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The Most Absurdities per Kilo **by James Bovard**

The war on drugs has produced more absurdities per kilo than any other federal policy. Drug warriors have had high-profile belly flop after belly flop. Yet most of the media and the vast majority of American politicians continue to treat this war with deference, if not reverence.

One of the biggest farces of the George W. Bush-era war on drugs was the persecution of renowned comedian Tommy Chong. Unfortunately, Chong's case has received far less attention than it deserves.

On February 7, 2003, as the U.S. government prepared to invade Iraq, Homeland Security chief Tom Ridge raised the terrorist alert to the orange level and declared that "specific protective measures will be taken by all federal agencies to reduce vulnerabilities." Ridge added comfortingly, "It's probably not a bad idea to sit down and just arrange some kind of a contact plan, [so] that if [a terrorist] event occurred ... the family [could] get in touch with one another." Attorney General John Ashcroft, bombasting at the same press conference, urged Americans to go about "with a heightened awareness of their environment and the activities [i.e., potential terrorist attacks] occurring around them."

Seventeen days later, on February 24, Ashcroft proudly announced the most decisive attack ever on purveyors of bongos — pipes and bowls often used for smoking marijuana, tobacco, and whatever else a person chooses. At a time when political leaders warned that a terrorist attack on the homeland could be imminent, more than 1,200 federal law officers were involved in Operation Pipe Dreams, conducting raids in Pennsylvania, Texas, Oregon, Iowa, California, and Idaho. Fifty-five people and 10 companies were indicted in the biggest attack on glass bowls in American history.

The feds confiscated 124 tons of what was alleged to be drug paraphernalia, including plastic baggies that could be used to package illicit drugs. One wonders how many federal employees or federal contractors were involved in weighing the baggies — one of the favorite examples of how the raids protected American families across the land.

At the triumphal press conference announcing the raids, Ashcroft declared, “With the advent of the Internet, the illegal-drug paraphernalia industry has exploded. Quite simply, the illegal-drug paraphernalia industry has invaded the homes of families across the country without their knowledge.” He did not mention similar home invasions by federal email and Internet surveillance. And he said nothing about how, thanks to the “advent of television,” Americans’ homes were being invaded at that same time by pernicious lies that would lead to a war that would leave thousands of Americans dead or maimed.

The feds used rarely enforced 1980s laws that criminalized the sale of drug paraphernalia. Seizure fever permeated the bong attack. U.S. Deputy Marshal Dale Ortmann commented, “This was the biggest push in asset seizures that I’ve seen in eight years.” U.S. Deputy Marshal Gary Richards noted that, thanks to cash grabbed from businesses that were raided, “We have access to money that will pay for inventory and storage fees” for the 124 tons of goodies. This was similar to the “seize now, ask questions later” policy that has characterized the drug war since the 1980s.

The Chong bust

By far the biggest catch of Operation Pipe Dreams was 64-year-old Tommy Chong, the older half of the legendary, Grammy Award-winning comic duo Cheech and Chong, who lampooned drug warriors from the 1960s to the 1980s. Chong’s company, Chong Glass, sold ornate bongs that cost hundreds of dollars over the Internet; a Los Angeles art gallery had an exhibit of Chong’s top-of-the-line products. The Drug Enforcement Administration set up a phony shop in Beaver Falls, Pennsylvania, and ordered bongs and other material from Chong Glass.

The DEA hit Chong’s Pacific Palisades, California, house at 5:30 a.m., while Chong and his wife were asleep. Chong later commented,

It was a full-on raid. Helicopters, them bangin’ on the door. They come in with loaded automatic weapons, flak jackets, helmets, visors, about 20 agents. They bust in the house. They took all my cash, took out my computers, and they took all the glass bongs they could find.

Helicopters and SWAT teams were used in many Pipe Dreams arrests. Luckily, none of the G-men accidentally shot anyone during the raids. The U.S. Marshals Service magazine noted, “All of the arrests were without incident” — which was not surprising, since selling glass bowls and rolling paper is not usually indicative of violent tendencies. But the more militarized force the feds used in the raids, the easier it was to sway television news crews to hype the operation.

Chong’s arrest sparked ridicule far and wide, including barbs from both David Letterman and Jay Leno. *The Pittsburgh Post-Gazette* snipped, “With the nation on Orange Alert at the time, the only bearded men most Americans wanted to see in custody were members of al-Qaida.”

