

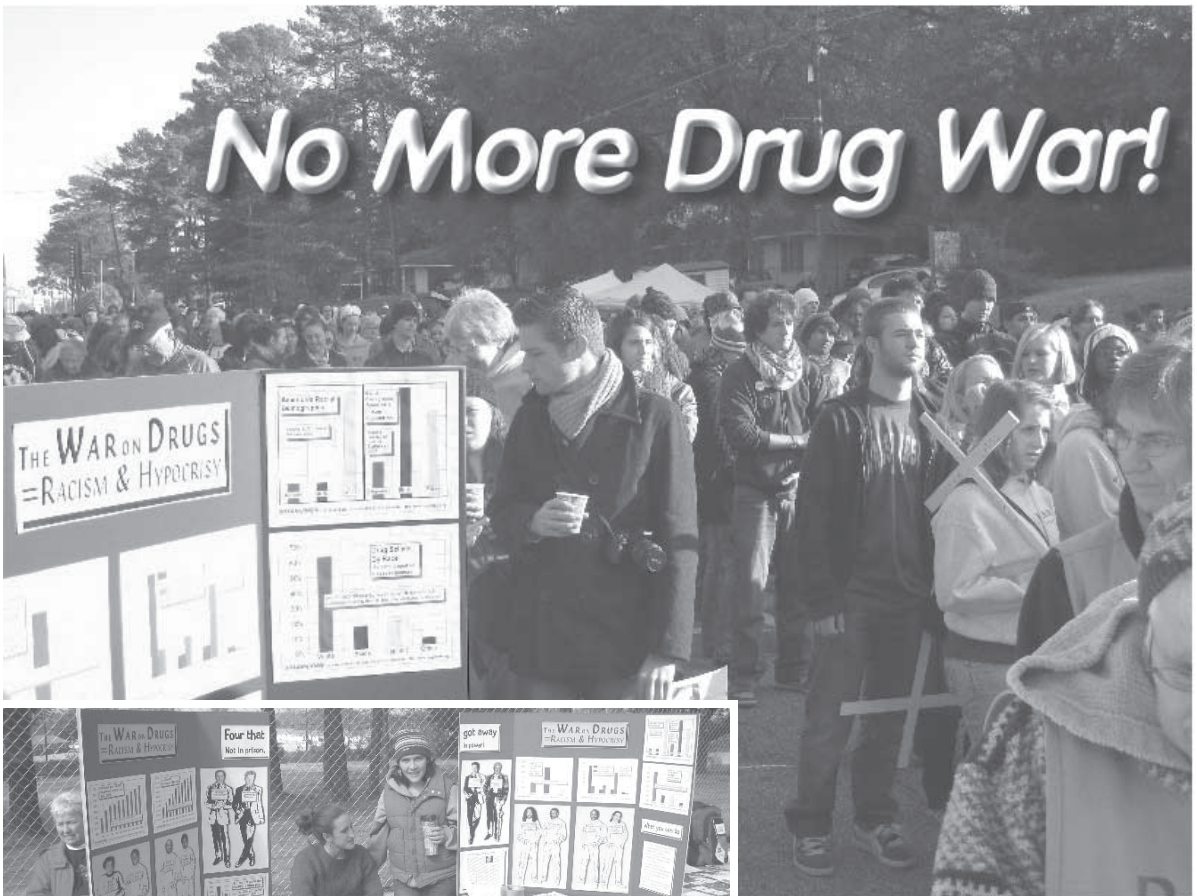
Working to end drug war injustice!

The November Coalition

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Razor Wire

Winter 2009



November Coalition volunteer Fr. Tom Hereford took these pictures at the School of the Americas Watch (SOAW) annual Memorial, Prayer Vigil and Peace Rally, November 21-23, 2008, outside Ft. Benning, GA. For more, see page 16

For more on SOAWatch, visit www.soaw.org
For more on the drug war in Latin America, visit
The Narco News Bulletin at
www.narconews.com



By Nora Callahan

Planning for Decarceration

Our President needs a pragmatic decarceration plan, and a good one was written and published by sentencing expert Michael Tonry* in 1995:

“Stop imprisoning most user-dealers and most property offenders. Revise sentencing standards and guidelines to prescribe prison sentences for violent offenses at 1980 levels. Rescind mandatory penalty laws retroactively. Create special parole boards with the power to consider the release of every prisoner who is over age fifty and has served at least five years and every prisoner who has served ten years or more. The only valid general criterion for denying release would be that, on actuarial grounds, the offender presents an unacceptable risk of future violent criminality. Denying release might also be justified for especially notorious offenders like political assassins and serial murderers.

