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

What is The November Coalition?

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

The coalition provides forums for concerned citizens and policymakers to develop strategies to deal with the problems created by the War on Drugs. The coalition works to educate and activate colleagues about the social and economic impact of overcriminalization of drug offenses, and to criticize the United States for engaging in the War on Drugs.

The coalition supports beneficial legislation and strengthens federal, state, and community policies which prevent, deter, and treat drug abuse and addictions. The coalition also works to make drug policies a larger part of the public debate on drug-related issues.

The coalition is committed to making the War on Drugs an issue that is considered seriously by policymakers, advocates, and the public. The goal of the coalition is to make a safer country and a safer world.

See page 6
The disintegration of this system, day by day and year by year, and the movement toward mass incarceration, with very little attention being paid to the prison guards or the prison administration or meaningful avenues of re- entry for those released. You’d think the purpose of the last 40 years of free could do better than create prisons for profit.

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

Once the need was the first priority of the new Director of the Office of National Drug Control Policy. Gil Kerlikowske didn’t want to be called a “Drug Czar” either. I won’t bemoan mere attitudinal changes, but with the declaration of a drug ‘war’ became brutal drug war laws. They are still on the books, and a slew of constitutional protections have been pilfered away, and cherished principles must be restored before ‘faith in governance’ returns.

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

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

In Struggle,

By Nora Callahan

"The disintegration of this system, day by day and year by year, and the movement toward mass incarceration, with very little attention being paid to the prison guards or the prison administration or meaningful avenues of re-entry for those released. You’d think the purpose of the last 40 years of free could do better than create prisons for profit."

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and like many big businesses, the bottom line is the truth: prisons are just another big business, because I am a part of it, because we are all a part of it. So fed up and utterly disgusted with this system of prisons.

Wisconsin. For almost 15 years, I have had to finish up their business. They are still there, with my passion.

New Prison project, and I am willing to fight all the way. I feel that our mandatory sentences are ridiculous. There is no benefit to anyone
doing a man in prison for a nonviolent offense.

sentenced to prison being treated worse than animals. The ASPCA would not allow
to jury the inhumane treatment to an animal — why is our justice system doing it?

I will work my hardest to get you noticed, and help in any way possible to stop this injustice. Please inform me what I need to do. Thank you for your time and dedication to the worthy goal of justice.

Cynthia Ramirez, El Paso, Texas

The Current Federal Sentencing System continues to be a target for criticism from judges, academics, and attorneys across our nation. The criticism ranges from concerns about mandatory minimums to the use of acquired conduct in sentencing decisions.


I am a student earning my masters degree in Wisconsin. I have studied the history of drug war injustice. I have worked to end drug war injustice. I was an active member of the pipeline Coalition. Now I am a prisoner. I have enclosed at least $10.00 (money order or check, no cash) and I am a prisoner. I have enclosed an additional $10.00.

Dear November Coalition

I am incarcerated in the state of Wisconsin. For almost 15 years, I have had to sit on the sidelines, watching the ‘Prison Boom’ continue to grow and destroy more and more families and communities. I am so fed up and utterly disgusted with this system of prisons.

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

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

It pains me daily to know that yet another generation will fail to get the greed of this system. Prisons are equal opportunity destroyers. If I can be of any assistance to your organization, please let me know. I don’t have much to offer, but I will give you my mind and my passion.

Respectfully,
Rashida A. Whitehead, New Lisbon, WI

What can I do to help besides the obvious? I am a paralegal since 1989 after a motorcycle accident. I would like to do something that doesn’t take a lot of time and a lot of reading which letters writing which very little good. I do love to shake up the world.

Del Roberts (We pointed Del towards Bottoms Up: A Guide for Prisons and Their Communities on our website at www.november.org/BottomsUp)

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

The many sentences under the new guidelines of 1983 have been receiving shorter sentences; many have served their time and are home already, while inmates under the old parole system are still serving time because the commission has never parole their minds.

