

10/14/08 - James P. Gray

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Judge James P. Gray, author of "Wearing the Robe, the Art and Responsibilities of Judging in Today's Courts", Dr. Norm Stamper, author of "Breaking Rank - A Top Cop's Expose" + Terry Nelson of Law Enforcement Against Prohibition

Century of Lies, Oct. 14, 2008

The failure of Drug War is glaringly obvious to judges, cops, wardens, prosecutors and millions more now calling for decriminalization, legalization, the end of prohibition. Let us investigate the Century of Lies.

Dean Becker: Hello my friends welcome to this edition of Century of Lies. I'm so glad you could be with us; I think we have a very special day of programming for you here on the Drug Truth Network. Our hope is that soon we will be able to reach Judge James P. Gray, who was scheduled to be with us today. A little bit later we will hear from Norm Stamper, the former Police Chief of Seattle, and I'm proud that today we have, in studio, with us, a man you hear from here every week, Terry Nelson, 33 years as a Customs Border and Air Interdiction Officer. He's speaking today at the Students for Sensible Drug Policy Group, University of Houston, and with that I'd like to welcome Terry Nelson.

Terry Nelson: Hey Dean, it's good to be here, enjoying Houston down this time, I've missed the humidity.

Dean Becker: Well, you've missed the humidity, we certainly have it today, indeed we do. Now, Terry you just returned earlier this year from another stint, working in Iraq, helping with their border situation, correct?

Terry Nelson: That's correct yes.

Dean Becker: And tell us about that experience if you will.

Terry Nelson: It was an experience, or an adventure, I guess you could say. I went over in May a year ago, and went out initially and work on the Syrian border at a place called

Husaiba, right where the Euphrates River goes into Syria, working with the Iraqi Department of Border Enforcement over there. I was attached to the Marines when worked out there and then around Christmas time I moved to the eastern side of the country to work near Ba`qubah. And I worked on the Iranian border the last 4 months with the 3rd Brigade of the Iraqi Department of Border Enforcement.

Dean Becker: Well Terry I understand that in prior stints working for the government you worked mostly in Mexico, Central, and South America, correct?

Terry Nelson: That's correct. Well, I work all over along that southern border with Mexico and then I my later years, on down into Mexico, and Central and South America.

Dean Becker: Now, one of the 4:20 reports this week featured your reporting for Law Enforcement Against Prohibition if you could kind of summarize, I thought it was a very powerful piece, kind of summarize that for the listeners of Century of Lies.

Terry Nelson: Well it's a typical thing that the war goes on and on and on and on with no end in sight, everyone comes out and announces that this latest bust or they said they were going to break up the Arellano Félix cartel, well two of the cops thought they had and the other two thought they hadn't. Well they haven't broken it up, I mean, they have five of the six brothers in jail now, and their cartel goes on.

It still may be called the Arellano Félix organization, but the only one I know left there is not the most powerful man anyways, so someone else is running that already and as it always happens, when the killing stops you'll have a new leader in town or that section of the country. They're fighting for mega-millions of dollars and it's a lucrative business. The only way I know to fix it is legalized it and that way you take the profit out of it, and the drug dealers go home.

Dean Becker: I guess the point I'm trying to make is that it's like a Soviet 5-year plan, that they change every 4 years, there's a new political operation, a new system in place and they move on thinking that they can fool us that they've made that big difference and of course it just gets worse and worse, right Terry?

Terry Nelson: Well luckily for them the leadership changes every few years they can go ahead and say the same old story, some of those like my self that are a little long in the tooth, have been around since the beginning of this thing and it's a little bit harder to mark that, curve that into the truth that we know to be true. And recently Congress, I was watching some hearings in C-SPAN and they got all over the ONDCP for changing their 5-year plan two years into it when they saw they weren't going to make it. But that's the way they've been doing it, some how trying to justify continuing this failed public policy called the drug war.

Dean Becker: Well, that's the truth. Terry, you and I get a chance, you more so than I, get a chance to speak to various groups, for you its around the country, for me its mostly around Houston, but, about Law Enforcement Against Prohibition, but why don't you

give the folks a good summary of what Law Enforcement Against Prohibition is all about.