“What would be done with the diverted offenders? For some, nothing. Most former prisoners over age thirty-five present little threat of violence or other serious offending. The best thing to do is to let many of those released early get on with their lives. For current offenders, depending on the

gravity of their crimes, confinement or community penalties are the answer. Those confined should receive sentences scaled down at least by half from current levels of time served to 1980 levels and never more than is commensurate with the relative severity of their offenses. Most, however, should be sentenced to community penalties like intensive supervision probation, community service, house arrest, daytime or nighttime confinement, and financial penalties coupled when appropriate with compulsory participation in treatment programs. When it is feasible, restitution or community service should be routinely ordered.” — *Malign Neglect*, by Michael Tonry.

A good Decarceration Plan demands a good reentry plan, and the Second Chance Act of 2008 is full of easily expandable programs that could lend to decarceration goals.

Having one without the other is pointless. Sentencing and reentry reform must be married to a decarceration plan, and those plans abound, ready for administrative and congressional review.

With unemployment rates climbing sharply within a crumbling US economy in 2009 we have a President on record supporting Prisons-to-Work programs. A marriage of the 1930s Civilian Conservation Corps with Tonry’s 1995 Decarceration Plan could be the match to light a prairie fire of change. Calling it the Green Revolution, how can millions of people be left behind living and working in ‘gray’ prisons?

Cutting to the quick of ponderous issues, President Obama needs a Decarceration Plan because it’s a disgrace

that the United States is World’s Leading Jailer. And while we might collectively as a nation be giving approval to punish rashly and harshly, the rest of the world is horrified. Disgraced is one thing. Discredited and therefore disempowered? That is another matter.

How can the President criticize human rights abuse in and outside of prisons abroad while retaining title as world’s leading jailer?

President Roosevelt found himself in a similar situation at the end of the 1930’s. While many citizens of this country were content with leaving some races of people as second class citizens with restrictions on civil rights — other countries saw it as cruel and barbaric.

Roosevelt had to remove oppressive restraints on the once-freed slaves in the South before he could exert global leadership at the end of the 1930’s. If he had not corrected at least some glaring human rights abuses, his Attorney General would not have been able to assert that we are a country with “the values of a government based on a belief in the dignity and rights of man.” **

Growing numbers of world leaders and the people who put them in office are rejecting the notion that to control illicit drugs means people have to live with constant

WITH UNEMPLOYMENT RATES CLIMBING WITHIN A CRUMBLING US ECONOMY IN 2009 WE HAVE A PRESIDENT ON RECORD SUPPORTING PRISONS-TO-WORK PROGRAMS. A MARRIAGE OF THE 1930S CIVILIAN CONSERVATION CORPS WITH TONRY’S 1995 DECARCERATION PLAN COULD BE THE MATCH TO LIGHT A PRAIRIE FIRE OF CHANGE.

escalations of police and citizen violence. Poor countries trying to wage a US-style drug war find a 25-cent bullet a lot cheaper than a 15-year mandatory minimum drug sentence. To uphold human rights globally, we must first respect human life here and abroad.

On February 9, 2009 a panel of three federal judges ruled in a 10-page decision that overcrowded California prisons are the cause of inadequate healthcare for prisoners. As remedy, the judges have ordered the State to release as many as 57,000 people, roughly one-third of current population. The California guards' union put the pressure on, and the state immediately announced it would appeal the decision, though for now the federal rationale and ruling stand.

According to *LA Times* writer Michael Rothfeld about the judges ruling, "If the state is ordered to reduce the prison population, it would likely be able to do so over two or three years, so it would not have to release large numbers of inmates at once. Some methods of cutting the population include limiting new admissions, changing policies so parole violators return to prison less frequently, and giving prisoners more time off of their sentences for good behavior and rehabilitation efforts." Annual savings from this decarceration plan, say judges, amounts to more than \$900 million.

Decarceration and Growing Unemployment

I'm just young enough to have no personal recollections of President Franklin D. Roosevelt, but have a personal connection to his programs and legacy. Most of my cousins' fathers were in the Civilian Conservation Corps, meeting my aunts when CCC camps sprung up along Idaho's remote Salmon River to build a road. My grandfather taught plenty of men from the city how to hunt and fish in the 30's. Born on the Salmon, he was a miner raising a family there when the "CCC boys" came down-river. I now enjoy forests and renewable energy we wouldn't have unless the CCC teams hadn't come this way.

