

For more than two decades I was a soldier in the War on Drugs. In the course of my career, I have helped put drug users and dealers in jail; I have presided over the break-up of families; I have followed the laws of my state and country, and have seen their results.

At one point, I held the record for the largest drug prosecution in the Los Angeles area: 75 kilos of heroin, which was and is a lot of narcotics. But today the record is 18 tons. I have prosecuted some people, and later sentenced others, to long terms in prison for drug offenses, and would do so again. But it has not done any good. I have concluded that we would be in much better shape if we could somehow take the profit out of the drug trade. Truly the drugs are dangerous, but it is the drug money that is turning a disease into a plague.

I saw the heartbreaking results of drug prohibition too many times in my own courtroom. I saw children tempted by adults to become involved in drug trafficking for \$50 in cash, a lot of money to a youngster in the inner city, or almost anywhere else. Once the child's reliability has been established in his roles as a lookout or "gofer," he is soon trusted to sell small amounts of drugs, which, of course, results in greater profits both for the adult dealer and his protégé. The children sell these drugs, not to adults, but to their peers, thus recruiting more children into a life of taking and selling drugs. I saw this repeated again and again. But like others in the court system, I didn't talk about it.

More than once, I saw a single mother who made a big mistake: she chose the wrong boyfriend, a drug dealer. One day, he offered her \$400 to carry a particular package across town and give it to a fellow dealer. She strongly suspected that it contained drugs, but she needed the money to pay her rent. So she did it, and she was arrested, convicted and sentenced to five years in prison for the transportation of cocaine. Since the mother legally abandoned her children because she could not take care of them, they all came to me, in juvenile court, to be dealt with as abused and neglected children.

I tell these mothers that unless they are really lucky and have a close personal friend or family member that is both willing and able to take care of them until she is released from custody, her children will probably be adopted by somebody else. That is usually enough to make the mother hysterical.

Taxpayers shouldn't be very happy, either. Not only does it cost about \$25,000 to keep the mother in prison for the next year; it also costs about \$5000 per month to keep a child in a group home until adoption. For a family of a mother and two children, that means that our local government has to spend about \$145,000 of taxpayer money for the first year simply to separate a mother from her children. And it falls upon me to enforce this result. I do it, because I am required by my oath of office to follow the law. But there came a time when I could be quiet about this terrible situation no longer. I concluded that helping to repeal drug prohibition was the best and most lasting gift I could make to my country.

On April 8, 1992, I held a press conference outside the Courthouse in Santa Ana and recommended that we as a country investigate the possibility of change. Since that time, I have spoken on this subject as often as possible, consistent with getting my cases tried. Most people listen; some agree, and others still want to punish me for my attempts to have an open and honest discussion of drug policy. In that vein, I remember a short introduction I once received before one of my talks, which was along the lines of: "I know you all want to hear the latest dope from the courthouse, so here's Judge Gray."

During the next few years, I worked on a book to expose the whole hopeless anti-drug crusade. In 2001, my book, Why Our Drug Laws Have Failed And What We Can Do About It -- A Judicial Indictment of the War on Drugs, was published by Temple University Press. It was the culmination of my experience as a former federal prosecutor with the United States Attorney's Office in Los Angeles, criminal defense attorney in the United States Navy JAG Corps, and trial judge in Orange County, California since 1983, experience which had long before had convinced me that our nation's program of drug prohibition was not simply a failure, but a hopeless failure.

In February, 2003, I took another step to end the War on Drugs. After being a Republican for all of my adult life, I registered as a dues-paying member of the Libertarian Party. I realized that the major parties will never begin the process of ending the War on Drugs. It takes another party to do that -- one that holds dear the principles of liberty. I had taken the "World's Smallest Political Quiz," and discovered that I was already a libertarian. I was frustrated and concerned about our country's lack of principled leadership, the direction of our economy, and the continued subversion of the protections of our Bill of Rights. The Libertarian Party is my natural home. And it is the Libertarian Party's historic mission to begin the peace process in the War on Drugs.

