

Drug Test

Polling Congress about medical marijuana

By Nick Gillespie

Last fall, when voters in Arizona and California passed ballot initiatives allowing doctors to prescribe currently illegal drugs, it seemed like one small step for a more humane drug policy. (See "Prescription: Drugs," February.) But in the wake of fierce—and continuing—denunciations by representatives of the federal government, the implications of the initiatives keep getting broader and broader. They raise, most notably, serious issues of federalism. Contravening federal drug laws, Arizona's Prop. 200 and California's Prop. 215 implicitly assert that drug policy is the province of state governments. That assertion provides a potential model for devolution of power in all sorts of policy areas.

In January, REASON polled the U.S. congressional delegations of Arizona and California to gauge their reactions to the initiatives—and to the Clinton administration's repeated threats to prosecute doctors and patients who exercise their rights under the new laws. Senators and representatives in the two states occupy an interesting middle ground in the debate for several reasons: Though part of the federal government, they represent the same voters who supported the state-level initiatives; while many members of Congress openly favor "devolving" power to the states, they rarely discuss drug policy in such a context; and the old liberal/conservative split is no longer a significant predictor when it comes to prosecuting the drug war.

We asked the states' four senators and 58 representatives the following questions:

1) Do you support the Clinton administration's threats to crack down on physicians and other citizens of your state who

exercise their rights under Prop. 200 (Ariz.) or Prop. 215 (Calif.)?

2) Opponents of the measures such as drug czar Barry McCaffrey and Arizona Sen. Jon Kyl have claimed that voters were "asleep at the switch" and "hoodwinked." Do you think voters of your state were incompetent in passing this law?

3) Do you believe that physicians who prescribe or recommend marijuana to relieve a specific medical condition should be subject to criminal prosecution?

The aggregate results of our survey are reported in the chart; a full listing is available on Reason Online (www.reasonmag.com). Because politicians typically employ the specificity of psychics and rarely give simple, meaningful yes-or-no replies, we inferred their answers based on the overall content of their responses.

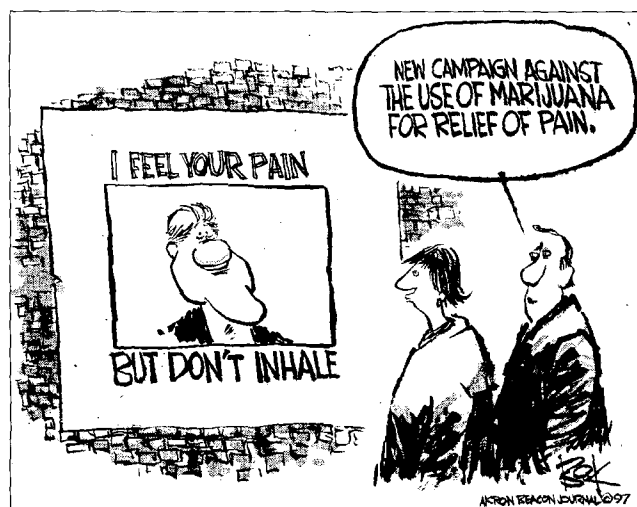
One of the most interesting results was also one of the most predictable: an unwillingness to discuss the topic at all. Out of 62 possible responses, 36 members refused to comment on the matter. Several congressional staffers expressed surprise and relief that the initiatives had not played a larger role during the last campaign. As Will Dwyer, a spokesman for Rep. George

Radanovich (R-Calif.), explained with a laugh, "I don't think we took a position on it. We took a position for re-election." In a slightly different but popular vein, a staffer for Rep. Howard Berman (D-Calif.), said the congressman had "decided not to get involved" in the Prop. 215 imbroglio. Even Rep. Ed Royce (R-Calif.), a Reason Foundation donor, did not respond to repeated requests for an interview.

Many of the 26 senators and representatives who did respond seemed uncomfortable with the topic and unwilling to speak plainly about their positions. A notable exception was Rep. Bob Stump (R-Ariz.). Stump, who has little use for the Clinton administration in general, said he is "adamantly opposed to Prop. 200" and fully supports federal efforts to prosecute patients and doctors who use or prescribe marijuana and other substances banned in federal law. As to whether Arizonans acted incompetently in passing Prop. 200, Stump replied in the affirmative, explaining, "The opening paragraph of the ballot initiative argument—which is all most people read—had a very misleading statement. People thought they were making it tougher on drug criminals. I don't think the voters knew what they were voting on."

On the other hand, a number of respondents signaled relatively uncomplicated opposition to the federal response. Rep. Chris Cox (R-Calif.) said, "I don't support the prosecution of physicians who prescribe marijuana for specific medical conditions." A spokeswoman for Rep. Fortney "Pete" Stark (D-Calif.) told us the congressman supports Prop. 215 "definitely" and considers it a "genuine step toward relieving suffering." Rep. Ronald Dellums (D-Calif.), usually no great fan of decentralized government, has written the president urging a different response; Dellums, says a spokesman, believes this is an issue in which the "states have jurisdiction."

