November Coalition Foundation
282 West Astor • Colville, WA 99114
(509) 684-1550 • www.november.org

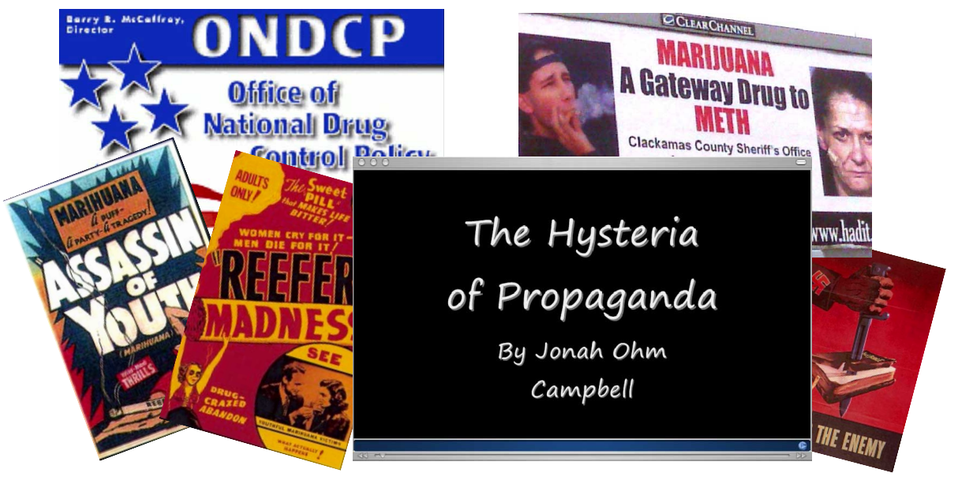
What is The November Coalition?

The November Coalition was founded in 1997 as a non-profit, grassroots organization with a mission to raise awareness in individuals and communities about the spiraling increase in numbers of imprisoned in the United States due to drug-law enforcement.

We arouse and activate fellow taxpayers about existing and impending dangers of an overly powerful federal government acting beyond constitutional constraints. We counsel victims of this peculiar 'war,' most of whom were minor participants, and warn our fellow citizens of the steady erosion of civil liberties, human rights and personal freedoms allowed by federal and state authorities.

Coalition members and supporters are convinced that the War on Drugs does nothing but stimulate an ever more profitable and violent underground economy. The intent of any law should create a safer country and safer world, not one more costly and less free.

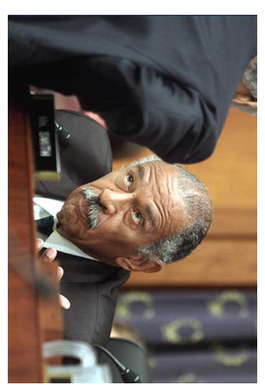
Visit us on the web at www.november.org.

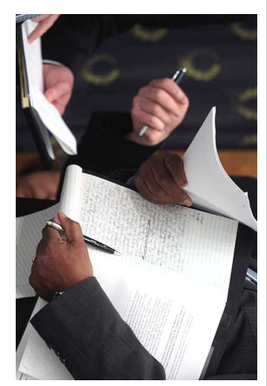


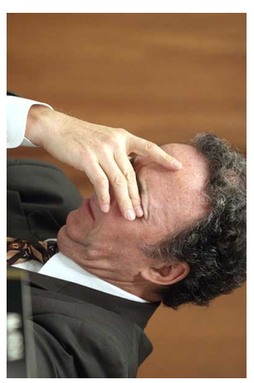
Colville, WA High School student Jonah Ohm Campbell chose Drug War Propaganda as the subject of his senior sociology film project. Jonah was mentored in his efforts by November Coalition director Nora Callahan, and received an 'A' for his work. You can watch Jonah's finished documentary at www.november.org/LocalScenes

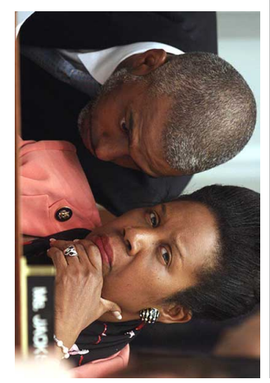
The November Coalition
Working to end drug war injustice!
Vol. 12 No. 2 *Razor Wire* Autumn 2009

Judic Moves HR 3245 in Big Step to End 23 Years of Cocaine Sentencing Disparity









The House Judiciary Committee holds a hearing to markup HR 3245, a bill to end the 23 year-old disparity between crack and powder cocaine sentencing, on Wednesday, July 29, 2009 in Room 2141 of the Rayburn Bldg. on Capitol Hill in Washington. The sponsor of HR 3245 is Rep. Robert C."Bobby" Scott of Virginia, pictured directly above, center. (Lauren Victoria Burke/WDCPIX.COM)

See page 6

A Message from the Director

By Nora Callahan

"The disintegration of this system, day by day and year by year, and the movement toward mass incarceration, with very little attention being paid to clear standards of prison administration or meaningful avenues of re-entry for those who have served their time, is dramatically affecting millions of lives, draining billions of dollars from our economy, destroying notions of neighborhood and family in hundreds of communities across the country, and — most importantly — it is not making our country a safer or fairer place." — Senator James Webb (D-Va), June 11, 2009

"Too much time has passed, too many people have been treated in a disparate manner, and too many of our citizens have come to have doubts about our criminal justice system." — Eric Holder, United States Attorney General, June 24, 2009

Just about everything I usually say in a "*Director's Message*" has already been said by a noteworthy federal leader, and within the last few months. We've reprinted as many remarks and commentary that we could squeeze into this issue, allowing people in power to denounce the horrors of excessive, unnecessary imprisonment — driven by dubious law enforcement practices that accomplish it with terrible costs to the taxpayer and the incarcerated.

If Attorney General Eric Holder is correct about a "moment in time that must be seized in order to insure that all of our citizens are treated in a way that is consistent with the ideals embodied in our founding documents," we must seize it.

In September I attended a public forum as a 'guest speaker' in Pinellas County, Florida, along beautiful Tampa Bay. I can't go to Florida without being awash in memories of my childhood. Before my brother and his imprisonment, there was life as children in that tropical place, a place almost magical when comparing one region to another, and we moved a lot. There wasn't a day we weren't in the water or on the water, drowning in the sun. It can be suffocatingly hot and humid, but Florida still feels free and easy, just like going home. But not so for millions of Floridians sentenced under harsh sentencing laws over the last particularly punishing drug war years. The sunshine state is now the nation's leading jailer, surpassing California and Texas. While Floridians are plunging into a carceral crisis, the state treasury languishes under the strain of increasing the crisis by a projected 19 prisons, or make fundamental changes needed yesterday.

Another state with lots of retirees and the migrant population serving them at an international crossroads is Arizona. Imprisonment has become too expensive to manage, so its state legislators are thinking of selling off Arizona's public prisons to private corporations. You'd think the people of the land of the free could do better than create prisons for profit.

We need to cut the ribbon of Senator James Webb's Blue Ribbon Commission, proposed in S. 714, and let the talk in the halls of Congress flow to our streets and back again. People in diverse communities are fuming, and easily making connects between over-policing, under-policing, selective enforcement and racial applications — all under the guise of a drug war. People I've met while traveling need a commission to direct their anger, hear their ideas, and illuminate successful social projects in their neighborhoods. The idea that bad laws can create more crimes than the violations they intended to halt is not lost on community workers who toil in public housing, jobs creation, and sustainable community development. The list grows long, those people of conscience who work not as public officials, but always beside them. War brings only destabilization to their communities or neighboring ones.

Dropping the war metaphor was the first priority of the new Director of the Office of National Drug Control Policy. Gil Kerlikowske didn't want to be called a "Drug Czar" either. I won't bemoan mere attitudinal changes, but with the declaration of a 'drug war' came brutal drug war laws. They are still on the books, and a slew of constitutional protections have been swept aside. People and cherished principles must be restored before our 'faith in governance' returns.

We hope we've succeeded in teaching our members, and people who'll read this issue of the *Razor Wire*, more about the injustices of the drug war and what should replace it. Find new quotes by leaders of note, and share them when writing other leaders, or in letters to the editor, your blogging posts, and in the salutation of your correspondence entire. Enclose them with your bills, if you still pay with a check, the old fashioned way — and have the money to pay them. Remember also, after you've paid your bills, and you've some left over — to contribute to a good cause, the November Coalition.

As the gap grows between what leaders call our ideals and what we actually do to people — that widening gap creates conditions wherein a prairie fire of change can sweep in and overwhelm the crazy don't-wait-for-hell-to-torture crowd. Common sense has a way of sneaking in at the oddest of times, and those odd times are likely upon us.

In Struggle,

Nora

Addresses of political leaders and major media for letter-writers

Concerning HR 1475 to restore old good time system (sponsor):
Rep. Danny Davis (D-IL)
2159 Rayburn House Office Building
Washington, DC 20515

Concerning S 714 to create criminal justice commission (co-sponsors):
Sen. Jim Webb (D-VA)
144 Russell Senate Office Building
Washington, DC 20510, or

Sen. Arlen Specter (D-PA)
711 Hart Senate Office Building
Washington, DC 20510

House Judiciary Committee
Rep. John Conyers (D-MI), Chair
2426 Rayburn House Office Building
Washington, DC 20515

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Office of Public Affairs
U.S. Sentencing Commission
One Columbus Circle NE
Washington, DC., 20002-8002.

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Letters to the Editor:

Los Angeles Times
202 West 1st Street
Los Angeles, CA 90012

Washington Post
1150 15th Street, NW
Washington, D.C. 20071

New York Times
620 Eighth Avenue
New York, NY 10018

Upcoming Events

October 1 - 2, 2009, Melbourne, VIC, Australia. *The Australian Drugs Conference - Drugs in Hard Times*, at the RACV Club, 501 Bourke Street, Melbourne, VIC, Australia. For more info, contact enquiries@australiandrugsconference.org.au or see www.australiandrugsconference.org.au

October 3, 2009, Colville, WA. *November Coalition Benefit, Featuring The Planetary Refugees*. Special Guests: Aaron Dixon of Harder House, Seattle, Attorney Douglas Hiatt, Seattle activist Monte Levine, Ben Livingston of Cannabis Defense Coalition, Dale Rogers of Compassion In Action. 7:00 PM at Our House, 282 West Astor, Colville, WA. For more info, contact 509-684-1550 or tom@november.org

October 23 - 25, 2009, Vancouver, BC, Canada. *Blueprints for Beyond Prohibition: Dialogue on the New Drug Policy*, hosted by Simon Fraser University and the University of British Columbia, presented by Canadian Students for Sensible Drug Policy. For more info, contact Ashley White at ashley@cssdp.org or see www.cssdp.org

October 26 - 27, 2009, San Francisco, CA. *Pathways to Change: Issues, Challenges and Strategies: 10th Annual Centerforce Inside/Out Summit*, at the Westin San Francisco Airport. A call to action that will seek to collectively discover positive strategies to crucial issues surrounding incarceration. For more info, see www.centerforce.org/summit

October 28 - 30th, 2009, Portland, OR. *Roots of Change: Men, Sex and Justice, the 34th National Conference on Men and Masculinity and 2nd Biennial Oregon Conference on Sexual Violence Prevention.* At Portland State University, Portland, OR. For more info, see www.sati.oregonsatf.org/roots.html

October 31, 2009, Seattle, WA. *Music Benefit and Costume Party, featuring New Monsoon*. 8:00 PM at Columbia City Theater, 4916 Rainier Ave S., Seattle, WA. All proceeds to benefit November Coalition and Seattle medical marijuana legal defense efforts. Admission $15.00. For more info, contact 5O9-684-1550 or tom@november.org.

November 11 - 14, 2009, Albuquerque, NM. *Reform 2009: The International Drug Policy Reform Conference*, hosted by Drug Policy Alliance. At the Albuquerque Convention Center, Albuquerque, NM. For more info, contact sjones@drugpolicy.org or see www.reformconference.org/

November 12, 2009, Oakland, CA. *Ella Baker Center for Human Rights Year-End Celebration & Fundraiser*, 6:00 - 8:00 PM at the Scottish Rite Center, 1547 Lakeside Drive, Oakland, CA. For more info & RSVP, see www.ellabakercenter.org

February 25 & 26, 2010, Orlando, FL. *The 2nd Annual Prisoner's Family Conference*. For more info, go to www.solutionsforelpaso.org and click on The Prisoner's Family Conference.

April 25 - 29, 2010, Liverpool, England, UK. *International Harm Reduction Association Conference*. For more info, see www.ihra.net/Liverpool/Home

June 22 - 26, 2010, Detroit, MI. *US Social Forum II: Another World Is Possible! Another US is Necessary!* At Cobo Hall and Hart Plaza in downtown Detroit. For more info, see www.ussf2010.org

Attention Prisoners

1) Some states and the federal prison system are now allowing limited email access to prisoners. As November staff understands it, email "aliases" are not allowed by most of the inmate email systems. Many of the email addresses you'll find on our website and in *The Razor Wire* (such as "name@november.org") are actually aliases provided to us by the server that hosts our website, and as such, will probably not work.

If you wish to communicate with Nora Callahan directly via email, use the following email address: ncallahan@plix.com

We look forward to hearing from you.

2) Apparently, several prisoner-oriented publications list us as having a "*Reentry and Resource Guide*" available. While we do have a reentry news section on our website at www.november.org/Reentry, we sadly do not have the resources to offer such a published guide. We apologize for the misunderstanding.

The Snitching Blog

Long time *Razor Wire* readers will recognize the name Alexandra Natapoff, considered by many the leading expert on the use of informants in American criminal justice. Natapoff now offers online activists the *Snitching Blog*, a "comprehensive resource on criminal informants: legal developments, legislation, news stories, cultural reactions, commentary and more...." You can find the *Snitching Blog* at www.snitching.org.

Ms. Natapoff is also the author of *Snitching: Criminal Informants and the Erosion of American Justice.*

How to Communicate with The November Coalition

• **Letters:** We receive lots of mail. Rest assured that we read every one of them, but we simply don't have the time or staff to actually respond to more than a few.

• **Legal cases**: We cannot offer you legal representation or advice. Please do not send us your legal work unless specifically requested.

• **Prisoner profiles (The WALL)**: Please continue to submit your stories, but if at all possible, send pictures with them, preferably of a prison visit with your loved ones. Stories should be concise, factual, and include personal background such as age, family status etc. *Although The November Coalition staff endeavors to verify the accuracy of WALL stories, written by the prisoners themselves, we assume no responsibility for their content*. Credentialed media can be provided with documentation and family contacts if they wish to research a story. To do so, please contact media@november.org.

• **Articles for *Razor Wire* & Internet**: Editorials should be no more than 800 words; articles no more than 1,200 words. Submitted items should be typed & double spaced, or neatly printed by hand if you don't have access to a typewriter. Please limit the use of bold, italics, underline, or other special formatting.

• **Artwork**: We need your cartoons and sketches, please! Let your creativity and imagination run wild.

• **Donations**: We will gladly accept postage stamps from prisoners and others, as well as monetary donations.

The November Coalition
282 West Astor • Colville, WA 99114
Voice & Fax: (509) 684-1550
moreinfo@november.org
www.November.org • www.NoNewPrisons.org
www.NovemberSoap.com
Staff: Chuck Armsbury, Nora Callahan, Tom Murlowski
Board of Directors: Teresa Aviles, Nora Callahan, Aaron Dixon, Doug Hockin, Rachel Morton

The Razor Wire *is a supplemental communication to imprisoned members of the November Coalition. Published twice a year, we notify members of special projects and progress, maintaining a daily updated website at www.november.org. Join thousands that visit us online for up-to- the-minute drug war reports and instructions on how they can help end the failed war on drugs. Support people working to end drug war injustice with a donation and membership in November Coalition today.*

To join The November Coalition and receive this newsletter, see membership form on page 22.