Drug Prohibition has resulted in a greater loss of civil liberties than anything else in the history of our country. The United States of America leads the world in the incarceration of its people, mostly for non-violent drug offenses. Statistics show that all racial groups in our country use and abuse drugs at basically the same rate, but most of those incarcerated are people of color. The War on Drugs has contributed substantially to the increasing power, bureaucracy, and intrusiveness of government. And, of course, the sale of illicit drugs is by far the largest source of funding for terrorists around the world. If we were truly serious about fighting terrorism we would kill the "Golden Goose" of terrorism, which is Drug Prohibition.

It is important to understand that the failure of these laws is not the fault of law enforcement. It makes as much sense to blame the police and the criminal justice system for the failure of Drug Prohibition as it would have to blame Elliot Ness for the failure of Alcohol Prohibition. The tragic results are the fault of the drug laws themselves, and not those who have been assigned the impossible task of enforcing them.

"We the People" are facing radicals at the controls of the federal government who are insensitive if not impervious to the harm they are causing. When the head of the Drug

Enforcement Administration expressly flouts the will of the people as expressed, for example, by California's medical marijuana Proposition 215, that is one thing. He is a policeman, enforcing the law as ordered, even though he is engaged in the unauthorized practice of medicine. But what about when the head of the Department of Justice subverts that will? When John Ashcroft, as the United States Attorney General, directly acts against the expressed will of the people in this area, simply because he disagrees with it, he is not being conservative. We should call this action what it is: extremist. And when various officials of the federal government use our tax money actively to oppose state ballot initiatives all around the country, we should call that what it is: illegal.

The Republican and Democratic parties are invested in the drug war, committed to it. If we wait for them to act against Drug Prohibition, we will be waiting a very long time. However, we Libertarians are singularly in a position to help. I suggest that the Libertarian Party make the issue of the repeal of Drug Prohibition the centerpiece issue of all state and federal political campaigns for 2004. I understand that R. W. Bradford made a similar argument in speeches over the past several years, and in an article in the December 1999 edition of Liberty Magazine, and so possibly have others. The idea is not original with me, but it is a good idea.

I am aware that historically the Libertarian Party has been largely unsuccessful in putting its candidates into office. But that can change, and in many ways the voters are ahead of the politicians on this issue. If we can make it clear that every vote for a state or federal Libertarian candidate represents a vote to end the War on Drugs, and we capture only a third of the votes of people who favor drug reform, we will get ten percent of the vote. That would be enough to make us a political force to be reckoned with and to put the drug war into the nation's political debate.

I want to make this very clear. If we focus our campaign on the drug issue, people who agree with us will not worry about "throwing away their vote" on a third-party candidate. For a change, every vote will rightfully be seen to matter.

Many Americans have seen and suffered through the unnecessary harms perpetrated by our failed drug policy. And many of these people are organized. Recently I have contacted all the drug policy reform groups I know, such as the Drug Policy Alliance, Families Against Mandatory Minimums, Common Sense for Drug Policy, Families Against Three Strikes, the National Organization for the Reform of Marijuana Laws, the Marijuana Policy Project, and the Drug Policy Foundations of Texas, Hawaii and New Mexico. I am calling their members to join me and become dues-paying members of the Libertarian Party, and am requesting their friends and family members to do the same. Please join me in this critical effort.

The people in these drug policy reform groups are frustrated by the absence of a tangible national movement that they can support. In addition, in many ways they have learned through their experiences to share libertarian principles and values. The more people who register Libertarian, the more public attention will be paid to the issue of drug

policy reform. This, in turn, will attract additional members, and additional attention. I think this plan will be successful, because most of the people in these groups are active; they are committed; they vote; and they have friends who vote.

Most Americans realize that our country is not in better shape today than we were five years ago with regard to the use and abuse of drugs and all the harm and misery that accompany them. They also are beginning to understand that since that is the case, we can have no legitimate expectation of being in better shape next year than we are today unless we change our approach. Accordingly, many of our fellow citizens are beginning to realize that it is okay to discuss this subject. And, whether they know it or not, Americans are looking to the Party of Principle for guidance and leadership.

Our slogan for all state and federal elections in 2004 should be “This Time It Matters.” Because this time it does.

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