



Blue Moon Issues & Strategies Workshop  
July 31, 2004, Colville, WA

**Please Note Our New Address!**



282 West Astor  
Colville, WA 99114  
(509) 684-1550

## What is The November Coalition?

We are people like you all over the world who condemn drug prohibition laws and oppose U.S. Drug War policies. We are prisoners and parents of those incarcerated; we are wives, sisters, brothers, children, aunts, uncles and cousins. We're friends of prisoners, legal professionals and concerned individuals, too. All across this land of America, we're anyone sick and tired of conflicted and ineffective illegal-drug laws; repressive legislation that long ago needed reexamination and redirection by national and international officials.

The November Coalition was founded in 1997 as a non-profit, grassroots organization with a mission to raise awareness in individuals and communities. There is a 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.

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Working to end drug war injustice!

# The November Coalition

Vol. 8 No. 1

Razor Wire

Winter 2004/2005

## Basics of Blakely v. Washington

BY CHUCK ARMSBURY, NOVEMBER COALITION EDITOR

**B**y a 5-4 vote, U.S. Supreme Court justices on June 24, 2004 declared support for Sixth Amendment principles and renewed hope for thousands of U.S. prisoners. In Blakely v. Washington, S.Ct. 2004 WL 1402697, the majority made clear that any factor which increases a prisoner's sentence must be determined by a jury.

The only exceptions are, one, if prior convictions are the basis for the increased sentence and, two, if the jury actually considered and directly made findings as to the facts leading to the enhanced sentence.

For federal and state prisoners who have gone to trial and received anything except the absolute minimum sentence, the Blakely ruling means, very likely, that they must be resentenced to the lowest possible term. In the opinion of several prominent defense attorneys, Blakely probably requires resentencing for a majority of prisoners.

If someone has pled guilty, the question is open and difficult. But some attorneys argue for defendants' right to know that a waiver of a jury trial applied not only to the elements of the crime, but to the sentencing elements as well. Expect much litigation to continue on this question.

COMMON SENSE WOULD DICTATE RETROACTIVITY WOULD HAVE TO REACH BACK TO THE SENTENCING REFORM ACT OF 1984, AND THE IMPLEMENTATION OF THE U.S. SENTENCING GUIDELINES IN 1987. YET, IF THE GUIDELINES ARE UNCONSTITUTIONAL TODAY IN BLAKELY, BACK THROUGH APPRENDI, AND THEN BACK TO THEIR INCEPTION, THEN IS NOT THE ENTIRE CHAIN OF LAWS UNCONSTITUTIONAL?

Blakely closes the circle that started with Apprendi v. New Jersey, 530 U.S. 466 (U.S.N.J. Jun 26, 2000). The ruling in Apprendi stated plainly that "other than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the prescribed statutory maximum must be submitted to a jury, and proved beyond a reasonable doubt."

This rule writes attorney Daniel Horowitz, "reflects two longstanding tenets of common-law criminal jurisprudence: that the 'truth of every accusation' against a defendant should afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbors. This is quite clear. The judge can't make factual findings about what the person did. If the jury didn't make the finding, the judge can't make the finding."

Blakely is very important because "it extends the Apprendi rationale from facts that increase a statutory maximum to all facts that increase a determined sentencing guideline. Stated differently, the decision expanded Apprendi from the limited pool of cases where the statutory maximum is affected, to the near-limitless universe where higher guideline sentences come into play by virtue of relevant conduct. It

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## African American professionals unite against Drug War

**K**ey African American professional organizations have joined forces as the National African American Drug Policy Coalition (NAADPC); their urgent mission is to find alternatives to misguided drug policies that have made it more likely for an African American man to be in prison than college. What these groups envision in common is a concerted five-year campaign to reduce and prevent illegal drug usage and related crime in the African American community.

Clyde E. Bailey, Sr., the National Bar Association's immediate past president and patent counsel at Eastman Kodak, Inc., founded NAADPC in early 2004. Members of the Coalition include the National Bar Association; Howard University School of Law; the National Association of Black Sociologists; the National Association of Black Psychologists; the National Association of Black Social Workers; the National Black Nurses Association; the National Dental Association;

"WHO WOULD HAVE THOUGHT 20 YEARS AGO THAT TODAY THERE WOULD BE MORE AFRICAN AMERICAN MEN SERVING TIME THAN THERE ARE PURSUING COLLEGE DEGREES? WE NEED TO CONFRONT THE FUTILITY OF FIGHTING A PUBLIC HEALTH PROBLEM SOLELY WITH PRISON."

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# A MESSAGE FROM THE DIRECTOR



By Nora Callahan, November Coalition

## Character of a "Top Cop" Or A Holiday Gift to pass on this season

**D**ear Friends:  
When any law enforcement officer, takes an oath to serve — the person swears to "uphold, and protect every citizen's constitutional rights." First and foremost — this is what every law enforcement officer swears to do. They swear to protect our constitutional rights, for in this way only, can they protect a society from lawlessness.

Penning a 'holiday message' is tough these days. There's a lot of pressing issues, and this needs to come before any HO, HO, HO, send us some money — please.

So, for the holidays, let us rally to pursue the nomination of an Attorney General that has characteristics, and qualifications that merit the job — clean and clear, because for a long time now, simply tough just doesn't cut it.



U.S. Attorney General nominee Alberto Gonzales (l) with President Bush

Do we want our Attorney General to be a person that served as counsel for Governor Bush in Texas during the 1990's? A review of the period shows gross abuse of prisoners, not unlike the scandal at Abu Ghraib prison in Iraq.

Capital switchboards are open 24 hours a day — it's toll free, just call 1-877-762-8762. The operator can help you locate who your leaders are, and will connect you with the correct offices. A letter costs .37 cents to mail.

There were 150+ executions of people convicted under dubious circumstances — killed by the "State of Texas" without review of those cases. Alberto Gonzales was the man in charge of legal things in that terrible era. When I called my senator, the aide I spoke to was unaware of this.

I've posted dozens of articles about this man, that show that he was one of the legal minds who opined that the Geneva Convention, and safeguards for prisoners of war globally — a quaint, obsolete international agreement.

Many in places of authority opine back — it was that foundation that led to soldiers sexually assaulting, humiliating, torturing, and killing prisoners in their custody at Abu Ghraib and beyond.

If these characteristics and the Gonzales model are what you want in your 'top cop, and Gonzales' work history sets well with you - than you need do nothing. If you want

the Attorney General of the United States of America to be a righteous man - who is hell bent to protect your constitutional rights, then visit [www.november.org](http://www.november.org) today.

At the November Coalition's homepage you can access your members of Congress, and send an e-mail asking them to oppose the Gonzales nomination for Attorney General. Contact your Representative, and two Senators today!

Give yourself, and your loved ones an inexpensive gift this season, whose value is immeasurable — our collective voices heard.  
In Struggle,  
  
P.S. Ho, ho, ho — send the November Coalition a tax deductible gift today! And thank you, for the work you do to end drug war injustice.

Nora



282 West Astor • Colville, WA 99114  
Voice & Fax: (509) 684-1550  
E-mail: [moreinfo@november.org](mailto:moreinfo@november.org)  
Web: [www.November.org](http://www.November.org) • [www.OpenTheCan.org](http://www.OpenTheCan.org)  
Staff: Chuck Armsbury, Nora Callahan, Tom Murlowski  
Board of Directors: Teresa Aviles, Aaron Dixon, Nora Callahan, Doug Hockin, Rachel Morton  
Legal Advisors: Steven Gotzler, Michael Montalvo

The *Razor Wire* is a supplemental communication to imprisoned members of the November Coalition. Published at least once a year, we notify members of special projects, and progress, maintaining a daily updated website at [www.november.org](http://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. Annual dues are \$30 for "Free citizens"; \$15 students and \$6 a year for prisoners. Prisoners can pay their dues with postage stamps.

To join The November Coalition and receive this newspaper, see membership form on page 23.

IF YOU OWN OR OPERATE A RETAIL STORE, CONTACT OUR OFFICE FOR INFORMATION ABOUT BULK DISTRIBUTION.

## Attention Activists!

The November Coalition office can provide you with a wide variety of resources for your demonstrations and displays, including banners, laminated graphs and displays, books, t-shirts, and published materials.

See [www.november.org](http://www.november.org) for details

ANNUAL MEMBERSHIP INCLUDES THE RAZOR WIRE NEWSPAPER AND OTHER SPECIAL NOTICES

## Count Me In!

### Working to end drug war injustice

My Contact Information (non-prisoner):

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip +4 \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

Annual Dues: \$30 / Students: \$15 / Prisoners: \$6

I don't know a prisoner, but I will sponsor one. I have enclosed an additional \$6.00

Total Enclosed: \$ \_\_\_\_\_

TNC is a 501(c)(3) non-profit organization. Your gift or donation is tax deductible.

**Do you have a loved one in prison?**  
 I want to sponsor my imprisoned loved one's membership and have enclosed an additional \$6.00.  
 I am a prisoner. I have enclosed at least \$6.00 or made arrangements for payment.  
Name \_\_\_\_\_  
Registration Number \_\_\_\_\_  
Prison \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip +4 \_\_\_\_\_

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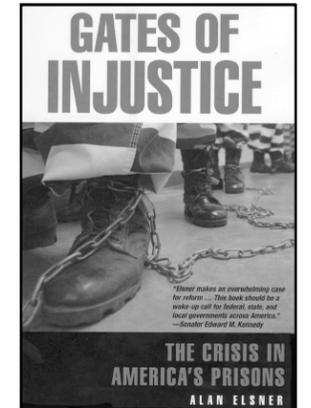


All donations of \$50 or more will receive a hardcover copy of *The Gates Of Injustice - The Crisis in America's Prisons* (reviewed below).

## Book Review by Tom Murlowski *Gates of Injustice - The Crisis in America's Prisons*

BY ALAN ELSNER

"Alan Elsner's powerful book demonstrates that our \$40 billion corrections system for both adults and juveniles is badly broken. Our jails and prisons are failing us at enormous cost in money and in danger to society. This book should be a wake-up call for federal, state and local governments across America." - Senator Edward M. Kennedy (D-MA)



Alan Elsner, a National Correspondent with Reuters News Service, has 25 years experience in journalism, covering stories ranging from the 9/11 attacks on America and the crisis in the Middle East, to the 2000 presidential election and the end of the Cold War.

In *Gates of Injustice*, Elsner brings his journalistic expertise to bear on the horrific conditions in America's prisons. In sparse, no-nonsense language, he relates personal stories of the suffering endured by America's prisoners.

Even long-time readers of the *Razor Wire* will be shocked at the seemingly endless stories of abuse, degradation and variations of torture. Meticulously sourced and footnoted, this book is 'a must read' for anyone struggling to reform the prisons and jails of US America, The World's Leading Jailer.

We also recommend that you call your local library and ask them to order *Gates of Injustice*.

Published by FT Prentice Hall, ISBN 0-13-142791-1



## How to communicate with us

- 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 us a picture along with your story, preferably of a prison visit with your loved ones. Stories should be concise, factual, and include personal background, such as age, family status etc.
- **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.

## Death sentence for smoking cannabis

**T**wenty-seven-year-old Jonathan Magbie, completely paralyzed from the neck down since a car accident at age four, suffocated to death September 24, 2004 in a Washington, DC jail cell. Magbie had been sentenced to 10 days in jail for simple marijuana possession, a first offense.

Columnist Colbert I. King has diligently followed this story for the *Washington Post*. According to King, Superior Court Judge Judith Retchin knew what she was doing when she sentenced Magbie. But why she decided to incarcerate a totally handicapped young man, unable to breathe reliably on his own, remains an unanswered question that court officials would just as soon see go away.

Magbie was sent to jail despite pleas from defense counsel, family members, jail administrators, and, amazingly, his own prosecutor. Numerous times during court proceedings, Charles Stimson, the assistant U.S. attorney prosecuting the Magbie case, reminded the judge that Magbie was no threat, according to King.

During a confidential bench conference, Stimson cited Magbie's physical condition as a reason why the government did not want to take the case to trial or send him to jail. Three months before Retchin jailed Magbie, Stimson advised her that Magbie had medical needs that the jail couldn't accommodate. Magbie required a ventilator just to continue breathing at night, and the jail wasn't able to provide one. Judge Retchin was undoubtedly aware of this fact.

A physician familiar with the Superior Court wrote King, "Anyone at all familiar with the care of quadriplegics knows that sentencing Mr. Magbie to 10 days in jail was a probable death sentence."

It has been suggested that Judge Retchin jailed Magbie after he told court officials he wouldn't stop smoking pot. Magbie, according to the *Washington Post* — when asked by the court's pre-sentence investigators about his marijuana smoking — said



Jonathan Magbie met President Reagan in 1982 during the proclamation of National Respiratory Therapy Week

he would continue using the drug because it made him feel better.

Apparently that honesty was too much for Judge Retchin, who heaved a sigh and ignored the pre-sentence report recommending probation — as well as the wishes of the prosecutor — and imposed a jail sentence on this terribly handicapped individual, presumably to teach him a lesson. And what is that lesson?

If you're dying to ask what lesson was taught the dead Magbie, inquiries to Judge Retchin may be telephoned to her office at the Washington, D.C. Courthouse, 202-879-1866.

Letters about this outrageous judicial misconduct can be addressed to:

Letters To the Editor  
The Washington Post  
1150 15<sup>th</sup> Street NW  
Washington, DC 20071

## Efforts to suppress Swaziland marijuana crop founder on poverty, medical need

FROM THE DRUG WAR CHRONICLE ([WWW.STOPTHEDRUGWAR.ORG](http://WWW.STOPTHEDRUGWAR.ORG))

According to a report from the United Nations' Integrated Regional Information Networks (IRIN) issued in December, smallholder farmers in the southern African nation of Swaziland are ignoring government efforts to suppress the marijuana crop because it provides cash income and medicine. Virtually surrounded by the country of South Africa, Swaziland is afflicted by extreme poverty and an AIDS infection rate estimated at 40% for adults, according to UN figures.