Such candor was rare. Inter-



estingly, though, the responses show that even ostensible supporters of the Clinton administration policy were uneasy with publicly pledging their allegiance to this particular drug war battle—and it is certainly worth noting that the congressional delegations disagreed with the Clinton line by an almost two-to-one margin. A spokesman for Rep. Howard “Buck” McKeon (R-Calif.) simultaneously voiced his boss’s support for a get-tough policy and suggested the possibility of revising that policy: McKeon, said Armando Azarloza, sees “no need to liberalize existing laws,” but recognizes a need to “understand exactly what illnesses marijuana is good for.”

In a written response, Rep. Matt Salmon (R-Ariz.) eschewed giving a yes or no to our first and third questions. “We must find a way to reconcile the wishes of the people of Arizona with our federal efforts to fight the scourge of illegal drugs,” said Salmon, who described himself as a “strong proponent of reducing taxes, expanding trade, and promoting free market health care reforms like Medical Savings Accounts.” He added, “As long as the medical community does not recognize the efficacy of illegal drugs, it is appropriate to enforce laws against their distribution.” This seems to imply that if the medical community *does* recognize their efficacy, Salmon would sign on to Prop. 200.

Indeed, some members who supported the Clinton administration openly embraced that implication. Speaking for Rep. Frank Riggs (R-Calif.), Beau Phillips cited Riggs’s opposition to Prop. 215 and said, “there is no credible medical research [as to] whether marijuana use is legitimate.” However, according to Phillips, Riggs would like to see that research conducted, because the “door is not closed to any procedure that would reduce human suffering.” When it comes to the specific issue of shackling cancer patients and their doctors, there seems to be little stomach for the sort of total war that has characterized federal drug policy.

When we asked whether voters were “incompetent” to pass the initiatives, we

Poll Results

Sixty-two senators and representatives were polled. Twenty-six responded; 36 either had no comment or did not respond.

Question 1: Do you support the Clinton administration’s threats to crack down on physicians and other citizens of your state who exercise their rights under Prop. 200 (Ariz.) or Prop. 215 (Calif.)?

Yes: 9

No: 15

Question 2: Opponents of the measures such as drug czar Barry McCaffrey and Arizona Sen. John Kyl have claimed that voters were “asleep at the switch” and “hoodwinked.” Do you think voters were incompetent in passing this law?

Yes: 9

No: 16

Question 3: Do you believe that physicians who prescribe or recommend marijuana to relieve a specific medical condition should be subject to criminal prosecution?

Yes: 8

No: 15

Note: Totals do not add up to 26 because some respondents did not answer all questions.

A full report on the poll is available on Reason Online (www.reasonmag.com).

knew few politicians would be so impolitic as to answer with a simple yes. Among opponents of the initiatives, there was a fairly standard tap dance around the offensive word. “The congressman never believes voters are stupid,” said a press secretary for Rep. Robert Matsui (D-Calif.). “But we’re not sure what kind of awareness of the proposition there was.” Along similar lines, a spokesperson for Rep. Matthew Martinez (D-Calif.) claimed “voters were not asleep at the switch, but they were hoodwinked. They let compassion override better judgment.” A aide to Sen. Jon Kyl (R-Ariz.), one of the most outspoken opponents of the new laws, even suggested a psychological mechanism to explain continued support for the “misguided” legislation: “Nobody likes to be tricked. So now [voters] are defending their mistake more and more defensively.”

Regardless of the voter competency issue, however, most respondents generally embraced the voters’ will, even when it differed from a member’s predilection. Rep. Sonny Bono (R-Calif.) “voted against Prop. 215 and doesn’t believe in the medical marijuana approach,” said spokesman Frank Cullen. “But [Bono thinks] it is

wrong for the feds to step in.” Similarly, a spokesman for Rep. Gary Condit (D-Calif.) said Condit is “opposed to legalizing drugs in any way. But he’s a firm believer in states’ rights and may oppose the federal efforts to crack down on doctors.” The press secretary for Rep. Jim Kolbe (R-Ariz.) said Kolbe was against Prop. 200 and went so far as to suggest, “Perhaps voters didn’t fully understand.” More important was the second part of his response: “What else is new? To single out [the voters’ decision] on this issue is wrong. Rep. Kolbe won’t come riding in on a white horse with all the power of Washington behind him. The voters of Arizona have voted, and [the federal government] will have to deal with that in some legal framework that makes sense.”

Such reasoning reflects some benefits of the initiative process: the ability to force a discussion of topics politicians would rather leave alone and the ability of citizens to demand accountability of their representatives. Two years ago, the medical marijuana issue was not simply flying below the political radar screen—it was grounded. In the wake of Prop. 200 and Prop. 215, even the nation’s drug czar is calling for research into a matter that the feds had more or less considered closed. With the passage of new medical marijuana laws in Ohio, Washington, and Massachusetts (see “Pot Pass,” p. 21), the federal government may have to completely rethink its position. The conversation provoked by the initiatives may even lead to more-general questions about the costs and benefits of drug policy.

