

## Drug War Follies - Skunk Magazine Issue #19

Okay, gang. I don't want any interruptions while you're reading this time, so get your bong filled, roll your joints, find the damned matches&hellip;; that's it, take a deep breath&hellip;; hold it now&hellip;; hold it now...wheeeewww! Okay. Set? Then let's get started. The last several weeks have been a mix of good stuff and bad shit with regards to the War on Drugs, but I am going to start with one of the good ones today: Mr. Tyrone Dwayne Brown was conditionally pardoned by Texas Governor Rick Perry, and freed on March 15 from the Texas prison system that's been his home for 17 years.

Brown's case is one of the strangest in the strange fucking history of the US WoD. Known on the street as T-Baby, Brown was a hell-raiser and a thug as a young teen in the late 1980s. He was regularly sent to special schools and juvenile centers for car-theft and a host of other crimes. Typical story: impoverished upbringing, abused as a child, same as the rest of us. But at 17, in 1990, Brown was busted for aggravated robbery. No one got hurt and Brown and his pals made off with all of \$2. He got 10 years deferred-sentencing for that, and one of the conditions of his probation was peeing in a cup. Two months into the program he came up dirty for pot and had his probation revoked. And then, unbelievably, at his hearing for the probation violation the judge sentenced him to aggravated-life in prison, with no chance of parole. Brown may well be the only guy in the whole country sentenced to life for failing a urine test.

So he's been rotting in some of the worst prisons in Texas since then. Activists and journalists have been pushing for his release almost since the day he was sentenced, and the noise finally reached the governor's ears in late 2006, when 20/20 ran a segment on him.

So now he's 34-years-old and out, and if he can live up to the conditions of the pardon&mdash;which include living with his mother, reporting to a parole officer for the rest of his life, going to counseling and peeing in a cup till he's 106, he'll get to stay out. He hasn't got a prayer of course, so he'll be back in shortly&mdash;though I'm praying for him to make it. And you should too, you worthless humpbacked couch potatoes. So start praying.

Brown is out and that's a good thing. The bad thing is that the judge in Brown's case is not being sentenced to jail. On the other hand, I suspect that man is going to find out what karma means one of these days. Life for a pot-pee-positive? Mother fucker! Makes your skin crawl, doesn't it? Everybody sing: Oh the la-and of the free&hellip;; and the home of the scum-sucking, bottom-feeding drug warriors.

Good luck, Mr. Tyrone Brown. Stay strong. A second piece of good luck was brought to us in the lower-48 recently, courtesy of the Utah Supreme Court. On March 9 the court ruled that the smell of marijuana alone did not justify a warrantless search of a trailer by police&mdash;the first time in a long time that a court has upheld the US Constitution's 4th Amendment guaranteeing the right to privacy in one's home.

The story began in 2003 in a Utah trailer park. A woman and two men were in the trailer of a friend&mdash;who was not home&mdash;smoking weed. The friend's mother, on whose land the trailer sat, and the friend's brother&mdash;a little snitch who should be whipped&mdash;called the cops to tell them that people were smoking dope in the trailer. The cops came and later claimed they could smell pot &ldquo;leakin' out of the cracks of the trailer.&rdquo;

Instead of getting a search warrant, the police decided that the occupants were &ldquo;in the very process of smokin' up the evidence,&rdquo; and burst into the trailer, where they found a woman, Ms. Bernadette Duran, and two men, getting high. All were arrested despite Duran admitting the pot was hers.

At her trial, Duran's lawyer argued that the evidence&mdash;the pot&mdash;should be suppressed because the police had no right to enter the trailer without a warrant. The police stood by the notion that since the evidence was being smoked they had no time to get a warrant. Duran was convicted, but an appeals court tossed it. The state appealed to the Supreme Court of Utah, which upheld the court of appeals' decision.