'Dagga' (marijuana) isn't just a cash crop, farmers said. They admitted to IRIN to supplying marijuana to the growing number of people suffering from AIDS in the country, a move that has been abetted by AIDS support groups, who say dagga encourages the appetite of AIDS sufferers. "Particularly when you are starting with the anti-retroviral drugs, your body can feel bad and you don't want to eat anything — that is when people become thin," Eunice Simelane of *Swazis for Positive Living* told IRIN.

## In Memoriam Kyle Lindquist



1960 — 2003

Kyle Lindquist passed away, still imprisoned, in November 2003. Our condolences to his family; we considered him a part of ours, and he will be missed.

Kyle was one of the first prisoners of the drug war featured on The WALL section of our web site, and one of the first contributors to our newspaper.

In memory of Kyle, we present this essay, originally published anonymously in the July/August, 1997 issue of *The Razor Wire*

## South American Sweat Shop — or Federal Prison?

BY KYLE LINDQUIST  
PRISONER OF WAR IN AMERICA

I truly believe that if the Feds could no longer profit or capitalize by keeping us in prison they would seriously start looking at early release for nonviolent violators. Think about this for a minute, here at F.C.I Sandstone, they have a factory that employs I would guess 100 to 150 people.

I swear to you that when you look in the door, you would think that you were looking into a South American sweat shop. There are at least 80% Latinos working in there, doing piece work. This means, the more they produce, the more they get paid. Now there are a lot of these guys doing time whose only crime was being in the US and working illegally. This gets them about 5 years. The Feds have no problem bringing them into the Federal Prison System and putting them to work for an average of about \$.60 an hour, producing goods that they in turn sell to the Government Agencies for \$5.00 or more, and in the end, who actually pays for these products? You guessed it the American taxpayer.

Now correct me if I'm wrong here, but what the Feds are saying is, it is illegal to come the States and work for private employers, but it's O.K. to come to prison at a cost of about \$25,000 a year to the taxpayer and the B.O.P. will create a slave labor force that creates goods that the government turns around and bills the taxpayer for.

I'm just using this one factory as one example. I think there are about 90 UNICOR factories operating in this country. I can't help but wonder what the public would think about this type of activity if they were made aware of it.

## The Optimism of Uncertainty

By HOWARD ZINN, HISTORIAN, TEACHER AND ACTIVIST

**I**n this awful world where the efforts of caring people often pale in comparison to what is done by those who have power, how do I manage to stay involved and seemingly happy?

I am totally confident not that the world will get better, but that we should not give up the game before all the cards have been played. The metaphor is deliberate; life is a gamble. Not to play is to foreclose any chance of winning. To play, to act, is to create at least a possibility of changing the world.

There is a tendency to think that what we see in the present moment will continue. We forget how often the sudden crumbling of institutions has astonished us, by extraordinary eruptions of rebellion against tyrannies, by the quick collapse of systems of power that seemed invincible.

What leaps out from the history of the past hundred years is its utter unpredictability. A revolution to overthrow the czar of Russia, in that most sluggish of semi-feudal empires, not only startled the most advanced imperial powers but took Lenin himself by surprise and sent him rushing by train to Petrograd.

Who would have predicted the bizarre shifts of World War II — the Nazi-Soviet pact (those embarrassing photos of von Ribbentrop and Molotov shaking hands), and the German Army rolling through Russia, apparently invincible, causing colossal casualties, being turned back at the gates of Leningrad, on the western edge of Moscow, in the streets of Stalingrad, followed by the defeat of the German army, with Hitler huddled in his Berlin bunker, waiting to die?

And then the postwar world, taking a shape

no one could have drawn in advance: The Chinese Communist revolution, the tumultuous and violent Cultural Revolution, and then another turnabout, with post-Mao China

renouncing its most fervently held ideas and institutions, making overtures to the West, cuddling up to capitalist enterprise, perplexing everyone.

No one foresaw the disintegration of the old Western empires happening so quickly after the war, or the odd array of societies that would be created in the newly independent nations, from the benign village socialism of Nyerere's Tanzania to the madness of Idi Amin's adjacent Uganda. Spain became an astonishment. I recall a veteran of the Abraham Lincoln Brigade telling me that he could not imagine Spanish



Fascism being overthrown without another bloody war.

But after Franco was gone, a parliamentary democracy came into being, open to Socialists, Communists, anarchists, everyone.

The end of World War II left two superpowers with their respective spheres of influence and control, vying for military and political power. Yet they were unable to control events, even in those parts of the world considered to be their respective spheres of influence.

The failure of the Soviet Union to have its way in Afghanistan, its decision to withdraw after almost a decade of ugly intervention, was the most striking evidence that even the possession of thermonuclear weapons does not guarantee domination over a determined population.

The United States has faced the same reality. It waged a full-scale war in Indochina, conducting the most brutal bombardment of a tiny peninsula in world history, and yet was forced to withdraw. In the headlines every day

I HAVE TRIED HARD TO MATCH MY FRIENDS IN THEIR PESSIMISM ABOUT THE WORLD (IS IT JUST MY FRIENDS?), BUT I KEEP ENCOUNTERING PEOPLE WHO, IN SPITE OF ALL THE EVIDENCE OF TERRIBLE THINGS HAPPENING EVERYWHERE, GIVE ME HOPE. ESPECIALLY YOUNG PEOPLE, IN WHOM THE FUTURE RESTS.

we see other instances of the failure of the presumably powerful over the presumably powerless, as in Brazil, where a grassroots movement of workers and the poor elected a new president pledged to fight destructive corporate power.

Looking at this catalogue of huge surprises, it's clear that the struggle for justice should never be abandoned because of the apparent overwhelming power of those who have the guns and the money and who seem invincible in their determination to hold on to it.

That apparent power has, again and again, proved vulnerable to human qualities less measurable than bombs and dollars: moral fervor, determination, unity, organization, sacrifice, wit, ingenuity, courage, patience —

whether by blacks in Alabama and South Africa, peasants in El Salvador, Nicaragua and Vietnam, or workers and intellectuals in Poland, Hungary and the Soviet Union itself. No cold calculation of the balance of power need deter people who are persuaded that their cause is just.

I have tried hard to match my friends in their pessimism about the world (is it just my friends?), but I keep encountering people who, in spite of all the evidence of terrible things happening everywhere, give me hope. Especially young people, in whom the future rests.

Wherever I go, I find such people. And beyond the handful of activists there seem to be hundreds, thousands, more who are open to unorthodox ideas. But they tend not to know of one another's existence, and so, while they persist, they do so with the desperate patience of Sisyphus endlessly pushing that boulder up the mountain.

I try to tell each group that it is not alone, and that the very people who are disheartened by the absence of a national movement are themselves proof of the potential for such a movement.

Revolutionary change does not come as one cataclysmic moment (beware of such moments!) but as an endless succession of surprises, moving zigzag toward a more decent society. We don't have to engage in grand, heroic actions to participate in the process of change. Small acts, when multiplied by millions of people, can transform the world.

Even when we don't "win," there is fun and fulfillment in the fact that we have been involved, with other good people, in something worthwhile. We need hope.

An optimist isn't necessarily a blithe, slightly sappy whistler in the dark of our time. To be hopeful in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty but also of compassion, sacrifice, courage, and kindness. What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something.

If we remember those times and places — and there are so many — where people have behaved magnificently, this gives us the energy to act, and at least raise the possibility of sending this spinning top of a world in a different direction. And if we do act, in however small a way, we don't have to wait for some grand utopian future.

The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory.

# Anyone for golf?



Your community lost your slaves, and now you are going to have to pay to golf — and the shame of it all — is you treated your slaves well when they were with you. Y'all let hundreds of them roam your community freely each day, giving them pleasant work instead of boredom in dorms. You fed them good, and they had beds. Now you hear they are fed green bologna, forced to work on new prisons or go to isolation cells; so even though it is probably too late — someone ought to try to get them back.

**"As nightfall does not come all at once, neither does oppression. In both instances, there is a twilight when everything remains seemingly unchanged. And it is in such twilight that we all must be most aware of change in the air - however slight - lest we become unwitting victims of the darkness." — Hon. William O. Douglas, U.S. Supreme Court**

## General Pinochet indicted on human rights' charges

(Editor: We reported on Gen. Pinochet's indictment for drug trafficking in the March/April 2001 issue of the Razor Wire.)

Former Chilean strongman, Gen. Augusto Pinochet, was indicted December 13<sup>th</sup> for the kidnapping of nine dissidents and the killing of one of them during his 1973-90 regime; the former dictator was placed under house arrest, according to *Associated Press* reports.

Judge Juan Guzman made the announcement nearly three months after questioning the 89-year-old former ruler and having him examined by doctors to determine whether he can stand trial. Guzman said he made the decision to try Pinochet after carefully reviewing an interview that an alert-Pinochet gave to a Spanish language television station in Miami.

The trial of Pinochet is part of Guzman's investigation of the so-called "Operation Condor," a joint plan by the dictatorships that ruled several South American nations in the 1970s and '80s to suppress dissidence.

Earlier this month, an appeals court stripped Pinochet of immunity from prosecution for a 1974 car bombing that killed an exiled Chilean general, Gen. Carlos Prats and his wife, Sofia Cuthbert, in Buenos Aires. Prats, a former chief of the Chilean army, had opposed the 1973 coup that put fellow general Pinochet in power, and was among the first of an estimated several thousand people killed during Pinochet's U.S.-supported rule.

let hundreds of them roam your community freely each day, giving them pleasant work instead of boredom in dorms. You fed them good, and they had beds. Now you hear they are fed green bologna, forced to work on new prisons or go to isolation cells; so even though it is probably too late — someone ought to try to get them back.

Your slave labor force has disappeared, and was likely planned, and Hurricane Ivan just an excuse to make it a quick amputation, not a long drawn out public fight. It's the days of secrecy — ask and the 'they's' don't have to tell a journalist a thing.

If our loved ones are safe enough to tend your golf courses down there and everywhere — they'd do well to come home and tend their children — ya know? Journalists — real journalists — once kept things on a better course than free public golf courses.

Thanks for including the abuse of the prisoners that have left Eglin — but please, don't just forget them as slaves lost. They are people, with families who love them — and it's Christmas for Christ's sake!

Nora Callahan, Executive Director, The November Coalition

(Ed. — On the eve of printing this issue of The Razor Wire, the publisher of The Bay Beacon called our office to confirm Nora as author, and that they were publishing her essay.)

December 15, 2004

Del Lessard  
The Bay Beacon newspaper  
Florida Panhandle

Dear Mr. Lessard:

Has there been any follow-up to the reported bad conditions that evacuated Eglin prisoners were thrust into? Or anymore follow-up to the golf course's woes due to the manual-labor force suddenly disappeared from Niceville into the land of green bologna, and reportedly dark underground of the BOP?

I have a brother who is a federal prisoner, and before class-consciousness awoke in me after a prison visit, I was a bit of a golf enthusiast, so found your article interesting — very interesting indeed. I thought it a wondrous weave of those subjects — golf and slave labor — written right into straight news that might bring your prisoners back. I wondered if Del Lessard was a golfer in Niceville, and gonna have to start paying fees, too.

I found myself grateful that you included the information that Ms. Freyermuth and Ms. Chambers gave to you concerning the prisoners suffering physically and emotionally since the move — along with the golf course, recycling center, armament museum and public welfare office — once staffed with federal prisoners. (See 13th Amendment — I know y'all were legal).

All in all though, you might have just said it like it all leads to me — rather absurdly. But here's the plain truth.

Your community lost your slaves, and now you are going to have to pay to golf — and the shame of it all — is you treated your slaves well when they were with you. Y'all

## Drug trade fills employment gap

In Chicago "over the last three decades, the narcotics business has filled the economic void left by manufacturers who fled the city's industrial corridors on the South and West Sides. Anchored by gangs that control territory, slinging dope has become, for thousands upon thousands of young black men, the only avenue for employment," wrote Rex W. Huppke in the *Chicago Tribune* last spring.

"Drug dealing in the black community is born out of necessity," said Tio Hardiman of CeaseFire, an anti-violence group in Chicago (quoted in the *Tribune*). Others in this featured article described the slow march from traditional jobs to the drug trade pragmatically, "It's a question of market substitution. People aren't going to starve."

The Urban League of Chicago estimates that nearly half of Chicago's adult black men

have felony records. Economists say businesses in the current tight economy can pick and choose whom they hire, and said one observer, "If they've got a record, all I can do is hold their hand until they commit another crime, said one job counselor."

Recognizing that 'work works,' Cook County Commissioner Bobbie Steele is collaborating with more than a dozen other commissioners to form a job-training program for nonviolent former prisoners. Proof of success for Steele and others struggling with these challenges is that the rate of recidivism for those who are employed for at least 30 days drops from nearly 50% to 16%.

Source: *Selections from The Chicago Tribune, 04/18/04.*

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### BLAKELY...CONTINUED FROM PAGE 5

printed "a more elaborate jury verdict form which would more closely mirror the special interrogatories that are common in complex civil litigation."

Comments from prisoners include these from Lance Persson, "Blakely may not affect anyone sentenced before Apprendi v. NJ, or anyone who had exhausted their appeal processes before the same. In light of Schiro v. Summerlin, which the Supreme Court handed down on the same day as Blakely, I don't think retroactivity beyond Apprendi will be granted even if the Federal Guidelines are ruled as unconstitutional."