Though Chong controlled much less than 1 percent of the national bong market, busting him guaranteed the feds massive publicity.

Chong continued doing his comedy routine pending his trial. When asked his views on Operation Pipe Dreams, he replied, “I feel pretty sad, but it seems to be the only weapons of mass destruction they’ve found this year.”

On September 11, 2003, the second anniversary of the infamous attacks, Chong appeared before federal judge Arthur Schwab in Pittsburgh for sentencing, after pleading guilty to “one count of conspiracy to sell drug paraphernalia.” (*The Los Angeles Times* noted, “A Chong bong had turned up in Pennsylvania, the headquarters of a Justice Department crackdown on paraphernalia purveyors, so he was sentenced by a federal judge there.”) Chong’s lawyer asked for probation, considering that this was Chong’s first offense and that it was a nonviolent crime. U.S. Attorney Mary Beth Buchanan (a Bush appointee) urged a harsh sentence, in part because of Chong’s history of “trivializing law enforcement” with his humor. But it is difficult to out-spoof political hacks who confiscate a few warehouses of glass bowls and baggies and then preen before TV cameras claiming to have made Americans safer. If Operation Pipe Dreams did not deserve to be trivialized, then the United States may as well formally become a theocracy, with worship of government the official religion.

Chong was sentenced to nine months in federal prison, fined \$20,000 for selling bongs and other drug paraphernalia, and forced to surrender \$103,514 in cash to the feds, as well as forfeit his Internet domain name, Chongglass.com. He was also forced to promise the judge that he would not profit from his arrest and prosecution. This effectively destroyed Chong’s freedom of speech to discuss his case in future comedy performances. At least in Chong’s case, mocking the feds will now be a federal offense.

Perverse results

The Chong raids had no effect on the national marijuana market or on the vast majority of the 20 million Americans who use cannabis each year. Author Jacob Sullum observed,

Although the thought of a bong-bearing hippie under every bed may keep Ashcroft awake at night, it’s hard to see how seizing marijuana pipes can be expected to have any impact on drug use. As long as there are paper and aluminum foil, pot smokers will have ready alternatives.

An employee of an Ithaca, New York, store told the *Cornell Daily Sun* that the DEA crackdown actually helped business, as customers raced to buy up paraphernalia before the government shut down the stores. This is the same type of “Christmas sales rush” that gun stores experience when Congress considers gun-control legislation.

The bong raids were widely seen as a publicity stunt on the part of Ashcroft and federal drug warriors. Subsequent enforcement efforts relied on low-key intimidation. In October 2003, DEA agents visited two stores in Potsdam, New York, that sold bongs and warned them that they were violating the law. DEA agent William Hebert commented to the *Watertown Daily Times*,

A lot of people are not familiar with the law. A lot of them are legitimate businesses that don't know. It's a fact-finding mission, providing facts to the people.

To help the facts sink in, the DEA agents were accompanied on their courtesy call by police from the county drug task force.

In an interview last year with the *Los Angeles Weekly*, Chong observed, "The American justice system is just riddled with lies and inconsistencies." He explained his prosecution: "They just wanted to show the entertainment world that we're vulnerable. 'You do something that we don't like, you're going to end up in jail.' That's the message they put out."

Chong is philosophical about his imprisonment: "I call this the Tsunami Government. This government is just like the tsunami. It's coming in, it's going to wreak havoc and desolation, and then it'll go out. It'll disappear. So we just have to live through it."

The Bush administration, like prior administrations, uses scarecrows and crackpot PR schemes to prevent Americans from recognizing the futility of the federal drug war. Administration officials continue to portray the issue as a question of good versus evil rather than raise the obvious question: what is the sanity of perpetuating failed policies that punish vast numbers of Americans while failing to achieve their goal?

When Bush's Drug Enforcement Agency chief Asa Hutchinson was sworn in on August 20, 2001, he announced, "I would hope that we are judged by the lives that are touched and the hope that we give America." Yet Bush and his drug-war team seem more devoted to frightening voters than to protecting public health or respecting liberty.

James Bovard is the author of [Attention Deficit Democracy](#) [2006] as well as [The Bush Betrayal](#) [2004], [Lost Rights](#) [1994] and [Terrorism and Tyranny: Trampling Freedom, Justice and Peace to Rid the World of Evil](#) (Palgrave-Macmillan, September 2003) and serves as a policy advisor for The Future of Freedom Foundation.

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