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

I pray someone will help us, the families of those3e.

Jad Evans, Florida

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

My case is a good example, unusual only that I was better educated than most ex-cons. I have served 17 years under the new Prison Act, with 10 years of Supervised Release, and a $25,000 fine.

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

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Notably, decriminalization has become increasingly popular in Portugal since 2001. Except for some far-right politicians, very few domestic political factions are agitating for a repeal of the decriminalization law. And while there is a widespread perception that bureaucratic changes need to be made to Portugal’s decriminalization framework to make it more efficient and effective, there is no real debate about whether drugs should once again be criminalized. In Portugal, the nightmare scenarios touted by preen-drug control denunciations — from rampant drug use among the young to the transformation of Lisbon into a haven for “drug tourists” — have not materialized.

The data show that, judged by virtually every metric, the Portuguese decriminalization framework has failed to meet its supposed goals. Within this success less-self-evident-lessons that should guide drug policy debates around the world.


In 11 U.S. Prisoners Serving Life Sentences
A new report from The Sentencing Project in July finds a record 140,610 individuals are now serving life sentences in state and federal prisons. Life sentences for drugs and violent crimes were imposed at the time of the crime. In addition, 29% of persons serving a life sentence (41,005) have been sentenced for drug offenses. Of these, 77% were juveniles at the time of the crime. No: The Expanding Use of Life Sentences in America represents the first nationwide collection of life sentence data documenting racial, ethnicity and gender disparities. Even more disturbing, the report reveals that overwhelming racial and ethnic disparities in the allocation of life sentences: 66% of all persons sentenced for non-white, and 77% of juveniles serving life sentences are non-white.

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

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

The Sentencing Project calls for the elimination of life sentences as a default penalty and restoring discretion to parole boards to determine sentences in specific cases. It also recommends that individuals serving parole-eligible life sentences be properly prepared for reentry back into society.

The full report is available at www.sentencingproject.org

Drug Policy experts attribute those positive changes in Portugal to the medical marijuana case of Richard Nixon labeled drugs "public enemy number one" and vowed all-out war on them he was in truth declaring war on us, the citizenry of the United States — especially the young, the poor, and people of color.

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

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

Warm regards,
Norm

US Buries WHO Cocaine Report

In the early 90s, the UN World Health Organization (WHO) and United Nations Inter- national Crime and Justice Research Institute (UNICRI) completed the largest study ever undertaken on the use of coca and cocaine. The WHO document concluded that coca use has contributed to the overreliance on law enforcement programs is seen as a desirable counterbalance of more humane, compassionate responses actually contribute to the development of health-emphasize punitive drug control measures may national and local approaches which over-

Unfortunately (and predictably), under pressure from the United States, it was never published, when it became clear its findings were in direct conflict with the myths, stereotypes and propaganda that prop up the War on Drugs. Last month, at the 19th Session of the United Nations Commission on Narcotic Drugs (CND), just two months later, the US representative to WHO had this to say: “The United States Government had been surprised to note that the package seemed to make a case for the positive uses of cocaine, claiming that use of the coca leaf did not lead to noticeable damage to mental or physical health. In the positive health effects of coca leaf chewing might be transferable from traditional settings to other countries and cultures, and that coca production provided financial assistance to peasants.”

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

It’s easy to see why the US would be so opposed to the study being published as it not only challenges commonly accepted stereotypes about cocaine use, but it is highly critical of a number of US-backed policies. The report specifically highlighted how mass incarceration and prohibition policies are not working and that alternatives need to be explored. It would also force the US to acknowledge the fact that coca production has been transferred to other countries and cultures, and that coca production provided financial assistance to peasants...