"Common sense," wrote Persson to November Coalition, "would dictate retroactivity would have to reach back to the Sentencing Reform Act of 1984, and the implementation of the U.S. Sentencing Guidelines in 1987. Yet, if the Guidelines are unconstitutional today in Blakely, back through Apprendi, and then back to their inception, then is not the entire chain of laws unconstitutional?"

Ohio law professor Douglas A. Berman tracks daily decisions of the US Supreme Court online from a website loaded with information and speculation about Blakely's future impact. Berman wrote on December 13<sup>th</sup> that there have now been 11 opinions issued by the Court, but nothing yet on Booker and Fanfan, the follow-up cases to Blakely.

Noting the numerous persons and institutions awaiting decisions in these cases, Berman speculates that "Chief Justice Rehnquist's illness is playing a role in the delay." Rehnquist is being treated for cancer. "Moreover," wrote Berman, "CJ Rehnquist's absence from the Court may mean that there

is not a chief administrator pushing other Justices to complete their opinions."

It looks like we won't hear about Blakely's future application from the Supremes until late-January 2005. Why the continued delay? To get through holiday seasons? Expectations are high, and few in the legal profession want to continue the costs associated with continued delays.

Stay tuned for much more on Blakely in months ahead. Here at November Coalition we always hope for the best, but like Lance Persson, and many who serve long prison-sentences, we know the 'best' may not happen — and we won't get everything we want. But sometimes we get what we need, and Blakely, nonetheless, is a valuable watershed case to inspire hope and legal options for prisoners and their loved ones.

For continuing coverage of Blakely follow-up cases and rulings online, keep informed daily at [www.november.org](http://www.november.org).

Sources: Numerous law firms offer information and analysis about Blakely v. Washington on the Internet, interpreting the case from many angles for the imprisoned. These two sites: [www.oaklandcriminaldefense.com](http://www.oaklandcriminaldefense.com) and [www.nacdl.org/public.nsf/championarticles](http://www.nacdl.org/public.nsf/championarticles) were easily found while searching online and are the source for much of the above discussion. Professor Douglas A. Berman's online research and commentary is [www.sentencing.typepad.com/sentencing\\_law\\_and\\_policy](http://www.sentencing.typepad.com/sentencing_law_and_policy).

Thoughtful analysis received from prisoners, such as Lance Persson, is our consistent bottoms-up source for answers to penetrating questions about Blakely and other significant rulings.

CA INMATES...CONTINUED FROM PAGE 14

This all would change if our political leadership would empower the Department to make positive changes in the lives of inmates, thus creating hope for inmates and inspiring staff to new levels of commitment and accomplishment. It is not easy to instill hope and humanity in those who may have been denied it all their lives and who often deny even the validity of those values.

And punitive measures that are instructive, not destructive, and that place the welfare of the inmate above the desire to retaliate are not incompatible with a goal of rehabilitation. Our failure to set rehabilitation as the goal and purpose of corrections has contributed greatly to the current crisis. More importantly, it has tragically undermined the safety of our communities.

It was not that long ago when hospitals were dirty, dreary places where people went to die. Then we discovered information about the causes of illness and methods of treatment. As a result, the medical profession has evolved to the point where hospitals have become places of hope. By applying the best knowledge we have now and daring to experiment and explore in search of new knowledge, there is hope that prisons, like hospitals, can become places where we look for good things to happen, not just bad.

*About the writer: Captain Tom Emigh is a 17-year veteran of the California Department of Corrections. He has worked in a lock-up unit, a psychiatric unit and all levels of security. He has investigated staff misconduct, evaluated prison programs and provided training to staff on professional ethics. Emigh currently handles inmate appeals for the director.*

Online source: [www.sacbee.com/content/opinion/story/9640719p-10564046c.html](http://www.sacbee.com/content/opinion/story/9640719p-10564046c.html)

Published June 13, 2004 as a special feature in the Sacramento Bee

\*Editor: Emigh might have added here the need for independent oversight and participation from non-governmental community groups, family members and loved ones of prisoners. In the 'perfect model' of rehabilitation, a prisoner's first step into prison is also his first step toward earned, early release from prison, a decision to be made by and amongst three parties — prisoner, staff and ngo community agent. That same best model also includes economic re-structuring or special aid to communities where prisoners re-enter.

\*\*Editor: Omitted by Emigh in disregarding 'generally dysfunctional human beings' is the harm done to many 'state-raised' prisoners while 'being corrected' by 'experts in corrections,' from childhood foster homes through adult lives in close custody. Hence the need for greater public attention and funding to strengthen growth plans and independent auditing responsibilities in communities where the results of government reentry plans are tested.

# Drug warriors retreating in parts of America

By CHUCK ARMSBURY, NOVEMBER COALITION EDITOR

The drug war is in retreat. Perhaps "in check," as in Brazil.

For the last year in this largest of South American nations, national drug policy reform has been focused and energized by the courageous lead of President Lula da Silva, following his mission to put kingpin narcotraffickers out of business. In a major speech in April 2003 Lula laid out his plan to end drug war violence and profiteering.

"The real narcotraffickers are not found in the neighborhoods where poor people are 'pressured and induced into crime in order to earn their daily bread.'" The Brazilian President then dared to say that "the kingpins of narcotrafficking are to be found in the large centers of capital," reports Al Giordano from *Narco News Bulletin*.

Lula called on his chief prosecutor and police commander to 'form a posse' to hunt

them down. Declaring the war on drugs to be a class war has pushed these major political issues onto the American reform agenda:

- Small-time drug dealers are not the primary cause of the crime and violence in the country.
- The real 'drug kingpins' enjoy the protection of politicians, police, members of the judiciary, major media and obscenely wealthy international businessmen residing in financial capitals all across America.
- The shroud around the judicial branch must be opened and placed under external auditing and control, and the unjust class 'war on the poor' must end, to be replaced by harm-reduction programs based on drug addiction as a public health question, not a law enforcement issue.

Lula, a respected labor and community activist, was elected by a large majority of Brazil's poor and working people. Lula's determination to end drug war violence has drawn battle lines between his administration and the wealthy powers he aims to put out of business — the money-laundering bankers, paid-for judges, turn-your-head police and corrupt government bureaucrats.

By December 2004 Lula had yet to fulfill a pledge to implement harm-reduction policies. This may mean his rhetoric has outstripped his ability to muster a new consensus within government bureaus. There's little doubt, also, that U.S. drug warriors are applying pressure to Lula's administration, attempting to moderate the president's anti-prohibitionist agenda.

In Argentina, President Nestor Kirchner, according to journalist Giordano, "has not called for decriminalization, but has appointed a Supreme Court chief that openly does. Kirchner has embraced the coca leaf as a sacred, legal plant and funded many harm reduction programs to lessen the harm caused by use of some drugs under prohibition."

By most reports, drug policy issues were not a part of the political struggle in Venezuela during the recent presidential campaign. Now that President Hugo Chavez has received 59% of the vote to continue progressive reforms in the country, following Brazil, the path is clear

"THE REAL NARCOTRAFFICKERS ARE NOT FOUND IN THE NEIGHBORHOODS WHERE POOR PEOPLE ARE PRESSURED AND INDUCED INTO CRIME IN ORDER TO EARN THEIR DAILY BREAD." BRAZILIAN PRESIDENT LULA THEN DARED TO SAY, "THE KINGPINS OF NARCOTRAFFICKING ARE TO BE FOUND IN THE LARGE CENTERS OF CAPITAL."

for policy changes that will decriminalize the small-time user.

In Chile, by contrast, members of the Constitution Commission of Chile's national Congress rejected a marijuana legalization bill in

August 2004. What gives, Giordano asks. Why is it that "in the lands where a political Left is on the rise (Brazil, Venezuela, Bolivia), reform marches forward instead of backwards?"

Giordano insists that where drug reform movements are not united with and motivated by larger social justice alignments — is where failure flourishes. "Political leaders and movements that do not champion the poor — the first and greatest victims of drug prohibition — have shown zero success in reforming drug laws," insists Giordano.

Chile's leadership long ago, writes Giordano, "abandoned the poor and working folks in favor of business interests and 'free

trade." Since the U.S.-supported overthrow of Chile's popular President Allende in 1973, another generation of wealthy Chileans will likely follow U.S. policy requirements on most matters, including the war on drugs as acceptable class war on the poor.

To social justice progressives in North America, especially — those who condemn the drug war — let's not shy from Al Giordano's blunt talk. Can we ask large questions of each other's missions? Is there really much measurable progress to boast of in the United States of America for us tireless reformers?

Is it pessimistic thinking or a wake-up call to insist that those who labor for drug reform in the U.S. do so largely without significant support from working and poor populations?

If a national president, affectionately called 'Lula,' can call the drug war a 'class war,' then the majority of Americans everywhere should feel emboldened to action. "The political solution to it lies in embracing and supporting the struggle by the poor against the authoritarian, private sector special interests. Once that fight gains traction, as the hard evidence has demonstrated, the rest, regarding drug policy, works itself out because that battle undermines the economic and public opinion conditions that serve as the foundation for submission to U.S.-imposed prohibitionist drug policies," concludes Giordano on August 25, 2004.

There's plenty evidence of rising American confidence to end the drug war. But that sense of winning craved in our time means eyes and ears must be wide open to all of America — North, Central and South — for inspiration, knowledge and direction in furthering our anti-prohibitionist goals.

Source: *Selections from Narco News Bulletin, online at [www.narconews.com](http://www.narconews.com)*

## Campaign continues for fair phone rates

The Michigan chapter of CURE (Citizens United for Rehabilitation of Errants) launched a national campaign in 2000 to expose and reduce the outrageously inflated telephone charges in many state and federal prisons. Often left traumatized emotionally and financially after a loved one is sent to prison, families left behind are gouged and victimized by profit-hungry telecommunications companies, who often have a virtual lock on prison phone systems.

Since its inception in 2000, the eTc campaign (equitable Telephone charges) has tirelessly informed and lobbied legislators, governors, prison administrators, and telephone company leaders. For a complete listing of state-by-state accomplishments, and future plans, visit their website at [www.curenational.org/~etc](http://www.curenational.org/~etc).



## LAW LIBRARY

BLAKELY...CONTINUED FROM PAGE 1

appears that this holding tolls the death knell of the federal sentencing guidelines," wrote Steven G. Kalar, Jane L. McClellan, and Jon Sand for *The Champion*, August 2004, page 10.

Justice Kennedy, interestingly, is one of the four Supreme dissenters on June 24<sup>th</sup> who lament the breakdown between the Judicial and Legislative branches that he sees in this decision. Despite universal acknowledgement of federal prosecutors' overwhelming authority in criminal cases, Kennedy attacked the draconian federal sentencing scheme in a well-publicized speech before the American Bar Association earlier in the year, and called for reforms.

"The vaunted judicial-legislative collaboration Kennedy asks for in his dissent has, in practice, been one-sided at best, as illustrated by the Feeney Amendment and the PROTECT Act — sentencing legislation openly despised by the judiciary. Contrary to Justice Kennedy's optimistic characterization, Congress and legislatures have turned a deaf ear to many reforms, and have increasingly ratcheted up the sentences," wrote Kalar, et al.

National Association of Criminal Defense Lawyers's president Barry Scheck wrote December 7<sup>th</sup> in a *Washington Post* article, "In my lifetime I have seen hundreds of wrongfully convicted persons freed from prisons and death rows. I hope to see the unjustly imprisoned allowed back into society. At a minimum, we can stop the madness of mandatory minimum sentencing."

Scheck boldly predicts that the 109<sup>th</sup> Congress will take responsibility in its next session, starting in January 2005, to evaluate and probably abandon the mindless sentencing-guideline philosophy and laws in vogue over the last 20 years. "There are signs that the Supreme Court will invalidate, in some fashion, the federal sentencing guidelines. The pending cases are *United States v. Booker* and *United States v. Fanfan*, and it is likely that the court will hold the guidelines unconstitutional because they permit judges, instead of juries, to embellish sentences," wrote Scheck.

Here are some specific examples of how *Blakely* works, according to attorney Horowitz from his website:

"A person is convicted of selling a large quantity of narcotics. Under the federal rules the weight of the drugs is the main factor in setting the punishment. There is a chart that lists the weights of various types of drugs and assigns a corresponding offense level. The higher weight, the higher the offense level, the higher the penalty."

"So if a person sold 4 kilograms of cocaine, he is at a level 30. That is simple mathematics. Under *Apprendi* ONLY THE JURY CAN FIND THE WEIGHT. However, prosecutors have been correcting this failure since the *Apprendi* case was decided, so only older cases need to be brought back for resentencing due to a failure of the jury to find the amount of drugs," Horowitz advises.

"*Blakely* goes a step further. All factors enhancing the sentence must be found by the jury."

The federal sentencing guidelines allow the judge to increase that level 30 based upon how the offense was committed. If the judge thinks that the person was a leader or organizer of the drug offense the level 30 gets increased by 4 and becomes a level 34."

"This is a major change. For a first time offender, a level 30 carries a sentence of 97-121 months in prison. For a first time offender, a level 34 carries a sentence of 151-188 months — about five extra years! If you were sentenced to those five extra years, put down this paper and do a celebration dance — *Blakely* is cutting five years from your sentence," concludes Horowitz on his website. But will the high court agree?

State prisoners could be equally helped by *Blakely*, a Washington State case in which the judge, after the jury's work, held his own hearing into what he thought was 'deliberate cruelty' by defendant *Blakely*. "This was held unconstitutional because the judge and not the jury made the call. The maximum sentence that the judge can impose is the highest sentence based upon what the jury found. Nothing that the judge finds by himself can be considered," says Horowitz.

