} Decriminalization policies accompanied fear that the rates of illicit drug use would sharply increase, that Portugal

\textsuperscript{464} Ibid.
\textsuperscript{465} Hughes and Stevens, \textit{The Effects of Decriminalization}, 1.
\textsuperscript{466} Domoslawski and Siemaszko, \textit{Drug Policy in Portugal}, 30.
\textsuperscript{467} Ibid.
could become a destination for drug tourism, and that a decriminalization policy would connote federal acceptance of drug use.\textsuperscript{471} As part of its overarching strategy to decriminalize drug use, Portugal expanded available resources for drug use prevention, treatment, and recovery.\textsuperscript{472} In addition, broad social and health reforms played a crucial role in expanding the welfare state for citizens.\textsuperscript{473} This is not surprising; previous research has demonstrated how low socioeconomic status positively correlates with morbidity and mortality from drug use.\textsuperscript{474}

From a public health standpoint, the policy was a success; incidence of HIV infections, hepatitis B, hepatitis C, and overall drug related deaths decreased.\textsuperscript{475} Since 2001, Portugal has one of the lowest prevalence rates of drug overdose deaths in the European Union. Drug use decreased among 15–24 year olds, a group at higher risk for drug experimentation.\textsuperscript{476} Moreover, the rate of individuals experimenting with a drug(s) and continuing to use it dropped from approximately 45 percent in 2001 to 28 percent by 2012.\textsuperscript{477} Overall, drug use among minors also decreased.\textsuperscript{478} At 10 percent, Portugal has a low rate of lifetime marijuana use in individuals over age 15 (the rate is around 39.8 percent in the United States); Americans also surpass the Portuguese in rates of cocaine use.


\textsuperscript{472} Caitlin Elizabeth Hughes and Alex Stevens, “What Can We Learn from the Portuguese Decriminalization of Illicit Drugs?” \textit{British Journal of Criminology} 50, no. 6 (2010): 1016, doi:10.1093/bjc/azq038.


\textsuperscript{476} Hughes and Stevens, “A Resounding Success,” 103.


\textsuperscript{478} Ibid.
usage.\textsuperscript{479} From a criminal justice and law enforcement perspective, the policy was a success as it led to a decrease in crime.\textsuperscript{480} Finally, the prevalence of synthetic drug use in Portugal is now lower than in any country possessing reliable data on usage rates. Overall, drug use has decreased, even while usage across most other countries in Europe has continued to rise.\textsuperscript{481} According to drug policy expert Alex Kreit, criminal justice system savings following decriminalization in Portugal allowed for an increase in treatment capacity, leading to a 147 percent rise in the number of people seeking treatment from 1999 to 2003.\textsuperscript{482} In Portugal, decriminalization also led to a reduction in federal costs.

Portugal’s fears accompanying a policy of decriminalization never materialized. Before decriminalization, there was a fear that such a policy would lead to a dramatic rise in illicit drug use, yet this anticipated fear did not come to fruition.\textsuperscript{483} Rather, there was a significant increase in the number of individuals seeking treatment for addiction, and the number of individuals on medication-assisted treatment therapy more than doubled following decriminalization.\textsuperscript{484} The significant decreases in deaths from drug overdose, coupled with a decrease in transmitted diseases, provide compelling evidence that this policy is a success.

The structure of Portugal’s government is as a semi-presidential representative democratic republic, a government structure providing utility for using Portugal for a comparative analysis.\textsuperscript{485} Both Portugal and the United States claim to take a public health


\textsuperscript{482} Kreit, \textit{The Decriminalization Option}, 328.

\textsuperscript{483} “Setting the Record Straight,” \textit{Transform}.

\textsuperscript{484} Hughes and Stevens, \textit{Effects of Drug Decriminalization}, 2, 5.

rather than criminal approach toward illicit drug use. However, American policies do not reflect a public health approach, or what is referred to as the “public health smoke-screen in drug policy.” Rather than actually following a public health approach to drug use, the United States concentrates most effort on law enforcement and incarcerating nonviolent offenders. More than 80 percent of drug arrests are for personal possession, rather than drug distribution. The majority of arrests for personal possession are among nonviolent offenders. Illicit drug use remains highly criminalized with laws such as mandatory minimum sentencing and “three strikes” shifting sentencing power from judges to attorneys. Because of these strict sentencing laws, first time nonviolent offenders can easily receive de facto life sentences if the court prosecutes multiple trafficking convictions together. Rather than continuing to promote a façade, the Office of National Drug Control Policy should center the national drug control strategy on public health.