If you own or operate a retail store, or do community activism, contact our office for info about bulk distribution.

Mail Call

Dear November Coalition

Currently, I am incarcerated in the state of Wisconsin. For almost 15 years, I have had to sit on the sidelines, watching the "Prison Boom" consume more and more lives and, yes, destroy more and more families and communities. I am so fed up and utterly disgusted with this system (the Prison-Industrial Complex). It's not only because I am a part of it, because we are all a part of it, or affected by it in some way.

I am fed up and disgusted because I know the truth: prisons are just another big business, and like many big businesses, the bottom line is PROFIT.

The public pays all those taxes, which in turn pay for the prisons so they can feel safe, but in reality, they are in even more peril because of prisons.

It pains me daily to know that yet another generation will fall to the greed of this system. Prisons are equal opportunity destroyers.

If I can be of any assistance to your organization, please let me know. I don't have much to offer, but I will give you my mind and my passion.

Respectfully,

Ramiah A. Whiteside, New Lisbon, WI

What can I do to help besides the obvious? I am a paraplegic since1980 after a motorcycle accident. I would like to do more then the usual letter writing which does very little good. I'd love to help shake up the world.

Del Roberts

(We pointed Del towards Bottoms Up: A Guide to Grassroots Activism*, on our website at www.november.org/BottomsUp)*

Parole was abolished in Florida in 1983. The parole commission was given until 1993 to finish up their business. They are still there, with their high-paying jobs. Instead of paroling eligible inmates, they keep extending and suspending the parole dates, holding these people to keep their jobs, using unjustified excuses, not valid reasons.

Persons sentenced under the new guidelines of 1983 have been receiving shorter sentences; many have served their time and are home already, while inmates under the old parole system are still serving time because the commission won't parole them.

Even murderers have served less time after the 1983 guidelines, while many under the parole system haven't murdered anyone, yet are still incarcerated.

I pray someone will help us, the families of those still in prison.

Ida Evans, Florida

Now that they are finally looking at reducing the prison population — for reasons of dollars and cents, not out of any great concern for justice — they often mention employability or transforming these costly prisoners into taxpayers and family breadwinners. However, most everything in the post-release practices and system conspire to make ex-offenders into perpetual paupers.

My case is a good example, unusual only in that I was better educated than most ex-cons. I came out after 10 years for a drug conspiracy with 10 years of Supervised Release, and a $25,000 fine.

After holding a good job for seven years, a new PO was assigned me. First he called to tell me that I should quit my job as Executive Director of a Social Service Agency in Boston because he had put my profile in the State's data banks and that at the next check I would be fired. I tried to find other work but criminal background info is freely available and companies will not hire you except for physical, manual labor since they fear insurance problems. I finally declared bankruptcy. three years after the end of my Supervised Release, after bankruptcy, the Department of Justice contacted me to demand payment of the rest of my fine: $17,000 (with interest).

So there I sit, totally unable to resume a self supporting life free from the system, even 20 years after the crime.

Unless this facet of the justice system is given some attention, I fear the 1000's released as part of the proposed reforms will swell the ranks of the homeless and be promptly back behind bars for various violations.

P. Williams, Massachusetts

I am a student earning my masters degree in criminal justice, and I also have a brother who was sentenced to federal prison for 18 years on two counts of intent to distribute and drug conspiracy. I want to be a part of your No New Prison project, and I am willing to fight all the way. I feel that our mandatory sentences are ridiculous. There is no benefit to anyone keeping a man in prison for a nonviolent offense. I have heard so many stories of people sentenced to prison being treated worse than animals. The ASPCA would not allow this inhuman treatment to an animal — why is our justice system doing it?

I will work my hardest to get you noticed, and help in any way possible to stop this injustice. Please inform me what I need to do. Thank you for your time and dedication to the wonderful protest your organization is doing.

Cynthia Ramirez, El Paso, TX

The Good Time Bill (HR 1475)

Introduced by Rep. Danny Davis (D-IL) on March 2, 2009, HR 1475 is a bill to "restore the former system of good time allowances toward service of Federal prison terms, and for other purposes." The bill currently has 15 cosponsors, and has been referred to the Subcommittee on Crime, Terrorism, and Homeland Security as of this writing.

June 24, 2009 – USDOJ (US)

Attorney General Eric Holder Talks Reform

Attorney General Holder's Remarks for the Charles Hamilton Houston Institute for Race and Justice and Congressional Black Caucus Symposium "Rethinking Federal Sentencing Policy 25th Anniversary of the Sentencing Reform Act" — Washington, D.C., Wednesday, June 24, 2009

Congressman Conyers, thank you for your kind introduction. It is my pleasure to join this esteemed group of federal judges, academics, sentencing practitioners, advocates, and Members of Congress. The Congressional Black Caucus and Harvard Law School's Charles Hamilton Houston Institute for Race and Justice deserve enormous credit for hosting this important and timely event. The CBC has long spearheaded the movement to reexamine our criminal justice system to ensure that it is more just and fair. We at the Justice Department look forward to joining with you as we reexamine sentencing and corrections policy. I'd also like to acknowledge the tremendous contributions of Justice Breyer who was one of the original members of the United States Sentencing Commission. He has played a key role in reforming federal criminal sentencing policy and procedure throughout his career. In fact, many of you here today have contributed tirelessly to the evolution of federal sentencing law and we all have the same goal: to create a sentencing system that is predictable and fair.

The federal sentencing system, which includes both sentencing guidelines and mandatory minimum sentencing statutes, has undergone significant change since the Supreme Court's decision in United States v. Booker. The guidelines continue to provide a sentencing baseline in all federal criminal cases. However, Sentencing Commission data show that the percentage of defendants sentenced within the guidelines has decreased since the decision. Although the full impact of recent trends in sentencing jurisprudence is still unclear, these developments should be monitored carefully. For example, we should assess whether current sentencing practices show an increase in unwarranted sentencing disparities based upon regional differences or even differences in judicial philosophy among judges working in the same courthouse. But we must also be prepared to accept the fact that not every disparity is an unwelcome one. The desire to have an almost mechanical system of sentencing has led us away from individualized, fact-based determinations that I believe, within reason, should be our goal.

We must also be aware of the fact that the federal inmate population continues to increase. This development puts an enormous strain on correctional resources. The number of inmates in federal prisons, state prisons, or local jails has quadrupled since 1980, reaching more than 2.2 million today. Of particular concern, the burgeoning prison population limits the ability of corrections officials to provide drug treatment and other services necessary to minimize recidivism. A 2002 study from the Bureau of Justice Statistics tracked a sample of more than a quarter-million prisoners released in 15 states in 1994. Within three years, two-thirds of these offenders were rearrested at least once for a new offense, nearly half were convicted for a new crime, and another quarter were re-sentenced to prison for a new conviction.

The current federal sentencing system continues to be a target for criticism from judges, academics, and attorneys across our nation. These criticisms range from concerns about mandatory minimums to the use of acquitted conduct in sentencing decisions. Accordingly, a thorough review of federal sentencing and corrections policies, with an eye toward possible reform, is welcome and necessary.

The twenty-fifth anniversary of the Sentencing Reform Act provides a good opportunity to reflect on the state of federal sentencing. The U.S. Sentencing Commission has begun a review of the impact of Booker and of the federal sentencing system as a whole by soliciting testimony at regional hearings. Those hearings will identify those practices that contribute to the goals of the Sentencing Reform Act, and those practices that do not.

At the same time, the Department of Justice has begun its own internal review of sentencing and corrections policy. I have asked members of the DOJ community – both in Washington, DC and in the U.S. Attorneys Offices around the country — to participate in the Sentencing and Corrections Working Group which is chaired by the Deputy Attorney General. Our review will consider:

- the structure of federal sentencing, including the role of mandatory minimums;
- the Department's own charging and sentencing policies;
- alternatives to incarceration and re-entry;
- eliminating the sentencing disparity between crack and powder cocaine; and
- an examination of other unwarranted disparities in federal sentencing.

THE CURRENT FEDERAL SENTENCING SYSTEM CONTINUES TO BE A TARGET FOR CRITICISM FROM JUDGES, ACADEMICS, AND ATTORNEYS ACROSS OUR NATION. THESE CRITICISMS RANGE FROM CONCERNS ABOUT MANDATORY MINIMUMS TO THE USE OF ACQUITTED CONDUCT IN SENTENCING DECISIONS.

As part of that review, we are soliciting the input of key stakeholders such as law enforcement, members of Congress, the defense and advocacy community, and judges.

We are approaching this effort with a specific set of core values. We will apply those principles to create a sentencing and corrections system that protects the public, is fair to both victims and defendants, eliminates unwarranted sentencing disparities, reduces recidivism, and controls the federal prison population. In doing so we must create a system that allows us to dismantle gangs and drug trafficking organizations that plague too many of our nation's streets, and that allows us to effectively combat offenses as varied as violent crime, child exploitation, sex trafficking, and financial fraud. But focusing on punishment is not enough. The federal sentencing system must also embrace the President's commitment to reducing recidivism and providing opportunities to offenders to become contributing members of society at the conclusion of their sentence.

Public trust and confidence are also essential elements of an effective criminal justice system. Our laws and their enforcement must not only be fair, they also must be perceived as fair. A perception of unfairness undermines governmental authority in the criminal justice process. It leads victims and witnesses of crime to think twice before cooperating with law enforcement, tempts jurors to ignore the law and facts when deciding a criminal case, and causes the public to question the motives of government officials. Accordingly, we must create a system where the factual basis for sentencing in a particular case is clear to all parties and to the public, and where the sentences themselves are truly commensurate with the crime committed.

One thing is very clear to me: we must review our federal cocaine sentencing policy. Fifteen years ago, the United States Sentencing Commission first reported on the differences in sentencing between crack and powder cocaine. Since then, the need to reassess the federal cocaine sentencing laws has only grown stronger. This Administration firmly believes that the disparity in crack and powder cocaine sentences is unwarranted, creates a perception of unfairness, and must be eliminated. This change should be addressed in Congress.

Many of you in Congress already have introduced or co-sponsored legislation to address the disparity between crack and powder cocaine. We look forward to working with you and other Members of Congress over the coming months to deal with this issue.

There is no tension between a sentencing scheme that is effective and fair and one that is tough and equitable. We must work toward these twin goals and we must do so now. Too much time has passed, too many people have been treated in a disparate manner, and too many of our citizens have come to have doubts about our criminal justice system. We must be honest with each other and have the courage to ask difficult questions of ourselves and our system. We must break out of the old and tired partisan stances that have stood in the way of needed progress and reform. We have a moment in time that must be seized in order to insure that all of our citizens are treated in a way that is consistent with the ideals embodied in our founding documents. This Department of Justice is prepared to act. We look forward to working with all of you.

Thank you.

Studies & Reports

US Buries WHO Cocaine Report

In the early 90s, the UN World Health Organization (WHO) and United Nations Inter-regional Crime and Justice Research Institute (UNICRI) completed the largest study ever undertaken on the use of coca and cocaine. The WHO/UNICRI briefing kit, released in 1995, had this to say: "Health problems from the use of legal substances, particularly alcohol and tobacco, are greater than health problems from cocaine use. Few experts describe cocaine as invariably harmful to health."

Unfortunately (and predictably), under pressure from the United States, it was never published, when it became clear its findings were in direct conflict with the myths, stereotypes and propaganda that prop up the war on drugs. At the 48th World Health Assembly, just two months later, the US representative to WHO had this to say: "The United States Government had been surprised to note that the package seemed to make a case for the positive uses of cocaine, claiming that use of the coca leaf did not lead to noticeable damage to mental or physical health, that the positive health effects of coca leaf chewing might be transferable from traditional settings to other countries and cultures, and that coca production provided financial benefits to peasants..."

He then threatened to withdraw US funding for WHO research projects unless they would dissociate itself from the conclusions of the study.

It's easy to see why the US would be so opposed to the study being published as it not only challenges a number of myths and stereotypes about cocaine use, but it is highly critical of a number of US-backed policies. The report specifically highlights the criticism that supply reduction and enforcement policies are not working and that alternatives needs to be explored.

The studies identified "strict limitations to drug control policies which rely almost exclusively on repressive measures. Current national and local approaches which over-emphasize punitive drug control measures may actually contribute to the development of heath-related problems. An increase in the adoption of more humane, compassionate responses such as education, treatment and rehabilitation programs is seen as a desirable counterbalance to the overreliance on law enforcement measures."

The study also points out that 'anti-drug' campaigns in general are not necessarily effective, especially when they are not rooted in fact.

The report was never officially published and according to the WHO it does not exist, however some of the project advisors are currently pushing for it to be formally published. It has only emerged into the public domain because the relevant documents were leaked and found their way into the hands of the Transnational Institute drugs and democracy program.

The suppression of this detailed, authoritative and independent report is yet more evidence of how certain governments, most conspicuously the US, have willfully refused to develop rational drug policy based on science and evidence — and worse, when evidence emerges that challenges their political prerogatives they will resort to bullying, threats and censorship to ensure it is suppressed. This is anti-science drug war posturing of the worst kind, and can only lead to poor policy and increased human costs as a result.

Find the WHO Cocaine Project Briefing Kit and associated documents at: www.tni.org/detail_page.phtml?page=drugscoca-docs_coca#who

Source: Transform Drug Policy Foundation UK at www.tdpf.org.uk

Drug Decrim Resounding Success in Portugal

On July 1, 2001, a nationwide law in Portugal took effect that decriminalized all drugs, including cocaine and heroin. Under the new legal framework, all drugs were "decriminalized," not "legalized." Thus, drug possession for personal use and drug usage itself are still legally prohibited, but violations of those prohibitions are deemed to be exclusively administrative violations and are removed completely from the criminal realm. Drug trafficking continues to be prosecuted as a criminal offense.

The political consensus in favor of decriminalization is unsurprising in light of the relevant empirical data. Those data indicate that decriminalization has had no adverse effect on drug usage rates in Portugal, which, in numerous categories, are now among the lowest in the EU, particularly when compared with states with stringent criminalization regimes. Although postdecriminalization usage rates have remained roughly the same or even decreased slightly when compared with other EU states, drug-related pathologies — such as sexually transmitted diseases and deaths due to drug usage — have decreased dramatically. Drug policy experts attribute those positive trends to the enhanced ability of the Portuguese government to offer treatment programs to its citizens — enhancements made possible, for numerous reasons, by decriminalization.

Notably, decriminalization has become increasingly popular in Portugal since 2001. Except for some far-right politicians, very few domestic political factions are agitating for a repeal of the 2001 law. And while there is a widespread perception that bureaucratic changes need to be made to Portugal's decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized. More significantly, none of the nightmare scenarios touted by preenactment decriminalization opponents — from rampant increases in drug usage among the young to the transformation of Lisbon into a haven for "drug tourists" — has occurred.

The data show that, judged by virtually every metric, the Portuguese decriminalization framework has been a resounding success. Within this success lie self-evident lessons that should guide drug policy debates around the world.

