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## Change of Tune on Drug Policy?

By ETHAN A. NADELMANN

Is there any chance that President Bush could pull a "Nixon goes to China" on drug policy? Don't laugh. It's possible.

On Monday, when the Supreme Court ruled against the medical marijuana buyers' clubs, Justice John Paul Stevens noted that candidate Bush had supported state self-determination on medical marijuana use. And last January, Bush said: "I think a lot of people are coming to the realization that maybe long minimum sentences for first-time users may not be the best way to occupy jail space and/or heal people from their disease."

Admittedly, for those who think the war on drugs is doing more harm than good, Bush's appointment of John Ashcroft as attorney general was a disaster. "I want to escalate the war on drugs," he said shortly after being appointed. "I want to renew it. I want to refresh it, relaunch it if you will."

Ditto for John P. Walters, Bush's choice for drug czar. It's hard to find someone more bellicose when it comes to the war on drugs. Walters is enamored of costly international control efforts, notwithstanding the absence of evidence indicating that they have any impact on drug abuse problems in this country. Forget about science and public health. He prefers to lock people up.

**Ashcroft and Walters are the temperance warriors of today, intent on punishing people for the "sin" of using drugs.**

**But not everyone with influence in the Bush White House shares that view. GOP governors who once rode the drug war bandwagon are beginning to sing a different song for any number of reasons.**

Connecticut Gov. John Rowland has started telling fellow Republicans that the best way to bring African Americans into

the party is to address the unfairness of the criminal justice system. He's now supporting efforts in his own state to divert drug offenders into treatment.

Similarly, New York Gov. George Pataki surprised everyone earlier this year by calling for significant reform of the draconian Rockefeller drug laws (although Pataki's actual proposal fell far short of his rhetoric).

Tommy Thompson, the former Wisconsin governor who now heads the Department of Health and Human Services, has also changed his tune. A major prison builder for most of his

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gubernatorial tenure, Thompson said last year that enough is enough. More recently, Thompson's hand was apparent in the appointment of fellow Wisconsinite Scott H. Evertz, who supports needle exchange, as the new "AIDS czar."

And then there's New Mexico Gov. Gary Johnson, a libertarian Republican who's dared say what few other politicians will say but many Republicans believe: that our biggest drug problems have more to do with drug prohibition than drug use per se.

Johnson was not the first prominent Republican to utter such sentiments out loud; former Secretary of State George Shultz has been saying much the same since 1989, and Tom Campbell, the former California congressman who ran for U.S. Senate last year, articulated a similar message. Ditto for William F. Buckley Jr., Milton Friedman and other prominent conservative intellectuals.

**The fact is, there's a libertarian streak that runs deep in the Republican Party that understands the futility of trying to prohibit what are essentially**

**global commodities markets. Many of these libertarians recoil--just as do many Democrats--at the drug war's assault on personal freedoms. Look for some of them to speak their minds.**

As for other voices close to Bush:

Secretary of Defense Donald Rumsfeld told Congress in January that illicit drug use is "overwhelmingly a demand problem." At the Republican National Convention last summer, Colin Powell, now Bush's Secretary of State, condemned the wholesale incarceration of "2 million Americans who, while paying for their crimes, are not paying taxes, are not there for their children and are not raising families." Too many, he noted, are young black men--a large percentage of whom are in prison on drug charges.

As for all those thirty-, forty- and fiftysomething Republicans now filling top White House slots and senior positions in federal agencies, can anyone doubt that a fair share smoked the occasional marijuana joint or broke a few other drug laws in days past?

And then there's John J. DiIulio Jr., Bush's "faith czar." True, in the mid-'90s, he wrote a book (with William Bennett and John Walters) defending the "lock 'em up" approach to drug crimes and just about everything else. But DiIulio changed his tune a few years ago, moved in part by his own empirical studies of who was being incarcerated and in part by his own personal religious transformation.

Now DiIulio says that mandatory minimum drug laws need to be repealed, that drug-only offenders should be released and that drug treatment should be available both behind bars and in the community. One would hope that this strikes a chord with Bush. Don't hold your breath, but just maybe Bush will "go to China" on this one.

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