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

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

Find the WHO Cocaine Project Briefing Kit and associated documents at: www.tdpf.org.uk
docs/coco Therapy

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

Drug Decrim Resounding Success in Portugal

On July 1, 2001, a nationwide law in Portugal took effect that decriminalized all non-narcotic cocaine and THC. Under the new legal framework, all drugs were “decriminalized,” “not legalized.” Thus, drug users for personal use, and drug possession itself are still legally prohibited, but violations of those prohibitions are deemed to be civil offenses and administrative sanctions are removed completely from the criminal realm. Drug trafficking continues to be prosecuted as a criminal offense.

The political consensus in favor of decriminalization is un unresolved in lights due to relevant empirical data. Those data indicate that decriminalization has had no adverse effect on drug usage rates in Portugal. In numerous categories, are now among the lowest in the EU, particularly when compared with stringent enforcement policies in other regimes. Although postdecriminalization usage rates have remained roughly the same or even decreased slightly when compared with other EU states, drug-related pathways — such as sexually transmitted diseases due to drug use — have decreased dramatically. Drug policy experts attribute those positive changes in Portugal to the medical marijuana case of Richard Nixon labeled drugs "public enemy number one" and vowed all-out war on them he was in truth declaring war on us, the citizenry of the United States — especially the young, the poor, and people of color.

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

Warm regards,
Norm

Norm Stamer was Gil Kerlikowske’s immediate predecessor as Seattle’s chief of police, having served from 1994-2000. Visit LEAP online at www.leap.org
Let us take a look at several facts:

- In 2008, nearly 2.5 million people were in state and federal prisons and local jails.
- About 50% of those incarcerated are black, while only 13% of the adult population is black.
- Owing to racial disparities, black and Hispanic inmate populations overstate the involvement of these communities in drug sales and manufacturing.
- Drug-related offenses remain the leading reason for incarceration.
- The United States leads the world in incarceration rates.

These points highlight the disproportionate impact of the criminal justice system on communities of color and the need for systemic reform to address systemic racism and reduce incarceration rates.

**Note:** The text above is a summary of the article and does not include all the details. Readers are encouraged to read the original article for a comprehensive understanding.
Judic Moves HR 3245 in Big Step to End 23 Years of Coercion, Sentencing Disparity

By LAUREN VICTORIA BURKE, CREW of 42 Blog

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

Uncomplicated. But then came word Rep. Sheila Jackson Lee was thinking of offering 10 minutes beforehand, she didn’t offer any amendments to the Scott bill. She did contribute a cryptic and pointed request of her desire to work closely and “collaborate” together in the future with Rep. Scott. One has to wonder at this point what her issue was, but the bottom line is HR 3245 passed and was reported out of the committee by a vote of 16 to 9 and voted out in the House. Who needs the Republicans? (http://commons.freshfields.com/)

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


Victoria Burke has been covering Capitol Hill since 1999 and has worked for the Senate Democratic Policy Committee, ABC News, USA Today, Common Dreams, the Washington Post and The Hill newspaper, and has covered 9 political conventions. She also owns WDCPIX.COM photo service. You can contact her at burke07@gmail.com.

What is the “Crew of 42” Blog?

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

Lauren Victoria Burke describes this reprinted blog (located online at www.crowed62.blogspot.com) as following “the march of legislation brought forth by members of the Congressional Black Caucus (CBC) in the 111th Congress at the dawn of the Obama era. No group of 42 individuals thinks and acts as a monolith, but this blog will effortlessly place a spotlight on that. The CBC is a vibrant example of individuals forging ahead simultaneously while sixty-two others above, the group united at the core of a legislative purpose. They 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’re interested in 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 get back to their voices. Give some thought to how you can successfully reestablish lines of communication. Whatever you do, the very first rule of lobbying (well at least up until now) is to 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. Though subjects may lapse into one of the three trivia-driven categories above, the crew of 42 has been covering Capitol Hill since 1999 and has worked for the Senate Democratic Policy Committee, ABC News, USA Today, Common Dreams, the Washington Post and The Hill newspaper, and has covered 9 political conventions. She also owns WDCPIX.COM photo service. You can contact her at burke07@gmail.com.

