

# NEW POLITICS OF POT

medical purposes\*

**CAN IT GO LEGIT?** How the people who brought you medical marijuana have set their sights on lifting the ban for everyone

By **JOEL STEIN** LAS VEGAS

THE DRUG CZAR IS READY FOR PRO wrestling. He already has the name, and now he's got the prefight talk down cold. In every speech he makes in Nevada, where Bush appointee John Walters has traveled to fight an initiative that would legalize marijuana, he calls out his three sworn enemies as if he were Tupac Shakur. The czar has a problem with billionaire philanthropists George Soros, Peter Lewis and John Sperling, who have bankrolled the pro-pot movement, and he wants everyone to know he's ready for battle. At an Elks lodge meeting in Las Vegas, he ticks off their names and says, "These people use ignorance and their overwhelming amount of money to influence the electorate. You don't hide behind money and refuse to talk and hire underlings and not stand up and speak for yourself," he says. By the end of a similar speech at a drug-treatment center in Reno, he says, "Let's stop hiding. I'm here.

Where are you?" The czar is bringing it on.

Before the new czar was appointed in December, it was the government's preference not to address the legalizers. But the pro-pot movement has gained so much ground they can't be ignored as a fringe element. Americans, it turns out, aren't conflicted in their attitude toward marijuana. They want it illegal but not really enforced. A TIME/CNN poll last week found that only 34% want pot to be totally legalized (the percentage has almost doubled since 1986). But a vast majority have become mellow about official loopholes: 80% think it's O.K. to dispense pot for medical purposes, and 72% think people caught with it for recreational use should get off with only a fine. That seeming paradox has left a huge opening for pro-pot people to exploit. Eight states allow medical marijuana, and a handful of states have reduced the sentences for pot smokers to almost nothing.

The midterm election Nov. 5 has lighted up the issue even more. While control of

as should be fined, not jailed

\*From a TIME/CNN poll conducted Oct. 23-24 among 1,007 adult Americans. Margin of error is 4.3%.