Edited for space from constitutional lawyer Glenn Greewald's April 2, 2009 White Paper, Drug Decriminalization in Portugal: Lessons for Creating Fair and Successful Drug Policies, available in full at www.cato.org

1 in 11 U.S. Prisoners Serving Life Sentences

A new report released by The Sentencing Project in July finds a record 140,610 individuals are now serving life sentences in state and federal prisons, 6,807 of whom were juveniles at the time of the crime. In addition, 29% of persons serving a life sentence (41,095) have no possibility of parole, and 1,755 were juveniles at the time of the crime. *No Exit: The Expanding Use of Life Sentences in America* represents the first nationwide collection of life sentence data documenting race, ethnicity and gender. The report's findings reveal overwhelming racial and ethnic disparities in the allocation of life sentences: 66% of all persons sentenced to life are non-white, and 77% of juveniles serving life sentences are non-white.

According to the report, the dramatic growth in life sentences is not primarily a result of higher crime rates, but of policy changes that have imposed harsher punishments and restricted parole consideration.

The authors of the report state that persons serving life sentences "include those who present a serious threat to public safety, but also include those for whom the length of sentence is questionable."

The Sentencing Project calls for the elimination of sentences of life without parole, and restoring discretion to parole boards to determine suitability for release. The report also recommends that individuals serving parole-eligible life sentences be properly prepared for reentry back into the community.

The full report is available at www.sentencingproject.org

May 8, 2009 — Huffington Post

Open Letter to the New "Drug Czar" from Another Top Cop: End the Drug War

By Norm Stamper, retired Seattle police chief, member of Law Enforcement Against Prohibition

Dear Gil (Kerlikowske):

Congratulations on your confirmation as director of the Office of National Drug Control Policy.

Bit of an irony, isn't it? Two Seattle police chiefs on opposite sides of the drug war? As "drug czar" (please retire that ill-begotten label), you are responsible for advising the president and vice president on drug control programs, and for coordinating drug policies among all federal agencies. I, on the other hand, as a member of Law Enforcement Against Prohibition, am devoted to ending the drug war, along with the prohibition model on which it's based.

But how far apart are we, really?

During your tenure as police chief you either championed or tolerated sensible policies such as methadone treatment, clean needle exchanges, medical marijuana, and a Seattle voter initiative requiring you and the city attorney to make simple adult marijuana possession your lowest enforcement priority (lower, indeed, than jaywalking). You also continued the practice of assigning police officers to Hempfest, knowing your cops would make no arrests for possession of marijuana, thus ensuring a safe and peaceful event. These modest steps represent progress, and they position our former city as a leader in local reform.

But I'd be less than honest if I didn't point to some genuinely worrisome positions you've taken recently.

In responding to written interrogatories from Republican members of the Senate Judiciary Committee you claimed there is no scientific consensus supporting medicinal marijuana; announced your opposition to legalizing marijuana; and defended the classification of pot, along with heroin, PCP, and GHB, as a "Schedule 1" drug — which means, I guess, that you believe it is highly addictive and possessed of no medical value.

Sadly, these views put you in league with your ONDCP predecessor, John Walters — he of the magnificent obsession with "killer weed" — who during his tenure silenced science, lied habitually, and refused to debate those with opposing views.

How much of your stance on these issues falls into the category of confirmation politics? How much represents your true feelings? Either way, your early public comments are disconcerting, coming from an administration headed by a president who's proclaimed the drug war an "utter failure," and who has advocated more of a public health approach to drug control.

Still, you did stand up to the shriller apostles of the drug war.

You wrote, for example, that needle exchanges are "not a cause of significant public safety problems," that they are part of a "comprehensive approach for drug abuse prevention, treatment, and care, including efforts to reduce the transmission of HIV/AIDS and other blood-borne diseases."

You share Obama and Biden's position that sentencing guidelines for crack vs. powder forms of cocaine are "wrong and should be eliminated."

And I loved your reply to Senator Grassley's question of whether marijuana is a gateway drug: "Often, marijuana is the first illicit drug that young people use. I support efforts to educate young people about the dangers of illicit drugs, including marijuana." In other words, Senator: No. Pot is not a "gateway" drug.

Likewise, your answer to the Iowa lawmaker's query about whether the medical marijuana case of Gonzales v. Raich was a proper decision. "...the Supreme Court's decision...is the current law of our land. As a result...I am duty bound to honor it and so I [will] until such time as the supreme law of our land on this subject changes." The "subject," simplified, refers to whether the federal government should trump the states on marijuana enforcement. Sounds like another "no" to me.

Norm Stamper Gil Kerlikowske

You oppose "mandatory minimums" which have resulted in millions of nonviolent drug offenders going to prison for very long stretches. "... I understand and respect the ability of states, under the longstanding principles of federalism," you wrote, "to make state policy decisions within the scope of their authority and jurisdiction." Sounds like you're fully on board with the president and Attorney General Holder in calling off the DEA raids on medical marijuana dispensaries. (Federalism. Smart invocation, Gil. Appeals to many Americans, including thoughtful conservatives of a "dual federalist" stripe.)

So, how open will you be to new ways of looking at old, disastrous drug policies? You claim to support "evidence-based," data-driven solutions. You have, in your own words, "long recognized that to be successful as a police chief you have to rely on and work collaboratively with...other governmental and non-governmental entities." You pledged to "re-establish valid working relationships with non-governmental entities and stakeholders."

Drug policy reformers, mushrooming in strength and number every day, are committed to sensible drug laws, Gil. We will support your every worthy incremental step on the road to rational government policies. Of course, some of us, like LEAP members, will not be content with anything less than an end to the drug war, and the replacement of prohibition with a regulatory model based on sound public health principles. But that shouldn't stop you from making a place for us at the table. We are, after all, stakeholders too.

Finally, as we begin this new era of drug policy debate, is it too much to ask that you vanquish the vocabulary of "war"? We all know that when Richard Nixon labeled drugs "public enemy number one" and vowed all-out war on them he was in truth declaring war on us, the citizenry of the United States — especially the young, the poor, and people of color.

In an April 20, 2009 proposal to end the drug war, the Drug Policy Alliance urged us to recognize that while "DPA's work is all about drugs on the surface, dig down a little deeper and one finds it's not really about drugs at all." It's about "much larger struggles in American and international society — -over the extent and limits of individual freedom, what it means to be a free society, and how we deal with both phantom and real threats to health, life, and security."

You have been given what DPA calls a "once-in-a-generation opportunity" to help us reclaim our freedom as Americans, and to live safer, healthier lives.

Please don't blow it, Gil.

Warm regards,
Norm

Norm Stamper was Gil Kerlikowske's immediate predecessor as Seattle's chief of police, having served from 1994-2000.

Visit LEAP online at www.leap.cc

Unescorted Prisoners Take the Bus

Thanks to a little-known policy at the federal Bureau of Prisons (BOP), the guy sitting next to you on the bus could be a convicted felon. As part of a cost-cutting program, the BOP allows more than 25,000 prisoners each year to ride unescorted and unannounced between federal correctional facilities. At least 50 have escaped, including a drug dealer who is now considered armed and dangerous.

Traci Billingsley, a BOP spokeswoman, says that almost all of the inmates are traveling to halfway houses where they will come into contact with the public anyway. She adds that the other 6% of inmates are traveling to minimum-security facilities, most of which don't even have fences. Prisoners who will travel alone are screened to make sure they "pose no significant risk." Should federal prisoners be allowed to travel unescorted on public transportation? *(56% answered 'yes,' and 44% voted 'no' in Parade poll — RW Editor)*

But bus-industry officials say that allowing prisoners to ride unescorted and unannounced on public transit does put passengers at risk. This spring, the American Bus Association (ABA) sent a letter to the BOP saying that the practice "imperils public safety" and demanding an immediate halt to the program. "The fact that this has been done and continues to be done in this kind of secretive way is very unsettling," ABA president Peter Pantuso says in his April 9, 2009 letter to BOP Director Harley G. Lappin.

"This letter hereby serves as notice that no ABA member bus operator will provide service to any unescorted prisoner — under any circumstances," Pantuso insists. The BOP acknowledges that a small minority of the inmates it transfers via public transportation "fail to report to their designated locations" but insists that the cost savings is worth the risk.

RW Editor: Comments by mpb, posted online: 06/07/2009, illustrate a majority's understanding, "I thought the letter from the American Bus Association to the BOP regarding unescorted inmates utilizing public transportation to travel to other facilities was absolutely ignorant. As expressed by the BOP Public Information Officer, the inmates who are traveling are minimum security and often are entering halfway houses just prior to the termination of their sentence. Where do you think the inmates reside when they are released. They reside in your neighborhood, attend your church, participate in your community programs and various other things.

By utilizing public transportation for the inmates who are near to their release dates or transferring to a minimum security prison (where fences are non-existent), saves tax payers a significant amount of money. The ABA makes a point that during these times of public safety, Homeland Security...etc, the BOP should cease and desist their actions immediately. The ABA should really get their facts straight before they start throwing jabs. The BOP is not placing international terrorists on the buses to send them unescorted to another federal prison.

As an American taxpayer, I realize the benefit of the system the BOP is using. I would be more concerned about some of the other people (non-law-abiding), riding the bus than those who are monitored and have more to lose if they escape or commit another crime. For these reasons, I voted yes on your poll, as I noticed was the majority of the responses. Perhaps ABA Administration should rethink their comments and listen to the majority."

Source: Parade Magazine, May 31, 2009

September 14, 2009 — Raw Story (US)

FBI Figures: One Drug Bust in US Every 18 Seconds

By Stephen C. Webster

America is a nation at war, overseas in Iraq and Afghanistan, and at home.

According to the newly released *Federal Bureau of Investigation Uniform Crime Report* for 2008, every 18 seconds someone is arrested and charged with violating drug laws.

Another striking figure in the report: of the 1,702,537 drug arrests in 2008, 82.3 percent were for simple possession of a contraband substance. Nearly half, 44 percent, were for possession of marijuana. According to *San Francisco Weekly*'s calculations, 2008 saw one marijuana arrest every 37 seconds.

"In our current economic climate, we simply cannot afford to keep arresting more than three people every minute in the failed 'war on drugs,'" Jack Cole, a former drug officer who oversees the activist group who now heads the group Law Enforcement Against Prohibition (LEAP), said in a press release. "Plus, if we legalized and taxed drug sales, we could actually create new revenue in addition to the money we'd save from ending the cruel policy of arresting users."

The report noted that the figures are a slight dip from 2007, going from 1.8 million to 1.7 million.

"Those looking for a partisan pattern should note that drug arrests climbed under Bill Clinton as well as George W. Bush, and that last year's drop occurred during the latter's second term," wrote Jacob Sullum at *Reason.com*. "Since local police make the vast majority of drug arrests (especially pot busts), it's not clear how much difference the president's drug policy agenda makes, although federal priorities affect the behavior of state and local law enforcement agencies, especially when funding is attached to them."

The FBI also recorded a 1.9 percent drop in violent crime, and the smallest number of forcible rapes in the last two decades. The report additionally noted that 1.4 million arrests were made for drunk driving alone.

"Racial minorities suffered disproportionately as victims of some of the most violent crimes," added *CNN*. "Almost half of the country's 14,000 murder victims, for example, were African-American."

The Office of National Drug Control Policy had not commented on the FBI report at time of publication.

Private Prisons Still Booming

By Richard Geffken

While the rest of the nation suffers an economic downturn, private prison corporations continue to experience a boom.

Corrections Corporation of America (CCA) has the biggest share of the marketplace, with 64 facilities nationwide. It built two new prisons in 2008, and is constructing two more in 2009. It also expanded its bed space at nine existing sites, putting 1,680 more in use in just one quarter of 2008. In business language, CCA's income increased by 14% to $37.9 million. The suffering doesn't matter, just count the money.

GEO Group ranks second in the industry. It expanded eight existing prisons, and began construction of a new one in Milton, FL in March 2009.

The Federal Bureau of Prisons had 13 prisons built for private management in the last 10 years. These have largely housed low security risk illegal immigrants. Delaying deportation increases bed space usage to maximize profits.

These corporations are seeking longer sentences through their lobbyists in nearly all state legislatures. Prison policy-makers are projecting increased prison populations of 25% by 2011. It's good for business. That will mean nearly 3 million Americans imprisoned.

Prison overcrowding in California has given the private prison industry an extra boost. Over 5,000 prisoners were shipped to other states' private facilities between 2007 - 2008 rather than cut any sentences. 2,900 more were transferred at the start of 2009. Nevertheless, reducing the prison population remains unthinkable. The numbers represent money and influence to politicians, and voter fears which translate into votes.

Having run California into virtual bankruptcy, Governor Arnold Schwarzenegger still demands no mercy for prisoners. With a deficit of $41 billion, state workers and teachers are being laid off. 20,000 received their layoff notice on February 17, 2009. Cutting vital public services remains preferred to reducing prison populations and profit margins.

It offers little hope that 46 states face bankruptcy in 2009. President Obama is expected to bail them out, while they continue imprisoning more and more of his fellow citizens. Private prisons appear to be a "New Deal" industry. So much for change.

Richard Geffken is a Florida prisoner.

Editor's Notes

By Chuck Armsbury

Private prison companies, most notably Corrections Corporation of America (CCA), anticipate increased stock performance and profits in near future. With governments short on cash and prisons overcrowded, these vampire capitalists don't favor or expect reductions in state or federal prison populations and construction. "In what might be a revealing commentary on our country's state of affairs, the nation's private prison companies look like solid investments for the next several years," claims award-winning New York financial adviser Michael Brush.*

Brush writes that "Corrections Corp., for example, trades at about 22 times 2005 earnings estimates, at the low end of its historic 22 to 25 range. The Geo Group appears cheaper, with a forward price-to-earnings ratio of 14. But at $26, it trades at the 12-month price target recently set by one analyst. (As the leader, Corrections Corp. deserves a premium valuation.)"

"Founded in 1983, Corrections Corp. was the first company to privatize prisons in the United States. It's also the biggest, with 54% share in the private prison sector. So it's likely to get a big piece of the business from state and federal prisons trying to cope with overflows," Brush advises potential investors.

Plain talk about profiteering on incarcerated people isn't 'breaking' news to most *Razor Wire* readers. But emotionless dollars-and-cents analysis of the financial 'good' that comes from massive over-incarceration still offends and enrages one's conscience, right? Is it merely a joke or oxymoron that capitalist morality isn't moral? What a strange land where any thing can be for sale when the dominant standard of socioeconomic success is making profit? Do leading capitalists routinely denounce profiteering on children traded or sold in the international sex markets? Do some big bankers refuse the obscene profit to be gained from laundered drug trafficking money?

Comedian Bill Maher has a new rule: Not everything in America has to make a profit. Maher, long-time drug war critic, seems particularly troubled by the evident profit-on-everything US economy and culture. On the July 24 episode of *Real Time With Bill Maher (HBO)*, Maher reminds us that "war profiteer" used to be a "bad thing, but now our war zones are dominated by private contractors and mercenaries who work for corporations." **

Maher's right: unlike previous US wars "there are more private contractors in Iraq than American troops," paid generous salaries to launder troops' clothing and do other work usually done by the soldiers themselves.

The funny man then ridicules for-profit prison corporations, singling out CCA "on the New York Stock Exchange, which is convenient since that's where all the real crime is happening anyway." Maher is incensed that "CCA and similar corporations actually lobby Congress for stiffer sentencing laws so they can lock more people up and make more money." It's no wonder why the US is world's leading jailer "because actually rehabilitating people would have a negative impact on the bottom line."

Maher weighs in heavy on profiteering in the news media and health-care industry, too. "When did the profit motive become the only reason to do anything? When did that become the new patriotism? Ask not what you could do for your country; ask what's in it for Blue Cross/Blue Shield," snarls this angry white man.

Winding down his rant, Maher asks "if medicine is for profit, and war, and the news, and the penal system, my question is: what's wrong with firemen? Why don't they charge? They must be commies. Oh my God! That explains the red trucks!"

