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## **Drug-War Idiocy in Federal Court**

**by Jacob G. Hornberger**

A federal judge in Alexandria, Virginia, Leonie M. Brinkema, recently sentenced four young people to terms in the penitentiary ranging from 46 months to 20 years. The four, whose ages ranged from 19 to 21, were convicted of drug-war crimes relating to the possession and distribution of heroin.

Faced with what the *Washington Post* described as “grim-faced” prosecutors and “bewildered” defendants, Brinkema imposed the harsh sentences because four other young people had died from “overdoses” of the heroin.

What idiocy. All that Brinkema has accomplished is compounding the tragic deaths of four young people by destroying the lives of four other young people. Will those harsh jail sentences reduce the supply of drugs? No. Will they deter others from possessing, distributing, and ingesting drugs? No. Will they bring those four dead young people back to life? No.

So, what’s the point of those long jail sentences? They have no point at all, except to just impose harsh punishment on people for having the audacity to engage in peaceful, consensual behavior that hasn’t been approved by public officials.

It’s just part and parcel of an immoral and destructive 35-year-old “war,” one in which drug agents, judges, and prosecutors continue to mindlessly play out their respective roles, year after year after year, and act as though they are doing something constructive.

Thirty-five years ago, I graduated from law school and began practicing law in my hometown of Laredo, which is located on the border in South Texas. Among the first cases I was involved in was a federal drug case in which our client and two of his friends, all of whom were about 20, were charged in a one-count indictment with conspiracy to distribute heroin. No one had touched any heroin. They simply had talked about acquiring it and had committed what prosecutors called an “overt act” in the attempt to acquire it.

All three of them were convicted in federal court in San Antonio and had the misfortune of being sentenced by a federal judge, John Wood, who had earned the moniker “Maximum John.” The reason for the nickname was that in drug cases, this judge didn’t much care what the range of

allowable punishment was because his personal rule was simply to slap drug-war defendants with the maximum allowable punishment. Apparently Wood believed as Brinkema did — that harsh jail sentences in drug cases would accomplish something constructive.

I'll never forget the satisfied look of Maximum John and the grim-faced assistant U.S. attorney as the judge glared down at the three defendants and imposed on each of them the maximum possible punishment: "Twenty years! Twenty years! Twenty years!"

And for what? Did it win the drug war? No. Today, the drug-war situation in South Texas is 100 times worse than it was when I was practicing law there. And Maximum John's decision to damage or destroy the lives of those three young people obviously didn't deter the four young people who appeared before Judge Brinkema and whose lives have now been damaged or destroyed by long jail sentences.

Maximum John was ultimately assassinated because some drug-war defendants were angry over the fact that he had forsaken his role as a judge and was actively cooperating with prosecutors to secure drug-war convictions. Another tragic casualty in the war on drugs. What a meaningless death.

Like the Energizer Bunny, the drug war just keeps going on and on and on. Law-enforcement officers keep arresting people and confiscating assets. Grim-faced prosecutors continue prosecuting. Judges continue sentencing. And hardly any of them ever stops to think about the sheer idiocy of what they are doing.

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