Photographs for TIME by William Mercer McLeod

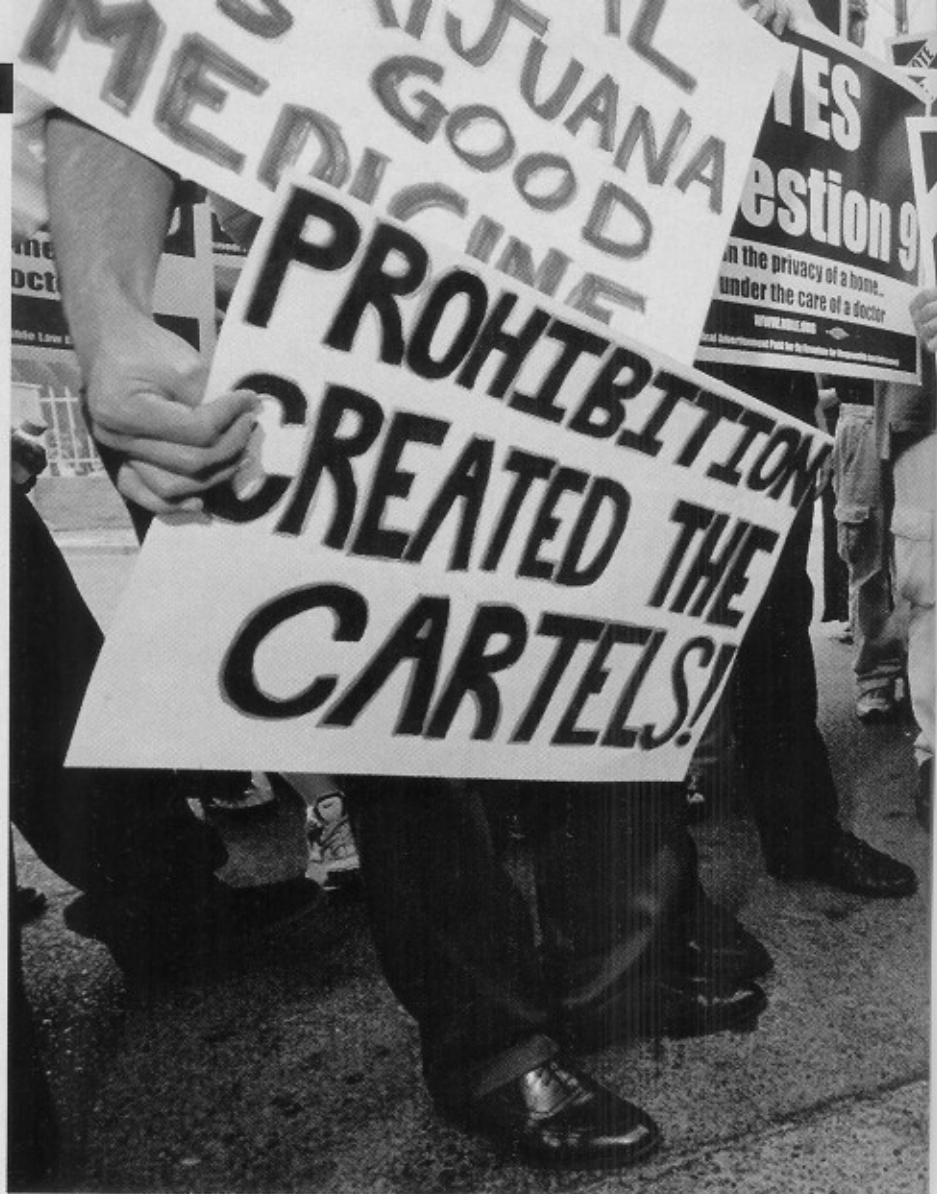
the House hangs in the balance and the race for the Senate is a dead heat, the political trend for marijuana is clear: support is gaining. The most interesting battles on the November ballot are over pot initiatives: to allow the city of San Francisco to grow and distribute medical marijuana, to replace jail with rehab in Ohio and decriminalize marijuana use in Arizona. Many of these proposals are relatively modest, but the pro-pot forces are also raising the stakes. In spite of the electorate's contentment with the paradox of loose enforcement, some particularly powerful people on both sides have taken extreme viewpoints in an effort to end the political stalemate and force Americans to choose. Either pot is not so bad and should be legal, or people should be arrested for smoking it. The battlefield for the showdown is Nevada, where Question 9 would allow adults to possess up to 3 oz. of pot for personal use. In fact, the state government would set up a legal market for buying and selling pot. To almost everyone's surprise, the race is too close to call.

While the pro-pot forces have pushed their agenda at the polls, opponents have tried to use legal muscle to fight back. After a Supreme Court decision last year reiterating that federal drug laws trumped state ones, the Drug Enforcement Administration sent federal agents to California to bust medical-marijuana growers, a move that tended to outrage California voters who had approved this use. In fact, as the Administration pushes harder against the pro-pot forces, pot supporters seem to gain ground.

Among the biggest pro-pot players, medical marijuana was actually kind of a ruse. Sure, there are sick people who really feel they need marijuana to numb pain, relieve the eye pressure of glaucoma, calm muscle spasms or get the munchies to help with AIDS wasting (*see following story*). But they are not the people who put the debate into high gear. A few years ago, the Drug Policy Alliance—an organization founded by billionaire philanthropist Soros, who wants to legalize marijuana and reform drug laws by replacing jail time with rehab—decided it would fund only those initiatives that could be won. So the group ran a bunch of polls to find out how America feels about the drug wars, and the reformers came up way short on everything but three policies: people preferred treatment over incarceration in some cases, people hated property forfeiture, and an overwhelming majority felt medical marijuana should be legal. So Soros & Co. set out to get medical-marijuana legislation. The fight has done quite well, especially when, to their

surprise, the Federal Government took the bait and started arresting little old ladies and storming peaceful pot-growing cooperatives. In fact, the pro-pot people have done well enough that some of them feel it is time to drop the ruse and fight for full legalization. Plus, with Britain experimenting with a "seize and warn" policy instead of arresting pot smokers and Canada flirting with doing the same, the blunt-friendly were ready to take off the camouflage and fight. And where else to try this but in Nevada?

