

Miami Herald

Marc Caputo: Cocaine, the congressman and contradictions

By Marc Caputo

Nov. 24, 2013

Trey Radel owes Big Government. Big time.

Like other tea partiers, the freshman political newcomer from Fort Myers went to Washington to keep government out of our lives and to fight government spending.

At the same time, Radel and some buddies were snorting cocaine. In his private tea parties, the question of one-lump-or-two of sugar had a whole different meaning.

On Oct. 29, the two parties collided.

Radel was busted after an undercover agent in Washington sold him what's known as an "8 Ball," an eighth of an ounce of cocaine, or 3.5 grams for \$260.

So time to rail against Big Government telling a private citizen what he can do, right? Time to question the governmental costs of the drug war, eh? Maybe even wonder about equal treatment under the law? Growing police power and the Fourth Amendment?

Nope.

Radel, 37, just apologized and went to rehab.

All the talk of less government, big spending, personal freedom and the Constitution were blown away amid the Republican's expressions of contrition in a case that highlights our political contradictions, especially when it comes to drugs.

"A lot of Republicans say they're against big government, but they're not," said Jeffrey Miron, a Harvard University economist and fellow of the libertarian Cato Institute.

"Most politicians are for big government," Miron said. "The question is: Which big government are they for?"

Miron estimates taxpayers shell out about \$44 billion yearly for the drug war, and that legalizing and taxing drugs would yield \$33 billion more in annual revenue.

But decriminalizing drugs undercuts the police and prison-industrial complex — the ultimate expressions of Big Government power over its citizens.

Now Radel owes that government a solid after the federal cops appeared to cut him some significant slack.

When he was busted in the undercover federal sting, Radel wasn't taken to the station. It appears he wasn't even jailed or handcuffed.

Prior to his bust, when it came to drugs, the cocaine congressman appeared to support the type of Big Government that opposes medical marijuana, wants to drug-test food-stamp recipients and shouldn't leave marijuana legalization up to the states (so much for state's rights).

Also, Democrats point out, Radel was an outspoken critic of Obamacare mandates, which among other things, requires insurers to provide coverage for drug-abuse treatment.

Now Radel is in drug treatment. The guy who didn't want tax money benefitting some people with drug problems could be benefitting from tax money to help him deal with his drug problem. Republican opponents are already floating that one-liner to reporters.

None of this means drugs shouldn't be controlled or that Radel's record and drug use are completely contradictory — there are distinguishable policy reasons, for instance, not to subsidize food-stamp recipients spending their limited money on drugs.

Also, Radel did support a go-nowhere bill to reduce mandatory-minimum sentences. And the libertarian-leaning conservative had expressed concerns about the drug war's effectiveness — albeit only in the context of gun control.

“Banning guns is as naive as banning drugs,” he told the Fort Myers News Press earlier this year.

There's an element of hypocrisy, though, that's tough to ignore — as are the drug-war's disparities.

The U.S. Attorneys Office, which prosecutes local crimes in D.C., insists Radel was treated like anyone else. When asked why Radel wasn't cuffed or jailed on the spot, a spokesman suggested such treatment would have jeopardized a broader investigation.

But the news broke anyway a few weeks later and the office won't say who else was arrested in its investigation. So what would have been jeopardized?

More than 1,100 people were arrested in D.C. for simple cocaine possession in 2011, according to the most-recent statistics available, said Deborah Golden, staff attorney with the Washington Lawyers' Committee for Civil Rights and Urban Affairs.

About 90 percent of the people arrested in D.C. for illegal drugs, according to a recent report by the committee, are black in a city that's about 50 percent African-American — and it's a good bet almost all of them were taken to jail on the spot, Golden said.

“It's rare for someone to just receive a ticket, basically, for buying cocaine,” Golden said.

She remembered that, after the committee's report was presented in a town hall last year, a black resident took issue with a white woman complaining about local police being overzealous with traffic and parking tickets.

“Lady, no black man knows what a ticket looks like. We don't get tickets. We get arrested,” the man said, according to Golden.

Contrast Radel's treatment with that of another pol snagged in an undercover D.C. sting, former D.C. Mayor Marion Barry. He was caught on video smoking crack cocaine in 1990. FBI agents stormed the room, pinned the mayor to a wall, stretched his arms out, read him his Miranda rights, cuffed him, and took him to the station.

Oh, they also made sure CNN had the video.

Barry is black. Radel is white.

Since every criminal case is different, there's not a clear marker showing one person got a break or one didn't because of race, ethnicity or income. But from a distance, the disparities and contradictions are clear.

It's not that drug-war critics like Golden and Miron believe Radel should have been jailed on the spot; they think others should at least be afforded the same courtesy as the congressman.

However, Golden agreed with the U.S. Attorney's Office explanation that Radel was treated like nearly all other nonviolent drug offenders in D.C. when it came to his sentence of probation.

The city has decriminalized drugs — unlike Florida, where if Radel had been arrested for buying cocaine, he would have faced a felony and, therefore, the potential loss of his right to vote. Had he been a state worker, he would face losing his job under fellow Republican Gov. Rick Scott who wants drug testing of employees.

The location of Radel's arrest wasn't his only lucky break.

There were no press releases noting his bust. So his Oct. 29 arrest didn't leak until weeks later: the evening before he appeared in court Wednesday. No undercover video or recording was taken or released. Nor were there any jail-house mug pictures that his opponents would just love to have for their attack mailers if he runs for reelection next year.

That's a pretty Big Favor from Big Government.

Indeed, membership in the U.S. House of Representatives has its benefits. You're treated like royalty by special interests and government workers who need you to, among other things, fund their jobs.

And, elections aside, being a member of Congress isn't hard work.

A goodly portion of a congressman's job consists of parroting talking points of their side, whether they believe them or not. They get a \$174,000 annual salary, preferential treatment for flights home, and just 126 days of scheduled work this year.

Again: only 126 work days, which could be reduced to 113 days in 2014. Now Radel says he's taking a leave of absence (donating his salary to charity in the meantime) to get well.

Hmmm. A fat paycheck for all talk, little action, a sense of power and the ability to set your own hours... is there a job more conducive to cocaine use than Congress?

Radel, at least publicly, doesn't think so.

A sharp, witty and media savvy political newcomer, Radel is a former Southwest Florida TV anchor and radio-show host who knows how to play by the script: Apologize, admit you have a problem, talk about your family and your personal tragedies, check into rehab.

Hours after he pleaded guilty and was sentenced to probation, Radel said he would stay in office.

That's probably because wielding power as a congressman might be as addictive as cocaine.

It can even keep you out of jail — especially if you just pay lip service to fighting Big Government when it catches you with nose candy.