Using humor and ridicule Maher insists that profit-making is the ONLY morality in capitalist ideology. And yet what should we think about the morality of 'covering' or 'socializing' big bankers' greed and losses with recent billion-dollar handouts of public funds? How about one of the greatest cons of all: socialism for the rich, capitalism for the poor. Not since the revolutionary 1960s have I witnessed such intense, national discussion over socialist and capitalist economies and their differing visions of the future.

Seriously, now, how can we ordinary folks do much to solve longstanding social problems that apparently can best, or only, be illuminated by comedians? Calling on the power of unity and common purpose seems obvious, a first step, but too often in vain in today's highly individualized, competitive, capitalist culture. Has cynical outlook and disenchantment won the day? Has 'me first' become a drumbeat in each of us? Not completely — renewed unity in 2008 among diverse voters put Barack Obama in the White House, and millions of hopeful supporters who stood shoulder-to-shoulder at his January inauguration still dream of real change in our country. More than ever, we need those millions to stand up for the wrongly convicted and over-punished prisoner class.

Somewhere between salivating prison profiteers and decent businesspeople lies some common ground for morality, vision and alliances with the languishing movement to end the drug war, decarcerate our prisons, and strengthen local communities. No matter where you are, build unity with people daily in words and deeds, and stand up every chance you get to educate and activate locally and in your state for real change in criminal justice philosophy, policies, practices, and especially initiatives for alternative sentencing and earned release from custody.

As always, stay in touch, share this issue with others, and help advance November Coalition's mission with your money, time and commitment.

** Online at www.moneycentral.msn.com*

*** Online at www.hbo.com/billmaher*

In Memoriam

Dr. Kenny H. Linn, 1939 — 2009

Kenny Linn lost his fight with pancreatic cancer on May 28, 2009. For everyone who loved and worked with Kenny, he will be dearly missed.

Kenny was co-founder and chairman of FedCURE, and considered an expert on federal parole. He was co-author and the leading advocate of legislation to establish a hybrid system of parole and good time allowances for federal offenders. A tireless advocate for federal inmates and their families, Kenny was the model demonstrating that parole works.

Kenny was a former federal prisoner, released on parole through August 2004. Completing undergraduate degrees in political science and economics at Tulane University, he went on to study law at the Schools of Law at New York University and Loyola University (New Orleans). Linn received both a Juris Doctorate and Master of Laws from the University of Honolulu Law School.

To review one of Dr. Linn's final efforts in sentencing reform, see www.goodtimebill.info

Judic Moves HR 3245 in Big Step to End 23 Years of Cocaine Sentencing Disparity

By Lauren Victoria Burke, Crew of 42 Blog

A Cecil B. deMille flik had less behind the scenes drama than this House Judiciary markup featuring HR 3245 to end the sentencing disparity between crack and powder cocaine. HR 3245 is a simplified version of HR 1459 and co-sponsors included members who had offered like-minded bills, including Reps. Jackson Lee, Waters, and Rangel. HR 3245, by Rep. Bobby Scott, simply equalizes the sentencing between crack and powder cocaine and would end 23 years of disparate punishment. Straightforward.

Uncomplicated. But then came word Rep. Sheila Jackson Lee was thinking of offering 10 — that's right TEN — amendments to the Scott bill. This reporter waited for her outside the hearing room before the hearing to ask what was up. Her answer: "I'm in contemplation..."

SJL's "kingpin" bill, HR 265, has 53 co-sponsors. It's no surprise she may have felt as if her bill had more support and wanted to add amendments featured in her legislation. With

papers flying and documents being passed back and forth from her staffer to the clerks table, she appeared ready to blow up the Scott bill and a chance to fix a 23 year old mistake. No long time serving member I've spoken with can recall such a bill being voted out during their time in Congress.

An incredibly well timed set of three votes on the House floor allowed for a 20-minute conversation between SJL and Rep. Scott during votes. This was followed by her attempting to locate Chairman Conyers in the Speaker's Lobby which was then followed by another chat between her and advocates on the issue upon her return to 2141 Rayburn. One of those rounds of talks apparently did the trick. Though she communicated otherwise minutes beforehand, she didn't offer any amendments to the Scott bill. She did contribute a cryptic and pointed request of her desire to work closely and "collegially" together in the future with Rep. Scott. One has to wonder at this point what her issue was but the bottom line is HR 3245 passed and was reported out of the committee by a vote of 16 to 9 — and voted out clean. Who needs the Republicans?

The Obama Administration, led by AG Eric Holder and Lanny Breuer have repeatedly made it crystal clear in every speech and committee appearance on the issue that they want the law changed to 1:1. Senate Judic. Chairman Pat Leahy had breakfast w AG Holder Wednesday and the topic came up. This thing is fast-track city. What Sheila Jackson Lee's specific issue was remains unclear — but get ready for it to surface in some form again.

Reprinted photos and text appear here by permission from Lauren Victoria Burke, a self-described "freelance writer/photographer workaholic political junkie," posted July 29, 2009 at www.crewof42.blogspot.com/2009/07/house-judiciary-to-markup-cocaine.html

Victoria Burke has been covering Capitol Hill since 1999 and has worked for the Senate Democratic Policy Committee, ABC News, USA Today.com, Associated Press, The Washington Post and The Hill newspaper, and has covered 9 political conventions. She also owns WDCPIX.COM photo service. You can contact her at lburke007@gmail.com.

What is the "Crew of 42" Blog?

Many of our incarcerated members may not know about 'blogs.' Short for 'web log,' this electronic form of communication is a shared online journal where people can post diary entries about their personal experiences and hobbies.

Lauren Victoria Burke describes this reprinted blog (located online at www.crewof42.blogspot.com) as following "the march of legislation brought forth by members of the Congressional Black Caucus (CBC) in the 111th Congress at the dawn of the Obama era. No group of 42 individuals thinks and acts as a monolith and this blog will effortlessly place a spotlight on that. The CBC is a vibrant example of individuals forging ahead singularly while occasionally unifying as a group when the politics require. This is a blunt and lively group of politicians and therefore fun to cover. Further, the current membership covers the post WWII era and moves through the post Civil Rights movement. The group originated in 1971 with 13 members. They now have 4 full committee Chairs, a membership of 42 and the advantage of having their party in control of the House, the Senate and the White House.

Two friends of mine and I were going over the general way in which the press covers the CBC and its members. I came to the conclusion that stories often break down to one of three themes:

1. CBC angry.
2. CBC forms roving gang and wants something.
3. CBC in disarray.

Though subjects may lapse into one of the three trivia-driven categories above, the focus will be on legislative work. This blog has no official affiliation with the Congressional Black Caucus or any individual member therein."

Bottoms Up 2009

More than a drinker's toast, '*Bottoms Up*' is about the power of grassroots action, the wisdom of the majority, the ability to speak truth, lead and influence others. *Bottoms Up* is also a practical and growing manual for community activists, updated often with fresh organizing experiences. November Coalition staff traveled almost 30,000 miles in 2002 — 2003, on a project called Journey for Justice, a series of scheduled events throughout the Northeast, East Coast and South. Face-to-face meetings in homes, churches, colleges and community centers were followed by recording the experience in the Coalition's online guidebook to community activism, *Bottoms Up: A Guide to Grassroots Organizing*.

Available online at www.november.org/BottomsUp, *Bottoms Up* is useful for beginning and seasoned organizers who exercise First Amendment rights to speech, petition and assembly. This how-to manual covers topics such as: *Organizing a Public Event or Private Meeting with Officials, Designing Flyers and Posters, Working with Others, Leading a Demonstration, Building a Relationship with the Media and Elected Officials*.

Also included is a generous sampling of artwork, press release examples, educational literature, studies and reports, graphs and displays to share with the public, meeting forms, and other resources for organizers of different levels of skill. Educational Supplies include banners, posters, brochures, full displays and periodicals.

Incarcerated people retain rights of speech and petition, if not assembly. Without question, people in prison may communicate freely with members of Congress, other public officials, and media about their circumstances. Loved ones outside may also contact officials to personally lobby for change. Around critical questions about criminal justice our imprisoned loved ones have answers we all need to hear.

To help members do a good, effective, personal lobbying job for an incarcerated loved one or a sentencing issue, here are specific recommendations from a professional lobbyist that were first posted in *Bottoms Up* in 2001.

Journey For Justice, Bronx, NY 2002

Mother's Day Protest, Chico, CA 2001

Rally Against the Drug War, Laguna Beach, CA 2006

Getting Your Message Through is Your Highest Priority

By William D. McColl

As a professional lobbyist, I would like to make some suggestions about how to respond to an offensive letter from legislators, or help you as you begin communicating in letters and visits to your federal and state legislators. If your legislator has made you angry, and you respond in anger, you have taken their bait. An angry 'rant' in response, verbal or in writing, allows them to dismiss you. Your job is to make it extremely hard for them to dismiss you.

Essentially, the reason for any contact with a legislator or a legislative staff should be to further your goal. When you write a letter, or visit your leaders, think carefully about the goal of your communication. Put yourself into a legislator's shoes and ask some basic questions of your goals. Would this communication have support from other constituents of this leader? Are there other people with the same issue and requests? If not, then perhaps your issue or request isn't reasonable, or something that has enough support to interest a legislator.

One thing you will need to do is develop several lines of arguments. If you are talking to a conservative, your message is different than if you are talking to a liberal, or to a moderate or to a libertarian for that matter. Considering all you know about your legislator is important. You may have initial correspondence, or news quotes that reflect their opinions about your issue.

If you 'strike-out' with a message, go back and consider why it failed. In light of the reasons why it failed, try to further communicate your position a better way. If you can't think of a better way to communicate your message, do not respond angrily. Let things calm down before you go back to visit, or write again.

Give some thought to how you can successfully reestablish lines of communication. Whatever you do, the very first rule of lobbying (well at least my first rule) is that you never burn your bridges. Respect people, making the best argument to them; your message is the highest priority. It is more important than getting 'something off your chest.'

Since September 11th, Americans have been told that they are at war, that they need to accept a reduction in their civil liberties, and that they must stand united. Anything that detracts from those goals, may appear divisive and will have the effect of placing us in the category of "the enemy." We must be extremely cautious in all of our actions and in our letters, but this does not mean that we stop lobbying visits and letters to our government's leaders.

One thing that I've learned is to lower my expectations. There are a lot of people on all sides of every issue. You may need to accept that it might take years to demonstrate responsibility and win legislators over. Have others make your case for you or with you, enlisting family and friends to write letters on your behalf, or take them with you when you visit your leaders to illustrate you have support for your request or issue. Show them that you have a large (preferably responsible) and active constituency behind you.

The Reentry Struggles Of Kathryn Elwood

By Chuck Armsbury

She was in prison for six years, and has now been out for six years. “I will do anything I can to help and make people more aware that there is hope! It is very hard to live a life in the shadows of incarceration,” wrote Kathryn Elwood in an email to our office. Yet, she writes with confidence and uncommon resolve to overcome the staggering difficulties finding employment. In a 2000 *Razor Wire* photo Kathryn was one of several female prisoners posing together whose combined sentences totaled over 227 years.

“I know that there is basically nowhere to turn! My fiance and I just moved back to San Diego from Arizona and experienced a system that’s completely BROKEN! We were denied job placement assistance because we didn’t just get out of prison. We were like, why is this happening? We were appalled! We were devastated!! Here we were, ex-felons that have been out of prison/jail for a very long time w/o incident — 3 children to support, 1 on the way — and we were being denied assistance because we didn’t just commit a crime. It was the weirdest thing in the world! An Arizona job center (that said it helps felons) would not help us at all! It just seemed as though we were experiencing a brick wall for simply trying to work,” wrote Kathryn.

She has been in contact with several California officials — including Governor Arnold Schwarzenegger, CA. Majority Leader Alberto Torrico’s office, Senator Diane Feinstein, and Senator Barbara Boxer — to ask why ex-felons can’t find jobs and why pregnant mothers like herself are being denied food stamps if once convicted for a drug felony committed after 1997.

For those of you that have, “be prepared to show proof of participating in some type of drug-treatment. This applies to anyone trying to get assistance in California. Arizona will just flat out deny anyone,” claims Kathryn.

Kathryn has put her in-prison organizing skills to good work on the outside on behalf of prisoners she left behind. Though many prisoners promise to ‘keep up the struggle’ after release, Kathryn is someone who really did, and did so because as she stated, “I am VERY passionate about helping people and making people understand that NOT everyone who’s been to prison is a horrible person!”

A people’s champion, Kathryn has strong memories of prison events she organized, of fighting for furloughs, toilet paper and recreation prizes, “to name a couple of subjects.” She

Kathryn Elwood today

contacted our office with questions about how to get Federal legislation introduced to give people an option to have felonies expunged after several years successful reentry. How would it work?

“I would like to put together a message board or something of that nature featuring all of the felons (called “*Faces of Felons*”) that have a story, are upstanding members of society, and the impact of having felonies and how it has made them somewhat “disabled, inferior, and unworthy” of obtaining viable employment. I would like to then present it to our legislators and see where it goes from there,” offers Kathryn.

Can or should ex-felons become mentors for those still incarcerated? Kathryn definitely thinks they should; communities everywhere need a sponsorship program for people coming out of prison. “I know that I needed someone; prisoners soon to be released could definitely use the assistance of someone who’s been there,” she insists. “I feel it is our responsibility to help one another cause no one else will.”

For comments, encouragement, advice or help to offer you can correspond with our office or by email with Kathryn: elwood_kathryn@yahoo.com.

“Finding my soul-mate and recently giving birth to a beautiful baby girl (Midori) has made me realize that dreams do come true; anyone can change, something I did a lot of while in prison, and why I feel so strongly about this subject! We are entirely different people as we age. There is a huge difference from being 24 and now 37! Maturity means something, and it’s about time our lawmakers realize this,” emphasizes Kathryn.

(Editor: Kathryn dedicates this story of successful reentry to her daughter, Breeanna Elwood, who graduated as valedictorian, the top of her 2007 class, despite losing both mother and father to prison; Lourdes Aragon for doing a lot of time with dignity; and the late Claudell White, “one person who didn’t belong in prison, the sweetest person I have ever met.”)

Kathryn Elwood is second from left, back row in this photo reprinted from the May/June 2000 issue of The Razor Wire. The women pictured were serving a combined total of 227 years at the federal prison camp in Phoenix, AZ.

New Haven Denounces Drug War Injustice

May 2, 2009, New Haven, CT

Story by Barbara Fair — Photos by Melinda Tuhus

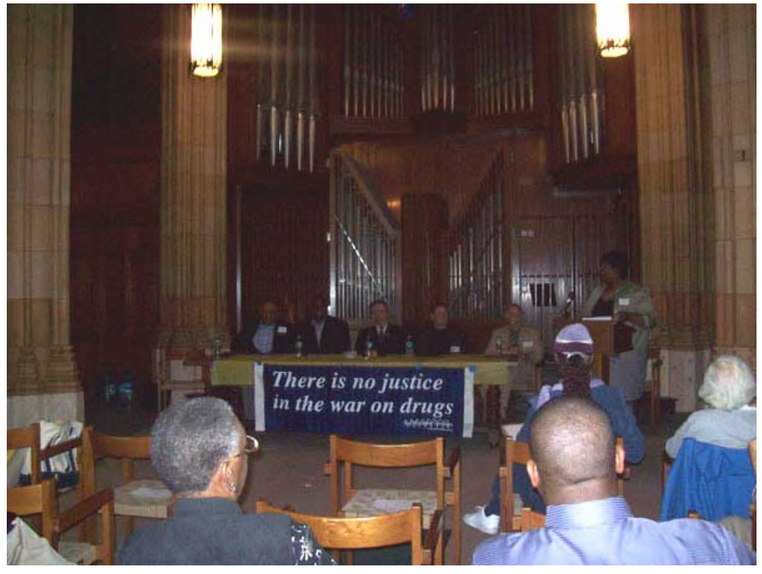
The day was dreary in New Haven (CT), but it didn’t discourage drug war reformers traveling from as far away as Indiana who gathered to educate a diverse audience about the injustices of the drug war. The drug policy conference was held inside Yale University’s Dwight Hall Chapel on Saturday, May 2, 2009.

