

GRAY MATTER

Judge Gray, author of [Why Our Drug Laws Have Failed and What We Can Do About It](#) answers questions about fighting the War on Drugs, how our policies can change, and what hope he—and his book—can offer.

Q. *Your book is called Why Our Drug Laws Have Failed. What characterizes the failure of our drug laws?*

A. Our policy of Drug Prohibition has failed from every standpoint imaginable: unnecessary prison growth, increased taxes, increased crime and corruption here and abroad, loss of civil liberties, decreased health, diversion of resources that are needed to address other problems in society. I could go on and on...

Q. *If that is the case, why do we continue with a policy that so many people agree has failed?*

A. There are numbers of practical reasons: We are fighting decades of rhetoric which incorrectly assume that the answer for drug use and abuse is prison. And scores of politicians get elected and re-elected each year by posturing about the need to get "tougher" on drugs. Another big reason for the perpetuation of this failed policy is money- both legal and illegal. The profit motive to sell small amounts of drugs for large amounts of money simply overwhelms all efforts to restrict those sales. In addition, our policy is fueled by the "runaway freight train" of federal money-every federal agency we have is addicted to its drug war funding, and they do not want to give it up.

Q. *You are taking a pretty controversial position for a Superior Court Judge. Do many other judges feel the same way you do about this?*

A. Yes. But, like with most public officials, there is a difference in what they say privately as opposed to what they will say in public. However, my book quotes comments from more than forty judges nationwide about their experiences and recommendations for change, and many of these judges are speaking publicly about this issue for the first time.

Q. *Considering your position, then, can you offer any optimism?*

A. I agree that people are discouraged under our present policy. But I bring good news: there is hope. We have viable options, and they are working in numbers of places around the world. My book gets very specific about those options.

Q. *But these drugs are dangerous. Shouldn't dangerous things be illegal?*

A. Many things in our society are dangerous, but making them illegal is not the answer. Does anyone really believe that making tobacco illegal would reduce the harm it causes? What about glue, gasoline, chain saws and high cholesterol foods? Further, if you think about it, we have at least some controls with regard to the sales and use of alcohol and tobacco, because they are regulated by the government. We have no controls at all with these illicit substances, because they are controlled by the mob.

Q. *But doesn't a change in policy send the wrong message to our children?*

A. I answer that by asking you what you think is the right message? We have more people in prison in our country than anywhere else in the world. People, including many children, have died from drug overdoses because of unknown strength and purity of these substances, and because

their "friends" did not seek prompt medical attention for them fearing-legitimately-that they would get into legal trouble if they came forward. And, far from protecting our children, our present policy is actually recruiting them to a lifestyle of drug usage and drug selling.

Q. *That sounds like you are advocating drug use. Are you?*

A. I hate these drugs so much that I want to change our policy so that we can reduce drug usage and the other harms these dangerous drugs are causing. These drugs could not be made more available than they are under our present system-we can't even keep them out of our prisons, much less off our streets. But change will come as soon as people realize one simple truth: Just because we discuss drug policy, or just because we realize we have options to it, or just because we choose to employ one or more of those options does not mean that we condone drug use or abuse. As soon as people understand that simple fact, we will move forward to a more effective policy, because what we are doing now cannot stand the light of day.