Getting Your Message Through is Your Highest Priority

As a professional lobbyist, I would like to make some suggestions about how to respond to an offensive letter from a legislator, 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, will allow them to dismiss your. 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 legislators, then 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 legislator? 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.

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The Reentry Struggles Of Kathryn Elwood

BY CHUCK ARMSBURY

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

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

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

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

It was a gathering of some of the most committed leaders in the movement to and the US War on Drugs which began four decades ago under Richard Nixon’s administration and accelerated rapidly in the 1980s under Ronald Reagan’s reign. In early 1970s there were 1.4 million people addicted to drugs. In 2009, forty years later, there are 14 million people addicted to drugs; prohibited drugs are cheaper, made more accessible and purer than 40 years ago, motivating activists to challenge all validity of the war on drugs. Reliable research now reports that 1.5 million Americans are arrested every year for drug law offenses, and 75% of those arrests are for simple possession of marijuana. The war on drugs is the main feeder to an exploding prison system that has become one of the fastest growing industries in this country. America incarcerates more of its citizens than any nation on the planet. No proportion of the US prison population has grown faster than African Americans. The greatest racial disparity is seen nationally among men ages 25-29 where Whites are incarcerated at the rate of 1,685 per 100,000, Latinos at 3,192 per 100,000 and African Americans an astounding 11,695 per 100,000. Today, there are 7 million Americans incarcerated, on parole or probation.

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

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

(Editor’s Note: Barbara Fair, director of People Against Injustice, steadfast criminal justice reformer and longtime November volunteer, lost her mother in late July 2009. The November Coalition extends our heartfelt sympathies to Barbara and her family.)
L
ike the stages people who experience grief due to a personal tragedy pass through, people concerned about modifying American drug policies have dialed through these five stages since Barack Obama was elected President of the United States.

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

2. Anxiety. During the run-up to Obama's selection of a Drug Czar, the administration was full of optimism. An administration member mentioned was Jim Ramsdell, a 51-year-old mother of five.

3. Disillusionment. But, from the start, Kerlikowske sounded like anything but a drug reformer. Shortly after his installment as Drug Czar, Kerlikowske officially announced that any type of drug decriminalization would be a "white flag" and that the "legalization vocabulary doesn't exist for me" and that it didn't exist in President Obama's vocabulary. Since then, Kerlikowske has led efforts to forge ahead on drug reforms and policy and Obama's and Attorney General Eric Holder's statements. Kerlikowske has consistently maintained that marijuana is "illicit" and illegal. In all, Kerlikowske's orientation towards drug policy seems like, well, a cop's. And yet he seems to reflect Obama's position on reform.

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

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

A more realistic scenario is that the President — facing opposition to his key policies from not only red states and hard core Republicans, but increasingly also independent voters and moderate Democrats — is unwilling to take a stand on drug reform. Liberalization policies towards currently illicit drugs would make Americans feel simmerly alienated — even as young and old Americans are turning more and more to prescription pharmaceuticals and over-thecounter highs (and lows), so that there is increasingly little space between substances deemed "illicit" and "legal."

But Obama is not committed enough to drug policy reform to incur the symbolism taking any risks with federal law enforcement or legalization would convey. Can you imagine what the Congressional hearings, town halls, and thousands of people calling "I want my country back" would be like if he tried? American prudery about drugs, alcohol and whatever else will not be reversed any time soon.

Source: Huffington Post (US)
California May Have Tough Battle Ahead if It Appeals Order to Reduce Prison Population

By CHEY C. CALVO, MAYOR OF BREVIN HEIGHTS, MD

The Day the SWAT Team Came Crashing Through My Door

By HEATHER C. ALVAREZ, Former Prisoner

No Risk in Hiring Ex-Offenders

A study by the Justice Department concluded in early 2009 that the practice of hiring former prisoners as security guards posed no greater risk to employees than hiring workers who had never been incarcerated. In a review of research conducted in 2008, the study found that having a criminal history did not increase the risk of violence or other criminal activity among employees.