Ira Glasser, former National ACLU Director and now board president of Drug Policy Alliance, headed the lists of panelists/speakers. His speech portrayed the drug war as a revival of the Jim Crow Laws that prevailed in the South from the 1890s into 1950s, a set of laws that paved the way to renewed legal subjugation of African Americans in America. He went on to explain how Jim Crow repression succeeded slavery and how the drug war succeeded Jim Crow, both of which successfully removed African Americans from society.

He was followed by a panel of speakers that first included internationally respected drug policy activist, Cliff Thornton, executive director of Efficacy and two LEAP (Law Enforcement Against Prohibition) spokesmen, Richard VanWickler, Superintendant of Corrections in New Hampshire and Joseph Brooks, retired police captain from Manchester, CT. Speaking next were Lorenzo Jones, executive director of A Better Way Foundation, and Connecticut State Senator Martin Looney, who introduced a bill to decriminalize small amounts of marijuana in the state legislature this session.

Kemba Smith, a former prisoner of the drug war, traveled from Indianapolis to share her story of being sentenced to 24 years as a first time drug law violator, even though prosecutors admitted that she never used, held or sold drugs. She was charged for crimes her former boyfriend committed. Her sentence was commuted in 2000 by President Bill Clinton after serving nearly seven years in prison. Since release she has traveled the country telling her story, attended law school, and plans to marry soon. Her speech was followed by words from a group of local activists including criminal defense attorneys Michael Jefferson and Norm Pattis, Youth mentors’ Officer Shafiq Abdussabar and Shelton Tucker, and a Youth Rights Media alumnus, Matt Mitchell.

It was a gathering of some of the most committed leaders in the movement to end the US War on Drugs which began four decades ago under Richard Nixon’s administration and accelerated rapidly in the 1980s under Ronald Reagan’s reign. In early 1970s there were 1.4 million people addicted to drugs. In 2009, forty years later, there are 1.4 million people addicted to drugs; prohibited drugs are cheaper, more accessible and purer than 40 years ago, motivating activists to challenge all validity of



Drug Policy Conference, Yale University’s Dwight Hall Chapel, Saturday, May 2, 2009

Barbara Fair

the war on drugs. Reliable research now reports that 1.5 million Americans are arrested every year for drug law offenses, and 75% of those arrests are for simple possession of marijuana. The war on drugs is the main feeder to an exploding prison system that has become one of the fastest growing industries in this country. America incarcerates more of its citizens than anywhere else in the world. No proportion of the US prison population has grown faster than African Americans. The greatest racial disparity is seen nationally among men ages 25-29 where Whites are incarcerated at the rate of 1,685 per 100,000, Latinos at 3,192 per 100,000 and African Americans an astounding 11,695 per 100,000. Today, there are 7 million Americans incarcerated, on parole or probation.

To cap the afternoon, a film — *American Drug War: The Last White Hope* — was shown, captivating the audience with revelations of US involvement in supplying cocaine to the streets of urban America where eventually the crack epidemic took hold and devastated the lives of millions of Americans. The film depicted congressional hearings held in Washington DC in which former CIA and DEA agents and former presidents were questioned about their involvement in supplying the neighborhoods of Los Angeles with cocaine and then arresting the people who sold and used it.

The drug policy conference was hosted by People Against Injustice, a New Haven based grassroots organization seeking criminal justice and prison reform. Sponsors were Yale SLAM, Yale Students for Sensible Drug Policy, and November Coalition.

(Editor’s Note: Barbara Fair, director of People Against Injustice, steadfast criminal justice reform activist and longtime November volunteer, lost her mother in late July 2009. The November Coalition extends our heartfelt sympathies to Barbara and her family.)

In the News

Use Pot? No Transplants

In a disturbing trend, another patient has died after being denied a liver transplant due to marijuana use.

Hawaii resident Kimberly Reyes was diagnosed with hepatitis in March 2008 and told she had less then a year to live. Her family claimed she had followed doctor's orders, but her insurance carrier denied the liver transplant she needed to survive because toxicology tests showed trace amounts of cannabis in her system.

According to Reyes' attorney, toxicology tests were the sole basis for denial of coverage for the 51-year-old mother of five.

Her family said Reyes had stopped smoking marijuana "years ago," but recently took a few hits of marijuana to relieve feelings of nausea, disorientation and pain. That moment of indiscretion apparently cost Reyes her life.

In May of 2008, Seattle musician Timothy Garon, 56, also died after being turned down for a liver transplant. He was rejected partly because he had used marijuana, even though he was an authorized medical marijuana user under Washington State law.

Sources: Hawaii Tribune-Herald and Los Angeles Times

Pain Clinics Policing Patients for Med MJ

There are a growing number of med mj patients who are being refused opoid medication because of their marijuana use. NORML has received a surge of complaints within the last six months. Many medical marijuana users report that they can't find a clinic willing to take them on, while others have been abandoned by clinics that suddenly adopted aggressive drug-screening policies.

"I must have heard of 25 cases this year," Doug Hiatt, an attorney in Washington state, told NORML. "It's Jim Crow medicine."

Many clinics and doctors claim that the DEA requires them to drug test all their clients, that " it is the law". In fact, there is no law requiring clinics to drug screen patients for marijuana. "It's BS," says Hiatt. "Not a single case is known in which pain doctors have been sued or prosecuted for allowing medical marijuana use along with opiates."

Another spurious claim is that mj and opoids are somehow more dangerous in combination. According to Dale Gieringer, Director of CA NORML, the opposite is actually true – supplementing pain meds with medical marijuana can actual reduce the dosages of the more dangerous opoid drugs, and studies indicate that "cannabis interacts synergistically with opioids in such a way as to improve pain relief ".

Source: NORML Blog (US) at www.blog.norml.org

Afghanistan: Opium Haul Just a Hill of Beans

British soldiers engaged in Operation Panther's Claw, the huge assault against insurgent strongholds, discovered a record-breaking haul of more than 1.3 tons of poppy seeds, destined to become part of the opium crop that generates $400m a year for the Taliban. Ministry of Defense officials swung into action to extract the maximum benefit from this unexpected PR coup.

Major Rupert Whitelegge, the commander of the company in charge of the area, tugged at one of the enormously heavy white sacks on camera.

"They are definitely poppy seeds," he said emphatically.

Whoops. Analysis of a sample carried out by the UN's Food and Agriculture Organization in Kabul for the Guardian has revealed that the soldiers had captured a giant pile of mung beans, a staple pulse eaten in curries across Afghanistan. Embarrassed British officials have now admitted that their triumph has turned sour and have promised to return the legal crop to its rightful owner.

The haul also fooled Colonel General Khodaidad, Afghanistan's minister of counter-narcotics, even though the spherical black beans, about the size of small ball bearings, looked nothing like poppy seeds. When shown the mung beans by the Guardian, he said they were a strain of "super poppy".

The sacks totaled 1.3 tons of mung beans, with an estimated street value of $1,300.

Source: The Guardian (UK)

US Targets 50 Afghani Traffickers for Death

A congressional study released in August reveals that US military forces occupying Afghanistan have placed drug traffickers on a "capture or kill" list. The list of targets had previously been reserved for leaders of the insurgency.

The addition of drug traffickers to the hit list means the US military will now be capturing or killing criminal — not political or military — foes without benefit of warrant or trial.

The following passage bluntly spells out the lengths to which the military is prepared to go to complete its new anti-drug mission in Afghanistan: "In a dramatic illustration of the new policy, major drug traffickers who help finance the insurgency are likely to find themselves in the crosshairs of the military. Some 50 of them are now officially on the target list to be killed or captured."

Source: Drug War Chronicle (US)

"Traffic" Actor's Son Could Face Life in Prison

The Academy Award winning film *Traffic* starred Michael Douglas as the US Drug Czar, a man who struggled with the futility of the drug war and his own child's drug addiction. Now, in an example of life imitating art, Douglas' real-life son Cameron, 30, could be facing life in prison on drug charges.

Cameron Douglas was arrested at a Manhattan hotel on July 28, and faces a mandatory minimum of 10 years in prison and a maximum period of life for two counts of possessing and distributing forms of methamphetamine. His "accomplices" were cooperating with the U.S. Drug Enforcement Administration, according to the complaint filed in a Manhattan federal court.

It was not the first brush with the law for Cameron, who has several arrests for cocaine possession and a 1996 bust for drunk driving. Reports also point to the good possibility that he has a severe addiction problem.

Source: Reuters News Services.

FL Gov. Signs Rachel's Law on Informants

With the parents of a slain police informant looking on, Florida Gov. Charlie Crist signed a law in May that will require police departments to adopt policies to protect people like their daughter.

The bill was named after Rachel Hoffman, a 23-year-old Florida State graduate who was coerced into helping the Tallahassee police after being caught with some marijuana and pills. She was shot to death in a botched drug sting that began May 7, 2008, and two men are now charged in her death.

Her parents pushed for the legislation. The new law will also require police departments to: train officers who recruit confidential informants, tell informants they can't promise a reduced sentences in exchange for their work, and allow informants to consult with a lawyer if they ask.

Hoffman's parents had wanted even stronger language in the bill, including barring police departments from using people in substance abuse programs as drug informants, and/or using nonviolent offenders in work involving suspects with violent histories. Police departments opposed those provisions.

Both provisions would have excluded Hoffman — a nonviolent offender in treatment — from the undercover operation she participated in.

Source: Associated Press (US)

Mexico Decriminalizes ALL Drug Possession

A bill that decriminalizes the possession of small amounts of drugs for personal use in Mexico is now the law of the land, although it

August 8, 2009 — Huffington Post (US)

The Five Stages of Grief over Obama's Drug Policies

By Stanton Peele, addiction expert, psychologist, raconteur

Like the stages people who experience grief due to a personal tragedy pass through, people concerned about modifying American drug policies have dialed through these five stages since Barack Obama was elected President of the United States:

1. Unbounded enthusiasm. Drug reform advocates, along with other progressives, were wild with anticipation when Barack Obama was elected President. Aside from his remarkable background and intelligence, he was extremely well-informed about drug reform initiatives — including clean needle programs, discrepancies in sentencing for crack and powder cocaine (which punish minorities disproportionately), and noninterference with states that have enacted medical marijuana (MM) statutes. Moreover, he called the war on drugs an "utter failure."

2. Anxiety. During the run-up to Obama's selection of a Drug Czar, a name often mentioned was Jim Ramstad, former Congressman and a recovering alcoholic who opposed all major drug reforms (e.g., needle exchange, methadone maintenance). Why would Obama even consider such a Neanderthal, his supporters wondered. Where was he coming from in all of this, they asked themselves through sleepless nights.

3. Cautious optimism. Instead, the President selected Gil Kerlikowske, who was not known for being out front in reforming drug policies as Seattle Police Chief, but who also didn't fight the city's needle exchange program and low priority on marijuana possession enforcement, nor Washington state's MM laws. Ethan Nadelmann, director of the Drug Policy Alliance and the country's leading reform advocate, declared himself "cautiously optimistic" due to Kerlikowske's middle-of-the-road stance, even as he was disappointed that Obama had chosen a law enforcement officer rather than a public health advocate to be Drug Czar.

4. Euphoria. Not all drug policy change originates in the Office of National Drug Control Policy. And a number of local and state initiatives came to the fore, including continuing support by states for MM, some harm reduction measures, and — as the economic downturn hit hard — active contemplation of legalizing marijuana in order to tax revenues from its massive sales in California and around the country. Furthermore, the House Judiciary Committee eliminated the crack/powder cocaine sentencing disparity. Although he pushed none of them, these actions were all consistent with Obama's enunciated positions on drugs.

5. Disillusionment. But, from the start, Kerlikowske sounded like anything but a drug reformer. Shortly after his installment as Drug Czar, he brashly announced that any type of drug decriminalization would be "waving the white flag" and that the "legalization vocabulary doesn't exist for me and it was made clear that it doesn't exist in President Obama's vocabulary." Since then, belying his own state's policy and Obama's and Attorney General Eric Holder's statements, Kerlikowske has consistently maintained that marijuana has no medical value. All in all, Kerlikowske's orientation towards drug policy seems like, well, a cop's. And yet he seems to reflect Obama's position on reform.

Where oh where are you Mr. President? Hoping against hope that Kerlikowske is going rogue, the Drug Policy Alliance has started a letter-writing campaign to the President asking him to reassert the progressive views he had previously endorsed, and to rein in his recalcitrant Drug Czar.

Of course, it seems unlikely that a control maven like Obama would really allow his Drug Czar to repeatedly defy the President's own inclinations in this area.

A more realistic scenario is that the President — facing opposition to his key policies from not only red states and hard core Republicans, but increasingly also independent voters and moderate Democrats — is unwilling to forge ahead on drug reform. Liberalizing policies towards currently illicit drugs would strike Americans as intensely alien — even as young and old Americans are turning more and more to prescription pharmaceuticals for their highs (and lows), so that there is increasingly little space between substances deemed "illicit" and "legal."

But Obama is not committed enough to drug policy reform to incur the symbolism taking any steps towards liberalization would convey. Can you imagine what the Congressional hearings, town hall conflagrations, and shrieking of people calling "I want my country back" would be like if he tried? American prudery about drugs, alcohol and whatever else will not be reversed any time soon.

Source: Huffington Post (US)

June 22, 2009 — Tampa Tribune (FL)

Drug War Fills Prisons

The reason for Florida's prison growth is bad public policy, not because there are more Floridians, and not because Floridians have grown more violent ("*New law gives prisons sensible out*," *Our Opinion, June 15*).

According to the U.S. Department of Justice, Florida's prison population has been growing 2.5 to 3 times as fast as Florida's population, and shows no sign of leveling off. In 1980 Florida had very few drug prisoners; now they comprise about 20 percent of our prisoners, many for marijuana. Just as bootleggers became tax-paying businessmen when alcohol prohibition ended, so would grow-house operators.

Every day Floridians see reports of "grow-house" busts. Florida's war on marijuana is a costly disgrace, sold to voters by the same politicians who now would marginalize prisoners further from the mainstream by sending them out of state. Better solutions to overcrowded prisons can be found, but they require imagination, a quality lacking in Tallahassee these days.

John Chase, Palm Harbor, FL

California May Have Tough Battle Ahead if it Appeals Order to Reduce Prison Population

A federal court's sweeping order (in early August 2009) forcing California to cut its prison population by 40,000 inmates may have been as predictable as it was dramatic, a judicial thunderbolt state officials should have seen coming for nearly two decades.

While putting Gov. Arnold Schwarzenegger's administration on the clock to come up with a plan to cure prison overcrowding within 45 days, the decision by a unique three-judge panel was the product of 27 years of legal fights over California's ever-swelling prison system. It also follows more than a dozen previous orders warning the state that prison conditions had reached a bleak level of unconstitutional conditions.

As a result of the prison system's checkered history responding to court orders, state officials may have a tough time defending themselves if, as expected, the state follows through with plans to appeal the ruling to the U.S. Supreme Court. An appeal to the high court would set up an unprecedented test of the power of the federal courts to issue such a sweeping mandate under a 1995 law designed to curb the federal judiciary's oversight of state prisons.