Availability is not the only basis for decisions to use illicit drugs. Rather, cultural and social trends strongly influence norms surrounding use. Portugal’s policy shift away from criminalizing drug use reflects a cultural trend happening around the world. Currently, more than 25 countries have shifted toward removing criminal sanctions for personal use of illicit drugs. For example, the Netherlands, Uruguay, and certain states within Australia removed criminal sanctions for the recreational use of marijuana. Joining Portugal, social attitudes in the United States currently favor deregulation, and

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487 Kerlikowske, *Drug Policy Reform in Action*.
492 De Cordoba, *Latin American Panel Calls U.S. Drug War a Failure*.
citizens are widely calling for reform of drug policy at the national level. In 2011, the Global Commission on Drug Policy concluded that the United States should spend less on law enforcement and more on prevention, education, and treatment.495

Drug decriminalization in Portugal led to a decrease in drug use, decrease in certain diseases, and an upsurge in the number of people pursuing addiction treatment. It is plausible to infer that decriminalization in the United States will likely lead to similar outcomes. Considering Portugal’s decriminalization policy in the context of U.S. drug policy would necessitate a full restructuring of existing drug laws. If the United States decides to implement a decriminalization policy akin to the one in place in Portugal, it would need to replace the CSA. The Office of National Drug Control Policy would shift toward a public health-centric mission focused on prevention, treatment, and recovery. From a federal standpoint of drug decriminalization, states and local governments could decide how to operationalize the process of adjudicating administrative penalties.

When assessing its own implementation fidelity, the United States could collaborate with Portugal. RAND Europe created a guide to help other countries implement Portugal’s drug strategy. It includes a breakdown of implementation priorities, tasks, and objectives under the realms of prevention, treatment, rehabilitation, harm reduction, prisons, justice, police, and research.496 In itself, decriminalization is neither a policy nor an action. Rather, within a legal framework of decriminalization, Portugal’s drug policy contains a number of overarching policies.

United States drug policy remains unmatched among developed nations due to its scale and the degree of criminal penalties for illicit drug use. According to a comprehensive systemic review of Portugal’s decriminalization policy, policymakers in Portugal are “virtually unanimous in their belief that decriminalization has enabled a far more effective approach to managing Portugal’s addiction problems and other drug-related afflictions.”497 Portugal provides a 16-year case study for assessing the utility of drug policy.

495 Global Commission on Drug Policy, War on Drugs, 10–17.
497 Greenwald, Drug Decriminalization in Portugal, 28.
broad drug decriminalization. Analyses of results following Portugal’s decriminalization framework depict positive outcomes. In 2001, Portugal decided to fight the disease of addiction instead of addicted individuals themselves. Rather than continuing current outdated and draconian policies, the United States can and should pursue drug policy reform centered on decriminalization. Aiming for the evidence-based policy described in the nation’s 2016 Drug Control Strategy, the United States should allow Portugal’s decriminalization data set to change this nation’s drug policy mindset.

2. National Biotech Ethics Committee and Strategy

Society is trusting our lawmakers, political appointees, and agency heads to apply those instruments to biological technologies that could literally change the future of humanity.

In a world of globalization and rapidly emerging technological innovation, the United States needs a strategy and a committee on national biotech ethics new biological and technological developments are intended to enhance human life, but simultaneously they pose an existential threat to humanity. With cutting-edge discoveries like gene-editing, biology is one of the most critical technology platforms of this century. Though the implications arising from their existence will ultimately affect illicit drug use as highlighted in the thesis scenarios, emergent biotech advancements transcend drug policy.

Existential risk is not a new concept: humanity has always coexisted with the risk of asteroids, volcanic eruptions, pandemics, earthquakes, and other natural disasters. Compounding these risks, society is now introducing transformative technologies that pose a new kind of peril, the likes of which the human species has never experienced before. According to physicist Stephen Hawking, AI threatens to trigger unstoppable growth until society experiences singularity—the point where human civilization is

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500 Ibid.
irreversibly changed, ushering in a new human era.\textsuperscript{502} Researchers at Cornell University developed a programmable synthetic skin that could change the entire appearance of robots and wearable consumer technologies.\textsuperscript{503} Elon Musk’s company SpaceX claims it will send a manned rocket to Mars before the year 2024.\textsuperscript{504} CRISPR technology allows scientists to alter the human genome permanently, an ability that could revolutionize fields like healthcare or lead to human augmentation and extensive geopolitical destabilization.\textsuperscript{505} In the near future, these separate technologies will converge with the ability to change drastically medicine, agriculture, and human life at an incomprehensible rate.