Today, a Green Corps would likely be more about urban than rural work. President Barack Obama has promised green projects, and projects for a green future include developing, manufacturing and infrastructure for sustainable renewable energy in declining need. Money now spent supporting wasteful and endless incarceration practices could be put immediately 'into green' infrastructure.

Re-employing prison guards in public programs as administrators and Corps leaders would create new opportunities for civil servants who long for meaningful work. Public works programs should also employ veterans having problems finding work, or living outside institutional boundaries. Too many veterans are not able to convert war

service into civilian work. Others can't adjust from war to the competitiveness of the job market without assistance, many becoming homeless or confined in prison as a result of a soldier's inability to quickly transition to civilian life.

We hear more and more about diversion programs and drug courts and less and less about what will be put in place of the 'prison pipeline.' Divert unemployed people who use or deal drugs to what? If drug users need meaningful work and a stable life to stay clean and legal, we must create skills-building jobs coupled with opportunities for people and families to relocate with confidence, knowing they won't become another community's problem.

Sustainable, renewable public projects such as retrofitting public buildings for improved energy efficiency is labor intensive. Examples are endless and abound in the Ameri-Corps and other small public works programs operating now. Rapid expansion of public service in the next few years, with the inclusion of nonviolent federal prisoners, seems an uncomplicated, common solution to the unemployment and carceral crisis, a sensible part of a pragmatic decarceration plan.

The Federal Bureau of Prisons is over-crowded at roughly the same rates as California's prison system, and according to Harley Lappin, the chief officer of FBoP, understaffing, costs of health care, employee-to-prisoner ratios and budget shortfalls are currently at emergency levels in the federal system. ***

The US Ninth Circuit Court Judges' rationale could become the national decarceration goal, and need not be more complicated than that.

In struggle,



Footnotes:

* *Professor Michael Tonry, an internationally recognized authority on criminology, teaches criminal law at the University of Minnesota, and is the author of scores of books and hundreds of articles on criminal justice and prison policies. For more info, visit www.law.umn.edu/facultyprofiles/tonrym.html*

** *Slavery by Another Name, The Re-Enslavement of Black Americans from the Civil War to World War II, by Douglas A. Blackmon*

*** *US Congress: Hearing On The Fiscal Year 2009 Budget Request For The Bureau Of Prisons, The U.S. Marshal Service, And The Office Of The Federal Detention Trustee, July 2008. Full transcript of Lappin's testimony is available at www.november.org*

Drive That Membership

Inside this particular in-house issue of the *Razor Wire* you'll find three membership coupons. With your help we can increase services to dues paying members, and publish more often, not less. In-house publishing should give us more flexibility to serve YOU, so don't let the new format frighten you. We aren't gone, we aren't going away.

People with Internet access can read, or download and print a copy of the *Razor Wire* day or night at www.november.org without a membership. People use the Internet, and today 'information' is abundant and free. It is what it is.

We depend on imprisoned people to reach the world, and you do. Through this year, we are focusing on offline publishing resources and attention to prisoners of the drug war and our dues paying members. For over 12 years, November's drug-war-imprisoned members have been the integral link to volunteerism of every stripe, always amazing anyone who has had close contact with our office and your communications to it.

That said, our office looks forward to reading your comments about converting prison sentences to public service through prisons to work programs. We are poised for hard questions from you, and hard pressed to find solutions for real change within the harsh realities of economics and imprisonment. We intend to share your ideas through our website, and include some exciting new mediums for expressing your sentiments.

Lastly, we want you to receive more direct attention from us, so don't just tuck these membership coupons away for safe-keeping. Write a letter to a deserving person or three and include one of the membership invitations we've provided. Without you, our stories won't be told.

American Violet

OPENS NATIONWIDE APRIL 17, 2009

Based on real events and set in a small Texas town in the midst of the 2000 Bush/Gore Presidential election, *American Violet* tells the astonishing story of Dee Roberts, a 24 year old African-American single mother of four who is wrongfully swept up in a drug raid. Despite the urgings of her mother, and with her freedom and the custody of her children at stake, she chooses to fight the powerful district attorney and the unyielding criminal justice system he represents.