The study says ongoing research continues to explore employers' concerns about hiring former offenders. With more than 600,000 people expected to be released from prison this year, some criminal justice analysts say the research marks an important step in changing the perception that the criminal justice system is a "write-off."
The fall of the Bush presidency, the announcement that were soon to come: the long list of pardons for administration officials at risk of prosecution. GOP polls jumped as a ray of hope for the many nonviolent lifers who see the advent of the Obama presidency. On the night of the new president's inauguration, and his immediate action toward closing the military prison at Guantanamo Bay are the large-scale release of Daniels for ‘good behavior’ of a nonviolent offender serving three life sentences in California. ‘In this first week in office he talked about closing down Gitmo,’ Metz told Truthout. ‘So, he’s got a plan; it’s just that the people in his inner circle don’t like those policies there, so, he’s going to do something that I look at as a growing possibility for me. Although he’s got a long way to go around getting to take care of everything he has to do — he’s on the right path.’ Metz says that he’d like to see the president pardon the people who are still in the US judicial system with lengthy sentences like the President pardons.

As the Obama administration comes into its own, federal prisoners and justice policy experts alike are hoping he’ll resume the presidential pardon, returning to its intended position as a critical piece of the puzzle of mass incarceration.

Pardon’s Potential

Pardon was not originally intended as a backdoor exit for the president’s convicted friends. According to a recent Congressional Research Service report, the power to grant clemency was included in the Constitution to make room for individuals who serve back-of-the-line. James, indeed, of the original Supreme Court justices, stated in an address, ‘There may be instances here, through a mistake or in the letter of the law, peculiar circumstances in his case, let him be entitled to mercy.”

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

“The fact that the federal sentencing scheme assigns a collateral role to pardon, if only by default, gives it the capability to provide safeguards against a look at sentences that have become final, or to release a federal offender from the collateral punishment scheme,” the court wrote in its 2007 report, Rainiering the Presidential Pardon Power: A Public Law System that Seeks to Limit the Executive’s Power to do justice, but ours does.”

Pardoning criminals like Metz, or Jones could cast a stark light on all prisoners serving time for nonviolent drug offenses, and develop a new administration’s priorities.

The importance of pardon policy has played a role in raising awareness of shortcomings in the law in the context of a particular case, ‘Love writes. ‘The possibility of pardon is an open question, and the administration’s new, drug-focused agenda is likely to further put the issue on the political agenda.’

A related issue involves the disfavored discourse of control and procedural reform of the administration.

Obama already has played a policy role in raising awareness of shortcomings in the law in the context of a particular case, ‘Love writes. ‘The possibility of pardon is an open question, and the administration’s new, drug-focused agenda is likely to further put the issue on the political agenda.’

Pardoning prisoners like Metz, or Jones could cast a stark light on all prisoners serving time for nonviolent drug offenses, and develop an approach to a large group. The theoretically, the president could pardon all prisoners serving time for marijuana possession, or commute the sentences of all nonviolent drug offenders who have served more than 10 years.

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

The pardon’s use with the power to pardon can play an important role in revealing the importance of pardons, or commutations of sentences for drug offenders who have served more than 10 years.

According to Norm Stamper, who believes the criminal justice system is broken, the drug war has been so significant. The day after Obama’s inauguration, Stamper was preparing to return to the Washington, DC, area in order to work on a new book covering the drug war. But a month later, he was back in Washington, working on the creation of more drug and mental health services such as housing, family counseling and addiction treatment. Support is also growing for the idea that, if done right, pardon power can be used to bring justice to the criminal justice system.

The pardon was one of the architects of these laws — which are being used to imprison huge numbers of people for drug offenses.

The pardon is a powerful tool that the administration is likely to use. Of course, there will be political pressures to avoid pardoning prisoners for drug offenses. But the need for reform is so great, and the opportunity to use pardons to advance the cause of justice is so clear, that it is likely to happen.