In that broad sense, the initiatives could well become the tails that wagged the big dog in Washington. If that happens, they may ultimately be more responsible for shifting power away from the federal government than any number of Beltway-based visions of a new federalism. ♦

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Call of the Whites

The skeleton in environmentalism's closet is nature.

By Charles Paul Freund

For a century, Jack London has been everyman's guide to the Yukon, and to a wilderness within. His best-known work, above all *The Call of the Wild* (1903), used the Canadian North to evoke a nature so primeval that it stripped away the superficial, the domesticated, and the merely social, and awakened the authentic man trapped inside. Recently, the modern Yukon sought to return London's tribute by honoring him. Now it has changed its mind.

Why? Well, that howl piercing the northern night may sound like a wolf, but it is really the scream of environmentalism confronting one of the skeletons in its closet.

Here's what happened. The Yukon city of Whitehorse announced plans last year

to rename one of its main streets Jack London Road. London was in the Yukon during its 1890s gold rush, leaving with only scurvy and his literary inspiration. Before Whitehorse could put up its new street signs, however, a local Indian tribe called the Kwanlin Dun objected. Some of London's personal letters, they charged, contained racist views. According to an account in *The Washington Post*, these "appeared to advocate white superiority." His defenders tried to save the day, arguing, in the *Post*'s words, that London "was relatively progressive for his era." But an embarrassed Whitehorse decided to drop London.

Actually, both of these characterizations—that London "appeared to advocate" racism, and that he was "relatively progressive"—are not only true, they are real understatements. The nexus of these apparently inconsis-

tent views is London's frequent subject: his idea of man's place in nature. Nor is London alone at the crossroads of politics, race, and nature. He is joined there by a number of other writers, most spectacularly by Knut Hamsun, the Nobel Prize-winning novelist of the soil who was a favorite of both Bolsheviks and Hitlerites, as well as by some of the nature activists of America's Progressive Era.

No literature has had so complex a political history in our century as that which addresses man amid nature, because no literature reveals so forcefully the rifts of industrialism at their hidden foundations. London's work is an instructive case in point. We may think of him as the author of *White Fang* and *The Sea Wolf*; Nietzsche fit for boys (and with women

now running with the wolves, for girls, too). But the Whitehorse incident caps a century of political turmoil around London; indeed, it is in some ways an inevitable climax to his literary adventure.

He actually invited much of this turmoil. Far from being just "relatively progressive," he was an admirer of *The Communist Manifesto*: the original aw-shucks revolutionary in flannel. John Reed, still the poster boy of left-wing romantics, is a variation on the persona London pioneered. Even the now-notorious valediction, "Yours for the Revolution," was first popularized by London. He was a marcher, a speech maker, and a propagandist for the overthrow of capitalism, and claimed his work had brought that event at least "ten minutes closer."

He also created a body of revolutionary fiction. The best-known of these works is *The Iron Heel* (1907), described by H.

Bruce Franklin (the noted science-fiction authority and anthologizer of Stalin) as "the epic struggle of the enslaved proletariat" against a predicted "20th-century fascist oligarchy." London's now-obscure socialistic stories are a fascinating combination of revolution and pulp luridness. "A Curious Fragment," for example, is built around the discovery of a 28th-century worker-slave's severed arm, still clutching a proletarian petition.

All this was very pleasing to, among others, Lenin, who regarded London as more useful culturally than such less-thrilling writers as the constructivist poets, and who helped establish him as one of the few Americans to be a staple of popular Soviet reading.

But he was a lot less pleasing to his fellow American leftists. For one thing, there is some question about London's Marxist sincerity. Unlike Upton Sinclair, who squandered his wealth in utopian schemes, London spent his money on himself. He was also a critic of American socialists, resigning from the party in 1916 because it lacked "fire and fight." He thought World War I was a great opportunity, "a Pente-costal cleansing that can only result in good for humankind."

In the end, London's revolutionary hopes were really about undermining trade and technology. These alienated man from nature, turned him effete, and prevented him from realizing his destiny. That destiny was racial: A return to nature would free the blond Nordic beast. Critic Franklin notes that this theme runs through much of London's now-ignored science fiction, from "The Strength of the Strong" to "When the World Was Young," which are filled with yellow-haired savages and atavistic modern characters.

This sort of thing was to catch Germany's eye. German scholar Peter S. Fisher has noted the influence of London's fantasies on some of Weimar Germany's pulp racists, specifically his "The Scarlet Plague" (1907), which was read as "an accurate prophecy of the white race's demise." (It is noteworthy as well that *The Sea Wolf*, which Soviets regarded as a tale of class