That's why the czar is in Vegas, sitting in a room at the Venetian Hotel guarded by U.S. marshals. The czar, a smart, likable, earnest man who believes he can help Americans by fighting the drug war, is derided by the opposition as "Bill Bennett's Mini-Me." Indeed, he worked for Bennett under Reagan in the Department of Education and then as Bennett's deputy drug czar in the first Bush Administration. When George W. appointed him, the President told the czar to watch the movie *Traffic* as



## DRUG CZAR

### JOHN WALTERS

The director of the White House Office of National Drug Control Policy, Walters worked for William Bennett under Reagan in the Department of Education and under George H.W. Bush as deputy drug czar. He believes the drug war is working



## PRO-POT MONEY

### GEORGE SOROS

A billionaire from financial speculation, Soros funds tons of charities, notably promoting democracy in post-Soviet bloc countries but also including programs on dying with dignity and the Drug Policy Alliance





**PRO-POT PARTY:** Outside a TV-news studio in Las Vegas, demonstrators rally in favor of legalization while the drug czar is interviewed inside

a way to understand the problem. The czar, who told *TIME* he has never smoked pot, believes marijuana to be not only a gateway drug but also incredibly detrimental in its own right—causing driving accidents, domestic violence, health risks and crippling addiction. He thinks the legalization argument is absurd, especially when proposed by libertarian Republicans who are so doctrinaire he finds them to be outside his party. “This is great talk at 2 a.m. in a dorm room, that all laws should be consistent. But the real world isn’t consistent. It’s ludicrous to say we have a great deal of

problems from the use of alcohol so we should multiply that with marijuana,” he says. It doesn’t take long for him to get back to the three billionaires: “It’s unprecedented, the amount of money put in by such a small amount of people over one issue.”

The marijuana legalizers, including the billionaires Walters vilifies, don’t have much kinder things to say about him. In fact, for old rich men, they can sound a lot like Tupac. One of them, Sperling, 81, is founder of the highly profitable nationwide chain the University of Phoenix. He has spent \$13 million on drug-reform cam-

paigns and lots of other money on other pet projects, including cloning his cat. “Mr. Walters is a pathetic drug-war soul who is defending a whole catalog of horrors he’s indifferent to,” Sperling says from his office in Phoenix, Ariz. “The government’s drug-reform policy is driven by a Fundamentalist Christian sense of morality that sees any of these illegal substances used as evil.” Sperling says he smoked pot to combat pain associated with the cancer he fought in the 1960s.

Lewis, 68, former CEO of Progressive, an insurance company, doesn’t despise the czar quite as much, but he has been battling him even harder. The reasons for Lewis are more straightforward. He has been referred to by colleagues as a “functional pothead.” He spends half the year on a \$16.5 million, 255-ft. yacht, where he smokes pot regularly; he even got arrested in New Zealand on drug charges a few years ago, he told the *Plain Dealer*. He is one of the main backers of the radical Nevada proposal, having given heaps of money to the Marijuana Policy Project, which is running Question 9 there. “The absurdity of its illegality has been clear to me for some time. I learned about pot from my kids and realized it was a lot better than Scotch, and I loved the Scotch. Then I went to my doctor, and he said, ‘I’m thrilled. You’re drinking too much. You’re much better off doing pot than drinking.’”

Soros (who has smoked pot but no longer does) declined to be interviewed, and like the rest of the troika, he won’t debate Walters. They are probably refusing for two reasons: 1) they would likely lose, since none of them are politicians; and 2) if you were going around the world on a 255-ft. yacht, would you list “Drug Czar” as one of your ports of call?