In the 184-page ruling, the three judges went to great lengths to emphasize how much time California has had to solve its prison mess, and why that warrants an order that would cut the inmate population from about 150,000 to 110,000 in two years. "Unfortunately," the judges wrote, "where the political process has utterly failed to protect the constitutional rights of a minority, the courts can, and must, vindicate those rights."

In separate interviews Wednesday, Matthew Cate, secretary of the Department of Corrections and Rehabilitation, and Attorney General Jerry Brown appeared to back an appeal to the Supreme Court. "Federal courts coming in and putting a cap on the inmate population is just too strong of a solution to the problem," Cate said.

Prisoner rights lawyers, as well as legal experts, say even the conservative Supreme Court may be skeptical of the state's position, given the lengthy legal battle over California's prisons. Tuesday's ruling stemmed from two separate lawsuits, one a 1990 challenge to mental health conditions in state prisons and the other a 2001 suit over inmate medical care.

"These judges have been extremely careful to give the state more than enough opportunity to demonstrate it had the ability on its own to bring its medical and mental health system into compliance with the constitution," said Kara Dansky, executive director of Stanford law school's criminal justice center.

Lawyers for inmates say the state has essentially been on notice since 1995, when a federal judge found after a trial that the state's mental health care was constitutionally inadequate, just as a host of new tough-on-crime measures were pushing the prison population well over 100,000. Corrections officials have been scrambling to comply with court orders ever since.

This week's ruling, noting that by 2005 an inmate was dying needlessly every six or seven days, suggested the state had a variety of options that would not threaten public safety, including: using good time credits for early release of inmates; diverting inmates who violate parole out of the prison; shifting low risk offenders serving short sentences to other programs; and adopting sentencing reforms.

Republican lawmakers and others have criticized the ruling, saying it would jeopardize public safety. Cate and Brown are miffed the court did not consider what they say are improvements in the last several years in prison medical and mental health services, a point they plan to make to the Supreme Court.

"It is hard to say how spending more on prisoner health care than anywhere in the world is cruel and unusual," Brown said. "That's why that appeal is probably necessary." Legal experts, however, say the Supreme Court is likely to be less focused on the factual findings of the judges and more on whether they exceeded their authority under the 1995 Prison Litigation Reform Act, which limited prison-related lawsuits but included exceptions when overcrowding creates intolerable problems.

"If there ever was a case that fits under this law, this is it," said Donald Specter, director of the Prison Law Office and a lead lawyer for the inmates.

Source: edited for length from San Jose Mercury News (CA), August 6, 2009, by Howard Mintz. Full ruling referenced at

www.caed.uscourts.gov/caed/Documents/90cv520o10804.pdf

California Wants to Jail MORE Drug Offenders

What are these people smoking?

California faces near bankruptcy this year. Federal judges have ordered the state to reduce its prison population by any means. The vastly overcrowded state prison at Chino exploded in violence in early August due in no small part to serious overcrowding.

So of course, the Schwarzenegger administration is set to vote on increased funding to police anti-drug units, potentially putting even more non-violent offenders behind bars.

The California Emergency Management is deciding whether to channel $33 million in federal money to narcotics task forces around the state that have proved "particularly adept at apprehending drug criminals". Money also would go to marijuana-suppression efforts.

Critics say that money should instead be directed to drug-treatment programs whose funding has been sliced amid California's budget woes. The Drug Policy Alliance estimates that the increase could yield 13,000 arrests during the coming year, resulting in prison time for nearly a quarter of those apprehended, at a cost of $160 million. Funding for drug treatment programs was slashed roughly in half from $120 million two years ago, and faces more dramatic cuts in the coming year.

Source: Los Angeles Times (CA)

California Citizens Offer Their Own Budget Solution

In mid-August, two days before the state Legislature convened to address prison reform, a coalition of the ACLU of Northern California, Books Not Bars, the Drug Policy Alliance and Families to Amend California's Three Strikes proposed a "people's budget fix" at the state Capitol. State Sen. Leland Yee (D-San Francisco), and Assemblypersons Nancy Skinner (D-Berkeley), Tom Ammiano (D-San Francisco) and Jim Beall Jr. (D-San Jose) spoke to about 100 people in favor of reducing state prison overcrowding and spending, and improving public safety.

"What we hope to do is get key legislative support for an alternative, modified version of the governor's prison proposal," said Zachary Norris, director of the Books Not Bars program. Before entering the Capitol, Natasha Minkler, death penalty policy director for the ACLUNC, and Annette Summers of FACTS spoke with coalition members in part on the research-based weaknesses of the state's current penal system. The coalition spent the afternoon meeting with 20 Democratic lawmakers and their staff members.

The "people's budget fix" coalition's proposals to save $1.2 billion in prison spending range from converting dozens of nonviolent offenses to misdemeanors, handling petty drug offenses at the local level, maintaining recidivism-reduction programs, replacing the death penalty with life without parole and reforming the "three strikes" law.

Source: Truthout (US)

will not go into effect for one year to give states time to adjust their laws. It was published Thursday in the Official Daily of the Federation, the Mexican equivalent of the Federal Register.

According to the new law, the amounts of various drugs decriminalized for personal use are:

- opium — 2 grams
- cocaine — 1/2 gram
- heroin — 1/10 gram
- marijuana — 5 grams
- LSD — 150 micrograms
- methamphetamine — 1/5 gram
- ecstasy — 1/5 gram

The decriminalization measure is part of a broader bill aimed at reducing "narcomenudeo," or retail drug sales. The bill would allow states and localities to prosecute small-time drug dealing offenses, a power that currently resides only with the federal government. It also allows police to make drug buys to build cases, a break with precedent in Mexico.

Whether the overall bill is a step forward or a step back is open to debate.

Source: Drug War Chronicle (US)

Breath Mints Land Florida Man in Jail

Donald May is suing the Kissimmee, Florida Police Department for a 2009 false arrest and three months imprisonment over breath mints. When officers pulled him over for an expired tag, they thought the mints he was chewing were crack cocaine and arrested him. May told *Central Florida's WFTV News* they wouldn't let him out of jail for three months until tests proved the so-called drugs were candy.

"He took them out of my mouth and put them in a baggy and locked me up [for] possession of cocaine and tampering with evidence", May said.

The officer claimed he field-tested the evidence and it tested positive for drugs.

"While I was sitting in jail I lost my apartment. I lost everything," May explained. While May was behind bars, the Kissimmee Police Department towed his car and auctioned it off. He also lost his job and was evicted. Now May wants to be compensated for the loss of his car and job.

No Risk in Hiring Ex-Offenders

A study funded by the Justice Department concludes that non-violent ex-offenders pose no greater risk to employers than job candidates in the general population.

In a review of 88,000 arrestees in New York state, Carnegie Mellon University investigators found, for example, that after about 7 1/2 years the "hazard rate" for an 18-year-old first-time arrestee for robbery declined to the same rate as an 18-year-old in the general population.

Hazard rates are calculated based on the time the suspect remains free from re-arrest.

The study says ongoing research could ease employers' concerns about hiring former offenders. With more than 600,000 people expected to be released from prisons this year, some criminal justice analysts say the research marks an important step to changing the perception that the criminal justice system is a revolving door.

Source: USA Today (US)

September 20, 2009 — Washington Post (DC)

The Day the SWAT Team Came Crashing Through My Door

By Cheye M. Calvo, Mayor of Berwyn Heights, MD

I remember thinking, as I kneeled at gunpoint with my hands bound on my living room floor, that there had been a terrible, terrible mistake.

An errant Prince George's County SWAT team had just forced its way into our home, shot dead our two black Labradors, Payton and Chase, and started ransacking our belongings as part of what would become a four-hour ordeal.

The police found nothing, of course, to connect my family and me to a box of drugs that they had been tracking and had delivered to our front door. The community — of which I am mayor — rallied to our side. A FedEx driver and accomplice were arrested in a drug trafficking scheme. Ultimately, we were cleared of any wrongdoing, but not before the incident drew international outrage.

This was 14 months ago. We have since filed suit, and I am confident that we will find justice more quickly than most.

Yet, I remain captured by the broader implications of the incident. Namely, that my initial take was wrong: It was no accident but rather business as usual that brought the police to — and through — our front door.

In the words of Prince George's County Sheriff Michael Jackson, whose deputies carried out the assault, "the guys did what they were supposed to do" — acknowledging, almost as an afterthought, that terrorizing innocent citizens in Prince George's is standard fare. The only difference this time seems to be that the victim was a clean-cut white mayor with community support, resources and a story to tell the media.

What confounds me is the unmitigated refusal of county leaders to challenge law enforcement and to demand better — as if civil rights are somehow rendered secondary by the war on drugs.

Let me give you three specific concerns underscored by our case.

First, the Prince George's Police Department's internal affairs division is broken. When the Justice Department released the county police from federal supervision in February, the internal affairs function was the one area that was not cleared. Internal affairs division (IAD) investigations were required to take no longer than 90 days. More than a year after our ordeal, my family awaits the IAD report on what happened at our home. The statute of limitations for officer misconduct is 12 months, which means that any wrongdoers are off the hook.

Next, there is significant evidence that the county is broadly violating the Fourth Amendment, which protects against unreasonable search and seizure. After initially claiming a "no-knock" warrant to forcibly enter our home, county police acknowledged that they did not have one. But they went on to contend that there is no such thing as a "no-knock" warrant in Maryland. But this isn't true. A statewide "no-knock" warrant statute was passed in 2005. Effectively, the county is denying the existence of state law. We can't get the county to say whether it has ever followed the law or, at a minimum, even acknowledges it.

Finally, and perhaps most disturbing of all, county police may be lying to cover up their civil rights violations. A county officer on the scene told Berwyn Heights police a fabricated tale to justify the warrantless entry of our home. The lie disappeared after they learned that I was the mayor. Charges of a police coverup are hardly unusual, but there is significant evidence that county law enforcement engaged in a conspiracy on our lawn to justify an illegal entry. Nothing strikes at the heart of police credibility like creative report writing and false testimony to cover up a lie or even put innocent people behind bars. Swift and serious consequences are the best deterrent.

In fairness, some good has come from the incident. State leaders have passed legislation that will provide statewide oversight of SWAT teams — a first-in-the-nation law that will shine a light on the troubling trend of paramilitary policing.

Yet, the wagons have circled in Upper Marlboro. The response is textbook: Law enforcement stands its ground and concedes no wrongdoing — and elected officials burrow their heads in the sand.

As an imperfect elected official myself, I can understand a mistake — even a terrible one. But a pattern and practice of police abuse treated with utter indifference rips at the fabric of our social compact and virtually guarantees more of the same.

April 2, 2009 — Truthout (US)

The Fall of the Presidential Pardon

By Maya Schenwar, Truthout

In the last throes of the Bush presidency, reporters and citizens alike waited restlessly for the announcement that many were sure would come: the long list of pardons for administration officials at risk of prosecution, GOP pols mired in scandal (hello, Ted Stevens) and white-collar criminals with lucky Bush links. The list never arrived. The former president issued a mere two commutations on his last day in office, both to border agents convicted of assaulting a Mexican drug dealer.

Although all recent presidents have granted few pardons, Bush's rate was exceptionally low. He tied with his father for the lowest-ever percentage of granted pardons (conviction reversals) — 9.8 percent — and he granted an astonishingly tiny number of requested commutations (shortened sentences): 0.012 percent.

Bush's abstinence on the pardon front had some of his friends grumbling (Dick Cheney complained, poetically, that the president had left Scooter Libby "hanging in the wind"), but it was a relief to many of his critics. The word "pardon" conjured up images of Libby, Stevens and GOP Congressman-turned-felon Randy Cunningham — not the thousands of nonviolent offenders languishing in federal prisons across the country.

However, although Bush disappointed some guilty crony hopefuls with his meager list of pardons and commutations, he disappointed a far greater number of long-serving prisoners with no other hope of release. An ever-growing percentage of the US's 2.3 million prisoners — including more than half of the 200,000 inmates in federal prison — are drug offenders, many of them charged on vague counts of "conspiracy." Since parole was abolished on the federal level in 1987, drug prisoners serving drastic sentences are told to apply for a presidential pardon: It's their only option.

Take Clarence Aaron, a nonviolent drug prisoner denied clemency by Bush. Aaron was a 23-year-old college student in 1993 when he was convicted of drug conspiracy, for introducing two major traffickers and being present during the transaction. He was handed three federal life sentences — no parole.

Aaron submitted a petition for commutation of sentence in 1999. He waited nine years for an answer, waking up each morning hoping he might soon be free. Meanwhile, he was featured on the *Frontline* documentary *Snitch*, about the drug war policy of rewarding informants and severely punishing those whose names they drop, sometimes regardless of guilt.

"I was advised through my attorney [to request a pardon]," Aaron told *Truthout*. "We were very hopeful due to the circumstances surrounding my case, and the fact that I was a first-time nonviolent offender."

On December 23, 2008, after a Bush-administration-long wait, Aaron received notice: His petition had been denied. After a year, he may submit a new request and begin the waiting game anew.

"We believe that the justice system in our country has not served me well thus far," Aaron said.

With the stingy-pardoning Bush era in the past, many nonviolent lifers see the advent of the Obama presidency as a ray of hope. His message of change and his immediate action toward closing the military prison at Guantanamo Bay are optimistic signs for Danielle Metz, a first-time nonviolent offender serving three life sentences plus 20 years for cocaine conspiracy.

"In his first week in office he talked about closing down Gitmo," Metz told *Truthout*. "Mr. Obama doesn't like their policies there, so, he's going to do something to change that. I look at that as something positive for me. I feel once the president gets around to taking care of everything he has to for the American people, he'll do what he can for the people who are still in the US judicial system with lengthy sentences like myself."

As the Obama administration comes into its own, federal prisoners and justice policy experts alike are hoping he'll resurrect the presidential pardon, returning it to its intended place as a critical piece of the grand puzzle of the judicial system.

Pardon's Potential

Pardon was not originally intended as a backdoor exit for the president's convict friends. According to a recent Congressional Research Service report, the power to grant clemency was included in the Constitution to make room for individual cases served badly by the justice system. James Iredell, one of the original Supreme Court justices, stated in an address, "There may be instances where, though a man offends against the letter of the law ... peculiar circumstances in his case may entitle him to mercy."

According to Margaret Colgate Love, who served as US pardon attorney from 1990 to 1997, pardon plays an integral part in the framers' system of checks and balances.

"The fact is that the federal sentencing scheme assigns a central role to pardon, if only by default, because it provides no other way to take a second look at sentences that have become final, or to release a federal offender from the collateral consequences of conviction," Love writes in her 2007 report, *Reinventing the Presidential Pardon Power*. "No legal system should have to rely on executive clemency to do justice, but ours does."

Metz agrees: Despite her nonviolent-first-offender status, she'll remain in prison for life unless a commutation or pardon comes to the rescue. Her absurd sentence is the result of poverty, racism, negligent public defenders and an ingrained pattern of unjust sentencing practices, she says.

"My lawyer never was on my side to begin with," Metz said. "Had he been on my side this never would have happened. My story is like a lot of stories you see, but can't really put a face on. In communities where I'm from this type of thing happens all the time."

Although in theory, sentencing guidelines mean equal time for equal crimes, cases like Metz's are not uncommon: multiple life sentences laid down for drug "conspiracy" charges, sometimes for schemes in which the defendant played only a peripheral role.

Former Texas restaurateur Sharanda Jones has spent the past ten years in prison for crack cocaine conspiracy. Police intercepted a phone call in which a small-time-dealing friend of Sharanda's asked her if she knew anyone who wanted to buy drugs. With that one short call, Jones was swept up in a massive, high-profile string of drug raids careening through her community, spearheaded by actor Chuck Norris. Now her only hope is presidential clemency.