Terry Nelson: Law Enforcement Against Prohibition is a group of current and former cops, lawyers, judges, prosecutors, prison wardens that banded together and 10,000 others, we have about 10,000 total membership; we banded together to try to modify or change this failed policy called the drug war.

It's not working, has not worked, and will not work, and we have got to do something to help our country, so that's what we're trying to do, by legalizing and implementing a system of regulation and control we think we can reduce about 80% of the crime and violence associated with drug trafficking and any city that wouldn't want to reduce 80% of their crime and violence I can not understand why the Police Chief or the Mayor or any one in the city wouldn't want to go along with that.

Dean Becker: Well exactly. Now I think we do have James P. Gray, Judge James P. Gray with us online, let's go ahead and welcome him to the discussion, hello Judge Gray?

Judge James P. Gray: Dean good morning, how are you doing?

Dean Becker: I'm well sir, good to hear your voice.

Judge James P. Gray: You're up to all kinds of mischief back there, as I understand it; interviewing District Attorneys and all the rest. You're becoming more than an esteemed radio man, good for you.

Dean Becker: Well, thank you for that Judge; I've learned much of it from you. I want to preface this, I mean; he has a brand new book. And I've been reading it and I'm not a judge, and I've learned a great deal from it, and I think we'd like to share some thoughts perhaps contained with in his book, "Wearing the Robe: The Art and Responsibility of Judging in Today's Courts". Judge, if you will, kind of summarize what you wanted to bring forward in this book.

Judge James P. Gray: Well, thank you Dean. You know I've been a judge for 25 years now in Orange County California and it's just very discouraging the limitation of knowledge that most of the people around our country have as to what judges do, of the importance of the independence to the judiciary and the limitations we all live under. You know we don't have an army or police force who enforce our rules so that kind of keeps us in the bounds of do ability, and we just had to understand that if you don't have an independent judiciary, who will enforce our contract laws regardless of whether democrats, republicans, or libertarians win the election? Well, judges will and we're bound by the laws.

And who will keep us safe, who will give us redress, and only if we have judges that are independent will this happen. Plus, you know, we don't just do what we think we like, under the circumstances, a lot of people feel, Dean, that if judges find something

unconstitutional that means the judges just don't like them, or that if the judges find something constitutional, they do like them, that's totally separate and apart from the truth. We do act within the constitution, as much as we can as human beings. We do act within the law regardless of whether we agree with them or not.

I enforce lots of laws. For example, in California, it's illegal to possess a hypodermic needle and syringe and it's illegal for a medical doctor to prescribe one to someone for, for example illegal drug usage. As a result we're exacerbating the AIDS problem, the hepatitis and the rest, and it's frequently less easy for a cocaine addict to get drugs than it is to get a clean needle which is down right stupid.

But then again that is the law and I enforce it; don't have to do it quietly, but I certainly enforce the laws that I don't agree with. So I've written a book that discusses judging, really all around the nation, and I think that people will be interested in it.

It's meant for new judges to kind of show them the ropes, it's also meant for attorneys that might like some day to become a judge, but more importantly it's meant for the society at large to learn about the importance of this third branch of government which is certainly as important as either of the other two, which is the executive and legislature. So I'm proud of the way its going, it matches my vision, and I think it's a contribution that I can make to our country.

Dean Becker: Well Judge, I want you think on this, we've just got about 5 minutes left, but before we go I kind of want to get a quick question that I might present to these DA candidates today. Now I was looking the other day, I noticed, I wasn't previously aware that you are a spokesman for the Law Enforcement Against Prohibition group, its kind of LEAP day here on the Drug Truth Network. I have Terry Nelson, a former Customs and Border and Air Interdiction Officer, here with us, and we're going to have Norm Stamper on a bit later.

Judge James P. Gray: Two good folks.

Dean Becker: Yes sir, I agree with you. I guess, in a way, we have broken the ice; we have begun to examine this policy. I mean, that's what you've talked about over the years, just the need to discuss it, and we are beginning to do that even here in the gulag city of Houston. You're thoughts, are we not making progress across this country?

