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## Hey, Where's the Stoners, Druids and Ferret-Lovers?

*U.s. senate candidate Judge Jim Gray strives to make the Libertarian party matter*

by Steve Lowery

Aside from the little frizzy-haired dude in the T-shirt—people of a certain age will recognize him as a demi-Jerry from *Room 222*—there is a conspicuous paucity of stoners at Judge Jim Gray's Senate campaign headquarters opening celebration. There are lots of adults in suits and ties—this is key—lots of people who look like they could be attending a Republican or Democratic function—also key—a lot of people whose closest brush with the phrase "try before you buy" no doubt involved vacation-time-share property.

This is disappointing, of course, for anyone who expected Gray's headquarters to be a kind of Gomorrah Gone Wild, having built his campaign so conspicuously around the idea that the drug war has been a disaster and that his first order of business as a U.S. senator would be to decriminalize marijuana.

"Every vote for me will be a vote against the drug war."

He would have it regulated and sold "in some kind of package store," the way one gets beer or wine in a liquor store, which is what this building was before it became Gray headquarters. It's a pale, starkly lit room with cinderblock walls, exposed ceilings, and a few desks and banners strewn about; a Costco veggie plate here, a vague, very pale portrait of Gray there. Still, at the height of the party, celebrating not only the kickoff of Gray's senatorial campaign but also his 59th birthday, there are more than 200 people here, laughing and smiling and feeling very good about things, mostly feeling very good about Judge Jim Gray, who, they believe, is a quantum step up in the kind of candidate the party has offered the public.

In the past, the very near past, Libertarian candidates have ranged from serious, girl- and guy-next-door ideologues to entrepreneurs to jokesters to New Agers, all attracted by the

party's rigorously independent streak, an independence that has at times worked against it. In 2002, the Libertarian candidate for governor was Trabuco Canyon resident Gary Copeland, who talked as much about his Druid faith as any policy stand and enjoyed being photographed in his Druid hood and robe. He talked about the peace the religion had brought him and that the basis of it was very Libertarian: that absolute power corrupts absolutely. Then, one day, angered about being treated as a loon, he "hocked the biggest loogie I could" at KABC radio talk-show host Brian Whitman, hitting him "dead square in the face." He was dropped from the ticket.

There is nary a robe amongst the gathered. There are lots of suits and ties, which, of course, is key, suits and ties having become a mantra for party leaders who seem more comfortable with the idea of actually winning a race and see Gray as kind of the template for a new kind of Libertarian candidate.

"We're professionalizing this; we're offering candidates now in suits and ties, the kind who don't have a stigma attached to them," said Bruce Cohen, a real-estate broker and Libertarian candidate for Congress in Christopher Cox's 48th District. "Suit-and-tie Libertarians. These are serious people. No Grateful Dead pot-smoking Libertarians —and I like the Grateful Dead."

And at the top of the list of straight, serious candidates is the aptly named Gray, tall and sturdy, with shades of Wesley Clark and that guy on TV who tells you that if you can draw a picture of a turtle, you, too, may be ready to enter the exciting world of art. A Navy lieutenant and Peace Corps volunteer, a federal prosecutor and Superior Court judge, he has the look and pedigree one normally associates with a major party candidate, which he was in 1998 before one of the most wincingly awful flameouts this side of a Howard Dean performance piece. *The Orange County Libertarian*, the monthly party newsletter, called Gray the "candidate that can lead us to a breakthrough victory" and "the most important and compelling candidate in the country this election."

With the likes of Gray, Libertarian leaders such as Cohen, a member of the state party's board of directors, see an opportunity to capitalize on growing interest. While official party enrollment has remained steady at about 80,000 in California, the term libertarian is used as an identity for people ranging from Dana Rohrabacher to Bill Maher, and any viewing of *South Park* these days is a veritable lesson in libertarian philosophy, that is the idea that government should interfere as little in people's lives as possible, that the ultimate right of an American is the liberty to do what one wants as long as it does not impinge on someone else's safety or liberty, and that each individual must take ultimate responsibility for their actions.

That, as they say in the big parties, has traction these days. But, to borrow a page from Gray's day planner, if you're going to tell the Oakland Cannabis Buyers Cooperative on March 10 that along with the freedom to smoke pot comes the freedom to tote guns or, at the San Francisco Bankers Club the following day, say that laissez faire goes hand and hand with a woman's right to choose, you better not be wearing a Druid hood and robe when you're saying it. You'd better be a tall, good-looking guy—wouldn't hurt to be a

vet and Superior Court judge—who looks like he could have won in one of the big parties; you better be Judge Jim Gray.