"There is no relief for me coming from the courts," Jones told *Truthout*. "At the present time I am working on advocates to help me support my commutation."

Unlike most other components of the checks-and-balances system, the pardon is ultimately controlled by only one factor: the president's word. According to the recent CRS report, the president can grant pardons at any time, before or after a sentence is served — or even before charges have been pressed. He or she can also grant clemency to a large group. Theoretically, the president could pardon all prisoners serving time for marijuana possession, or commute the sentences of all nonviolent drug offenders who have served more than 10 years.

In this line, Abraham Lincoln pardoned all Southern rebels who returned their allegiance to the union after the Civil War. He also pardoned or commuted the sentences of a number of union military offenders, such as soldiers sentenced to death for desertion or sleeping on the job.

Lincoln's pardons serve as an example of another purpose for pardons besides simply the granting of mercy: They boosted the country's morale and inspired rebel soldiers to return their loyalty. Lincoln used the pardon as a political tool.

The president's use of the pardon power can also make policy statements and demonstrate the administration's priorities.

"Historically, pardon has played a policy role in raising awareness of shortcomings in the law in the context of a particular case," Love writes. "Used wisely, the pardon power can reveal flaws in the legal system, influence attitudes and build consensus for change."

Pardoning prisoners like Aaron, Metz or Jones could cast a sharp light on all prisoners serving life sentences for nonviolent drug charges, calling into question the practice as a whole.

The Fall of the Pardon

Throughout most of US history, according to Love, the pardon was used frequently. Only in recent years has it acquired its shady reputation — a development that coincided with a marked drop in the use of the power. From FDR's presidency until the Reagan administration, the grant rate for pardons was always 30 percent or higher. In the years since, a "tough on crime" mentality has increasingly pervaded politics and the public mindset, and the pardon rate has dropped accordingly, according to Tekla Lewin of Citizens United for the Rehabilitation of Errants.

"Politicians and the media have spent decades hyping crime as the worst problem society faces, demonizing criminals as utter scum and encouraging an atmosphere of vengeance on criminals," Lewin told *Truthout*. "I think that in part this is deliberate obfuscation on the part of many elites, to distract people from the really serious problems people face, and that in part being 'tough on crime' has been an easy vote-getter for scaremongers — neither presidential candidate played the tough-on-crime card. It was a nonissue for most voters and thus for the candidates. In fact, recent Zogby polling commissioned by the National Council on Crime and Delinquency suggests that close to eight in ten Americans favor alternatives to incarceration for low-level nonviolent offenders. Another Zogby poll, from last fall, found that just more than three-quarters of Americans felt the "war on drugs" was a failure. The sea change in public opinion holds in California too. In late March the Los Angeles Times ran a column asking readers their opinion on marijuana legalization. So far 4,927 people have replied, and 94 percent of them favor legalization. A Field Poll in April found that 56 percent of Californians favor legalizing and taxing pot.

The new atmosphere is most apparent vis-à-vis the Obama administration's move away from "war on drugs" rhetoric and toward a harm-reduction strategy. Gil Kerlikowske, the new head of the Office of National Drug Control Policy, has made it clear that he prefers treatment over punishment for drug users, a preference he brings from his time as a reform-oriented police chief in Seattle. Putting money where its mouth is, the new team has increased funding for the Bush-era Second Chance Act, intended to connect released inmates with community services such as housing, family counseling and addiction treatment. Support is also growing for the creation of more drug and mental health courts across the country. Finally, there are the promises being made by drug policy leaders in Washington that state medical marijuana laws will be respected rather than trampled, as they have been for more than a decade.

A related issue involves the infamous discrepancy in sentences for crack- versus powder-cocaine crimes. Vice President Biden was one of the architects of these laws — which is why his repudiation of them in recent years has been so significant. The day after Obama's inauguration, the president's website mentioned the importance of eliminating these discrepancies — as well as of promoting needle-exchange programs and expanding the nation's embryonic network of drug courts. The House recently held hearings on the sentencing discrepancy issue.

For Margaret Dooley-Sammuli, deputy state director of the Drug Policy Alliance in Southern California, sacrosanct legislative underpinnings of the "war on drugs" are starting to look like the Berlin Wall, "up one day and down the next" — seemingly impregnable; in reality, utterly fragile. Over the past few years, an increasing number of localities have dabbled in ways to simply walk away from the "war on drugs." Initiatives in several states and cities, including Denver; Missoula, Montana; Albany County, Oregon; and Seattle have mandated that law enforcement agencies deprioritize marijuana arrests. Several cities have begun needle-exchange programs. And states like California have passed citizens' initiatives mandating that first-time drug offenders be channeled into treatment programs in lieu of prisons.

Then there's Virginia Senator Jim Webb's legislation creating a blue-ribbon commission on criminal justice reform, with a mandate to put all questions on the table during its eighteen-month tenure — from drug law reform to the restoration of judicial discretion in sentencing, from parole reforms to different approaches to gangs, border patrol, prison architecture and the like. Webb has been pushing for systemic criminal justice reform for years; in 2009, he believes, it will acquire legs. During a telephone interview for this article, Webb said that President Obama "has personally called me on this, and he's very supportive of the idea of moving forward." Across the aisle many Republican senators, including senior figures like Lindsey Graham, have also expressed support for the idea.

The bipartisan backing for Webb's commission is partly a response to the escalating drug-and-gang crisis south of the border. There's a growing recognition in US policy and law enforcement circles that government dysfunction, phenomenal levels of street violence and the rising power of drug cartels are threatening to move from being a Latin American problem to one that destroys the integrity of the Mexican state and risks spilling over more heavily into the American Southwest. Nobody, no matter their political stripe, wants the Tijuana-ization or Juárez-ization of Phoenix or Los Angeles, of San Diego or El Paso.

"It really is a serious problem in this country," Webb argues. "The transnational gangs or syndicates are bringing a tremendous amount of drugs into this country."

To get a handle on that problem involves thinking of ways to neutralize these gangs, which inevitably leads to a discussion of partial drug decriminalization or legalization. Why? Because once the drug market is no longer confined to the shadows — once it is regulated and taxed, as alcohol was after Prohibition ended in 1933 — the violence that accompanies struggles for control of that illicit market will disappear. After years of denying this truth and assuming that the country could incarcerate its way out of the drug-abuse epidemic, a number of American politicians, Webb included, are touting that seemingly paradoxical fact. Want to get really tough on crime? Well, do the smart thing: start working out ways to neutralize the drug cartels, start talking about at least limited forms of decriminalization or legalization.

It is, Webb argues, "a fair issue for this commission. Every piece of it should be fair game."

For an administration like Obama's that prides itself on thinking outside the box, systemic drug policy reform is an intriguing prospect. An increasing number of law enforcement people and judges have also decided that this is an idea worth running with.

"I've never seen so much interest," says retired Orange County superior court judge James Gray, who has been advocating marijuana legalization since the early 1990s. "My phone is ringing much more than it ever has before."

"We need to ask, Is there a more sensible approach?" argues Norm Stamper, who, like Kerlikowske, is a former chief of police of Seattle who believes the criminal justice system is broken. "And the answer is prevention and education and treatment."

After decades of being on the defensive, progressive criminal justice reformers suddenly have a receptive audience. New York, which has closed some of its prisons in the past decade, has spent the last few years unraveling the tangled web created by the 1970s-era Rockefeller drug laws. Michigan, Louisiana and several other states have also scaled back their harshest mandatory drug sentences. The State of Washington is looking at how to redefine low-end drug and property crimes as misdemeanors rather than felonies. And in Michigan, which allows a $100 theft to trigger a four-year prison sentence, legislators are pushing to make the threshold $1,000 instead, so as to reduce the number of low-end offenders pushed into long-term incarceration and hobbled for life by felony convictions.

Meanwhile, correctional system administrators in Georgia, Illinois and Arkansas have started the long, hard task of reforming their systems from within even without a new consensus emerging on the issue.

Howard Wooldridge, a retired police detective from Bath, Michigan, who advocates in DC for criminal justice system reform, says the moment is ripe for change. "I've been doing this for twelve years, and this is by far the most perfect storm."

America isn't about to abandon all of its "tough on crime" tenets. Nor should it in all instances. The three-strikes law will likely remain in place for violent offenders, as will the growing body of laws limiting where sex offenders may live. Violent crimes will probably continue to trigger longer sentences than they did before the get-tough movement. And while some inmates will qualify for early release, many sentenced to long terms at the height of the tough-on-crime years will stay in prison. But out of economic necessity and because of shifting mores, the country will likely get more selective, and smarter, about how it uses incarceration and whom it targets for long spells behind bars.

This will be especially true for drug policy — the multi-tentacled beast that's sucking most people into jails and prisons. There, profound changes are likely to develop over the next few years. And when it comes to the mentally ill, momentum continues to build around mental health courts designed to get people medical and counseling help rather than simply to shunt them off to prison. States like Pennsylvania are starting to develop parallel institutions to deal with mentally ill people who run afoul of the law. Many other states will likely follow suit in the near future. Forty years after deinstitutionalization, a new consensus is emerging that prisons became an accidental, de facto alternative to mental hospitals, and that very little good has come from that development.

"I believe that we have a compelling national interest," explains Senator Webb, referring to systemic criminal justice reform. "That's a term that is carefully chosen. This is a national commission, but it should not be limited to looking at the federal prison system. You have to look at the whole picture and then boil it down into resolvable issues."

Sasha Abramsky, a freelance journalist and senior fellow at Demos, is the author, most recently, of Breadline USA: The Hidden Scandal of American Hunger and How to Fix It *(PoliPoint).*

July 2009 — The Nation (US)

The War Against the 'War on Drugs'

By Sasha Abramsky

If that old adage still holds true, then the nation may soon see a gradual backpedaling from the criminal justice policies that have led to wholesale incarceration in recent decades. For the most populous state in the union is on the verge of insolvency — partly because it didn't set aside a rainy-day fund during the boom years; partly because its voters recently rejected a series of initiatives that would have allowed a combination of tax increases, spending cuts and borrowing to help stabilize the state's finances during the downturn; partly because it has spent the past quarter-century funneling tens of billions of dollars into an out-of-control correctional system. Now, as California's politicians contemplate emergency cuts to deal with a $24 billion hole in the state budget, old certainties are crumbling.

The state with the toughest three-strikes law in the land and a prison population of more than 150,000 is facing the real possibility of having to release tens of thousands of inmates early in order to pare its $10 billion annual correctional budget. At the same time, an increasing number of the state's political figures are challenging the basic tenets of the "war on drugs," the culprit most responsible for the spike in prison populations over the past thirty years; they argue that the country's harsh drug policies are not financially viable and no longer command majority support among the voting public.

Similar stories are unfolding around the country; in Washington, federal officials are talking about drug-policy reform and, more generally, sentencing reform in a way that has not been heard in the halls of power for more than a generation.

For old-time politicians, who have spent the past three-plus decades navigating the country's roiling tough-on-crime waters, the changes are almost unfathomable. Onetime California governor and current gubernatorial hopeful Jerry Brown, for example, has spent decades trying to erase the public's memory of his liberal tenure in the 1970s, when California's prison population shrank to well below 30,000. As a part of that remodeling, he has assiduously courted the California Correctional Peace Officers' Association, the trade union representing the state's prison guards. Now, with his war chest flush with CCPOA funds, Brown won't do anything to challenge tough-on-crime orthodoxies.

Yet many newer political faces view the current moment as something of an opportunity. For Betty Yee, chair of California's Board of Equalization — the office responsible for collecting sales tax in the Golden State — the changes, especially around drug-law enforcement, can't come soon enough.

Sitting at her conference table high up in one of downtown Sacramento's few sky-rises, Yee has marijuana on her mind. Specifically, she has become an outspoken advocate for legalizing pot for residents older than 21. Her friend Assemblyman Tom Ammiano, a former San Francisco city councilman, is pushing just such a bill in the State Legislature. Yee wants to levy fees on business owners applying for marijuana licenses, impose an excise tax on sellers and charge buyers a sales tax. Do it properly, and the state could reap about $1.3 billion a year, she has estimated. "Marijuana is so easily available. Why not regulate it like alcohol and tobacco?" she says, and gain additional tax revenue into the bargain?

Not so many years back, any public figure who dared to advocate such reforms would have been shunned by much of the establishment. It's a measure of how much things have changed that Yee and Ammiano's proposal is being taken seriously across the board. In fact, shortly after I met with Yee, Governor Arnold Schwarzenegger — whose office declined my request for an interview for this article — announced that the state should at least consider the merits of pot legalization. He wasn't advocating it, he was careful to stress, but he did think the time was ripe to debate the issue.

"The budget is so bad now, the populism of the issue is beginning to work here in the Legislature," Ammiano says as he paces back and forth in his office, toward the bookshelves with the four martini glasses and Golden Gate Bridge bookends and then away again. On the wall near the receptionist's desk hangs a huge poster from the movie Milk. "Everyone thinks it's Cheech and Chong," he says with a laugh, describing the marijuana legalization bill. "But there's a lot of policy wonks" supporting it. "There's very conservative support from the oddest sources and locations." The GOP chair in the state, as well as Tom Campbell, a Republican gubernatorial hopeful, have indicated their support for his bill, Ammiano declares. "When it starts to cost more money than it's worth even in the eyes of the pooh-bahs, then you can accomplish something."

> Over the past three decades, California has tripled the number of prisons it operates, has more than quintupled its prison population and has gone from spending $5 on higher education for every dollar it spent on corrections to a virtual dead-heat in spending. That puts it in the same boat as Michigan, Vermont, Oregon, Connecticut and Delaware — all of which, according to estimates by the Pew Charitable Trust, spend as much or more on prisons than on colleges.

Over the past three decades, California has tripled the number of prisons it operates, has more than quintupled its prison population and has gone from spending $5 on higher education for every dollar it spent on corrections to a virtual dead-heat in spending. That puts it in the same boat as Michigan, Vermont, Oregon, Connecticut and Delaware — all of which, according to estimates by the Pew Charitable Trust, spend as much or more on prisons than on colleges. California is also under federal court order to implement costly improvements in the delivery of medical and mental healthcare services in prisons and to release close to a third of the prison population — about 55,000 inmates — to improve conditions for those remaining behind bars.

Schwarzenegger adamantly opposed that ruling by a three-judge panel. Now, though, in the face of fiscal calamity, he is proposing cutting the prison population by tens of thousands. Of course, he is doing that not out of concern for inmates' well-being, or out of a sense that many sentences are disproportionate to the crime, but simply because the state can no longer pay its bills. Schwarzenegger believes he can save several hundred million dollars by releasing some categories of inmates, in particular nonviolent offenders who are in the country illegally and stand to be deported upon early release.

To save money, he's also talking about firing hard-working guards (a far better, but costlier, option would be to scale back the prison system and to retrain surplus guards to work in other venues), and he's asking for close to $1 billion in cuts to vital prison drug-treatment, education and job-training services. At the same time, since this is all about shaving dollars off budgets rather than intelligent criminal justice system reform, there's no talk of investing in crucial re-entry infrastructure.

In short, it looks like California will go about a necessary scaling back of the correctional system exactly the wrong way. But however grudgingly state officials are approaching the issue, at least they recognize that the magnitude of prison spending is a problem. Down the road, when Californians start thinking beyond the crisis moment, that new understanding will shape policy responses for years to come. It will both feed off and help create a new national sentiment that being "tough on crime" isn't necessarily being smart on crime.