So instead they fight federal policy with initiative after initiative, while also defending local pro-pot laws. Their side got a major media boost in California in September, when federal agents busted Santa Cruz’s Wo/Men’s Alliance for Medical Marijuana in an early-morning raid. The feds dragged the farm’s owners, who were legally growing pot under California law, to a federal building in San Jose for breaking federal law and held a paraplegic resident at the farm for hours. “I opened my eyes to see five federal agents pointing assault rifles at my head. ‘Get your hands over your head. Get up. Get up.’ I took the respirator off my face, and I explained to them that I’m paralyzed,” said Suzanne Pheil, 44, who is disabled by the effects of postpolio syndrome. Her story was broadcast everywhere, since the pro-pot people had basically been wait-

**JOHN SPERLING**

After making billions creating the University of Phoenix, Sperling backed anti-aging and saltwater agriculture causes.

He has donated \$13 million to drug-reform campaigns, winning all 17 ballot initiatives he has backed



**PETER LEWIS**

Retired CEO of the insurance company Progressive and a scotch drinker turned regular pot user, billionaire Lewis gives money to the Marijuana Policy Project, which is spearheading the fight to legalize the drug in the State of Nevada



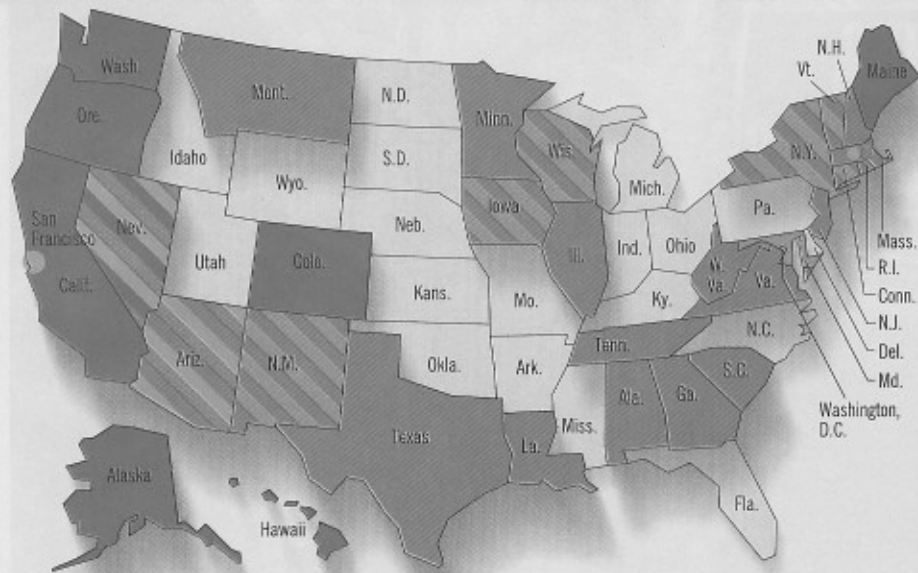
FROM LEFT: WILLIAM MERCER MCLIOD FOR TIME; TOMAS MUSCORNICO—CONTACT; ERIC O’CONNELL; CHRIS STEPHENS—THE PLAIN DEALER

ing for her to be harassed, punching every phone number on their media list minutes after the raid. Pot people, surprisingly, can move pretty fast when they want to.

The bust couldn't have gone better for the pot folks. California attorney general Bill Lockyer fired off an angry letter to DEA chief Asa Hutchinson, who wrote back saying that federal law allows the feds to seize pot. "During the Clinton years they didn't do this," says Lockyer. "It disappointed me that they would be using precious resources to act like a bunch of bullies." San Jose police chief William Lansdowne was so annoyed by the raid that he withdrew his officers from the local DEA task force, ending 15 years of close work. Even Governor Gray Davis, who has been quiet on the marijuana issue, expressed concern over the feds' bust. A week after the raid, Santa Cruz officials gathered at city hall to supervise public distribution of marijuana to members of the Wo/Men's Alliance for Medical Marijuana in front of TV crews, a way of giving Washington the finger.

To many Republicans, this looks like bad politics for Bush. "It seems to me about as far from Compassionate Conservatism as you can get," says former Nixon and Reagan aide Lyn Nofziger. "There are an awful lot of people in their 50s and younger who smoked pot when they were younger and don't look on it as something that destroyed their lives. I think there is a lot more open-mindedness toward pot than there used to be."