The film is based on the true story of Regina Kelly, who lived in Hearne, TX, the town where she was falsely accused of felony drug-trafficking charges based on the uncorroborated testimony of a single informant. Kelly successfully fought the charges with the help of the ACLU. Her case resulted in changes to Texas law.

Director: Tim Disney; Writer: Bill Haney

Cast: Alfre Woodard, Michael O'Keefe, Tim Blake Nelson, Will Patton, Charles S. Dutton, Xzibit, Nicole Beharie

www.americanviolet.com

Aghhhh! Another Report!

By TOM MURLOWSKI

This was going to be just another newsy mini-article about the latest report from The Pew Center of the States, *1 In 31: The Long Reach Of American Corrections*, showing that one in 31 Americans are now under the control of the justice system (in jail or prison; on probation or parole). Another world record moment for the World's Leading Jailer.

I'm the one who reviews and links studies and reports at november.org. I have to wonder how many studies showing what an utter disaster the war on drugs is, how much evidence our nation's leaders need before they change bad laws? We have collected links to hundreds of pertinent studies, reports and other data from the last dozen years. If I printed them all, they would overflow a prison cell.

As social scientists statistically demonstrate time and again, the drug war applied is racist, ineffective, costly, counter-productive, inhuman — but ideology prevails, the war drags on, and the prisoners endure another year. The facts are in: There is no justice in the war on drugs.

Our Studies and Reports Page: www.november.org/resources/studiesreports.html



Drug War Paves Way for Urban Renewal

Tony Cartwright gets home after the sun comes up, working graveyard shift at General Electric's light-bulb factory. He's been there for 25 years, a good job that pays the bills and builds a future.

After sleeping a few hours, he drives from his one-acre rural home in nearby northern West Virginia to dutifully open Cartwright's Recreation Center six days a week from 1 to 4 p.m. It had always been a low-income Winchester, Virginia neighborhood, and the Center built by Tony's father in 1969 was where people gathered to eat a burger and fries, socialize and shoot a game of pool. In its hey-day the Center filled with General Electric workers after shift, and opened on the holidays to provide free dinners and companionship for those lonely or hungry.

The neighborhood had changed, and Tony was glad he lived 35 miles away from it. Outsiders posed new threats and violence around the drug trade. Tony's 75-year-old father couldn't manage deteriorating health, coupled with escalation of drug traffickers exploiting the "old man's recreation center".

This area of Winchester had been called The Block as long as anyone can remember — an eight-block area, the aging Recreation Center sat in the middle of it for almost 30 years. Allen Cartwright's 1960s' dream of a community space evolved with harder times into a neighborhood nuisance. The sale of illegal drugs was a long-standing community problem, but the police routinely avoided confronting open-air drug markets throughout The Block. They would however, come in to set up buy and busts. Tony urged his siblings to help him convince their father to close the recreation center entirely.

The compromise was to reduce the Center's hours to afternoons, closing before dark. Within this whirlpool of pressure, Tony drove to the Center wishing he could spend more time with his wife, Sharlene, in their quiet home on a West Virginia hillside.

Unknown to Allen or his son Tony and most business owners of real estate, is that in 1986 the "crack house" law went into effect, making it a federal offense to:

(1) knowingly open or maintain any place for the purpose of manufacturing, distributing, or using any controlled



Tony Cartwright with his wife Sharlene

substance; (2) manage or control any building, room, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, and knowingly and intentionally rent, lease, or make available for use, with or without compensation, the building, room, or enclosure for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance.

The Crack House Law remained unchanged on the federal books until the turn of the 20th century, when young

white people caught on to dancing without having to pay a live band. Electronic music lured them in droves to hours-long dance parties. The dancers called them 'Raves;' Sen. Joe Biden called his 2002 Crack House 'clarification' the Rave Act, and Allen and Tony Cartwright fell victim to the muddled statute.

Biden insisted his bill would not hold "the owners and the promoters responsible for the actions of the patrons," and went further, "We know

that there will always be certain people who will bring drugs into musical or other events and use them without the knowledge or permission of the promoter or club owner." Tony's 11-page Plea Agreement of January 11, 2007 illustrates very well that then-Senator Biden was wrong in assuring the law wouldn't unfairly play out in practice.