Judge James P. Gray: Well, we are making progress in regard to, like you say, our ability now to discuss and recognize what is happening. You know I'm going be in Houston, actually, at the James Baker Institute at Rice University at the end of this month and will be speaking on the 27th of October, so I'm proud of that and look forward and maybe I can see you when I'm there.

Dean Becker: I hope so my friend.

Judge James P. Gray: You know, we need to understand, that the tougher we get with regard to drugs, the softer we get with regard to the prosecution of everything else. So nation wide, when we revamped the drug war in about 1984, we are now only half as successful as we use to be in the prosecutions of homicides, because we're devoting so many resources to the prosecution of non violent drug offences.

So we just need to recognize that we only have so many resources; what we need to do is prosecute the people that are causing harm in our society. And we also need and I would suggest, ask your DA candidates, what they feel of restorative justice, because that is a concept that is going to sweep the country. And that means you include the victims, you include society, you include the perpetrator, you include law enforcement, but you try to make amends and we focus so much on incarceration, when it's really disruptive and very expensive to the tax payer.

And I would suggest to you that we should adopt the comment made by a fellow who was convicted of an election fraud here, named Patrick Nolin, and he said after spending two years in prison, that we should reserve our prison space for people we're afraid of, not people we're mad at, because it's very expensive and it disrupts people. What we need instead to do is take non violent offenders, and have them work to make restitution to their victims instead of warehousing them off in some jail some place. If they're violent, that's different, all bets are off, but if they're not violent and it's a property crime; yes send them to jail for a while, but then have them get a job and make restitution to the victim of their offence, and everybody starts to win. So that is something I would suggest you talk about more, restorative justice, Dean.

Dean Becker: And I certainly will, I will relay that, and carry it into the debate. We are speaking with Judge James P. Gray, author of a great new book, "Wearing the Robe: The Art and Responsibility of Judging in Today's Courts". Judge Gray due to all the noise and confusion this morning, we got about a minute left, and first off I want to thank you and secondarily, I want to invite you to come back on the radio show here real soon so we can give this book a more thorough discussion. And perhaps we can get into your previous book, "Why Our Drug Laws Have Failed and What We Can Do About It", which is my bible, it helps me see into this mess.

Judge James P. Gray: Thank you Dean, you talk and tell it like it is, and that's what we need to do. We need to legitimize the discussion; the American people are willing to respond once they know what the truth is, and you're helping in that quest, and I commend you for it, and I'd be happy to be involved anytime you want.

Dean Becker: Well thank you Judge James P. Gray. Ok my friends, here in just a second we are going to hear from Norm Stamper, former Police Chief of Seattle; Terry Nelson's in studio with us, he hopefully will be us again tomorrow briefly, and he's speaking today, Students for Sensible Drug Policy Group, University of Houston. I urge you to be there and participate. You guys are going to make the difference, you've got to be up front, you've got to speak to these people in positions of power, and get it done.

Today we're taking a look at America's drug war; we have the opportunity today to speak to both a former Police Chief of a major city, and a working Judge, in that, the District Attorneys who will be debating, immediately following this program, are a former Judge and the former Police Chief of Houston, Texas, approximately the same size as Seattle, where our guest Dr. Norm Stamper is the former Police Chief of Seattle, and author of a great book, "Breaking Rank: A Top Cop's Expose of the Dark Side of American Policing", and with that I want to welcome our guest Dr. Norm Stamper. Hello sir.

Dr. Norm Stamper: Hello Dean, it's always a pleasure to be with you.

Dean Becker: Tell us a bit about your book and summarize, if you will, your observations of policing in America.

Dr. Norm Stamper: Well, I would preface my comments by saying that I have worked with hundreds of competent, effective, compassionate police officers who have behaved heroically and with great dignity, and humanity, and respect for other people and I will always cherish those memories. I have also seen in others, and frankly during my rookie year, some behavior that we ought to be ashamed of. And so the question is, if we have police officers who are misbehaving, and every city does, is it because of those personalities or is it because of the structure of the institution?