While the scramble to interpret *Blakely*'s application will continue through courtrooms for months ahead, some prominent defense attorneys, notably Horowitz, are speculating there'll be relief "for federal and state prisoners who have gone to trial and received anything except the absolute minimum sentence. This means that they will have to be resentenced to the lowest possible term." Thus, under the *Blakely* ruling, odds are good that a majority of prisoners will be re-sentenced.

Other changes to expect include "more protracted grand jury proceedings in which the prosecutors will be required to provide the grand jury with more substantial evidence to establish additional elements of proof which would enhance the sentence."

Other predictable trends to the future include a potentially significant increase in enforcement of a traditional obligation of prosecutors to provide evidence to defendants prior to trial. It's reasonable to expect "more cumbersome trials with the introduction of substantially more evidence on various issues in order for the jury to make the determinations that would enhance the sentence," wrote Horowitz. We'll likely see

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## Has Department of Justice violated Sentencing Reform Act of 1984?

In a major law suit filed early-September 2004 in Washington, DC, two federal prisoners,

Leonard Peltier and Yorie Von Kahl, claim that U.S. Department of Justice officials knowingly violated the Sentencing Reform Act of 1984 (and its amendments) and illegally extended the prisoners' confinement for more than a decade.

Defendants named include the U.S. Parole Commission, individuals on the commission over the past two decades and several noted Department of Justice officials. Peltier is serving consecutive life sentences, and Kahl is serving life plus 15 years. Both men were convicted of killing federal officers in 1975 and 1983, cases surrounded by controversy and alleged government misconduct to this day.

The 1984 federal Sentencing Reform Act ushered in a new era in penology when the U.S. Congress changed criminal sentencing from indeterminate to determinate models, closely following Washington State's 1981 groundbreaking legislation. The SRA was intended to begin correcting inconsistent sentences imposed by different judges on different individuals convicted of the same crimes. Under the 'determinate' sentencing model, the Parole Commission was abolished.

At the heart of the suit, according to Plaintiff's attorney Barry Bachrach, is the "refusal of the government to enforce Title II, Chapter II, Section 235(b)(3) of the Sentencing Reform Act." Bachrach says that "effective on October 12, 1984, this part of the law ordered that parole dates 'consistent with the applicable guideline' be issued to all 'old system' prisoners within the following five-year period, at the end of which time (on October 11, 1989) the commission would cease to exist."

On December 7, 1987, Congress enacted Public Law 100-182 which amended the SRA, repealed, in Section 2, the release criteria established by the original section 235(b)(3); and restored the release criteria under 18 U.S.C. 4206. This amendment did not restore the Parole Commission or remove its obligation to establish mandatory release dates, with sufficient time for appeal, by October 11, 1989.

These changes to the SRA also applied, claims attorney Bachrach, only "to crimes committed after the law was amended on December 7, 1987; the amendment simply did not apply to the Plaintiffs or to the some 6,000 other 'old system' prisoners still held by the U.S. Bureau of Prisons today."

Bachrach argues that "after it had technically ceased to exist, the Parole Commission claimed it needed more time to complete its work.

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# Laguna Beach rallies against Drug War

By Rachel Morton, November Coalition Activist



**O**n October 16, 2004 I took our issues and supporters to the streets of Laguna Beach (CA). I gave two cable TV interviews and a local newspaper interview because of the prisoners' stories that were displayed, and I spoke particularly about Rudy Howell's case to demonstrate the corruption,

lunacy and brutality of sentencing laws and policies. It felt good to have Rudy's poster right there to show a real person with his mother, emphasizing his humanity despite the injustice of the drug laws

I handed out a one-page flyer listing drug war facts and November Coalition's website. LOTS of people showed up for the protest and vigil. Orange County (CA) NORML had contacted a band named 'Marijuana,' and apparently they ran an ad in a local newspaper or magazine "promising free herb" at the protest. So in addition to the 50 - 60 people who showed up, there were 5 police cars with 10 officers attending and surrounding us for the first hour. A police helicopter flew overhead, hoping, I suppose, to spot the elusive, promised pot, which came to naught.



Rally against the drug war — October 16, 2004, Laguna Beach, CA

We had lots of signs, handouts, and a drum circle with great passion and enthusiasm. At least a thousand people walked by during the 3 hours of the protest, and many stopped to talk to the medical marijuana advocates, while others spoke with me about the drug war's catastrophic outcomes to people and the environment. We stood near a major street, Pacific Coast Highway, and cars drove by with passengers waving and cheering because we were there.

Finally, it was GREAT to have Judge James Gray at the protest; he openly opposes the Drug War, has written about it, and competed vigorously for a US Senate seat against incumbent Barbara Boxer. Thanks to all attendees for making this public event into a strong show of diverse support for ending failed US national drug policy.



November Coalition Vigil leader Rachel Morton talks with the media



# More than a Blue Moon to me

By Rachel Morton

**T**he Homeland Security officer at the airport took my bag and after performing one chemical test asked, "Have you been handling ammunition?" What a curious question, I thought, after such an interesting weekend in northeastern Washington State.

I was on my way home from visiting the new headquarters for November Coalition in Colville, Washington after participating in a workshop there on the weekend of the 'blue moon,' July 30-31, the second full moon in the month. Perhaps my semi-comatose demeanor from lack of sleep aroused suspicion. I hadn't slept that night because I had to leave Colville at 3 a.m. to catch an early flight from Spokane to my home in California.

More sinister thoughts popped up. Could the Homeland officers have known that I had been with people from around the U.S. who actively oppose the murderous War on Drugs? Did the officers see me as 'one of those people' who would open up the prison doors, let the people come inside, and demand an effective sentencing and early-release system for those nonviolent individuals — drug law violators mainly — who are ordered into prison?

Speaking of ammunition, what better ammo do we have than organizing, planning and implementing public actions for the majority of us who oppose injustice? I was about to say, "We are the ammunition to fight the never-satisfied boosters of our sprawling prison-industrial system!" But I didn't.

"No, I have not been handling ammunition," I answered quietly to the Homeland officer who had taken my ID and airline ticket for entry into their 'explosives log.' The officer then explained that my bag had tested positive for TNT.

"Do you use hand lotion," I was then asked. Of course, and how was I to know that hand lotions often contain chemicals that when tested are the same as those found in TNT? I got home okay, with lots of new thought.

Mostly, what I do know is that truth is still the baddest weapon. We have the Blakely decision, an explosion in the judiciary. We are aiming at earned, early release for our loved ones behind bars. That July weekend was more than a Blue Moon to me — it taught me to shop carefully for hand lotion.

# The WALL

## Arthur Jackson Sentenced to 35 years

**M**y legal problems began in 1991 after being arrested by Texas police for distributing cocaine, charges that were subsequently dismissed by the State. The US Justice Department then re-filed the charges in federal court. I was convicted and sentenced to 35 years in prison.

Arrested with a powdery mix of 75% cocaine and 25% benzocaine, I was wrongfully sentenced under the crack-possession guidelines. The well known, lopsided crack cocaine/powder cocaine-sentencing differences changed a five-year sentence to 30 years. I did not possess crack cocaine.



Arthur with his mom

At sentencing, five more years was added on because a gun was found in the house where I was arrested. I did not use a gun, or have one, and I didn't live in the house. I was charged with "constructive possession of a firearm," meaning I could have possessed the gun.

To clear up confusion, the U.S. Supreme Court (In re Bailey) has ruled that a person must physically possess, employ, brandish, and "bring to bear" a gun in the commission of a felony in order to be charged with "possession." Though the elements of my case did not meet these strict criteria, the judge felt they did. I appealed this decision and the cocaine powder/crack judgment to the Circuit Court.

Due to tighter restrictions in the 1996 Anti-Terrorism Bill, I had to submit my appeal within one year to have it considered. Although my lawyer was paid, she never submitted my briefs on time, and more than a year had passed. I've learned in other cases that some appellate courts have waived the Anti-Terrorism Bill 'one-year time-bar.'

In February of 2000 I found a lump on my inner thigh, and immediately sought medical treatment. The University of Texas Medical Branch handles this for the federal correctional institution at Beaumont, Texas where I'm held. I went for treatment over thirty times from February 2000 through January 2003. At each of these appointments, no legitimate diagnosis was made, no medical treatment performed, and oftentimes treatment was refused.

By November 2002 the lump had grown to softball size and was extremely painful. Bureau of Prisons' medical staff, insisting that the tumor was a cyst, proceeded to lance, rupture, squeeze and cut the tumor out. Needless to say, the entire mass was not removed in this procedure, and quickly grew back to full size and very painful.

A prison official contacted my family and informed them the tumor was completely removed.

By January 2003 the tumor ruptured. Six hours after it broke open, I was admitted to the emergency room at University of Texas Medical Branch in Galveston.

The emergency room doctors told me that the best procedure would involve performing a pre-operative radiation treatment to shrink the size of the tumor (from softball to pea size), thus creating a barrier around the cancer cells. Such treatment would help prevent spread of the disease, making the operation less complicated and invasive.

The Bureau of Prisons (BoP) refused to authorize the recommended procedure,

suggesting, instead, an alternative method that would demand a radical, invasive surgical procedure due to the tumor's massive size. This would entail removal and rearranging of major muscles in my upper leg and would more than likely render the leg permanently damaged.

At first I refused the BoP's alternative and was informed that no other procedures would be administered on my behalf. With this type of 'take it or leave it' pressure, and under extreme mental anguish, with no other alternatives, I consented to this invasive surgery.

The doctor who treated me at the emergency room told me that the BoP did not want the pre-operative radiation-treatment alternative due to its cost. But the BoP's chosen alternative was going to exceed the costs of the recommended procedure due to the need for post-surgical radiation treatments.

The alteration to my upper leg was significant and permanent. No physical therapy or after-care was provided. The pain in my leg is severe, and I live daily with complications.

After surgery, prison staff lost or destroyed the entire on-going criminal and civil litigation regarding this case, and my full time college correspondence course materials are also missing.

I have 'hit the wall' with my grievance application, and realize that I may be opening myself to repercussions from BoP staff for pursuing this administrative remedy. I hope the public appreciates my dilemma and need.

## Scared straight programs flunk

**T**hirteen experts convened by the National Institute of Health agree that "boot camps and other 'get tough' programs for adolescents do not prevent criminal behavior, as intended, and may make the problem even worse," according to an *Associated Press* story, October 16, 2004. The panel of experts "reviewed the available scientific evidence to look for consensus on causes of youth violence and ways to prevent it."

"Programs that seek to prevent violence through fear and tough treatment do not work," the panel wrote in its final report. What does work, these experts contend, are programs offering intensive counseling for families and their at-risk children.

Panel member and chairman, Robert L. Johnson, M.D., said that the entire panel, after reviewing programs like DARE, concludes these programs should be scrapped. "Many communities are wasting a great deal of money on those types of programs," said Dr. Johnson.

According to the *AP* story, "Successful programs share a variety of characteristics. Among them: treatments last a year or longer, intensive clinical work with those at risk is included, and they take place outside schools and other institutional settings."



**Fraser Institute recommends marijuana legalization**

The Fraser Institute — an economics think-tank in Vancouver, British Columbia, Canada — has issued another report in a seemingly steady flow of studies condemning the basic premises of the global drug war. Titled, “*Marijuana Growth In British Columbia*” by Stephen T. Easton, the study demonstrates in clear language the futility of prohibition, and recommends full legalization.

According to the report, the underground marijuana industry in BC is worth almost \$7 billion in domestic use and exports (mostly to the U.S.) annually. Easton makes a compelling case for bringing that money into the legitimate economy (thereby removing \$7 billion from the underground ‘criminal’ market, with all that implies). He estimates that this could translate into potential revenues for the government of over \$2 billion.

The full report is available online at [www.fraserinstitute.ca/admin/books/files/Marijuana.pdf](http://www.fraserinstitute.ca/admin/books/files/Marijuana.pdf)

**Family executed for snitching**

In 2003, drug agents raided the home of Jaime and Katerina Resendez, in Berrien County, Georgia and found 138 pounds of marijuana, according to *The Atlanta Journal-Constitution*. The couple immediately cooperated with investigators, leading to the arrests of several drug dealers in Texas, and reportedly to the drug’s source in Mexico.

In early November, 2004, the couple was found shot to death execution-style in their home, along with the couple’s 3-year-old son, Juan Carlos; Katerina’s mother, Betty Watts, who lived nearby; and Liliana Aguilar, 30, who lived with the family. Remaining family members are questioning why authorities did not protect the couple in exchange for the help they gave in the drug case.

Berrien County Sheriff Jerry Brogdon, who arrested the couple and helped in the larger drug-dealing investigation, said he protected the couple as much as he could by not releasing their names after the drug bust. Officials say few informants receive much more protection than that.

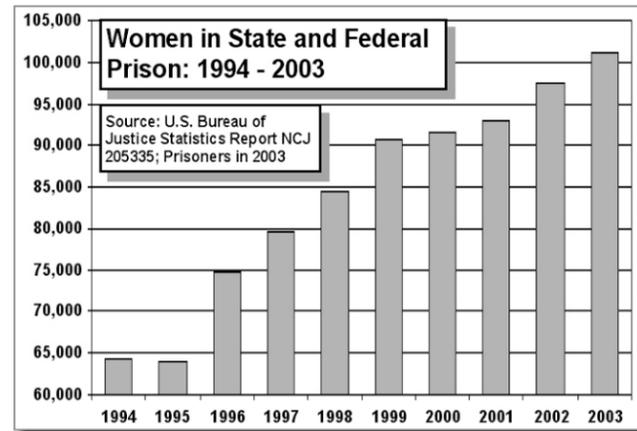
District Attorney Pete Skandalakis told the *Journal-Constitution* that authorities can do little to protect informants “other than keeping an eye on them and keep their names out of the public. The truth is there are so many informants, it would be impossible to protect them all.”