Policymakers lack the technical understanding and domain expertise to apprehend how most of these contemporary technologies work. As of 2017, there is only one PhD scientist in Congress, and the country has no coordinated biology or technology strategy.\textsuperscript{506} This is critical because emerging technologies are advancing faster than the government is able to understand and regulate them. Without preparation for emerging trends and technologies, it may be too late before an issue, like genetic privacy, leads to profound consequences.\textsuperscript{507} Without a national biology platform, the country leaves private companies alone to toy with technologies that have the potential to reshape the human species.\textsuperscript{508}

\begin{footnotesize}
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\item \textsuperscript{503} Brad Jones, “Scientists Have Created Programmable Synthetic Skin,” \textit{Futurism}, October 12, 2017, https://futurism.com/scientists-have-created-programmable-synthetic-skin/.
\item \textsuperscript{505} Daniel Sarewitz, “CRISPR: Science Can’t Solve It,” \textit{Nature} 522, no. 7557 (2015): 413–414, doi 10.1038/522413a.
\end{itemize}
\end{footnotesize}
The federal government needs to form a separate committee with the authority to develop a science-oriented biotech strategy outside of the realm of political or religious bias. The National Biotech Ethics Committee must comprise nonpartisan researchers, policy experts, futurists, scientists, ethicists, and individuals with domain expertise. Led by a chief ethics officer, this group should develop a common lexicon for discussing these topics and work directly to educate the executive branch on the implications of accelerating change. This committee should not be part of the national institutes of health, science, or technology. Rather, the Biotech Ethics Committee should act as a conduit between the executive branch of government and the scientific community. In understanding the potential consequences of emergent sociobiological and technical developments, the committee should take into consideration economics, behavioral theories, the environment, population demographics, cultural implications, and megatrends using a multi-faceted analytical approach. According to futurist Jim Dator, “once certain values, processes, and institutions have been enabled by technologies, they begin to have a life of their own.”

3. An Office of the Future

Institutionalized forward thinking proactively strengthens homeland security capabilities and delays the time it takes the government to react to change.

In a landscape of exponential technological growth and a rapidly expanding IoT, it is imperative for the United States government to create the Office of the Future. This office should develop a sophisticated toolset to prepare the country for emergent phenomena on the horizon. It is important to balance adaptation and planning. Where bureaucracy is reactive, the Office of the Future would proactively anticipate upcoming issues and technologies still in their embryonic stages. According to technology policy expert Alec Ross, security is supposed to be “a public good administered by government,

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509 Dator, *What Futures Studies is, and is Not*, 2.
510 Nieto-Gómez, “A Director of the Present?”
not a private good purchased in the marketplace.” Has the U.S. government fully addressed the need for digital security in a new era of cybersecurity and conflict?

To avoid bureaucratic paralysis, the Office of the Future should operate independently under an Auftragstaktik (decentralized) command philosophy. Under this broad concept, the executive branch oversight should provide the cabinet-level director of the Office of the Future with a general direction to develop strategic foresight, allowing the office the freedom to determine how to accomplish their mission. For example, the office could utilize forward-thinking solutions such as crowdsourcing to solve problems. Prospective thinking must occur on a continual forecasting basis, as technological innovation and digital disruption changes constantly. According to scenario planning expert Kees Van der Heijden, it is crucial to institutionalize the ability to interpret signals. What could the DEA have done 5–10 years ago to better prepare for the changing ecosystem of illicit drug use in 2017?

The creation of an Office of the Future would be evolutionary, though not without precedent. In Silicon Valley, the Institute for the Future and the Foresight Institute research revolutionary technologies and their fundamental importance to the human future. The Foresight Factory conducts similar research on behalf of Fortune 500 companies. An institutionalized approach to anticipating trends on the horizon does not belong solely in the private sector domain. In the United Kingdom’s Government Office for Science, teams work on year-long foresight projects focused on areas where emerging science informs policy. In Australia, the government funds a futures project

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511 Ross, Industries of the Future, 151.


514 For more information, see (for example) the Foresight Institute at https://foresight.org, and the Institute for the Future at www.iftf.org.

515 For more information, see (for example) Foresight Factory at www.foresightfactory.co/us/.

516 For more information, see (for example) future studies projects through the U.K.’s Government Office for Science at https://www.gov.uk/government/organisations/government-office-for-science.
focused on migration of skilled labor.\textsuperscript{517} Within the U.S. Department of Homeland Security, Federal Emergency Management Agency conducts its own strategic foresight initiative focusing on future disasters.\textsuperscript{518} To provide the most benefit to Americans, a dedicated office should collaborate with the private sector to focus on all areas of strategic foresight systematically.