And I've taken the view that, while personalities need to be held responsible and accountable for their individual behaviors. We really do need to look at the para-military, bureaucratic structure of policing. We also need to look at some of the laws that the officers are expected to enforce; whether it's a structural problem or a law enforcement problem, in both ways and either way we're looking at a strain in the relationship between the community and the police. My passion I guess, has always been around the issue of taking a good hard look at how we're organized, how we're lead, how we're supervised, how we, as an institution, carry on the business of public safety. And too often it's been in opposition to the best interest of the community.

Dean Becker: Well in that regard, I want to talk about, we have in most major cities a lessening of the number of crimes that are solved; peoples property or person. All the while, the number of arrest and "solutions" to the drug crimes continues to rise, your thoughts in the regard sir?

Dr. Norm Stamper: Well, you've accurately characterized what's actually happening in city after city; if you get something stolen from you, it might be worth considerable financial value or great sentimental value; you pretty much kiss it off, because you're not likely to get that property returned, and that's a function of police staffing to be sure, but more importantly, policing priorities. As we, as you accurately point out that over the last almost 4 decades, now, we've shifted so much of our attention, so much of our energy, and our imagination, and our resources to this absurd war on drugs. We are shorting our citizenry in prevention, detection, apprehension of people who are actually hurting other people, and I think that's just a shame and its time to reverse that.

Dean Becker: Well you, as a Police Chief, I think in some ways serve as a, part of the stair stepping, if you will, that the Police Chief decides, oft times what his officers, how they should be involved in a community; what crimes, what criminals they should be going after, just as the District Attorney also kind of serves as a pre-judge, if you will, determining what morals or laws should remain in affect and who gets arrest and how often and perhaps even what communities get that focus. Am I right?

Dr. Norm Stamper: You're absolutely right. I took the view that what we ought to be doing in police work, and I should point out, for 28 years I was a member of the San Diego Police Department, worked my way up through the ranks, worked in uniform, worked in investigations, and was the number two guy and the time the Seattle Mayor named me his Police Chief. And through out that now 34 year career, I since retired of course but, during my 34 year career, I took the position that we ought to be working with the community to define priorities, and for that matter, policies and procedures.

And what we ought to be doing in joint partnership with the community to identify, analyze, and solve problems. And invariably what I found in consultation with the communities in both of those cities; is that the people are so far out ahead of the politicians or the elected officials at all levels of government on the issue of the drug war. And what they're saying is, what the question they're raising is, should the police really be involved in going after, for example, pot smokers, when you astutely point out; our clearance rates for homicides, and robberies, and sex crimes, and auto thieves, and car prowls, and residential burglaries, and so forth continue to plummet. And I don't think if you're a responsive community oriented Police Chief, that you can ignore that.

And in fact my own values happen to align with those of the community, so my position all along, was that we need to focus our attention on predatory crimes. And I start personally; this is, this represents a personal as well as a professional passion for me, on violence in the home; that domestic violence is a precursor of all other violence in our society. How adults resolve their inevitable disagreement in intimate relationships has everything to do with the kids who are observing that behavior; and their ultimate behavior, are they going to settle differences as they get older and forge intimate relationships with hammers or fists or guns or knives, or are they going to become pathologically passive.

Because those are the basic two options if you're brought up in a milieu of violence. So family violence was my top priority, but predatory street crimes, like burglaries and robberies and car prowls and all of this, and of course stranger on stranger rapes, and other aggravated assaults, those are the things, the kinds of crimes that hurt people, scare people, cause them to live differently, and they represent the top priorities. Drug enforcement, on the other hand, unless it involved armed warfare and of course drug dealers, through out the world understand that, because their dealing with illicit commodities, that they've got to arm them selves to protect or expand their market. You don't have prohibition with out violence. Violence is as natural and as inevitable a byproduct of prohibition as one can imagine. So you got to deal with that too, and of

course I'm left shaking my head thinking, "Why do we have prohibition in the first place?"

Dean Becker: Exactly, now you alluded to the fact that the politicians are just kind of out of touch with what the American public perceives and is looking at now. And just last week Zogby came out with a poll saying 76% of Americans, think that the drug war is a failure. And I talked to a representative at Zogby's and he said, "I was the only media representative to contact them in that regard," now your thoughts sir.