**More women behind bars**

The number of women in state and federal prisons is at an all-time high and growing fast, according to the government’s Bureau of Justice Statistics. There were 101,179 women in prisons last year, 3.6 percent more than in 2002. That marks the first time the women’s prison population has topped 100,000, and continues a trend of rapid growth.

Longer sentences, especially for drug crimes — and fewer prisoners granted parole or probation — are reported as the main reasons for the expanding population of female prisoners.

The full study, ‘*Prisoners in 2003*’, is available from the BJS at [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)



**Alleged traffickers may face execution**

Three Australian citizens may soon face the ultimate penalty under Indonesia’s increasingly bitter war on drugs. Facing death are Schapelle Leigh Corby, 27 (attempted smuggling of 4.1 kg of marijuana), Chris Currell, 37, (trying to send ephedrine pills and powder to Australia), and Chris Wardill, 27 (possession of four Ecstasy pills).

Amnesty International says it is concerned by Indonesia’s “increasing willingness” to execute criminals, particularly drug traffickers, adding it is alarmed by official statements that more criminals will be executed soon. Former justice minister Muladi reportedly has called the Indonesian court system a “judicial killing machine,” ready to bring down the hammer on hard-drug mules.

Sources: numerous wire service reports

**Needle exchange effective in prison communities**

A new study from the Montreal-based Canadian HIV/AIDS Legal Network concludes that prison needle exchange programs reduce risk behavior and disease (including HIV and Hep C) transmission; do not endanger staff or prisoner safety, and, in fact, make prisons safer places for both staff and inmates; do not increase drug use or injecting; have been successfully implemented in a wide variety of prison environments, in over 50 prisons in 6 countries (but not, of course, in the U.S.).

**World’s leading jailer has nearly 7 million**

A July 2004 report from the Bureau of Justice Statistics cements the reputation of the United States as World’s Leading Jailer. According to the BJS, the total number of

Americans incarcerated, on probation or parole has reached almost 7 million, or 3.2% of the total population. The full report, titled “*Probation and Parole in the United States, 2003*” (NCJ-205336) is available at: [www.ojp.usdoj.gov/bjs/abstract/ppus03.htm](http://www.ojp.usdoj.gov/bjs/abstract/ppus03.htm)

**SENTENCING ACT...CONTINUED FROM PAGE 5**

Congress inexplicably granted a number of after-the-fact extensions, the first in 1990 and the latest in 2002.” Plaintiffs Peltier and Kahl claim “these extensions were legally invalid and therefore inapplicable because, at the time they were made, the Parole Commission had already been abolished.”

Plaintiffs insist they “should have been given their release dates by October 11, 1989, minus sufficient time to exhaust appeals. Had the Parole Commission followed the congressional mandate, Peltier would have been released over 12 years ago.” Thus, Plaintiff’s cause for action and remedy begins with contention that “lacking in any statutory authority, the U.S. Parole Commission in fact illegally extended the terms of imprisonment of both men.”

The failure of the Parole Commission to give release dates to Peltier and Von Kahl violated the ex post facto, Bill of Attainder and due process clauses of the U.S. Constitution. Plaintiffs demand a permanent injunction preventing further misapplications of the SRA and its amendments by the government, enforcement of the rights created by the original section 235(b)(3) and, due to irreparable injuries suffered by Peltier and Von Kahl, compensatory and punitive damages as determined by a jury.

For information and offers to support, contact: Barry Bachrach, Esquire; Bowditch & Dewey, 311 Main Street, Worcester, MA 01615; (508) 926-3403 or [bbachrach@bowditch.com](mailto:bbachrach@bowditch.com)

**No justice, no peace, no drug war police**

There is no justice in the war on drugs,” chanted protesters in a Connecticut courtroom one day last June. People Against Injustice, Critical Resistance, Yale SLAM, along with other community groups staged a protest inside and outside the New Haven Courthouse during a hearing for one of PAI’s members, Shelton Tucker in June of 2004.

Like many Black and Latino youth arrested, in this case for possession of marijuana, Tucker insisted he was falsely accused — no drugs were found on him — and refused to plead guilty. And like most defendants in drug war cases, the judge threatened Tucker with a maximum sentence of eight years if a jury found him guilty. After several frustrating hearings, and with little hope for a fair trial, Tucker did what most accused do in these blackmail-type cases — pled guilty.

Protesters joined Shelton as he stood before the judge and — after Shelton was given a suspended sentence and probation — rose up in the courtroom with black gags over their mouths. Shelton’s mother, and a PAI member, displayed and carried the November Coalition’s banner “There is no justice in the war on drugs” as the support group left the courthouse.

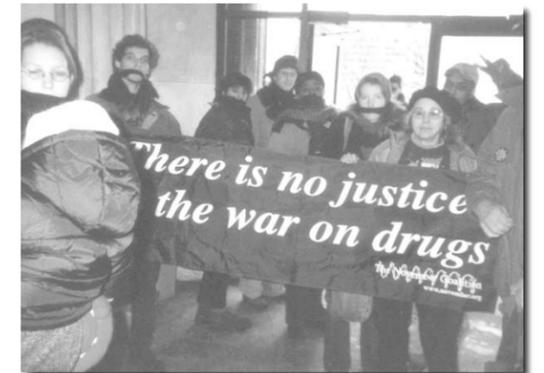
Outside the courthouse, the group spoke about the injustices that occur there on a daily basis, as spectators looked on. Cars honked their horns in support of the lively group, as they vowed to continue fighting for criminal justice and prison reform.

People Against Injustice activists Barbara Fair and Sally Joughin, along with other members and other community groups, organized and staged a Journey for Justice in New Haven in March 26, 2004. The Journey depicted the trail of injustices that occur every day in the city.

About 50 people gathered outside the New Haven Police Department on a hot, humid day holding signs with messages speaking of the 30-year-old, failed drug war in this country. The police station was the first of three stops.

Second was the County Courthouse, and then on to the Jail where thousands are being held in crowded conditions due to excessive bail. Most of these detainees are in jail due to drug charges. In Connecticut over 65% of the nearly 20,000 prisoners have been convicted of nonviolent crimes.

The Journey march included members of PAI and other grassroots’ organizations whose common mission is criminal justice and prison reform. A major concern of everyone is drug policy and enforcement reform. Others on this special Journey included family members of the confined, Yale



People Against Injustice and November Coalition members demonstrate inside the New Haven courthouse



University students, members of the International Socialist Organization, and other individual community activists.

Speeches were given at each site. Cars honked horns loudly in support of the marchers. Afterwards, everyone gathered at a local community center where youth came together

in dialogue about their experiences with police harassment, illegal searches, racial profiling and police misconduct within their community.

Behind such honest sharing to end the day, Journeyers went home aroused with the power of people united in righteous cause.

Thanks to Barbara Fair for this report and photos.



# After 20 years Reform Priorities of Washington State prisoners

*(Editor: I edited this article from an unsigned document written by Monroe prisoners, so I was told, and handed to me at a criminal justice conference in late-2003. Since 1981 Washington State legislation helped spawn federal guideline sentencing laws in 1984, in 2004 it's well past time for those most affected by prison sentences to offer insight and new direction after 20 years of practice in the State. Along with the lawsuit filed against the U.S. Department of Justice by Peltier and Von Kahl summarized on page 5, the evidence suggests Washington State and the federal government should get busy overhauling their conflicted sentencing and release laws.)*

After 20 years of harsh, mandatory sentencing for criminal convictions, the "ideal of rehabilitation" remains alive. It's alive within the majority of prisoners, and most would respond positively to opportunities to earn an early release.

Public opinion polls for years have recorded that the human impulse for betterment is still valued and upheld. Most taxpayers would still prefer to know that released prisoners have not been made worse by confinement—and that rehabilitation essentially means the released prisoner has earned the right through education, skill development, peer insistence and institutional approval to rejoin the greater community.

When the Sentencing Reform Act (SRA) was enacted in 1981, Washington State criminal law turned from 'indeterminate' to 'determinate' sentencing. This was a monumental change in penology, and by 1984 was described and codified in similar federal sentencing-reform language as "the most dramatic change in sentencing law and practice in our Nation's history."

Under the 'indeterminate' model, the Board of Prison Terms (or Parole Board) had jurisdiction and would decide when the person would be paroled and under what circumstances parole could be revoked. A trial judge would usually recommend a minimum term, but the chief responsibilities after pronouncement of sentence rested with the Parole Board.

In 1986 the Board of Prison Terms was re-designated as the Indeterminate Sentence Review Board (ISRB), assuming the responsibility of supervision, parole and revocation of those persons sentenced on felony convictions prior to July 1, 1984.

The Legislature contemplated phasing out the ISRB as more and more prisoners were sentenced under the SRA. In 1986 the Legislature agreed that ISRB would cease to exist on June 30, 1992, and that all the Board's

powers, functions, and duties involving people sentenced under the 'indeterminate' sentencing scheme would be transferred to the Superior Courts of Washington State.

Under this plan the sentencing judge of the county from which the person had been convicted and sentenced would assume (or re-assume if you like) jurisdiction over the imprisoned individual. The Department of Corrections was to assist Superior Court judges in assuming responsibility for the offender. Later Legislative decisions, however, delayed the termination of ISRB until 1998.

The Legislature expected ISRB to consider statements from the sentencing judge, county prosecutor, victim and investigative law enforcement officials when re-sentencing all ISRB subjects under SRA standards. The plan of lawmakers was, by 1998 or soon thereafter, to place all Washington State prisoners under one sentencing guidebook.

The unification of decisionmaking has yet to occur, and what's revealed by this indecision are glaring differences in how sentence lengths are determined. Some of the failure to unify parole judgments under ISRB may be placed on its weak annual budget of \$1 million which is allocated only to oversee those prisoners convicted prior to July 1, 1984. More glaring disparities in the handling of prisoners' sentence lengths are these general examples of unfairness contrasting ISRB and SRA prisoners:

- ISRB prisoners are scheduled for a hearing every several years before the Board to allow for pleas of release. This process is not applicable to SRA offenders because they are given 'determinate' release dates at sentencing, and therefore, there's no need for a Parole Board (ISRB, that is) hearing to determine release.
- Penalties for rule violations are applied differently between ISRB and SRA prisoners. ISRB prisoners can be denied release on earliest possible parole-eligibility date during their parole hearing—therefore facing no earlier prospect for release until the Board's next scheduled review, which is every 2-5 years. Prisoners under SRA lose 0-30 days of 'good time' credits for the same rule-violation.
- ISRB prisoners are sentenced to statutory maximum sentences, which gives the Board jurisdiction for an amount of time that, in many cases, virtually triples and quadruples the standard sentencing range for the same offense under the SRA guidelines. Two different sentences for identical crimes while the only difference is the year of conviction. Hence, the Legislature is still faced with the same set of seemingly intractable problems it had before.

If ISRB offenders were moved under the authority of SRA, and treated like every offender convicted after 1984, officials would quickly

**CONTINUED ON NEXT PAGE**



## From the Holler to the Hood

*Holler to the Hood* is a multi-media project designed to work for positive social change with people in economically depressed communities. We work in urban and rural settings using digital storytelling, cultural exchanges, radio, and media arts trainings. Holler is committed to creative problem solving, tackling issues of racial, cultural, and economic tension.

**Holler to the Hood**, 91 Madison Avenue, Whitesburg, KY 41858  
Ph: 606-633-0108, Web: [www.appalshop.org/h2h](http://www.appalshop.org/h2h), E-mail: [h2h@appalshop.org](mailto:h2h@appalshop.org)

But, he warned, if not done right, the assault on opium could be a disaster. "This requires a kind of blitzkrieg approach," Goutierre said, "not just in suppression, but in the provision of alternatives. We must measure the needs for alternative development and begin that process rather quickly, rather than just destroying the plants. If we are not careful, we could end up creating a self-fulfilling doomsday prophecy."

"This is not a good way to win hearts and minds," warned Tree, who has long experience monitoring the US effort to wipe out the Colombian coca and cocaine trade. There are many similarities between the two efforts, he said. But there is also one big difference: "In Colombia, it is primarily Colombian soldiers who take the heat. In Afghanistan, you have these well-fed, light-skinned soldiers from the US and Britain identified with destroying the livelihoods of these impoverished farmers. There are a lot of American soldiers on the ground in Afghanistan, and they will be targets."

*(Reprinted and edited for length from Drug Reform Coordinating Network (DRCNet) online weekly, The Drug War Chronicle, #363 for 11/19/04. For additional information and commentary online, see [www.stopthedrugwar.org](http://www.stopthedrugwar.org))*

### AFRICAN AMERICAN...CONTINUED FROM PAGE 1

the National Organization of Black Law Enforcement Executives; the Congressional Black Caucus Foundation, Inc.; and the National Black Caucus of State Legislators.

According to press releases, NAADPC is determined to stop ineffective policies that blindly push punishment as the only way to stop people from using drugs. NAADPC would prefer a public health approach that emphasizes the use of quality addiction treatment and other alternatives as appropriate in many drug law cases.

"Not only have they failed to reduce drug use, these warlike policies are doing irreparable harm to the African American community and do not advance public safety," insists Coalition National Executive Director Arthur L. Burnett, Sr., retired senior judge in the District of Columbia. "Who would have thought 20 years ago that today there would be more African American men serving time than there are pursuing college degrees? We need to confront the futility of fighting a public health problem solely with prison."

According to a 2002 report by the Justice Policy Institute, 791,600 African-American men at the end of 2000 were behind bars, with drug-related offenses the most common reason for incarceration — compared to 603,032 enrolled in a college or university. By contrast, in 1980, African American men in colleges and universities outnumbered those in prison by a ratio of more than 3 to 1.

