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Free Cory Maye by Sheldon Richman

Where are all the celebrities and human-rights activists? Where are Mike Farrell and Tim Robbins and Susan Sarandon? Bianca Jagger, call your office!

I watch cable news a lot, but I have yet to see one word about death-row inmate Cory Maye. Why not?

You haven't heard of Cory Maye? Few people have, despite the best efforts of blogger-journalist Radley Balko (TheAgitator.com) to get the word out. Maye, 25, is sitting on death row in Mississippi, the latest victim of the government's indefensible war on drug makers, sellers, and consumers.

Maye, who had no criminal record, was convicted of capital murder in 2004 in the fatal shooting three years earlier of 29-year-old Ron Jones, a Prentiss, Mississippi, policeman. Jones was shot as he and a squad of narcotics cops burst into Maye's side of a duplex late one night as Maye and his 18-month-old daughter slept. The police had a warrant to look for marijuana on the premises, although Maye was not named in the warrant. He says the police neither knocked nor announced themselves. The police dispute this. But as Balko points out, a knock and announcement might have little effect on a sleeping man. (Thugs also have been known to claim they are police to get at their victims.)

When Maye heard people entering his home, which is in a bad neighborhood, he went to his daughter's bedroom armed with a handgun. When the police entered that room he fired three times, hitting Jones, who later died of his wounds. Maye is black. Jones is white, and his father was the police chief. Things didn't look good for Cory Maye.

According to Balko,

Immediately after the raid, police first said they found no drugs in Maye's apartment. Days later, they say they found a small bag of "allegedly marijuana," and three pieces of a burnt cigar, also containing "allegedly marijuana."

Needless to say, this is suspicious. Later reports say police found a gram of marijuana ash, equal to a sixth of a teabag.

Maye's appeal is currently before the Mississippi supreme court. A prestigious law firm is handling the appeal for free.

To be blunt, this case reeks. Whether they knocked or not, why were police entering Maye's home late at night? Because an informant is reported to have told them a "large stash" of marijuana was stored there. Nothing is more corrupt than the police-informant relationship in drug enforcement. Countless times informants have fingered innocent people in order to take the heat off themselves or to bargain for leniency. Drug raids are notorious for leading to the deaths of people, often cases of mistaken identity, who tried to defend themselves against late-night visits from militarized SWAT teams.

What makes Maye's case different is that he was the killer, not the killed. But if the facts are as they appear, he is the innocent victim too. If so, he should not just be released from death row; he should be freed.

But he has to win his appeal first. Balko reports that his first appeals attorney, a public defender, was fired after being told by Prentiss officials not to represent Maye. Balko writes,

According to [public defender Bob] Evans, Prentiss Mayor Charlie Dumas told him point blank that he was terminated for representing Cory Maye. In a phone interview, Mayor Dumas confirmed having a conversation with Evans, but declined to go into specifics. Calls to the town's aldermen weren't returned, or were answered with "no comment."

This doesn't inspire confidence in the justice system in Prentiss, Mississippi. Instead, it suggests that a man who was defending himself against a late-night intrusion into his home was railroaded. Yes, he had a jury trial. But when the American people are bombarded with drug-war propaganda all their lives and when the police in a small southern town testify about the fatal shooting by a black man of one of their own (a white cop), objectivity and cool-headedness are not to be expected. Maye had little chance of being exonerated.

A corrupt and expanding war

Such tragic events will keep occurring as long as the government asserts power to determine what we may and may not ingest. In a truly free society it would have no such power. Individual rights include the right to take any peaceful action, no matter how ill-advised. (Moreover, as Jacob Sullum documents in *Saying Yes*, all drugs can be and are often used responsibly.) When government enforces laws against consensual activities, police terror is inevitable. Since there is no complaining victim or witness in drug sales (as there is in real crimes), police turn to foul tactics to catch lawbreakers. Entrapment and reliance on

untrustworthy informants are two common tactics. This is why we see scandals in drug-enforcement agencies rather than in the homicide and burglary divisions of police departments.

We are not just talking about government persecution of recreational drug users. The moment the state intruded into drug use, it intruded into the practice of medicine. It couldn't have been otherwise. From time immemorial people have used drugs including alcohol to ease physical and psychic pain. Just as drug prohibition interferes with self-medication, it must interfere with the doctor-patient relationship.

For example, the state stands ready to second-guess any doctor's decisions in prescribing pain relievers. Doctors have lost their practices and gone to jail because government agents disagreed with their medical judgments. The result is that people in pain have been left to suffer because they cannot get the medicines they need — in the name of protecting them from mythical addiction to opioids. The prosecutors of the so-called drug war insist that they do not interfere with valid medical practices, but they are wrong. (Repealing drug prohibition would include abolishing prescription laws and medical licensing. Adults should not need a doctor's permission to take drugs.)

Another horrendous aspect of prohibition is the pretext it provides for U.S. intervention in foreign countries. It is outrageous, not to mention criminal, for the U.S. government to bully farmers in Latin America and elsewhere and to eradicate their coca and poppy crops. They reasonably point out that they wouldn't grow the crops if Americans didn't want the drugs. No demand, no supply.

All the bullying does is create enemies for America, driving aggrieved peasants into the waiting arms of terrorists and Marxists. (See what's happening in Bolivia and Colombia, for example.) George Melloan of the *Wall Street Journal* writes,

In Afghanistan, al Qaeda and the Taliban are proselytizing opium-poppy growers by saying that the U.S. is their enemy. The claim, unlike many they use, has the merit of being true.

U.S. officials have acknowledged that profits from the drug trade help finance terrorism. But they fail to admit, though they must realize it, that the huge drug profits are produced by prohibition and the black market, which always is controlled by thugs. The last thing that drug kingpins would want is an end to prohibition.

And let's not forget the money it all costs. Melloan writes,

The drug war has become costly, with some \$50 billion in direct outlays by all levels of government, and much higher indirect costs, such as the expanded prison system to house half a million drug-law offenders and the burdens on the court system.... One sharply rising expense is for efforts to interdict

illegal drug shipments into the U.S., which is budgeted at \$1.4 billion this fiscal year, up 41% from two years ago.

The war on drugs is all cost and no benefit. When will we come to our senses?

A model of injustice

Why has the Maye case brought no outcry from the anti-death-penalty crowd? It may be, as a friend suggests, that Maye's use of a handgun makes him unattractive to that crowd, which also abhors private ownership of firearms. And don't look for support from the conservative Right. They like guns, but they love the war on drugs even more and could never bring themselves to believe that someone could kill a policeman in self-defense. So Cory Maye is left pretty much out in the cold, supported by libertarians and a few mavericks.

From the looks of things, Maye acted to protect his daughter and himself. The government put them and Ron Jones in jeopardy by its senseless persecution of drug consumers. Let's hope the Mississippi supreme court keeps this horror from getting worse. Free Cory Maye!

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