In Nevada, popular Republican Governor Kenny Guinn refuses to take a stand on Question 9, the pot-legalization amendment to the state constitution, saying he'll go with whatever the people vote for. And he won't really have to worry about it for a while, since the constitutional amendment will go into effect only if Nevadans vote yes on Nov. 5 and again in 2004. So Guinn may be smart to stay out of the debate, because the rhetoric from both sides has gone out of control. The drug czar's latest commercial, which was actually focus-grouped with teens and their parents, shows two teens getting stoned in their father's study, talking apathetically about a bunch of stuff. One pulls out a gun from his dad's drawer, the other asks lazily if it's loaded, and the gun-toting teen shrugs and shoots the other kid. "The suggestion is not to say too many children are being shot in their dens who are marijuana users," Walters said. "It's meant to show that marijuana alters your ability to use judgment." In the other camp, many of the workers lied to voters in the course of gathering signatures to get Question 9 on



## STIRRING THE POT

**States that allow the use of medical marijuana**

**States with largely symbolic medical marijuana laws (provisions that are dormant or cannot be implemented)**

Striped states represent overlapping categories.  
Sources: Marijuana Policy Project, Drug Policy Alliance

**November ballot initiatives on medical marijuana**

**Other marijuana-related ballot initiatives**

**States that introduced legislation in the past session that either stalled in committee or did not pass**

Note: Washington, D.C. and Ohio have ballot initiatives calling for drug treatment instead of jail.

the ballot, saying it was a medical-marijuana proposition, according to several pro-pot Nevadans. The two camps even fight regularly about how many joints can be made from 3 oz. of pot, the proposed legal maximum. The pro-pot people claim 80, while the anti-pot people carry around bags of 250 joints to illustrate their case. Yes, moms across the state are spending large parts of their nights rolling parsley and oregano.

The Marijuana Policy Project in Nevada has a chance partly because it is far better organized than its scattered opposition. The project made a smart move in hiring Billy Rogers, a Democratic political consultant from Texas, to run the Nevada campaign. Rogers sends people door to door daily to target supporters he can call on Election Day and bus to voting booths. This could make the difference in what the polls show is an almost evenly split electorate. Rogers' office is situated in a Vegas strip mall, just above an Asian massage parlor, which is right next to a children's tutoring center, which is all you need to know to understand why the project is staging this fight in Nevada. The office looks more like a sorority fund drive than a '60s dorm

room. Posters drawn by children depict images like a teddy bear with a heart labeled VOTE YES ON 9. Rogers, wearing a collarless white shirt, is still at work at 1 a.m., editing a commercial. "In college we'd sit around and talk about this—that when we grew up we were going to change these laws. And now we're doing it," he says. Rogers, who says he hasn't smoked pot in 15 years, doesn't have a personal connection to the fight, but it's pretty easy to get him into a James Carville mood. When he talks about Walters' oft repeated claim (an assertion shared by the National Institute on Drug Abuse) that marijuana has much higher levels of tetrahydrocannabinol (THC) than it used to, that, in Walters' words, "it's not your father's marijuana," Rogers goes ballistic. "It's a plant. What—it's not your father's broccoli? Its genetic structure hasn't changed in 30 years," he says, eating steak for a late-night meal. "These guys will say anything. If I had a billion-dollar budget, I'd say anything to stay in business."

That's one of the major conspiracy theories of the pro-legalization movement—a rant right out of the Eisenhower era, that the



MINE HALL/AP

**FIERY ISSUE:** Members of a collective get medical marijuana in Santa Cruz, Calif.; a lawman burns an illegal crop in Kentucky



PAUL FUSCO/WASHINGTON

government is keeping pot illegal so it can maintain its giant drug-war bureaucracy. Its advocates also believe—as put forth directly in the pro-medical marijuana commercials of billionaire independent New York gubernatorial candidate Tom Golisano—that politicians are in the pocket of the pharmaceutical companies, who fear marijuana is such good medicine that their own products will suffer. The pro-legalization forces also believe, more convincingly, that the right wing of the Republican Party connects drug use with sin and radicalism and the failure of the family. “I’ve known John Walters for about 10 years, and I don’t think this is about drugs for him,” says Ethan Nadelmann, head of the Drug Policy Alliance. “John is a reactionary ideologue. It’s the broader battle about what we tell kids about life. It’s a vehicle for promoting a tougher, meaner approach to life and government.” Democratic Congressman Barney Frank of Massachusetts claims the war on drugs is really a war against the Other. “Alcohol does more damage in many areas of society than drugs, particularly marijuana, but we treat marijuana as much worse, and that’s because it’s asso-

ciated with the counterculture.”