In the 4-1 majority decision, the Court ruled that while there are some circumstances which permit police to enter a home without a warrant&mdash;if they know the people inside have been alerted to their presence and are actively trying to destroy evidence, for instance, &ldquo;the detectable odor of burning marijuana&rdquo; is not one of them. &ldquo;The aroma of burning marijuana must be accompanied by some evidence that the suspects are disposing of the evidence as opposed to casually consuming it&rdquo; the court wrote, because, &ldquo;[S]moking marijuana involves as its incidental but inevitable consequence the destruction of evidence.&rdquo;

There are a couple of lessons to be learned from the case. First, burn as much evidence as possible. Secondly, pick your friends well but pick their mothers even more carefully. While the Utah Supremes were giving one to the people, the US Supreme Court was busy hearing a case colloquially known as &ldquo;Bong Hits 4 Jesus.&rdquo; This case started in January, 2002, when then-high-school-senior Joseph Frederick unfurled a 14-foot paper sign reading Bong Hits 4 Jesus on the sidewalk in front of his school in Juneau, Alaska while the Olympic torch relay was being carried past the school on the way to the Salt Lake City, Utah, Winter Games.

Frederick's principal, an outraged Deborah Morse, confiscated the sign and suspended him. Frederick filed suit against her over the suspension, claiming his right to free speech had been violated. Her lawyers argued that the sign&mdash;shown during a school-sponsored event of watching the Olympic relay&mdash;violated the school's policy on promoting illegal drug use.

Frederick initially lost his suit but appealed it and a San Francisco federal appeals court agreed with him, overturning the lower court's decision. Principal Morse appealed, bringing it to the High Court.

Oral arguments in the case were said to be quite lively with lawyers for Principal Morse arguing that the sign &ldquo;disrupted the educational mission of the school&rdquo; and Justice David Souter saying he didn't see what the sign disrupted, &ldquo;unless disruption simply means any statement of disagreement with a position officially adopted by the school.&rdquo;

Even court rookie and ultra-conservative Justice Samuel Alito got into the act saying that he found it disturbing to think that "schools can define their educational mission so broadly that they can suppress all sorts of political speech under the banner of getting rid of speech that's inconsistent with educational missions."

Almost sounds as if the court might rule in favor of free speech.

A decision is expected by June, and by golly I'll let you know what it is. It wasn't all fun and games in the War on Drugs, though. Former New York Mayor Rudy Giuliani picked up steam in his bid to become the republican presidential candidate in 2008, but those of us who remember him as our mayor remember this as a major part of his legacy: In the year before he took office as mayor, there were 720 marijuana possession busts in all of New York City. During his eight years in office there were more than 200,000 marijuana arrests, and in his last year alone there were more than 60,000. Just in case all you know about him is how strong he looked after 9/11. Oh, and during the aftermath of 9/11, after Mike Bloomberg had been elected to succeed him, Giuliani publicly suggested that he continue as mayor—rather than turning over the reins—to help New York and the US get through the 9/11 crisis. Oh, yeah, we need another king like Tiffany Towers needs more breast augmentation.

And dirty cops abounded, as usual. New Haven, Connecticut's number one drug cop, Lt. William White, was arrested and charged with stealing after an FBI surveillance tape caught him putting \$27,000 of the department's money into his personal car. In Houston, Texas, a department of public safety employee was arrested on charges he lifted more than 25 kilos of cocaine from a crime lab over a period of several years. Michael Carlos Gonzales, a former Border Patrol Agent, was found guilty in a federal court in early March of stealing 25 kilos of Mexican brick marijuana that was in a truck that another agent had stopped. While the other agent and Gonzales' partner ran after the smugglers in the southern Texas desert, Gonzales was caught on videotape quickly putting the pot in the back of his own car and rearranging the remaining bricks so that the other two officers wouldn't realize some were missing.

So it's been a better month for us than most, but it still smells like a toilet around here.

It would all be funny if people weren't dying and the prisons weren't full.

## About the Author

Source: <http://petergormanarchive.com>