Tough-on-crime rhetoric, and the policies and institutions that grow from it, emerged from Nixon's Silent Majority tactics, from his recasting of politics as a series of debates around "values" rather than bread-and-butter issues. And in the same way the 2008 presidential election ended that peculiar chapter in American history, so too did it end the monotone cry that we could incarcerate our way out of deep-rooted social and economic problems. Despite a few halfhearted GOP attempts to accuse Democrats of being weak on drugs and public safety — Obama had, after all, written about his drug use during his teenage and early adult years, which, according to the old calculus, should have made him an easy target for

politicians."

Crime-fighting's "easy vote-getter" potential has a flip side: the enormous risk of losing votes if one is perceived as being lenient. Lawmakers are wary of the "Willy Horton effect," so named for the inmate who committed armed robbery and rape when released on a Massachusetts weekend furlough program, severely damaging the presidential campaign of Massachusetts Governor Michael Dukakis.

According to Lewin, the "war on crime" dealt a blow to the concept of mercy, and thus to the pardon. When vengeance is valued over compassion, appearing weak on crime is a risk not many politicians are willing to take.

Although there have been a smattering of clemency grants for drug offenders in recent years, they don't add up to a policy statement disavowing the drug war — in fact, they may do the opposite, according to Tom Murlowski of the November Coalition, a nonprofit organization that combats drug war injustice. Murlowski points to President Clinton, who commuted the sentences of 22 drug offenders on his last day in office, following up on a handful of previous drug-related clemency grants.

"There were thousands of cases as deserving, or more so, than the few that got released, and most of those drug offenders released were those that had some solid media support behind them — they had virtually all been featured in mainstream media in some way," Murlowski told *Truthout*. "Our fear was that, when these few stories were featured and, ultimately commuted, it sent the erroneous message that these were isolated cases of drug war injustice, when the reality was a systemic injustice as a result of fundamentally flawed policies."

Leading up to Clinton's final days, the November Coalition led a campaign urging the president to call for a blanket release of nonviolent drug offenders. However, Murlowski notes, such a move could prove "political suicide" in a country where "toughness" is still the barometer when it comes to crime — any crime.

Another little-noted factor has contributed to the dearth of recent pardons: The Office of the Pardon Attorney has long been underfunded and understaffed. Clemency and pardon requests go through several steps before they reach the president — they must be investigated by government agencies, then reviewed by the pardon attorney, the attorney general and finally the president — and qualified support personnel at each of these levels is essential. According to Marc Mauer, executive director of The Sentencing Project, more pardons might be granted if the department was simply funded adequately.

"There's been a huge backlog under the [Bush] administration, which is basically a resource issue; not providing sufficient staff to review applications," Mauer told *Truthout*.

Instead of prompting more hires, the backlog has perpetuated a shoddy, negligent review process, according to former Pardon Attorney Love.

"These cases are not getting fully reviewed," Love told *Truthout*. "It seems like the main objective of the current pardon attorney is to manage the backlog by getting rid of cases as soon as he can; turning them around at the door. I've heard he's not even getting the pre-sentence report in most cases."

Compounding the situation, the pardon attorney in office for the past 10 years was known for discriminatory behavior, and was recently removed from office following accusations of racism. A report by the department's inspector general stated that Pardon Attorney Roger Adams described a drug offender requesting a pardon as "about as honest as you could expect for a Nigerian.... Unfortunately, that's not very honest."

According to the inspector general's report, "Adams' comments — and his use of nationality in the decision-making process — were inappropriate." Considering most long-serving drug offenders are minorities, Adams's behavior calls into question the handling of the entire pardon evaluation process in recent years.

"My Time Is Now"

Clemency applicants stress the lack of logic that seems inherent in the pardon system; the application process is partially just a game of risk. For George Martorano, the longest-serving nonviolent first offender in federal prison — and an author, yoga instructor and writing teacher — a six-year pardon wait ended painfully in December.

"I put in a request with Bush and it languished there for a good long time," Martorano told Truthout. "The denial was handed to me on my birthday. Nice birthday present. I can't see why I didn't get it. If a person like me doesn't get it, who does?"

However, Martorano and many other previously denied applicants are planning to begin the process anew, with a president in office who may be more sympathetic to their cause. Moreover, some drug offenders who felt a Bush-administration request would be futile are now casting their clemency lot with Obama. Sharanda Jones, the first-time nonviolent offender netted by the Chuck Norris scheme, is one of these.

"Several ladies here filed pardons with President Bush," Jones told *Truthout*. "All were denied within months. I feel my time is now."

Mauer notes that, should Obama wish to revive the power of the pardon, he'll need to spend some time laying the groundwork. One essential step: educating the public.

"He should first make it clear that the pardon power is a longstanding and important function of the executive, and one that is necessary to provide justice and remedy any injustices that may have occurred in the past," Mauer said.

This "message from the top" is essential when it comes to justice system issues, according to Mauer: If the president indicates an interest in revitalizing the pardon, it will likely channel more resources toward the department and encourage government agencies, the pardon attorney and the attorney general to produce favorable recommendations.

As the volume of pardons increases, the public's distrust of the pardon will likely decrease, according to Love, who notes that if the practice is routinely used to remedy flawed sentences and negate wrongly determined verdicts, its true intent will become clear.

Mauer also recommends a review of the Office of the Pardon Attorney's resources, followed by adjustments to speed up the flow of applications and improve transparency.

In the meantime, as the pardon process shuffles on with little accountability and few overarching principles, the best move for prisoners seeking a pardon is to get publicity, and lots of it.

"As a rule, it seems, the more famous a case is, the better the chances of relief," Murlowski said. "I was always struck by how many more federal drug law violators were worthy of relief after the 2000 commutations, but didn't have the media exposure that the select few enjoyed."

The case of Amy Ralston, the manager of an LA promotional company who was convicted on conspiracy charges after her estranged husband was arrested for manufacturing ecstasy — got enough publicity to put her on Clinton's clemency list. Her story was chronicled on *60 Minutes*, on *Court TV* and in *Glamour* magazine.

Ralston sought out publicity and support from influential people. She obtained letters backing her clemency request from 16 politicians.

"I think Clinton picked my case because there was a lot of pressure," she told Truthout. "People were coming at him from all angles, including *60 Minutes*."

Ralston's case matches Murlowski's characterization of clemency recipients: offenders that are so widely publicized that, when granted a pardon or commutation, they appear to be an exception to the rule; the rare "good prisoner" stranded among the masses that deserve to be incarcerated.

Dorothy Gaines, whose sentence was also commuted by Clinton, has a similar story. She describes how her case "caught fire": an avalanche of media attention sparked a massive public outcry to "free Dorothy Gaines." She was featured on PBS's Frontline and interviewed on *NPR*. Her case became one of the "exceptions."

"I consider myself blessed," Gaines told *Truthout*. "The day I was released, they told me that thousands and thousands of applications for clemency had come in [during the Clinton administration]."

However, even a media spotlight doesn't guarantee a pardon or commutation. Clarence Aaron, the drug prisoner saddled with three life sentences for introducing two traffickers, received coverage from *Frontline*, *The San Francisco Chronicle* and even *Fox News*. His clemency denial came as a brutal surprise.

Ralston tells prisoners seeking clemency to "never give up," especially since Bush is out of office. President Obama has indicated that he'll push for a shift from punishment to treatment for drug-related crimes, and his mantras of "hope" and "change" infuse optimism into prisoners' conversations about their chances for release.

However, Obama has not made any specific statements about reforming the pardon process, and so far, it's tough to predict any major systemic changes.

"I like to come back to the fact that there's always hope," Martorano said. "But the problem with requesting a pardon is you never even know if you're being considered. My request languished for a good long time. It sat on somebody's desk for six years, while I was hoping. What is hope when it's false hope?"

For more information, please see:
The November Coalition:
www.november.org
Dorothy Gaines's Web site:
www.dorothygaines.org
The Sentencing Project:
www.sentencingproject.org
The We Believe Group:
www.webelievegroup.com

Maya Schenwar is an editor and reporter for Truthout.

Remarks of Senator Jim Webb

Subcommittee on Crime and Drugs U.S. Senate Committee on the Judiciary Hearing on the National Criminal Justice Commission Act of 2009 (S 714), June 11, 2009

I would like to thank you, Chairman Specter, and Ranking Member Graham for the opportunity to speak today and for cosponsoring the National Criminal Justice Commission Act of 2009. I know full well your own work in this area over many, many years and appreciate your support in this endeavor. I look forward to continuing to work with both the Subcommittee on Crime and Drugs and the Judiciary Committee to move this bill forward.

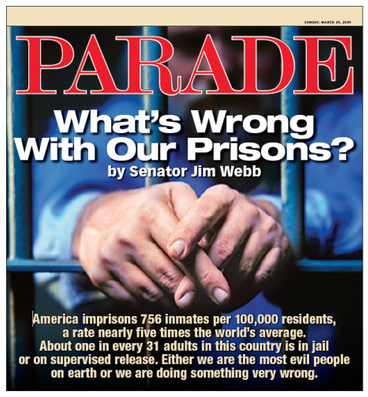
We find ourselves as a nation in the midst of a profound, deeply corrosive crisis that we have largely been ignoring at our peril.

The national disgrace of our present criminal justice system does not present us with the horrifying immediacy of the 9/11 attacks on the Twin Towers and the Pentagon, which in the end rallied our nation to combat international terrorism. It is not as visibly threatening as the recent crash in our economy.

But the disintegration of this system, day by day and year by year, and the movement toward mass incarceration, with very little attention being paid to clear standards of prison administration or meaningful avenues of re-entry for those who have served their time, is dramatically affecting millions of lives, draining billions of dollars from our economy, destroying notions of neighborhood and family in hundreds of communities across the country, and — most importantly — it is not making our country a safer or a fairer place.

It is in the interest of every American, in every community across this land, that we thoroughly re-examine our entire criminal justice system in a way that allows us to interconnect all of its different aspects when it comes to finding proper approaches and solutions to each different component part. I am convinced that the most appropriate way to conduct this examination is through a Presidential level commission, tasked to bring forth specific findings and recommendations for the Congress to consider and, where appropriate, enact.

The National Criminal Justice Commission Act of 2009 is a product of thought, research, and reflection as an attorney, a writer, including time as a journalist twenty-five years ago, when I examined the Japanese prison system for a cover story in Parade Magazine, and as a government official.



Here in the Senate I am grateful that Senator Schumer and the Joint Economic Committee allowed us the venue of that committee to conduct hearings on the impact of mass incarceration and drugs policy. I also appreciate working with George Mason University to put together a symposium bringing people in from across the country to talk about drug policy, and collaborating with other institutions working on these issues, such as the Brookings Institution.

Once we started examining this issue over the last year people from all across the country reached out to us — people from every political and philosophical perspective that comes into play and from all walks of life.

Since I introduced the National Criminal Justice Commission Act of 2009 two months ago, we have seen an even greater outpouring of interest in and support for the bill. My office has engaged with more than 100 organizations, representing prosecutors, judges, defense lawyers, former offenders, advocacy groups, think tanks, victims rights organizations, academics, prisoners, and law enforcement. In the Senate, thirty-five of my colleagues have joined me on this bill.

The goal of this legislation is to establish a national commission to examine and reshape America's entire criminal justice system, the first such effort in more than forty years.

The duties of the Commission would include making policy recommendations designed to:

- re-focus incarceration policies on criminal activities that threaten public safety;
- lower the incarceration rate, prioritizing public safety, crime reduction, and fairness;
- decrease prison violence;
- improve prison administration;
- establish meaningful re-entry programs for former offenders;
- reform drug laws;
- improve treatment of the mentally ill;
- improve responses to international & domestic criminal activity by gangs & cartels;
- and reform any other aspect of the criminal justice system the Commission determines necessary.

The Commission will be a blue-ribbon, bi-partisan panel of experts appointed by the President, the Majority and Minority Leaders in the Senate, the Speaker and Minority Leader in the House, and the Democratic and Republican Governors Associations.

The scope of the problem is vast: we have 5% of the world's population but 25% of the world's known prison population. 7.3 million Americans are incarcerated, on probation or on parole. 2.38 million Americans are in prison

– five times the world's average incarceration rate. From early in the last century until the 1980s, the number of people in prison hovered below 500,000. In the 1980s it began to skyrocket.

The elephant in the room in many discussions

on the criminal justice system is the sharp increase in drug incarceration over the past three decades. Incarcerated drug offenders have soared 1200% since 1980, up from 41,000 to 500,000 by 2008. A significant percentage of persons incarcerated for drug offenses have no history of violence or high-level drug activity.

Four times as many mentally ill people are in prisons than in mental health hospitals, roughly 350,000 compared to 80,000.

African Americans are far more likely to be incarcerated for drug offenses than other groups. African Americans are 12% of the U.S. population, 14% of monthly drug users, yet are 37% of those arrested on drug charges, 59% of those convicted on drug charges, 74% of drug offenders sentenced to prison.

Corrections officers and offenders face dire conditions in many overcrowded and violent prisons. The prison system offers limited opportunities for career progression, inadequate training, potentially violent working conditions, high administrator turnover, and low accountability. In 2007, 60,500 prison inmates reported sexual victimization.

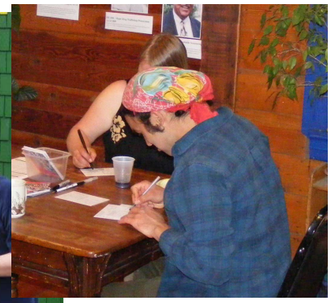
There are an estimated 1 million gang members in the United States, many of them foreign-based. Every American neighborhood is vulnerable. Gangs commit 80% of the crime in some locations. Mexican cartels, which are military-capable, have operations in 230+ U.S. cities. U.S. gangs are involved in cross-border criminal activity, working in partnership with these cartels.

We need to take a comprehensive look at our criminal justice system, including all of these issues. As a nation, we can spend our money more effectively, reduce crime and violence, reduce the prison population, and create a fairer system. It is time to take stock of what is broken and what works and modify our criminal justice policies accordingly.

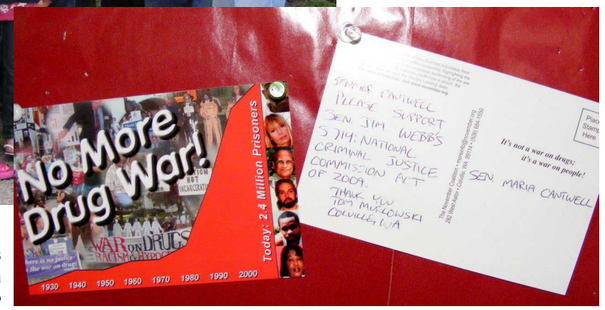
Once again, I appreciate the opportunity afforded by the Chairman and Ranking Member to speak today. I would also like to thank the distinguished witnesses who have kindly agreed to give their remarks.

Local Scenes

Locals Rally to Support Sen. Webb's Reform Efforts



Coalition members Mike and SheGlidesBy sign postcards to Sen. Cantwell at April event.



Several batches of these signed postcards, along with accompanying pictures, have been mailed to Sen. Cantwell's WA State office.

Citizens in Action

At our spring benefit on May 16, November Coalition members from Washington State filled out and sent postcards to Sen. Maria Cantwell (D-WA) asking her to support Sen. Webb's reform bill *(see page 12)*. Patty Murray (D-WA), our other US Senator, has already cosponsored the bill.

What is the War on Drugs Costing Us?

September 11, 2009, St. Petersburg, FL

Nora Callahan of November Coalition, speaking at War on Drugs forum co-hosted by November Coalition, Families Against Mandatory Minimums (FAMM), and the Florida ACLU.