4. **Health and Behavioral Healthcare System Transformation**

The success or failure of any government in the final analysis must be measured by the well-being of its citizens. Nothing can be more important to a state than its public health; the state’s paramount concern should be the health of its people.\textsuperscript{519}

> Franklin Delano Roosevelt

\textbf{a. Move Drug Policy from the Realm of Law Enforcement to Public Health}

The U.S. government should transition the domain of drug policy from law enforcement to public health. This realignment falls in line with the frequently repeated conclusion that the country’s drug problem “needs radical thinking as a public-health crisis rather than a moral crusade.”\textsuperscript{520} Researchers have established that a zero-tolerance drug policy impedes public health approaches, subsequently marginalizing and stigmatizing those who suffer from addiction.\textsuperscript{521} Moreover, experts in healthcare fields claim that zero tolerance dismisses evidence-based harm reduction strategies, such as syringe exchange programs.\textsuperscript{522}

Part of the public health success seen in the case study of Portugal was due to a general shift to treating drug use using a medical model rather than a criminal one that bestows criminal sanctions. With a policy of decriminalization in place, there would no

\textsuperscript{517} For more information, see (for example) http://australianfutures.co.uk/faqs.html.

\textsuperscript{518} For more information, see (for example) Federal Emergency Management Agency’s Strategic Foresight Initiative at www.fema.gov/strategic-foresight-fema.


\textsuperscript{520} Nutt, *Drugs without the Hot Air*, 7.

\textsuperscript{521} Godlee, *The War on Drugs Has Failed*, 1.

\textsuperscript{522} Wood et al., “The War on Drugs,” 989.
longer be a reason for law enforcement to enforce a strict penal code related to the consumption of illicit substances. Moreover, this system transformation would better prepare the nation for a future in which people use drugs other than biochemical substances to get high. Homeland security and public health have a shared mission to maintain social and economic stability as well as government functioning; a drug policy realignment from law enforcement to public health will help further this mission.523

b. Expand Access to Healthcare and Behavioral Health Services

In Portugal, decriminalization has reduced stigma related to drug addiction. Citizens are no longer afraid of criminal involvement for seeking treatment. Instead of being prosecuted, individuals caught using drugs receive a non-enforceable invitation to seek treatment. As a result, the number of individuals seeking treatment for substance use disorders nearly doubled in the years following implementation.524 Formalizing the expectation that treatment is available, Portugal’s model hinges on the existence of a highly functioning drug treatment system.525 The United States is the only industrialized nation without government-sponsored universal healthcare.526 If the United States intends to decriminalize drug use, it must complement this action with a move to strengthen the existing drug treatment system.

The best way to strengthen the existing drug treatment system is to implement a universal healthcare system like the socialized health system found in Portugal or almost all other developed nations. In the United States, a mélange of for-profit, nonprofit, and government-provided funding at privately and publicly funded facilities provide healthcare. Although the United States spends more on healthcare per capita than any other nation, it drastically underperforms and continually ranks as one of the worst

524 Greenwald, Drug Decriminalization in Portugal, 15.
525 Hughes and Stevens, Effects of Decriminalization, 2.
performing systems among developed countries. A universal public health system would provide complete access to behavioral health services to all citizens.

Health is the cornerstone of ensuring a population is safe, secure, and resilient in the face of threats. Universal healthcare represents a preferred homeland security practice. According to Fremont Police Captain Kimberly Petersen, “Our ability to obtain health care is part of the homeland security preparedness puzzle.” With a fractured healthcare system, the United States limits its ability to be resilient and fails to achieve full preparedness. Universal health coverage is indispensable to achieving individual health security. Security threats are not static. As the United States faces surges and innovative forms of drug epidemics, it is imperative that the homeland security enterprise remain adaptable. Adopting universal healthcare will systematically strengthen the nation’s homeland security and ability to be resilient. Ability to obtain healthcare, including behavioral health treatment, is vital to Americans and reinforces an all-hazards framework to security.

E. LOOKING FORWARD

We need policymakers and thinkers who have that intuitive revolutionary feel for the inescapable demands of innovation.

Society changes to keep up with technological innovation. Pacemakers, organ transplantation, and Lasik eye surgery were wild, fringe innovations when they first appeared in in the public but are now accepted by the mainstream. The next industrial convergence will likely be a collision between the biological and computer sciences. In the future, policymakers will likely merge subjective judgment with computer-based

529 Petersen, “The Affordable Care Act,” v.
531 Petersen, “The Affordable Care Act.”
532 Ramo, Age of the Unthinkable, 37.
forecasting.\textsuperscript{533} According to futurist Rodrigo Nieto-Gómez, “upcoming trends are visibly influencing the homeland security environment in a way that should not be surprising.”\textsuperscript{534} To prepare for the arrival of new trends, it is important to value divergent views and emergent thinking. Scenario thinking is one method for harmonizing the spectrum from imagination to pragmatism. Fictional scenarios challenge assumptions and show how moving parts could intersect to produce counter-intuitive outcomes. With a phenomenal instinct to pioneer new policy approaches, the United States will thrive as a leader in a complex revolutionary age of change.

\textsuperscript{533} Tetlock and Gardner, \textit{Superforecasting}, 23.

\textsuperscript{534} Nieto-Gómez, “A Director of the Present?”
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