After police raided and closed the Center in September

AFTER POLICE RAIDED AND CLOSED THE CENTER IN SEPTEMBER 2006, TONY, AS MANAGER, WAS THREATENED WITH 10 YEARS TO LIFE IN PRISON IF HE WENT TO TRIAL AND LOST. WITH HIS AILING FATHER UNDER PRESSURE OF POSSIBLE INDICTMENT, TONY, AS THE SAYING GOES, "TOOK THE RAP."

2006, Tony, as manager, was threatened with 10 years to life in prison if he went to trial and lost. With his ailing father under pressure of possible indictment, Tony, as the saying goes, “took the rap.” On August 12, 2007 the 47-year-old — with no criminal history — was sentenced to 41 months in federal prison.

Most of the 28 codefendants in this cocaine-base, drug conspiracy pled guilty, as do about 97 percent of accused drug law violators. Why such a high rate? Because federal prosecutors have enormous, unchecked power to manipulate, coerce and threaten defendants. Such power relies on clouds of secrecy, fact and charge bargaining, count stacking, bait and switch deals, unreliable informant testimony, real offense sentencing practices, and other coercive prosecutorial options not subject to inspection or regulation. A paid or public defender has nothing but “The Plea.”

The United States Sentencing Commission is empowered by Congress to monitor and regulate the entire federal sentencing process. It can’t, and admits this candidly throughout its 15-year Study published in 2004, documenting the shift of sentencing power from judges to prosecutors through manipulation of charges, sentencing tables, overwhelmed defense counsel and defendants.

In Tony’s case the U.S. Attorney cut through such complexity using plain language: go to trial, Tony, and so will your father. Accept our offered plea agreement, your dad’s charges will be dismissed, and instead of a possible 10-to-life you get a small sentence in a federal camp. These proceedings are off the record, and on the record anyone taking a plea agrees minimally, like Tony, to the following waiver of rights to:

- plead not guilty and persist in that plea
- a speedy and public jury trial
- assistance of counsel at that trial and in any subsequent appeal
- remain silent at trial
- testify at trial
- confront and cross-examine government witnesses
- present evidence and witnesses in one’s own behalf
- compulsory process of the court
- be presumed innocent
- a unanimous guilty verdict
- appeal a guilty verdict.

Most other codefendants in Winchester, Virginia’s highly-publicized conspiracy were ‘locals.’ Two went to trial; one ‘kingpin’ got life, the other absconded, and local citizens got the most prison time. But the government wasn’t done.

Though Tony and his siblings believed they could block the U.S. Attorney’s move to seize the Cartwright’s property under civil asset forfeiture laws, they offered to donate it to

More about Tony Cartwright

I am writing you this letter on behalf of my good friend Tony Cartwright. I met Tony at General Electric about 8 years ago. He was my superintendent at nights, and not only that, he was like a father figure. He kept me straight, helped me out with money, and kept me in a job. Because while I worked nights I went to school during the day. So I had a difficult time working, but Tony helped me right along.

And me being from West Virginia raised to hate the blacks. Something about Tony changed that. I have a lot of respect for the man. And if it wasn’t for him I wouldn’t be here where I am today. He has helped a lot of people, and always been kind and caring to other people. My feelings about the man is that he is no drug dealer, user or criminal. But a good American.

He is a good man, and I would stick my 100 percent country neck out for this man that is being wrongly accused. And I would stand with this man anywhere.

Now sorry about my writing and spelling. But this letter is the real deal; it’s not perfect, and neither are we, but that Tony is pretty damn close.

— *Handwritten letter to federal Judge Conrad at Tony’s August 13, 2007 sentencing*

a local Boys and Girls Club. The decision was applauded by community leaders and residents of The Block. That should have helped reduce Tony’s sentence, but according to records the sentencing judge ignored the offer.

In his January 11th guilty plea Tony agreed “to cooperate fully in the forfeiture of this property.” Federal law provides that property used to facilitate drug trafficking can be forfeited to the United States, unless the owner didn’t know about it or did his best under the circumstances to stop it. For Tony and his father those ‘circumstances’ included threats of bodily harm from armed traffickers in the neighborhood. Such threats and intimidation, say experienced attorneys, should have been enough for the judge to keep Tony out of prison, if not fully exonerated.

Though protected by ‘grandfather rights,’ Allen Cartwright Sr., as sole owner of the Recreation Center property, agreed to the forfeiture in April 2008 for a payment of \$11,000, according to court records. By September it was sold to Winchester’s Economic Development Authority for \$79,900. According to media reports the “EDA will work with city officials and North End residents to make plans for the property’s future.”