So excited are party leaders such as Cohen that he and Libertarian founder David Nolan—like Gray, a Newport Beach resident—helped him prepare days before a debate with Gail Lightfoot, his Libertarian primary opponent. It is only the second time that there has been a contested Libertarian primary in a statewide race, and it tells you something that when party leaders ask one of the candidates to drop out, it's Lightfoot, a member since 1972 and three-time candidate to boot.

Lightfoot says she was "very hurt" when asked to pull out of the race. People like Cohen say it's nothing personal, but actually, it is. While they compliment her for being a good soldier and acknowledge there is no significant policy or philosophic differences between Gray and Lightfoot, they point out that Gray is simply a more attractive candidate, able to attract more media, money and interest. Gray, they'll tell you, is a cut above.

"Look at him," Cohen says, gazing admiringly at Gray. "He's so likeable, so squeaky-clean. He can talk to the Ladies Knitting Club about legalizing drugs and get a standing ovation. And I'm not kidding—I've seen him do it."

Gray sees the drug war as the biggest drag on the nation, the biggest threat to its security; everything, even Iraq, pales to its scope and devastation. He came to the conclusion while on the bench, and hauling before him every day were people who needed treatment, not jail time. Add to that the wasted man hours, the possibility for the corrupt use of drug hysteria to limit rights and perform illegal searches, and Gray finally came to the conclusion that the War on Drugs was a disaster and that marijuana should be decriminalized, allowed to be sold and taxed just as alcohol is sold and taxed. (He always uses the term "decriminalize" because "when you say legalize marijuana, people stop thinking; they tend to equate legalization of marijuana to having vending machines full of marijuana across from the local junior high.")

When he first went public with his thoughts a decade ago, it was to less than an enthusiastic response. Then-Orange County Sheriff Brad Gates was incredulous, asking reporters, "What was this guy smoking? It's crazy. What kind of role model is he?"

Since then, with budgetary slaughter and waste, Gray's claim that taxing marijuana and discontinuing the waste of money and manpower chasing small-time offenders would net the state an additional \$3 billion seems a very nice model to many.

"So much money is wasted in the drug war. I've had two congressman, Orange County congressman, tell me that there are lots of people in Washington who now believe that the drug war is not winnable but that it is imminently fundable," Gray says. "Where President Eisenhower once talked about the Military-Industrial Complex, we now have the Prison-Industrial Complex. It's the same thing, the same disease."

Gray likes to say he's probably the only man to get standing ovations after giving the same speech to the ACLU and the Young Republicans. Of course, young Republicans don't run the GOP, his former party. Ask him why he left the party that seemed to be grooming him for great things, he snaps, "Republicans give lip service to change, but if you're going to wait for any real change to come from the Democrats or Republicans in the next 20 years, you're dreaming."

It was six years ago that Gray entered a Republican congressional primary to unseat Democrat Loretta Sanchez. One night in the winter of 1998, he got together with his Republican opponents, Lisa Hughes and Bob Dornan, in front of the Orange County Central Committee, the people who do run the party. Hughes and Dornan were very comfortable in attack mode, but Gray stammered and seemed out of place, at one point even denying that he had supported decriminalizing drugs. It was an awful performance, and he was never a factor in the race. It was an indication to him that he probably could never go far in the Republican party, that while he may be an attractive candidate in a general election where moderates tend to rule, a primary tends to be controlled by a very conservative base that was not ready to listen to him.

Tom Campbell, who ran as the Republican nominee for Senate in 2000 against Diane Feinstein, disagrees. He and Gray got together during that campaign, and Gray helped Campbell form a drug policy that echoed many of his ideas.

"I found the response [to ending the war on drugs] to be tremendously positive," Campbell said, who is now the dean of UC Berkeley's Haas School of Business. "Virtually everyone agreed, and these were Republicans. Jim is going to find a very responsive electorate and not just Libertarians."

And so, Campbell says he's "saddened," that Gray felt he had to leave the party and that "most definitely" he was someone who could have had electoral success in the GOP.

