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As America's War on Drugs is increasingly being questioned, few have doubted its effectiveness longer, or with greater insight, than Newport Beach resident Judge James P. Gray. Now journalists from Walter Cronkite to Arianna Huffington are praising his new book *Why Our Drug Laws Have Failed and What You Can Do About It - A Judicial Indictment of the War on Drugs*. Judge Gray was appointed to the Orange County trial court by Governor George Deukmejian in 1983. In 1998, he was a candidate for congress in the Republican primary but was defeated by former-Congressman Robert Dornan, who in turn lost to Democratic Rep. Loretta Sanchez.

First, what is your evidence that America's drug laws are failing?

Whenever I give a talk on the subject - and I've given hundreds of them here in Orange County - I start with a simple question and ask for a show of hands: "Regarding the War on Drugs, are we in better shape now than five years ago?" Rarely do any hands go up, and if they do it's usually because of the increased emphasis on education and rehabilitation. Then I ask if anyone expects things to improve over the next five years. And again, few if any hands go up. Would any business continue to spend tens of billions of dollars in an effort most agree is futile? Especially when there are proven alternatives out there? The War on Drugs is failing and we're not looking at alternatives.

What are those alternatives?

First of all, a Blue Ribbon commission should be established at the national level with people from all sides of the issue contribution. Among other issues, this commission might evaluate the drug maintenance program that Switzerland has undertaken.

Which is?

In six pilot cities, a doctor, a nurse and a social worker went into high-use areas and literally administered a "maintenance-level" dose of pharmacy-quality heroin to chronic users at a low price. Soon changes started occurring. Crime rates plummeted because there was no need for thefts, prostitution or mugging to support a habit. Usage also went down. Fewer users were selling to support their habit. In addition, because of the carefully monitored program, reductions were also noted in the rates of HIV, hepatitis and overdosing. Meanwhile, employment rates for these people in the six areas increased. When the program was expanded to 20 cities, a group of moralists forced a plebiscite. The result was the drug maintenance program was approved by more than 70% of the voters.

As it stands now, what is our nation's policy toward drugs?

One, massive prisons. We have more people incarcerated than any other nation; and it's very expensive. It's an industry in itself. Two, we "demonize" those who use drugs and this is wrong. Many who fall into a drug habit can be reached. Sending Robert Downey, Jr. to prison for drug use makes no more sense than locking up Betty Ford for using alcohol. Now if it's Darryl Strawberry and he uses drugs while driving, that's a different matter; he should do time. A third policy America seems to have is to prohibit discussion of its failing War on Drugs. Too often, the reaction is, "Oh, you are in favor of legalizing drugs." And that's absurd. No one, absolutely no one is even remotely talking of increasing young people's access to harmful drugs. But what we are doing simply isn't working. The way things are now, young people tell me it's easier for them to find marijuana or cocaine than it is alcohol.

From your experience, what stands between America's War on Drugs and a rational drug policy?

Simple, it's economics. It's not only the Drug Enforcement Administration's nearly \$20 billion annual budget but government agencies of every kind receive extra funding for drug enforcement - from the Bureau of Land Management to the Bureau of Indian Affairs. The War on Drugs isn't winnable, but it's fundable. And these agencies are addicted to the money. Until Congress sees that the votes are there, nothing is going to change. And things must change; it is impossible to have both a free society and a drug-free society. We will have drugs; either with drug lords or without them. The answer is to hold people accountable for their actions, as we do with alcohol. And let's get rid of this enormous and expensive bureaucracy. If you really think about it, most drug related problems stem from drug prohibition; not drug use. The tragedy of the plane shot down in Peru was a result of our frantic effort to prohibit drugs; not their use.

But by voting in favor of propositions 215 (Medical Marijuana) and 36, didn't California and nine other states say it was time for at least some change in the War on Drugs?

Yes, but many laws relating to drugs are federally, not state enforced. And while that shows that the people are ahead of the politicians, it also indicates that powerful lobbies and other forces have so far been able to block the will of the people. For example, when President Clinton's "Drug Czar" Gen. Barry McCaffrey was in Orange County I offered to debate him. His reply was that he didn't have time to debate, just give a talk. So I went to his speech and asked him why California's vote in favor of medical marijuana was still being outlawed. His answer was that he didn't believe in it and he would "continue to use federal law to prohibit its use."

When you speak of "powerful lobbies and other forces," are you implying corruption; that our governments is in collusion with foreign drug cartels?

I'm definitely not a conspiratorist, but we've got to realize that a small amount of drugs produces a large amount of money. Millions, billions of dollars are involved in that sale of this stuff. And how much corruption can a million dollars buy? Lots. We've all read of corrupt border guards, police departments; even the lives of children are corrupted by

the, as I say, small amounts of drugs that bring large amounts of money. Certainly the governments of Columbia, Bolivia and Peru have all been corrupted by the market for illegal drugs. And Mexico is close to corruption.

So what can an ordinary citizen do to alter America's drug policy?

The obvious is to open minds as to alternatives. Also, carefully monitor media reports; are drug problems the result of use - or from prohibition? To consider an alternative drug policy doesn't imply someone condones drug use. The list of those wanting change includes former Secretary of State George Shultz, economist Dr. Milton Friedman, conservative columnist William F. Buckley, Jr., and veteran CBS journalist Walter Cronkite. We must discuss the alternatives; learn about them and write our Congressmen. When our representatives know that votes are there, they'll act. A sample letter is in the back of my book. Most definitely, there is still a long way to go before changes will occur. But I know someday they'll happen. Something this wrong, this counterproductive and this expensive can't continue much longer. It's like the young man who boasted that his grandmother started walking five miles a day at age 70. But regretfully, when she turned 77, he hadn't the faintest idea where she was. Likewise, America has passed drug laws, spend billions of dollars, lost numerous civil liberties, 20 years later, we haven't the faintest idea of where we are. There is definitely a better way of dealing with this problem.

What is your reaction to the Supreme Court's recent decision regarding medical marijuana?

This problem could be resolved by a single stroke of President George W. Bush's pen: Even in light of the decision, he could make marijuana a Schedule II drug which would allow medical doctors to prescribe it to their patients. Cocaine and morphine are already Schedule II drugs. Why not marijuana? This is absurd. In reality, the Supreme Court's decision had little to say about the effectiveness of a certain drug, namely marijuana. It dealt mostly with legalities - it over state law, and denied a "medical necessity" defense to sick people who believe marijuana is an effective medicine.

What about the "As for nomination of John Walters as the federal government's Drug Czar?"

I consider it a gigantic step backward. His history is one of opposing drug treatment - which has been shown to work - and instead he favors more incarceration and increased interdiction at our borders - which have been proven not to work. Unfortunately, America is in for more of the same in regard to the War on Drugs unless we the people make our intentions known to our Congressmen as clearly as possible.

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Judge James Gray's book, *Why Our Drug Laws Have Failed and What We Can Do About it - A Judicial Indictment of the War on Drugs*, is available for order from Temple University Press through leading bookstores and online sources, including Amazon.com.