Will that future be low-income housing, a church or a

revived Rec Center that offers free meals and rooms for hungry people and seasonal workers, as the Cartwright Family did faithfully year after year? Or is it a successful advance toward the goal of The Block's gentrification by developers? Are drug forfeiture laws used to further the "noble goals of gentrification?" And where do the poor go?

Such questions aren't raised in legal proceedings, nor this one. Why is drug trafficking still a problem in and around the long-closed Rec Center? The DEA and local police rejoiced with the closing of the Center and promised Winchester citizens they had rid the Block of the drug problem.

Why should a good man who loved and labored a lifetime for his father, his family and community, be an imprisoned scapegoat for the failures of law enforcement officials, discriminatory drug policies and the upscale designs of City planners?

Reflecting confidence in Tony Cartwright's integrity, and looking to restore some of the Cartwright's losses, his most recent supervisors at National Fruit of Winchester, VA have offered to re-hire Tony for his old job after his projected 2010 release.

Update: Sharlene Cartwright wrote February 15, 2009, "I've been diagnosed with acute ALL leukemia." Easily curable in children, she says it's the opposite for adults. "I will have to go through extensive chemotherapy and radiation treatments for 4 to 6 months; while in remission, I'll be given a bone-marrow transplant." Though her sons are with her and supportive, shouldn't the BOP release Tony immediately to serve as her primary caregiver in coming months of recovery — in which she'll eat like a baby, live under a no-contact bubble, and rebuild her immune system? "My nieces and son are going to write President Obama to see if anyone will listen to get Tony released somehow."

News Release

U.S. Sentencing Commission
One Columbus Circle NE
Washington, DC 20002-8002

For Immediate Release
January 13, 2009

Contact: Michael Courlander
Public Affairs Officer
(202) 502-4597

UNITED STATES SENTENCING COMMISSION TO CONDUCT REGIONAL PUBLIC HEARINGS ON FEDERAL SENTENCING POLICY

Series of Hearings Coincide with 25th Anniversary of Sentencing Reform Act

WASHINGTON, D.C. (January 13, 2009) — The United States Sentencing Commission announced today that it will be conducting a series of regional public hearings on federal sentencing policy. The Commission is holding these public hearings to gather feedback on federal sentencing practices and the operation of the federal sentencing guidelines.

The regional hearings coincide with the 25th anniversary of the Sentencing Reform Act of 1984 ("SRA"). The SRA established the Commission as an independent agency in the judicial branch of government and directed it to establish sentencing policies and practices for the federal criminal justice system, principally through the promulgation of federal sentencing guidelines. After holding a series of regional public hearings in 1986, publishing two drafts of sentencing guidelines for public comment, and receiving more than 1,000 letters and position papers from individuals and groups, the Commission submitted the initial set of sentencing guidelines to Congress in April 1987. After the requisite period of congressional review, the guidelines became effective on November 1, 1987. Since 1987, the guidelines have been amended more than 700 times and they have been used by federal courts to sentence more than one million defendants.

As directed by the SRA, the sentencing guidelines are designed to —

- * incorporate the purposes of sentencing (i.e., just punishment, deterrence, incapacitation, and rehabilitation);
- * provide certainty and fairness in meeting the purposes of sentencing by avoiding unwarranted disparity among offenders with similar characteristics convicted of similar criminal conduct, while permitting sufficient judicial flexibility to take in account relevant aggravating and mitigating factors; and
- * reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

At the hearings, the Commission expects to hear from a wide range of witnesses from across the nation, including the judiciary, law enforcement, prosecutors, defense attorneys, community interest groups, sentencing experts, and others interested in federal sentencing. The Commission is interested in any suggestions regarding changes to the Sentencing Reform Act and other relevant statutes, the federal sentencing guidelines and policy statements, and the Federal Rules of Criminal Procedure that, in the view of the witness, will further the statutory purposes of sentencing.

The first public hearing in this series is scheduled to be held in Atlanta, Georgia, February 10-11, 2009. A schedule for subsequent, regional public hearings across the country will be forthcoming from the Commission. Additional information about the regional public hearings will be posted on the Commission's website at ussc.gov.