Some Republicans, however, are ready to legalize medical marijuana. Texas Congressman Ron Paul, a doctor and onetime Libertarian Party presidential candidate, has been fighting for medical marijuana. “From a humanitarian standpoint, people should never be denied this kind of help,” says Paul. But fellow Republican Hutchinson stands behind the decision to prosecute. “Why would they want to authorize behavior under state law that is still a violation of federal law?” he says. “It endangers a population, to me. It gives the green light on the one hand and a go-to-jail ticket on the other.”

Among cops and other law enforcers, there are sharp divisions too. Some, like Joseph D. McNamara, a former San Jose police chief and now a Hoover Institution fellow, call for an end to the criminalization of marijuana. “Most of the police officers I hired during the 15 years I was police chief had tried it,” says McNamara. Like many pot legalizers, he believes the system, which he says arrests more people for marijuana than for any other drug, is racist. “Ninety million Americans have tried marijuana. When you look at who’s going to jail, it is overwhelmingly disproportionate—it’s Latinos and blacks.” Not surprisingly, the topic is radioactive in the police profession. Andy Anderson, who was head of his state’s largest cop organization, the Nevada Conference of Police and Sheriffs, announced that his board members unanimously supported the pro-pot initiative so they could focus on more serious crimes. A few days later, An-

derson was forced to resign. The voice for Nevada cops then became Gary Booker, deputy district attorney in charge of the vehicular-crimes unit, until he told members of the press he believed the wild claims of political extremist Lyndon LaRouche that Soros is pro-legalization because he bankrolls drug cartels. When talking to *TIME* at the Elks lodge where he introduced the drug czar, Booker awkwardly tried to explain away his statement: “The word cartel was used, not drug. A cartel is a group of businessmen who control price, and that’s what we’ve got here. Three or four guys are controlling the thing.” He too stepped out of the role of Nevada police spokesman.

The pro-pot people feel that victory—even if it comes not this year and not in Nevada—is inevitable. Each year there are fewer members of the pre-boomer generation, who tend not to distinguish between heroin and pot. In 1983, only 31% of Americans surveyed had tried pot; the new *TIME/CNN* poll puts the figure at 47%. And though pot use among teens is down from its ‘70s highs, parents sneaking joints when their kids are asleep is a fresh phenomenon. But the polls show that Americans still cling to pot’s forbidden status, which is why the pro-pot people are working so hard. “You would think you would get a change, but you’re not going to,” says Charles Whitebread, a law professor at the University of Southern California who has written extensively on marijuana law. “Even though it did nothing to them, the fear that it will somehow pollute their children has made some of the people who used marijuana extremely freely now say, ‘Oh, gee, I wouldn’t be in favor of the change in the legal status of marijuana.’” It may be that the major dividing line between the pro- and anti-legalizers is not party affiliation but parental status. And even among parents, moms see more against pot than dads.

So, barring another wave of ‘60s-like radicalism or a lot more poorly thought-out co-op busts by the feds, Americans’ complicated feelings about pot aren’t going to be reconciled overnight. And recent studies showing that marijuana can have addictive properties, though in a small percentage of cases, is going to make some parents more nervous about their kids turning into potheads. While alcohol and cigarettes may be more dangerous, a lot of parents would rather smell beer on their kid’s breath than have a 29-year-old living at home, eating Cheetos and watching *SpongeBob*.

—With reporting by Matt Baron/Chicago, Laura A. Locke/San Francisco, Viveca Novak/Washington and Sean Scully/Los Angeles