



# Why Our Drug Laws Have Failed and What We Can Do About It: A Judicial Indictment of the War on Drugs

By James P. Gray

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Our drug prohibition policy is hopeless, just as Prohibition, our alcohol prohibition policy, was before it. Today there are more drugs in our communities and at lower prices and higher strengths than ever before. We have built large numbers of prisons, but they are overflowing with non-violent drug offenders. The huge profits made from drug sales are corrupting people and institutions here and abroad. And far from being protected by our drug prohibition policy, our children are being recruited by it to a lifestyle of drug use and drug selling. Judge Gray's book drives a stake through the heart of the War on Drugs. After documenting the wide-ranging harms caused by this failed policy, Judge Gray also gives us hope. We have viable options. The author evaluates these options, ranging from education and drug treatment to different strategies for taking the profit out of drug-dealing. Many officials will not say publicly what they acknowledge privately about the failure of the War on Drugs. Politicians especially are afraid of not appearing tough on drugs. But Judge Gray's conclusions as a veteran trial judge and former federal prosecutor are reinforced by the testimonies of more than forty other judges nationwide.

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### Editorial Review

From Publishers Weekly

As provocative and topical as the film *Traffic*, here's a scathing jeremiad against the war on drugs, notable both for the author's position and for the sustained anger of its argument. Following his career as a federal prosecutor and a trial judge, Gray, now a California Superior Court justice, is struck by the revelation that the so-called war on drugs was "wasting unimaginable amounts of our tax dollars, increasing crime and despair and severely and unnecessarily harming people's lives... the worst of all worlds." He effectively documents a growing coalition of often conservative lawyers, legislators and justices who view the drug war's impotent dream of national abstinence as folly and its shadow effects (from imprisonment of nonviolent offenders to diversion of law enforcement resources) as dangers to liberty. Gray writes with the courage of his convictions, bluntly addressing the most controversial elements of the drug war. For example, he asserts that politicians offer slavish loyalty to the drug war because it is "fundable," not because it is winnable. Similarly, Gray details how drug prosecutions have both whittled away at constitutional protections and corrupted many police agencies. He even takes the radical step of humanizing drug users. Without assuming a libertarian stance, he establishes that the risks to an individual who is determined to use drugs are dwarfed by the harm caused to the community by overaggressive policing and the criminal economy. Gray's crisp prose is mercifully short on legalese, and his book has the structural clarity of an accessible legal text. This quality, and the sensible passion of Gray's conclusions, will make this a crucial reference for those politicians, voters, activists and law enforcement agencies seeking to reform established policy.

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### Review

"As provocative and topical as the film *Traffic*, here's a scathing jeremiad against the war on drugs, notable both for the author's position and for the sustained anger of its argument." -Publishers Weekly (starred review) "Judge Gray's thorough and scholarly work, based as it is on his personal experience, should help considerably to improve our impossible drug laws. [His] book drives a stake through the heart of the failed War on Drugs and gives us options to hope for in the battles to come" -Walter Cronkite "James P. Gray, a California Superior Court judge and a former Republican congressional candidate, has written perhaps the most convincing indictment ever that the war on drugs can never be won. ...Gray's careful, sobering book provides grounds for taking a fresh look at our national drug policies." -Philadelphia Inquirer "...an impassioned plea to reconsider the War on Drugs before it does more harm to our society and our legal system." -Charles K. Bultman, California Lawyer " Gray, a trial judge in the Superior Court in Orange County California, called a press conference on April 8, 1992 to announce that, 'our country's attempt through the criminal justice system to combat drug use and abuse, and all of the crime and misery that accompany them, were not working.' His book provides a comprehensive defense of that indictment..." -Law & Politics Book Review "Against the backdrop of this 'worst of all worlds,' Judge Gray offers up and evaluates a variety of options, ranging from education and drug treatment to different strategies for taking the profit out of drug-dealing." -Books-on-Law "No aspect of the drug war is ignored, no argument in favor of handling drugs through the legal system is spared attention, and few drug warriors emerge unscathed." -Liberty, December 2002 "...an interesting, well-written, and lively account of the costs of drug prohibition." -The Independent Review

From the Publisher

A devastating indictment of the War on Drugs

## Users Review

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