## Expect increase in heroin addiction in US military

Award-winning writer Seymour M. Hersh wrote in his latest book, *Chain of Command*, that US Pentagon planners know, but ignore, the facts in UNODC reports. One senior non-governmental official told Hersh, "Everybody knows that the US military has the drug lords on the payroll. We've put them back in power. It's gone so terribly wrong." (Page 155, *Chain of Command*)

The warlords on the US payroll are expected to 'deliver Taliban and al Qaeda fighters,' claims Hersh. These same drug dealers are also delivering large quantities of heroin to US military personnel. The delivery 'mules' are local Afghans hired for menial work.

Several US military officials told Hersh that "the problem wasn't the Special Forces or Army combat units...but the 'logistical guys' — the truck drivers and the food and maintenance workers." It seems there's concern about heroin use in Marine units also, and that most of the drug trade is concentrated on the US military base at Bagram, near Kabul.

While the ordinary US voter will likely be very concerned about the use of narcotics among US troops, Hersh's source insists "the Pentagon's senior leadership has a head-in-the-sand attitude," with no desire to expose or enforce drug laws.

Can we begin asking now what will happen to addicted US soldiers returning from Afghanistan, or from Iraq? Will they get proper drug treatment from underfunded VA hospitals? Will many quit on their own, as did returning Vietnam soldiers? Will lawmakers take notice of these contradictory features of failed, prohibitionist US drug policy? Or maybe it is not failed policy after all, but useful policy trotted out for whatever political purpose is prescribed at the time.

The Coalition — co-chaired by Bailey and Kurt L. Schmoke, former mayor of the city of Baltimore and Dean of the Howard University School of Law — is focused on treatment, education and prevention programs. By contrast, criminal sanctions have proven ineffective at reducing drug use and prison recidivism, thus endangering community life and welfare as a result.

More to the point, the Coalition is fighting to make treatment available to the poor and uninsured and promoting prevention programs that have demonstrated an ability to steer young people away from drug use. It also is putting a spotlight on drug law enforcement activities that have a disproportionate impact on African Americans, other ethnic minorities, and poor white people.

As part of their mission, Coalition members plan to host a series of seminars across the country to spark a national dialogue on the need to approach addictions to drugs as a public health problem, first, and a criminal problem, second. The Coalition plans to develop targeted programs around pretrial diversion and therapeutic sentencing. Pilot programs promoting drug/alcohol prevention and treatment will be initiated in seven cities — Chicago, IL, Huntsville, AL, Flint, MI, Seattle, WA, Baltimore, MD, Washington, D.C., and a yet to be determined city in the U.S. Virgin Islands.

"What we hope to do is to shift public resources into education, prevention, treatment and effective research programs. We are

determined to focus on the health issue of drug-using people rather than criminalizing their behavior," said Clyde E. Bailey.

"Over time, effective treatment will reduce the number of crimes which would otherwise have been committed by these individuals. In time our communities will be safer, and we will have reduced the costs of law enforcement and courts that would have been futilely expended in connection with new crimes," said Arthur L. Burnett, Sr. in his founding remarks.

Kurt L. Schmoke noted that "this Coalition is the most broad-based group I have ever seen. I hope that it will move drug control policy in a more constructive direction, especially as it relates to people of color.

A major effort will focus on *therapeutic sentencing*, by which we mean educating judges to craft sentences for drug offenders that will influence them to be better people coming out of prison than they were going in."

NAADPC is a preeminent multidisciplinary team of African American professional organizations united to promote public health versus criminalization as a less expensive, more effective and humane approach to address the chronic societal problem of drug abuse.

For more information contact:

The Honorable Arthur L. Burnett, Sr., National Executive Director, National African American Drug Policy Coalition, Phone: 202-806-8211.

Source: The Black Collegian Magazine © 2004

# Bush administration to go after Afghan opium trade

In the three years since the US overthrew Afghanistan's Taliban regime in the wake of the 2001 attacks on New York and Washington, Afghanistan has reemerged as the world's leading opium producer. Last year, according to the United Nations Office on Drugs and Crime (UNODC), the country was responsible for 73% of global opium production, and in new estimates released in late-November, the UNODC is predicting a 64% increase in production over last year.

Despite an increasing chorus of protests from the European and Asian nations most affected by the massive outflow of opium and heroin from Afghanistan, US policymakers have paid little more than lip service to attempting to eradicate the trade. Given the huge role opium plays in the Afghan economy — amounting to half of the country's Gross Domestic Product by some accounts — and the ongoing insurgency by the ousted Taliban and their Al



Raw opium being harvested from poppies (AP photo)

Qaeda allies, that may have been a wise course, if one that contradicted broader US prohibitionist aims.

The *Washington Post* reported in late-November that after a summer-long review of the Afghan situation, the Bush administration has decided to try to break the back of the Afghan opium trade. According to the *Post*, the plan calls for greater eradication of poppy fields, alternative crop development, and increased law enforcement. While US troops will support the anti-drug effort, at the Pentagon's insistence they will not be directly involved in eradication, instead limiting their role to intelligence gathering, air support, and tightening security on the country's porous borders.

According to "officials" cited by the *Post*, the plan calls for shifting \$700 million from other programs into Afghan anti-drug efforts next year. That compares with \$123 million spent on similar efforts this year by the Pentagon and the State Department. That money will go to a special Afghan interdiction force to be trained by the British, as well as for other anti-drug police units. It will also help pay for a special task force of judges and prosecutors to handle drug prosecutions — a task force that the *Post* reported will be set up inside the Pol-e-Charki prison on the outskirts of Kabul.

While US troop levels are not expected to increase (at least because of the anti-opium campaign), Doug Wankel, coordinator for anti-drug activity at the US Embassy in Kabul, told the *Post* the Drug Enforcement Administration plans to increase the number of its agents in country from eight to as many as 30.

Despite its drug war rhetoric, the Bush administration's primary concern is not the welfare of English or Russian junkies, but the prospect that money from Afghanistan's massive opium trade is finding its way into the pockets of anti-US insurgents and renegade warlords. The US military should go in aggressively, said one congressional drug warrior. "Short-term, in order to eradicate the poppy and eliminate the income for those shooting at American soldiers, the US military is going to have to provide protection to those doing eradication," Rep. Mark Souder (R-IN), who chairs a Government Reform subcommittee on drug policy told the *Post*. "There is no other option."

While congressional drug warriors want the US military to be deeply involved in the effort, the military is not thrilled at the idea. Instead, they worry that going after the opium crop will only alienate Afghan peasants. "The last thing we want to do is have US forces running around the countryside doing this sort of thing," said Col. David Lamm, chief of staff for the US military command in Afghanistan. "That would change our relationship with the Afghan people, which right now is very positive," Lamm told the *Post*.

While the exact nature of the US military's relationship with the Afghan people may be open to debate, going after the Afghan drug trade now would indeed alter the relationship between them, according to experts consulted by DRCNet. "The problem is this. If we want to finish off Al Qaeda and the Taliban, we can't afford to

antagonize those elements of Afghan society involved in growing drug crops or other aspects of the drug trade," said Ted Galen Carpenter, vice president for defense and foreign policy studies at the Cato Institute. "To do so would drive a significant portion of the population into the armies of the Islamic radicals because we are jeopardizing their livelihood," Carpenter told DRCNet.

"The UN has estimated that 264,000 Afghan families are involved in opium growing," Carpenter pointed out, "and if you consider the extended family and clan structure there, about

six percent of the population is directly involved in opium growing. When you take into account the downstream activities of the Afghan drug trade, somewhere between 20% and 30% of the Afghan population is directly or indirectly involved. Asking the Afghan government to eradicate that trade is akin to asking the Japanese government to shut down its auto and steel industries. It would have a similar economic impact. No rational government would do that, yet that is what we are asking the Afghans to do."

Efforts to disrupt the Afghan drug trade will run up against market forces, said Sanho Tree, director of the Drug Policy Project for the Institute for Policy Studies. "Cultivation has increased markedly over last year," he told DRCNet, "and as a result, prices have fallen by two-thirds. Farmers who made about \$600 last year — doing quite well by Afghan standards — this year will make only about \$260. There is a glut on the market, prices are dropping, and now the US wants to start eradicating. What will happen? The supply will shrink, prices will go up, and guess what crop people will be planting more of?" said Tree.

American and Afghan authorities are damned if they do and damned if they don't, said Dr. Tom Goutierre, director of the Institute for Afghan Studies at the University of Nebraska-Omaha, one of the leading Afghan studies programs in the US. "Clearly, embarking on a program like this will have an impact on the national economy, as well as individuals, families, and regions," he told *DRCNet*. "But to not do something now will be tantamount to encouraging the continuing expansion of the

opium economy, and much of the challenge to the Karzai government is funded through this trade. If we want to assist the Karzai government in re-creating the Afghan State, we must recognize that

the opium trade is at the root of the problem."

For Goutierre, the solution lies in alternative development. "There are alternatives to the opium economy," he said, "and I don't just mean alternative crops. I don't know if there is any crop that can create as much revenue as the opium poppy, but we can look at basic skills training programs so people can be weaned from the drug economy and the militias. And if we can get reconstruction going, people who have those basic skills will be able to find alternative employment," he suggested.

CONTINUED ON NEXT PAGE

learn that many prisoners have already served the maximum time, measured by SRA guidelines — and would be or have been eligible for release. These are mostly older people who have been confined at least since 1984. This common sense observation ought to be adequate reason to release these older prisoners now, many of whom are overdue for release, and whose continued imprisonment cannot be justified by the state's budget overseers.

## Create new Committee and Review Board to oversee all prisoners

The Washington State Department of Corrections employs panels, review boards, unit team committees and case management personnel — all monitoring and evaluating release plans. Many of these state employment groupings serve the same purpose, overlap in responsibilities, and thus become excessive layers of administration with power limited to managing huge caseloads of prisoners with scarce resources and few rehabilitation programs.

During budget crises and times of extreme overcrowding is when pressured policymakers begin seeking solutions to problems of sentencing and confinement. The extreme conditions of overly long confinement are killing us slowly, day by day, in every insidious way. We're overdue for fair treatment, and our urgency is real.

What's needed immediately by executive decision is an oversight committee — a Committee and Review Board. This group would have powers to oversee all prisoners. This Committee would be authorized to recommend release of low-risk prisoners who took advantage of education, skill development and socialization and, except for death row prisoners, could be ordered released.

Implementation would provide accountability and remedy for prosecutorial abuse. A singular Review Board would have power to reduce unnecessary prison overcrowding and so save taxpayers from costly imprisonment of low-risk prisoners (e.g., the elderly, disabled or very ill) and new prison construction.

The new Committee and Review Board would be authorized to review, using all available facts, and decide which prisoners have earned early release, pose no threat to anyone and are, thus, eligible for return to the outside community. Projected savings from planned early releases under the Review Board's authority might in short time stabilize the Department of Corrections' budget. Building public support for such a major shift in Corrections' planning means all of us, inside and outside prison walls, must be thinking of social betterment that benefits all of us.

The ISRB has an annual budget of \$1 million. The Sentencing Guidelines Commission has an annual budget for 'truth in sentencing' projects and payment for additional public policy analysis. By creating, empowering and implementing the proposed Committee and Review Board, financial savings would be immediate. Continued success under Review Board authority would continue saving money because future expenses for prison construction would become unnecessary.

## Impose new 'earned, early release' formula for long-term prisoners.

"Good time" is a management tool in penology that's been around a long time. In simple terms it means that days are reduced from the end of a prisoner's ordered sentence for serving days of "good behavior" from the start of the sentence. Until 1989, each prisoner in Washington State's Department of Corrections was required to serve a minimum of 2/3 of his term in institutional custody. The 1/3 remaining is called "good time," and at that calendar date means that a prisoner is then eligible for conditional release—if no "good time" is lost because of institutional rule violations or lack of formal preparation for release.

If you are sentenced to prison for 10 years, nothing you do of a positive nature can lower your "good time" release date of 8 years, 6 months. The current 15% off for good behavior is not "earned," as in working for some reward. It's a benchmark only, changeable only if you break a prison rule or refuse "to program." A prisoner might lose all of his/her statutory "good time" and

thus serve the complete court-ordered sentence in secure institutions.

The general theory of earned, early release relies on the rehabilitative principle that most prisoners will try to cut short their time in prison by earning extra "good time" days beyond those now mandated by statute. Changes in state and federal law over the last 20 years under determinate-sentencing policies thwarted the idea that incentives for early release would motivate prisoners to follow the rules in custody, seek education and improve themselves.

A shift in attitude must turn public employees in corrections into servants who focus on helping imprisoned people successfully return to their families and communities. This implies a move away from discussions, legislation and policies relying on surveillance and punishment, to plans for a safer and just society.

There is much to be done. From communities in Washington State, and across the USA, must come cries for intimate involvement in decisions to release people from prison's close custody. All sentencing reforms must begin and end with community representation at a parole board's meetings.

## In Memoriam

Gary Webb, Pulitzer Prize-winning investigative reporter and author, was found dead in his home on Friday, December 10, 2004. An apparent suicide, Webb died of a gunshot wound to the head. He was 49.

Webb — author of the book *Dark Alliance: The CIA, the Contras, and the Crack Cocaine Explosion* — was among the first (along with Democratic candidate for president John Kerry) to unravel the insidious connections between the Reagan-Bush Administration, the CIA, the Nicaraguan Contras, and the crack cocaine "epidemic" of the mid 80s. His reporting led to the exposure of what is now known as the "Iran-Contra" scandal.

The beginnings of the book *Dark Alliance* were first published in The *San Jose Mercury News*, where they ignited a firestorm of controversy. The mainstream press pilloried Webb as a conspiracy nut, even though his investigations were largely vindicated by a later CIA report obtained under the Freedom of Information Act. Webb was soon forced to resign from the *Mercury News*.