Dr. Norm Stamper: I think that speaks to two things; one is sort of the reinforcement of what I said earlier, and that is that the people are ahead of their politicians on this issue, politicians are frightened, politicians are worried or wary of anything that they might say that would cause their constituents to believe that their soft on crime, soft on drugs, when they put heroine in baby formula or some such other absurdity. But they're scared, but not all of them. We've had some principled elected officials that have spoken out, and they are to be applauded.

And the other thing, I think your last point brings up for me, is that if you're the only member of the media who spoke with Zogby, after that fascinating poll they conducted, that really tells us that we've got journalists that are asleep at the wheel, as far as I'm concerned. At any given time you can say, well the media just does not have time for these kinds of issues; the economy is in the tank, domestically and globally, we're scared to death what's going to happen whether our home loans and our pensions and our credit and our lives in general is a function of the economy.

I think if you had asked that same question to the Zogby representative, at a time when we were enjoying economic good times, you still would have been the only reporter who bothered to ask. I think journalists who are ignoring the reality of the public reaction to the drug war, are either doing it intently as a function of their own values, and their own, perhaps their own fear, although, I'd like to think of most journalists as being fearless, or they simply don't get it. They just don't get it.

Dean Becker: Well this is just a hellacious financial situation we've "invested" about a trillion dollars into the Iraq and Afghanistan wars, we got this financial bank failure and home loan failure; I wonder if the 70 billion dollars a year that we "invest" into this drug war will finally be reexamined for its benefit.

Dr. Norm Stamper: Well look today, I'm guessing that this was one hair after the stroke of midnight, some where in the United States a police officer made the 20 millionth arrest for marijuana possession.

Dean Becker: Good god.

Dr. Norm Stamper: And when one stops to consider just a few things, number one, 100 million Americans have tried marijuana, among other reactions they know it is not, contrary to what the drug czar and what others tell us, it is not a gateway drug. Of those

100 million Americans who have tried marijuana, some are regular smokers, some are periodic, some were experimental smokers, but the reality is, those that have a problem with that drug are relatively few. And yet we invest huge sums of time and money going after marijuana in our society. Across the country the voters are speaking; whether its decriminalization or support for medical marijuana, whether harm reduction techniques, the voters out there are saying, we want to get sensible about this drug and regulate it as appose to prohibiting it.

Dean Becker: Both of the candidates for District Attorney, Judge Lykos and former Police Chief Bradford and both if them have indicated that perhaps its time to nuance our approach to these drug laws, that perhaps we have gone overboard, and I don't know, if you could give us your closing thoughts in that regard. How they might redirect or redefine their efforts?

Dr. Norm Stamper: Well I need to make clear that I represent an organization which represents my strongest feelings and the kind of work I've done on this subject that believes Law Enforcement Against Prohibition, that believes that prohibition doesn't work because it can't work and never will. So in the face of that, in the face of the extraordinary cost of the drug war, we need to attack this in a much more fundamental way and replace the prohibition model with a regulatory model. Having said that, any effort to modify existing drug laws, make them more sane, to make them more sensible, needs to be encouraged. I'm a little wary of terms like nuance, because it suggests that minor tweaking can fix this problem and I don't believe that that's true. But I do want to repeat what I said; a step in the direction of smarter, more economical, more morally defensible drug policy's a good step.

Dean Becker: All right my friends, I guess that's about it for today, I hope you enjoyed this edition of Century of Lies, and I do urge you to tune into the debate between the District Attorney candidates in the gulag filling station that should be online by the time this show airs in your town. And as always I remind you; there is no truth, no justice, no logic, no scientific fact, no medical data, in fact no reason for this drug war to continue. We've been duped. The drug lords run both sides of this equation. Please do your part to end the madness of drug war. Visit our website. endprohibition.org
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For the Drug Truth Network this is Dean Becker asking you to examine our policy of Drug Prohibition.

The Century of Lies.

This show produced at the Pacifica studios of KPFT, Houston