"That's very nice of Tom, but it's so easy to demagogue what I'm saying on the war on drugs," Gray says. "Dornan did it. You just say, 'Let's put all the drug offenders in prison and save our children.' To be on the other side, to explain the real costs and the real benefits, takes time and thought. As I've said, change is not possible in the Republican Party. I appreciate Tom's sentiments, but for the next 20 years, someone who speaks like I do could never win the primary."

But what really gave Gray the final push out the Republican door was a little someone named John Ashcroft.

"I could no longer stay in any group that would give him any power or authority," Gray says. "I was prepared to beat my head against the wall, to work within the party, but I just could not stay in with John Ashcroft. He is an extremist. His Patriot Act is so un-American that Barry Goldwater would have left the party."

Gray officially became a Libertarian last year, attracted by what folks in the party like to call "ideological purity." Purity means consistency, not waffling just for the sake of getting elected. And that's a very nice thing to be, principled; of course, it's much easier to be principled when you have no shot at winning. Say what you will about Republicans and Democrats, say they're whores and scum and opportunists and liars, and you'd be right on each count, but the fact is they get down in the mud and do the necessary slogging and compromising required to get elected. It's very easy to sit on the sideline and cluck your tongue and crow about ideological purity when you're never really playing the game.

"I do admire Libertarians' consistency," Campbell said. "But at some point, there're going to be other human beings in the room. Even if you believe 100 percent in what you're saying, you have to make allowances that there's a world where other people exist and where other people's outlook matters also."

Gray acknowledges that the party could have been seen as intransigent in the past, that "Libertarians could be philosophically pure because they didn't need to worry about winning or losing." But he points to growing success and a mainstreaming—an Illinois city where all five council members are Libertarians, growing popularity in Oregon and . . . in California? Well, before there was a Darrell Issa, the recall of Gray Davis was actually a Libertarian project.

"Of course, we're willing to work with people," Gray says. "Of course, we know we'll have to compromise along the way. I tell people, reality makes gradualists of us all."

Can he win? The odds, of course, are stacked way against him. But consider this: in the last statewide election, Californians elected a man governor who, though he had an "R" after his name, was generally viewed and supported as an outsider, independent and critical of politics as usual. Add to that the fact Barbara Boxer is seen by some as too liberal and by others as not doing enough to defy the very Patriot Act that Gray left his party over. As for the Republicans, well, all that really needs to be said is that their glamour candidate is Bill Jones.

Okay, okay, it'll never happen. Probably. Even Gray acknowledges that his chances are slim. But if the race is close between Boxer and her Republican opponent, and Gray can pull in the double digits, he believes he'll be seen as the difference between winning and losing, that each party will want those votes, and, he says, the only way to get those votes is to change their drug policies.

"If that happens, I will have won."

Indeed, chimes in Edward Teyssier, chairman of the Libertarian Party of San Diego. "First, you're ignored; second, you spoil it for someone; third, you're a contender," he says. "No one can consciously vote for Judge Gray who doesn't know they are voting against the drug war. If we poll a lot, the other parties will know how much we are pulling from them. In a tight race, that could mean something, might be enough to get

one of them to oppose the drug war. And he will get votes because he believes what he's saying. He says it, he believes it, and he's not a hippie."

Teyssier—who people of a certain age would recognize as a suburban Elliott Richardson—says he knows people who smoke marijuana but declares, without having been asked, that he will not divulge their names.

"I *won't!*"

Gray peels off from the conversation to talk to a gentleman in tweeds—a gent people of a certain age would call dapper. "Look at you," Gray says, admiring the outfit.

"These?" says the man. "These are my hunting clothes."

"I know people who smoke marijuana," Teyssier repeats. "And I won't tell you who! But I know from talking to them and others that marijuana comes from the hemp plant. And not only do we get marijuana from it, but also rope, clothing, paper. Paper! Did you know that paper can be made from hemp? You don't need to chop down a whole tree. It's really a very useful plant. I'm told our founding fathers realized this; in fact, I'm told that Constitution was written on hemp paper." He furrows his brow. "Or is it the Declaration of Independence? Oh, I can't remember which one. I wonder if anyone here would know."

Scanning the room, he seems hopeless with nothing but suits, ties and non-hippies at the ready. Suddenly, he brightens. "Oh, excuse me," he says, extending a hand toward the frizzy-haired dude in the T-shirt. "Can you help me with something?"