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## **Drug-War Justice for the Rich and Powerful**

**by James Bovard**

Even in these difficult times, a few simple rules can take some of the peril out of everyday life. For instance, if you're planning to become a crackhead, make sure that you are the president's niece. And a governor's daughter. And that your family is rich enough to hire three lawyers to ply every legal trick to prevent you from doing hard time.

Noelle Bush, the 25-year-old daughter of Florida's governor, Jeb Bush, has been caught with three drug-law violations this year. The first one occurred in January when she feigned a doctor's name and phoned in a prescription for herself for Xanax, an anxiety drug which the Drug Enforcement Agency places on the list of controlled substances.

She could have been sentenced to five years in prison. Instead, she was sent to a posh drug-rehab center known as the Center for Drug-Free Living. In July, she was caught by rehab-center personnel with someone else's prescription drugs. That is also a felony, at least when it's done by those whose fathers are not state governors. The drug-rehab center dropped the hammer on Noelle, sending her to jail for three whole days.

On September 9, in what is now referred to as a "crack cocaine incident," the *Miami Herald* reported that "police were called by a fellow rehab patient who complained that the 'princess' gets caught repeatedly but is never punished." Noelle was reportedly caught by rehab employees with crack cocaine in her shoe. Possession of any amount of cocaine is a felony. And as part of her de facto parole from the first drug offense, she was prohibited from carrying any major narcotics in her footwear.

When the police arrived, one rehab-center employee prepared a written statement for them on what happened — but tore it up after a supervisor barred turning over the information to the police. When Orlando police sought to question rehab center staff about Noelle's alleged criminal conduct, a lawyer for the rehab center rushed to court to file a motion to prohibit them from gathering evidence from the staff. Orange County Chief Circuit Judge Belvin Perry Jr. ruled in favor of the motion. The *Orlando Sentinel* headline aptly captured the issue: "Judge Shuts Down Investigation of Noelle Bush." Assistant state attorney Jeff Ashton criticized the ruling: "If this order is correct, then essentially drug-treatment centers are immune zones where you cannot be prosecuted for a drug crime."

Since the rehab employees would not make sworn statements to the cops, Noelle could not be formally charged. Gov. Jeb Bush was elated. During a campaign stop in his reelection effort, he announced,

“Putting aside my daughter for a second, this is a serious issue. Our drug-court system is based on the fact that the road to recovery is a rocky one, that you’re not going to have every case having a perfect record. In fact, if you look at the drug-court process, very few do. In the treatment facility, if counselors are required to report every violation, then it makes treatment very difficult to work.”

Bush chirped to the *Miami Herald*, “The underlying function of drug treatment is that it is not a naturally progressive, always-moving-forward, never-stepping-back process.”

Unfortunately, the vast majority of blacks and poor folks never get the option of rehab. Instead, they go straight to jail or prison — and oftentimes for decades. Well, unless their father happens to be president or governor. At Noelle’s sentencing hearing in October, as the Associated Press reported, Circuit Judge Reginald Whitehead “didn’t specifically give a reason in court for jailing Noelle Bush but told her that he was aware of allegations that she was found with crack cocaine in her shoe while at the treatment center.” It seems rather curious for a judge to make such a casual observation about being “aware” of “allegations” that someone had committed a federal felony while on parole for previous drug offenses. If a judge had mentioned in passing to some defendant that he was “aware of allegations that you committed a murder” or “aware of allegations that you raped three ladies and a sheep” — the comments would have sparked controversy. But not for Noelle.

Perhaps, though, the judge was implicitly acknowledging the wrongfulness of treating drug addiction in the same way that violent crimes are treated. That would be a positive sign but wouldn’t it be better to apply it to everyone rather than just the rich and politically influential?

### **Punishing the rich and powerful**

Noelle was sentenced to spend 10 days in jail as penalty for her “contempt of court.” Luckily for Noelle, Congress did not include “contempt of court” under the list of federal offenses that are harshly punished with mandatory minimum federal sentences.

Governor Bush, who also prides himself on family values, did not bother attending the court hearing in which his daughter was sentenced to 10 days in the slammer. (She was to be kept in special protective custody so that she would not experience the brutal jail conditions that many other Floridians endure.) Bush reportedly stayed away because he was concerned that his appearance might turn into a media event.

Instead, at the time of his only daughter’s sentencing, he was busy doing a television interview. And then later in the day he had a big fundraiser. His wife (Noelle’s mother) also did not make it on Noelle’s big day. An aunt by the name of Dorothy Koch did do Noelle the favor of showing up for her hearing and sentencing.

At the same time that Noelle has been treated far better than the vast majority of three-time drug offenders, her father denounced allegations that his daughter got special treatment as “completely

unfair” and “absolutely wrong.” He promised, “When this is all said and done I’ll be able to speak freely about it.” No doubt after his reelection.

Noelle is no doubt a very a fine young lady, and like anyone else, it would be cruel and inhumane to lock her away when she is suffering from a mental or psychological problem that is producing her drug addiction. There is nothing in her conduct or demeanor that morally justifies allowing politicians and prosecutors to destroy her life simply in order to add another statistical notch to their drug-war bragging rights. There is no evidence that she has assaulted, molested, or murdered and no evidence that she poses a threat to the safety of others. There is no evidence that she has an evil intent and thus there is no justification for stripping her of her rights and freedoms.

The problem lies with people such as her father and uncle, people who rose to political power by promising harsh treatment to nonviolent drug offenders. After his daughter got caught the first time, Jeb Bush pulled out his hankie and blubbered in front the audience of a Florida drug-war policy conference. Yet, as Stephen Heath of the Drug Policy Forum of Florida noted, Bush waged “a vigorous 12-month campaign against a proposed ballot initiative that would allow Floridians the right to drug treatment for first and second nonviolent drug possession offenses” — the same kind of treatment that Noelle received.

Rather than giving favored treatment to the family members of the rich, famous, and politically connected, it would be far more honest to recognize that consuming drugs is not an act of war against fellow citizens and should no longer be a criminal matter. Drug addicts do enough abuse to themselves without politicians coming in to kick them when they are down.

Perhaps the only lesson Bush will learn from this is the need to build a higher Iron Curtain around drug-rehab centers — so that, if his daughter or other well-heeled people who can afford to attend such centers commit any more felonies, Floridians will not hear about them. Or perhaps he will simply hire a few more spinmeisters to distract public attention from his hypocrisy. If he gets really lucky, Florida state police will seize a whole trunk full of heroin or cocaine going up Interstate 95 from Miami — and the resulting celebration will be sufficient to make most Floridians forget about Noelle’s little dust-up.

*James Bovard is the author of **Feeling Your Pain: The Explosion and Abuse of Government Power in the Clinton-Gore Years** (St. Martin’s Press, August 2000).*