Speaking on the radio show *Democracy Now!*, Webb's friend and fellow journalist Robert Parry, author of the book *Secrecy & Privilege: Rise of the Bush Dynasty from Watergate to Iraq*, offered this:

"Well, I think it's quite sad that this voice has been silenced. It was tragic and sad that the mainstream press reacted as it did. As I said to the *LA Times*:

'You're going to have a hard time dealing with this story, because the *Times* never even reported on the publication of the second volume of the CIA's report. It was that second volume that went through in great detail, really corroborating not just what Gary Webb had reported, but allegations and evidence that's far, far worse than what was in the *San Jose Mercury News* series.'

The far darker scandal went far higher up than anyone thought. The CIA evidence tracks the Contra cocaine problem into the White House, Ronald Reagan's White House. It tracks it into the CIA directly. That's what the evidence is. It's just tragic that the *LA Times* and other major publications cannot face the truth."

Two sons and a daughter survive Gary Webb.

May he rest in peace, and may his family find comfort knowing he tried to make the world a better place.



Gary Webb  
1955 - 2004



# Membership Report



If you're reading *The Razor Wire* for the first time, this Membership Report — including detailed discussion of activities in 2004 for longtime members — highlights the educational mission and history of November Coalition. Since its 1997 founding as a nonprofit organization, the Coalition has been publishing stories, analysis and commentary exposing the failed drug war — online for Internet-users at [www.november.org](http://www.november.org) and in the hard-copy *Razor Wire* — sharing and teaching the essentials of grassroots community activism.

From 1997 to the present, the Coalition first grew moderately, then exponentially, as the background graph on this page shows. Leading the reasons for continued growth are the heartfelt Wall stories, providing continuous exposure and a media resource — proof there's steady, sincere interest in the histories of imprisoned people.

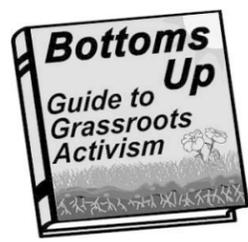
As membership increased, so did calls for reform, as well as public campaigns to protest drug war policies. By February 2000, the Coalition's 'Two Million, Too Many' national-vigil-project aroused international support and major media coverage of the two million prisoners held in the U.S. — a fact due primarily to drug-law enforcement.

Coalition members coordinated special events in the 2000 Philadelphia and Los Angeles Shadow Conventions, and by October 2000 the entire membership was recognized and awarded the *Letelier/Moffitt Human Rights Award*, honoring significant contributions in community organizing against the war on drugs. In addition to other awards, Coalition Director Nora Callahan shared the Robert C. Randall award in 2001, recognizing special achievements in grassroots activism.

Over the last three years, thousands of Coalition volunteers have held uncounted meetings, passed out reams of literature, rallied vigorously, and gathered signatures patiently on its *Petition for Relief from Drug War Injustice*, a call for return to parole for federal prisoners. Over 99,900 names have been filed to date, and early signs suggest some in Congress may respond in 2005 with proposed legislation on behalf of prisoners' issues; early release in particular.

Coalition staff traveled almost 30,000 miles in 2002-3, 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 was followed by recording the experience in the Coalition's online guidebook to community activism, *Bottoms Up*.



As indicated by the background graphic — [www.november.org](http://www.november.org) is an often-used resource. Online, anyone can begin to learn about drug war injustice, and what can be done to abolish laws that produce more harm than good.

*Bottom's Up* can guide a prisoner's elderly grandmother through steps of setting up an information table at local churches or public community meetings. A father may learn how to lead a meeting for the first time — and bring together friends and family to oppose harsh drug sentencing.

From September 2003 to October 2004, website traffic to [www.november.org](http://www.november.org) increased by 154%! Coalition headquarters moved to a spacious historic building with room to grow, and local volunteers helped beat back a county jail ballot-proposal. Nationally, numerous sentencing-reform bills at federal and state levels were introduced, and rehabilitation models in corrections are being dusted off for replacement of discredited determinate-sentencing schemes.



**Petition for Relief:**  
Almost 100,000 signatures collected!

Projects are prominent in the website, and people are invited to participate in numerous ways. Stories from prisoners' lives are always appreciated, and especially those about their loved one's struggles to survive — the letters and art of people in anguish, including the children.

Some of these stories gain special attention nationally when they're featured in film documentaries and news reports. In 2004, members' stories appeared in the August *Cosmo Girl* magazine.

The November Coalition Web Site  
[www.november.org](http://www.november.org)  
Files served per day; monthly average, showing trendline

# Retired corrections officer advocates for federal parole

(Editor: We spoke with Garry L. Jones by telephone after learning of his self-designed public advocacy for new federal parole legislation. Here's what he said to our questions.)

**RW:** Introduce yourself to *Razor Wire* readers, please, and tell us what you've been doing as a retired person.



**Jones:** To those who know me, I humbly present myself and extend warm greetings. To those who do not know me, I am Garry L. Jones, retired Federal Bureau of Prison's Lieutenant, and I hereby extend the same warm greetings to you.

After retirement from the Bureau, I've had the pleasure and honor of speaking out from the front lines, as a concerned citizen. In particular, I have been teaching about the injustice of the MIS/DISinformation of the mandatory minimum laws for crack/powder cocaine possession. I have been serving in retirement, unofficially for sure, as an advocate for just laws in re-invigorating or re-inventing an effective parole system — and making it retroactive.

**RW:** Should we be surprised or wary that a retired BoP Lieutenant would want to help prisoners out?

**Jones:** I should say right away that I do not have any friends or relatives who are incarcerated under the mandatory minimum guidelines. Therefore, I do not have a personal or hidden agenda. I just want to help fight for what is right.

**RW:** What happened in your career that stimulated new thinking about your job?

**Jones:** As you might assume, many events led me to think differently, but one stands out. I recall in October of 1995 when I was the S.O.R.T. Lieutenant at FCI Tallahassee when Congress refused to revise mandatory minimum laws and reinstate parole in the federal system. In my heart I knew it was not right what Congress had failed to do. That said, I have nothing against front-line Bureau employees because they don't make federal laws, but as a retired employee I am free to advocate for humane changes in those laws.

**RW:** What federal laws, in particular, do you want to see changed?

**Jones:** Number one on my list is the need for new parole legislation. You may recall that before Congresswoman Pasty Mink passed away some two years ago, she introduced H.R. 5296, a bill that would have revived federal parole. Sad to say, this proposal died with her unexpected death shortly thereafter. However, Congressman Danny Davis of Chicago has introduced a very similar bill, H.R. 4036.

**RW:** But aren't there problems with Davis' bill?

**Jones:** He introduced H.R.4036 late into the 108<sup>th</sup> session of Congress. It has some flaws in it, but I assure you that I and others are working hard to delete those flaws. When I say 'flaws,' I mean some of the language in the bill will not allow certain people to be eligible for parole. The bill also doesn't say anything about retroactivity for current prisoners, but what sense would there be to revive parole — but only for future prisoners?

**RW:** Have you been contacting others who may be willing to support legislation bringing back federal parole?

**Jones:** Yes I have. On October 16, 2004 I met with Congressman John Lewis in his Atlanta office, and requested support for H.R. 4036 by becoming a co-sponsor. He assured me that he would! At present we have two co-sponsors of this legislation: Congressman Charles Rangel, NY, and Congressman Bennie Thompson, MS.

Also, I received a letter from Dr. Mfume, President of NAACP, urging me to ask the organization to help underwrite this bill. In the next few months, I plan to set up a meeting with their leadership to argue for including H.R. 4036 in its National Platform.

**RW:** What do you say to loved ones of prisoners, particularly those disappointed in the outcome of the November election?

**Jones:** I'm pledging to stay on the front lines in the continuing campaign for a return to parole

I KNOW SOME FOLKS ARE DISAPPOINTED ABOUT HOW THE ELECTION TURNED OUT, BUT LET ME REMIND EVERYONE THAT THERE ARE REPUBLICANS WHO SUPPORT REINSTATING FEDERAL PAROLE, AND THERE ARE DEMOCRATS AGAINST REINSTATEMENT. THE GOAL IS TO GET BOTH PARTIES TO AGREE ON THE NEED FOR AN EFFECTIVE, HUMANE, EARNED, EARLY RELEASE SYSTEM FOR THE MAJORITY OF FEDERAL PRISONERS.

for federal prisoners. I know some folks are disappointed about how the election turned out, but let me remind everyone that there are Republicans who support reinstating federal

parole, and there are Democrats against reinstatement. The goal is to get both parties to agree on the need for an effective, humane, earned, early release system for the majority of federal prisoners.

As a voter, get to know the Member of Congress representing your area, and lobby him or her to co-sponsor H.R. 4036. You must convince your family and friends to make direct contact with the elected person representing you because he, she or a staff aide will listen to your concerns. Remember — they're just people like you.

**RW:** As a former prison employee, many readers will admire and welcome your sincere mission. How may people reach you and perhaps arrange for a visit with someone 'who's been there' and can speak from unique experience about prison, parole and reentry?

**Jones:** Thanks to November Coalition staff for this public exposure of my volunteer commitment as a retiree. I live on a fixed income and am using my own money for expenses of printing, phone, travel, lodging and other costs of running a small home-office, including an adequate computer.

I'd like to hear from anyone who wants to hear, or ask questions, about what I'm doing. You can reach me by telephone at (678) 358-6587, by mail at PO Box 366064, Atlanta, GA 30336, or via e-mail: [advocate4justice2004@yahoo.com](mailto:advocate4justice2004@yahoo.com)

# Drug war prisoners are 4% of the lifer population

Nearly 128,000 people are serving life sentences in state and federal prisons in the United States, and more than one-quarter of them are doing life without parole. The number of people doing life sentences has increased a whopping 83% in the past decade, even as the violent crime rate dropped 35% during that same period.

"Tough on crime" sentencing policies are the main reason for the dramatic increase, contends The Sentencing Project, the Washington, DC-based sentencing reform advocacy and research group that released the study. The group pointed specifically at mandatory minimum sentences and tougher parole and commutation policies.

Slightly more than 90% of lifers have been sentenced for violent crimes, 68% for murder, but drug offenders make up 4% of the lifer population, people 'doing time' for economic crimes make up 3.9%, and a mysterious "other" constitutes 2% of lifers.

Source: [www.sentencingproject.org/pdfs/lifers.pdf](http://www.sentencingproject.org/pdfs/lifers.pdf)

## The continued rehabilitation of rehabilitation

Ohio law professor Douglas A. Berman writes from his website on December 15<sup>th</sup> "that many states have recently taken a fresh look at rehabilitation in their criminal justice systems. Legislators in different states are doing this "primarily through elimination of some mandatory sentences and expanded treatment-centered alternatives to incarceration." The trend includes hard-nosed Texas policy-makers "caught up in this tangible modern shift from penal retribution toward rehabilitation."

Arizona officials are discussing opening new prison units that a state legislator says, "represent the first step in what we hope will be the increased focus on corrections and rehabilitation."

South Dakota is considering rehabilitation-focused recommendations of

a state task force, which called for state and local corrections' officials to "prioritize services for criminals with a chance of turning their lives around."

Budget concerns may be driving many of these developments, Berman speculates, "especially as we see traditional 'tough-on-crime' Republicans serving as leading proponents of this shift toward rehabilitation."

Professor Berman's extensive legal coverage of *Blakely* cases and more is online at [www.sentencing.typepad.com/sentencing\\_law\\_and\\_policy](http://www.sentencing.typepad.com/sentencing_law_and_policy)

(Our interview with Garry L. Jones, along with the piece by Tom Emigh on this page, illustrates rehabilitation's tangible resurgence within Federal BoP and California's DoC custodial staff —Editor.)

## Rehabilitate the state's inmates

By TOM EMIGH, CALIFORNIA DEPARTMENT OF CORRECTIONS

The California Department of Corrections (CDC) is passing through what has been described by some as a "perfect storm" of controversy and criticism. But I suspect that unless we look beyond our immediate political agendas and engage in an honest and deeper discussion of our current approach to crime and rehabilitation, this time will be remembered more as a tempest in a teapot than a perfect storm. It will also be remembered as a lost opportunity for meaningful change.

Seventeen years of working for CDC has convinced me that a few bad apples in the correctional culture did not create what Sen.

Jackie Speier (D-Hillsborough) decries as the "entrenched status quo." Instead, I have concluded that the problems we face are a direct result of our decision to treat prisons as human landfills in order to avoid the cost, controversy and

complexity of attempting to recycle broken lives. And while this has reduced problems and costs at the front end, we now face ever-escalating problems and costs at the back end.

The failure to talk about this dilemma in a meaningful way is the real 'code' of silence. How do you manage and reform criminals? Do we rehabilitate, punish or warehouse? And who will be held responsible if what we do doesn't work?

The much-talked-about 'code of silence' is an inmate code first and foremost, and lack of accountability lies at the heart of all criminal behavior. Not dealing with those problems at the inmate level allows them to spread like a contagion from inmates to staff. Make no mistake — inmate values do shape the correctional culture. Consider why it is that no correctional officer wants to be known as a

snitch or why the union recently said it wouldn't allow its members to be treated like punks. These are code words saturated with the values of the inmate subculture.

The idea of warehousing inmates is attractive since it creates the

impression that staff has distanced itself from the inmate culture. But the fact is that dehumanization is one of the main reasons for that culture, and one of its chief characteristics.

I HAVE CONCLUDED THAT THE PROBLEMS WE FACE ARE A DIRECT RESULT OF OUR DECISION TO TREAT PRISONS AS HUMAN LANDFILLS IN ORDER TO AVOID THE COST, CONTROVERSY AND COMPLEXITY OF ATTEMPTING TO RECYCLE BROKEN LIVES. AND WHILE THIS HAS REDUCED PROBLEMS AND COSTS AT THE FRONT END, WE NOW FACE EVER-ESCALATING PROBLEMS AND COSTS AT THE BACK END.