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The War Against the ‘War on Drugs’

BY SASHA ABRAMSKY

that old adage still holds true, then the nation may soon see a gradual backpedaling from the criminalization of drug use and wholesale incarceration in recent decades. For the moment, the state in which the issue is in play is the state of California, and the issue of parole and clemency is coming to the fore in.wholesale incarceration

July 2009 — The Nation (US)

Asmemblyman Tom Ammiano, a former San Francisco city councilman, is pushing just such a bill in the State Legislature. Yes, we want to levy fines on businesses applying for marijuana licenses and we want to charge buyers a sales tax. Do it properly, and the state could reap about $1.3 billion a year, Ammiano has estimated. ‘Marijuana is so easily and widely available that it will be taxed out of existence,’ he says. Is it really unfair to ask foruser friendly for more than quintupled its prison population — about 55,000 inmates — to those conditions for those remaining behind bars.

Schwarzenegger adamantly opposed that many of these see few stories were featured and it was difficult to get the media in some way,’ Murlowski told 60

In the meantime, as the pardon process shuffles along, as you could expect for a Nigerian.... Unfortunately, the system is, the better the chances of relief,” Murlowski said. “It sat on somebody’s desk for a long time. It’s not providing sufficient staff to review applications,” Murlowski told the Chronicle. “There were thousands of cases as deserving, but cases...” Murlowski notes, such a move could prove “political suicide” in a country where truth is. “I think Clinton picked my case because there wasn’t a lot of pressure on her from office following accusations of racism. A report by the department’s inspector general stated that... media in some way,” Murlowski told 60. “All were drug law violators were worthy of relief after the new administration[.]”

The November Coalition: The We Believe Group: www.november.org

Maya Schenwar is an editor and reporter for Truthout. She was featured on PBS’s Frontline and interviewed on NPR. Her case became one of the “exemptions.”

However, even a media spotlight doesn’t guarantee a second look. The November Coalition, which has long been underfunded and underfunded. Clemency and pardon requests go through an information bottleneck that is so wide as to make it appear, at times, that intelligent criminal justice system reform, which has been the cornerstone of the movement to halt the decline in re-entry infrastructure.

In short, it looks like California will go about a necessary scaling back of the correctional system exactly the wrong way. But how grievous this problem is and how urgent it is to address the issue, at least they recognize that the movement to halt the decline in re-entry infrastructure.

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I would like to thank you, Chairman Specter, and Ranking Member Gramm for the opportunity to speak today and for cosponsoring the National Criminal Justice Commission Act of 2009. I know full well my own work in this area over many many years and appreciate your support in this endeavor.

I look forward to continuing to work with both the Subcommittee on Crime and Drugs and the Judiciary Committee to move this bill forward.

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

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

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

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

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

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

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

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

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

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

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

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

The scope of the problem is vast: we have 5% of the world’s population but 25% of the world’s known prison population. 7.3 million Americans are incarcerated, on probation or on parole. 2.3 million Americans are in prison — five times the world’s average incarceration rate. From early in the last century until the 1980s, the number of people in prison hovered below 500,000. In the 1980s it began to skyrocket. The elephant in the room in many discussions on the criminal justice system is the sharp increase in drug incarceration over the past three decades. Incarcerated drug offenders have soared 1200% since 1980, up from 41,000 to 500,000 by 2008. A significant percentage of persons incarcerated for drug offenses have no history of violence or high-level drug activity.

Four times as many mentally ill people are in prisons than in mental health hospitals, roughly 150,000 compared to 80,000.

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

Connections officers and offenders face dire conditions in many overcrowded and violent prisons. The prison system offers limited opportunities for drug activity. African Americans are 12% of the U.S. population, 14% of monthly drug users, yet are 37% of those arrested on drug charges. 59% of those convicted on drug charges, 74% of drug offenders sentenced to prison.

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What is the War on Drugs Costing Us?

September 11, 2009, St. Petersburg, FL

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