Jim Webb Wants a Decarceration Plan for America

By TOM MURLOWSKI

Senator Jim Webb (D-VA): decorated war hero, journalist, screenwriter, Assistant Secretary of Defense and Secretary of the Navy in the Reagan Administration. He was on the short list for President Barack Obama's vice-presidential pick. Webb currently serves on the Senate Committees on Foreign Relations, Armed Services, Veterans' Affairs, and the Joint Economic Committee.

But now meet Senator Webb as Prison Reformer.

Webb is one of very few leaders on Capitol Hill actively trying to reform drug and prison policies that have made the United States the World's leading Jailer. In October 2008, Webb and the Administration of Justice Department of George Mason University hosted a symposium entitled "*Drugs in America: Trafficking, Policy and Sentencing.*" Moderated by Sen. Webb, the three panels of experts examined drug distribution in the U.S; law enforcement practices; and punitive vs. public health responses to drug abuse.

Webb aims much of his criticism at enforcement efforts that too often target low-level drug offenders and parole violators, rather than those who perpetrate violence. He also blames policies that strip felons of citizenship rights and hinder their chances of finding a job after release. He insists that our communities can be made safer while making the system more humane AND cost-effective.

In his recently-released book, *A Time to Fight*, Webb wrote: "Either we are home to the most evil population on earth, or we are locking up a lot of people who really don't need to be in jail, for actions that other countries seem to handle in more constructive ways." In his role as ranking member of the Senate Joint Economic Committee, Webb has twice convened hearings on mass incarceration in America.

"Over the course of the period from the mid-1970's until today, the United States has embarked on one of the largest public policy experiments in our history. Yet this experiment remains shockingly absent from public debate: the United States now imprisons a higher percentage of its citizens than any other country in the world.

"With the world's largest prison population, our prisons test the limits of our democracy and push the boundaries of our moral identity". — *Sen. Jim Webb, speaking at the*



Sen. Jim Webb

Senate Joint Economic Committee Hearing on Mass Incarceration, Fall 2007

"America is locking up people at astonishing rates. In the name of 'getting tough on crime,' there are now 2.2 million Americans in federal, state, and local prisons and jails and over 7 million under some form of correction supervision, including probation and parole. We have the largest prison population in the world. This growth is not a response to increasing crime rates, but a reliance on prisons and long mandatory sentences as the common response to crime. It is time for America's leadership to realize what the public

understands — our approach is costly, unfair and impractical." — *Sen. Jim Webb, in a FAMM press release.*

From Sen. Webb's website (www.webb.senate.gov): "I am committed to initiating a serious dialogue and raising public awareness about the U.S. criminal justice system and incarceration policies. Over the past two years, I have held a number of Senate hearings, hosted a symposium of experts at George Mason University and delivered the keynote address for a Brookings Institute panel at the National Press Club on this pressing issue.

"This year I plan to introduce legislation to launch a comprehensive review of our criminal justice system. It is imperative that a national commission take an overarching look at where the system is broken and how we fix it. To start, focus must be placed on locking up the most dangerous people instead of diverting time and money to incarcerate the wrong people. This means making sharp distinctions between offenders of violent crimes and those incarcerated for non-violent crimes, drug abuse and mental illness.

"This challenge of criminal justice reform demands dedicated attention and viable solutions."

Webb makes his points well, of course, and may be uniquely suited to lead the charge in Washington for radical sentencing reform. As a staunch supporter of the military, and former war hero, it's difficult to label him as 'soft' on anything.

You can learn how to help support his efforts by contacting him at: Sen. Jim Webb, 144 Russell Senate Office Building, Washington, DC 20510, 866-507-1570

Sources: New York Times, Washington Post, Drug War Chronicle

By **Chuck Armsbury**

Keeping an Eye on Congress

We're noting an increase in phone calls and emails asking when the good time law goes into effect, or "when did the President sign a parole bill". There's much confusion expressed about which petition to sign, or legislation believed passed, but which had only been filed and died without action last year. We seek to relieve confusion by dispelling rumors circulating within prisons. As of early March 2009, of particular interest to drug war imprisoned, there are three bills introduced by Rep Sheila Jackson Lee (D-Tx):

HR 265: The Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009. To target cocaine kingpins and address sentencing disparity between crack and powder cocaine. Introduced, 1/7/2009 the bill would Amend the *Controlled Substances Act* and the *Controlled Substances Import and Export Act* to increase the amount of a controlled substance or mixture containing a cocaine base (i.e., crack cocaine) required for the imposition of mandatory minimum prison terms for crack cocaine trafficking to eliminate the sentencing disparity between crack and powder cocaine.