It is profoundly disturbing that two soldiers identified as instigating what happened at the Abu Ghraib prison in Iraq were correctional officers — but not, thank goodness, from California. Dehumanizing others can be habit forming.

Because CDC lacks a mandate to rehabilitate within the prisons, it can do nothing to reduce the risk to staff that must work with inmates, or to the public that must, in the end, live with them. In the endless conflict between rehabilitation and imprisonment, we are ignoring the obvious, namely the fact that the safest place to rehabilitate violent criminals may be in prison. But this will be true only if prisons are transformed into well-controlled, therapeutic environments staffed by employees with strong values who possess the skills to shape inmates, not be shaped by them. \*

Inmates can't really be warehoused, no matter how politically convenient that notion may be. They are living, breathing, active and generally dysfunctional human beings who must be constantly managed to avoid disaster. Ask anyone who lived next door to them before they went to prison. \*\*

When things go wrong, as they tend to do in prisons, people will conclude it must be because mean staff created a hostile atmosphere, or weak staff created a lenient atmosphere. Either way, it is the fault of staff. In this business it's hard to be a hero.

Unless there is an open discussion about how best to control and reform criminals, there is almost no chance that this perfect storm will generate enough energy or dialogue to even clear the air, much less change the landscape. So we just warehouse and leave it to the criminal subculture to set the tone of the prisons. As a result, staff must scramble to improvise survival strategies that invariably get them in trouble.

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## California guards' union under federal pressure

A federal judge in November 2004 opened an investigation into whether the California Prison Guards Union's contract with the State gives guards too much control over prison operations. The judge ordered the removal of union representatives from a use-of-force review committee at Pelican Bay State Prison.

The incident that sparked the judge's actions occurred last year when the Corrections Department's former director dropped an internal investigation of guard misconduct to appease the union. State officials, including those responsible for managing the ever-expanding prison system, have argued for years that the guards' union has grown in strength to the point that it is a "shadow government overseeing functions of the Department of Corrections," according to The *Santa Maria Times*

In 2003, the Coalition's Colville (WA) home office began making public-display items available online. People could electronically bring files (color photos, graphs & messages) from our server to their printers, assembling their own personalized public display. In the first eleven months of 2004, over 2,300 people downloaded a set of drug war graphs; over 6,000 downloaded "*Petitions for Relief*."

Large displays were assembled early 2004, and loaned out by request. Groups shared materials, keeping a dozen *4 That Got Away* Displays in circulation. If you want to 'table' for the November Coalition, and do not have skills or equipment to make your own display, staff and volunteers will build them, and will provide one for your group or family.

These are some of the activities that money-donations support. Even more vital, your donated, volunteer-help in spreading the word day by day, one by one, keeps November Coalition's mission in public view and its financial base expanding. Thank you — thank each other.

Looking at change around the country, starting in year 2002 there was almost no discussion about returning the federal prison system's method of parole abolished in the mid 1980's — not in organized advocacy groups — much less Congress. In last year alone, the following new bills were filed during the 108<sup>th</sup> Congressional Session:

S 2923: Enhanced Second Chance Act of 2004; S 2789: The Second Chance Act of 2004; HR 5103: Justice in Sentencing Act of 2004; HR 4676 funding reentry programs; HR 4752, The Literacy, Education, and Rehabilitation Act; HR 1433, the Ex-Offenders Voting Rights Act of 2003; HR 3575: The Federal Prison Bureau Nonviolent Offender Relief Act of 2003, and HR 4036: To Revive the System of Parole for Federal Prisoners.

Then came *Blakely v. Washington* in June 2004 — not unexpected. The earlier *Singleton* ruling, and others, morphed into *Apprendi*, and then to *Blakely*. A Supreme Court reaffirmation of Sixth Amendment constitutional protections

will mean changes in drug war prosecution at the federal level, and as many as 16 states will be drafting reforms due to this recent case.

November Coalition responded by preparing an online guide to *Blakely* and, mostly through volunteer efforts, develops links to credible legal resources, as well as posting 'breaking' news articles and editorials of note. Copies print from the Internet and reach a broad audience of prisoners, loved ones and others.

In late-2003, local volunteers began organizing a campaign to defeat the jail bond proposal that was, months afterward, rejected 2-to-1 by voters in the 2004 September Primary election. While continuing to work on the 'fail the jail' project into summer 2004, Coalition staff and volunteers hosted a conference that brought 20 leaders from around the country to meet each other, the board of directors, and discuss strategies and projects for the coming year.

Across Washington State, urban activists know it's important for their rural counterparts to establish themselves solidly in rural areas. Fashioning effective messages for rural, generally conservative, voters is a persistent challenge for the progressive, reform movement. With new prisons often built in impoverished, rural areas, it is now clear to prison moratorium activists, especially, why rural voters are key, and an important reason why the Coalition's home office is in a small town.

Early spring 2004 brought revelations of abuse in Iraq's Abu Ghraib prison. Coalition staff responded by creating the special website section that both national and international press used for pertinent and timely information. Members wrote editorials and linked abuse, high incarceration rates and the drug war, using the terrible moment for good advantage.

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The Four That Got Away Tabletop display

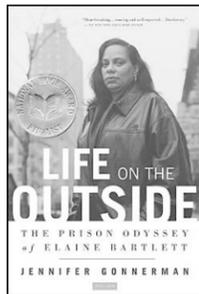
## The Petition for Relief from Drug War Injustice

We, the undersigned, support the November Coalition's demand for relief from drug war injustice through a revival of federal parole and/or a dramatic increase in "good-time" eligibility of prisoners in federal custody. Sign the *Petition* online, and download copies at [www.november.org](http://www.november.org)!

J F M A M J J A S O N D | J F M A M J J A S O N D | J F M A M J J A S O N D  
2002 | 2003 | 2004

## Book Review: Life on the Outside: The Prison Odyssey of Elaine Bartlett

BY JENNIFER GONNERMAN



**L**ife on the Outside tells the story of Elaine Bartlett, who spent sixteen years behind bars for selling cocaine — a first offense — under New York's controversial Rockefeller drug laws. The book opens on the morning of January 26, 2000 when she walks out of Bedford Hills prison. At 42, Elaine has virtually nothing: no money, no job, and no real home.

What she does have is a large and troubled family, including four children, who live in a decrepit housing project on the Lower East

Side. "I left one prison to come home to another," Elaine says. Over the next months, she clashes with her daughters, hunts for a job, visits her son and husband in prison, negotiates the rules of parole, and searches for a home of her own.

Beginning only a few years ago in earnest, the United States has now imprisoned more than two million people while making few preparations for their eventual release. Now these prisoners are coming home in record numbers, as unprepared for "life on the outside" as society is for them.

Jennifer Gonnerman calls attention to this mounting national crisis by crafting an intimate family portrait — a story of struggle and survival, guilt and forgiveness, loneliness and love.

Available through a local book store, or visit [www.lifeontheoutside.com](http://www.lifeontheoutside.com)

## Book Review: 15 to Life — How I Painted My Way to Freedom

BY ANTHONY PAPA WITH JENNIFER WYNN

**15 to Life** tells a rare adventure story: how a family man, railroaded by the subterfuge surrounding the War on Drugs, was able to earn an early release from prison and become a major activist against draconian drug laws.

Offered a chance to make a quick \$500, Anthony Papa agreed to deliver an envelope that was, instead, part of a police sting operation. His first and only criminal offense cost him a 15-year sentence to Sing-Sing, New York State's maximum-security prison. Papa contemplated suicide realizing the best years of his life would be spent clapped up in a six-foot cell.

One day he discovered painting. It gave him hope, and he found he had talent. When the Whitney Museum chose his painting to exhibit,

he suddenly received intense media attention. Governor Pataki got wind of his case, and after 12 hard years of time, Anthony Papa was granted clemency.

*15 to Life* is more than a dramatic story, more than an inside look at one of the most dangerous prisons in America today — it is also an important sociological work and a call for reform of the destructive laws of the War on Drugs.

Available through a local book store, or visit [www.feralhouse.com/15tolife.html](http://www.feralhouse.com/15tolife.html)



local meetings, tabling and speaking to the public. Dorothy Gaines of Mobile, Alabama was featured in *People Magazine* in the spring of 2004, as well as numerous small newspapers, TV news shows and periodicals.

Over the past year, staffers Nora Callahan and Chuck Armsbury traveled to Kalamazoo, MI, Seattle WA and Detroit, MI. College lectures and small meetings with organizers took place, plus public debates and many opportunities to share heartfelt concerns about over-reliance on law enforcement solutions to fix our country's drug problem.

## New York's 'Rocky' drug laws revised - real reform remains, say activists

**A**fter years of false starts, reform finally came to the notorious New York State Rockefeller Drug Laws in early December. In a last minute move on the legislative session's last day, both the state Assembly and Senate passed a compromise bill that would reduce sentences for some New York State drug offenders.

Drug reformers and their allies are less than satisfied because the sentencing bill failed to address what they have long been identifying as key concerns: the return of judicial discretion in sentencing and a means of diverting drug offenders from prison into treatment.

Still, the bill passed in Albany and, after signing by Gov. Pataki, will bring relief to some imprisoned under New York's drug laws.

The bill both reduces sentences for some drug law violators and increases the quantity-thresholds required to kick in tougher sentences. Under the Rockefeller laws, Class A-1 felons faced 15-to-life; now they will face 8-to-20. Weight thresholds for heroin, cocaine, and other illicit drugs have doubled from four ounces to eight ounces to trigger a Class A-1 charge, and two ounces to four ounces to trigger a Class A-II charge.

The bill also provides for persons currently serving the longest sentences to ask for court hearings to seek sentence reductions in line with the new sentencing ranges. Under the Rockefeller laws that were passed in the early 1970s, more than one hundred thousand New Yorkers have been imprisoned on drug charges, many with draconian 15-year-to-life sentences.

The Rockefellers laws created a harsh mandatory minimum sentencing template that has since spread across the country, significantly contributing to the immense number of people imprisoned in the United States.

Source: *The Drug War Chronicle*, [www.stopthedrugwar.org/chronicle](http://www.stopthedrugwar.org/chronicle)

Thank you, again, for supporting the work accomplished last year. In spite of a major election, war on 'terror' and in Iraq, the issue of drug war imprisonment continues to be hotly debated in communities and state legislatures.

We are poised to create a flurry of support for a congressional session likely to re-visit sentencing laws in 2005. We must demand retroactive, early release!

Your volunteer and financial support makes it all possible. If you haven't already become a member of November Coalition, don't hesitate to join now and help end drug war injustice today.

## MAIL CALL



Greetings, November Coalition. I have and will always enjoy reading the *Razor Wire*. Now, here is something I'm facing. I'm on supervised release with the USA from an FCI.

I was in my parole office the other day, and the officer was flipping through my files. Where I put a letter to the editor in the local paper, he has kept every one. In my files it's about 10 to 20, mostly about prison and no justice. This parole officer is always telling me I need a better job, that the one I have really doesn't pay enough.

But here's the new thing: I have to give up my DNA for federal files. My charge was a 922-gram possession of drugs plus felon-in-possession of firearms. That puts me in the category with murderers, bank robbers and child pedophiles.

I ask if I turn down the DNA deal, what would happen? I was told I would be sent back to FCI, and they would get it (DNA) the best way they can—even if they had to tie me down.

So I have no freedom of speech, because a parole officer monitors what I write. No privacy out here, still in an invisible prison. Just letting others know what they might expect when leaving FCIs.

Keep up the good work!  
Raydeen

I am a federal prisoner at FCI Phoenix (AZ) serving 16 years for selling one firearm and selling 1.7 grams of a controlled substance. I am also a member of November Coalition.

The reason I'm writing is to seek support for the pieces of proposed legislation sitting idle in House and Senate committees now. I'm sure more bills will be proposed. Right now I can see a lot of prisoners are not aware of the proposed bills, or the avenues to take in order to get our loved ones to write—to urge our lawmakers to remedy the injustice of federal sentences — and to write letters to newspaper editors on relevant topics.

Many men that I know in here are not aware of what one letter can do to help gather attention of lawmakers. I know we can't do it alone; we need prisoners, loved ones and all citizens to help with the movement of prison reform.

I could use some rough drafts of tips on writing to editors and representatives and congressmen. I need more insight on writing about our topics. Please provide me with any materials I may provide to the prisoners for passing on to their families for learning.

I support what you all are doing — just some advice, guidance and direction would be good for me.  
Adam Miranda

**"The degree of  
civilization in a society  
can be judged by  
entering its prisons" —  
Fyodor Dostoyevsky**

## Getting your Message Through is Your Highest Priority

BY WILLIAM D. MCCOLL, DIRECTOR OF NATIONAL AFFAIRS, THE LINDESMITH CENTER -  
DRUG POLICY FOUNDATION, WASHINGTON D.C. (2001)

**A**s 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 11<sup>th</sup>, 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.

(Editor — Other help with writing, public presentations, press releases and more is available for viewing and downloading from Bottoms Up, at [www.november.org](http://www.november.org).)

Get The Facts  
DrugWarFacts.org

My name is yanelly I am all to ready 10 years old. I'm going to Elementary School in Dallas TX. When my mommie left me I was 4 yrs old i'm very sad because my mom is still in prison. I want to know why that lady who killed her 2 kids and didn't charge her with nothing and my mom did not sell drugs and the judge gave her 10 yrs and took her away from me.  
I have 2 brothers and 2 sisters. Including me 5 kids. When my mom left my baby sister was 6 weeks old and now she is five and want her home and is there anyway that you can help her get in home soon?