HR 68: No More Tulias: Drug Law Enforcement Evidentiary Standards Improvement Act of 2009 would increase the evidentiary standard required to convict a person for a drug offense, to require screening of law enforcement officers or others acting under color of law participating in drug task forces, and for other purposes.

Introduced 1/6/2009 the bill prohibits a state from receiving for a fiscal year any drug control and system improvement (Byrne) grant funds under the *Omnibus Crime Control and Safe Streets Act of 1968*, or any amount from any other law enforcement assistance program of the Department of Justice, unless the state does not fund any antidrug task forces for that fiscal year or the state has in effect laws that ensure that:

(1) a person is not convicted of a drug offense unless the facts that a drug offense was committed and that the person committed that offense are supported by evidence other than the eyewitness testimony of a law enforcement officer (officer) or individuals acting on an officer's behalf; and

(2) an officer does not participate in a antidrug task force unless that officer's honesty and integrity is evaluated and found to be at an appropriately high level. Requires states



Jillian Armsbury (1962-2009) performs with the children's chorus at the 2000 Shadow Convention, Philadelphia, PA.

receiving federal funds under this Act to collect data on the racial distribution of drug charges, the nature of the criminal law specified in the charges, and the jurisdictions in which such charges are made.

HR 61: The Federal Prison Bureau Nonviolent Offender Relief Act of 2009 would amend Title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes. Introduced 1/6/2009 would direct the Bureau of Prisons, pursuant to a good time policy, to release a prisoner who has served one half or more of his or her term of imprisonment if that prisoner:

- (1) has attained age 45;
- (2) has never been convicted of a crime of violence; and
- (3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

I hope readers study and make use of the article on Obama's intentions on page 18. Use it as a checklist on how well he keeps his word, or tries to, but also as a reminder of your part by making him do it. Never has a US President been so open to progressive answers for criminal justice questions, and so prepare yourselves for a year of communicating with the White House, Congress and your state and local leaders. To track congressional bills online, an interesting and participatory website (used to prepare these notes) is at www.opencongress.org.

Sadly, my daughter Jill Armsbury-Pendarvis died January 20th of this year. Long-term members may remember that Jill volunteered with the Coalition at the Philadelphia Shadows Convention of 2000, leading children orphaned by drug war imprisonment in an inspired chorus of song. A victim of exposure to asbestos, she had been a successful professional singer, not a miner or installer of asbestos products, and will always be my shining star.

Solidarity forever,

Chuck

Richard Paey's First Year of Freedom

BY NORA CALLAHAN, SEPTEMBER 20, 2008, TAMPA, FL

Richard Paey's been out of prison a year. The day was billed as a "celebration" by Linda Paey, a celebration of Richard's Full Pardon by the Florida Clemency Board on Sept 20, 2007. It was that, yes, and also an opportunity to meet others who were willing to step beyond personal comfort zones to help reduce damage done by antidrug policy. I'd never met Richard or Linda Paey, not to mention a lot of people involved in what became a years-long campaign.

It felt good to meet the real person I admired through email conversations — Linda Paey, who'd dug into her retirement funds, mortgaged the family home to pay for legal help, and tirelessly advocated for her husband. The work and sacrifice through three courtroom trials over ten years kept alive hope that justice would prevail in the end. She amazes many November members still, and it was fun to watch her, and take pictures of her.

Perry Barber, a major league umpire from New York City, brought T-shirts for everyone. When she first read about Richard's case in the *New York Times*, she downloaded artwork, made T-shirts to publicize his plight, and made sure everyone she knew wore them and took action by appealing to Governor Jeb Bush, then his successor, Charlie Crist, who finally freed Richard.

Janet Goree's son was sentenced in September to 25 years under the same statute that sent Richard to prison. As a pioneer advocate to prevent Shaken Baby Syndrome, she is not surprised people are unaware of over-reliance on incarceration and lack of drug and mental health treatment.

John Chase was there to tell how he met Rich and Linda in a Pasco County Courtroom for his sentencing after his second trial in 2002.

Richard shared some particulars of his case. Most people familiar with drug war prosecutions know the 'devil is in some of the details' that can't be explained in a limited news expose' and would be hard to divulge in a full-length novel.

"Linda and I were having trouble conceiving a child," Richard told us, "and had looked into adopting a child from South America. That act was perceived by police to be suspicious as they tried endlessly to find something that would link me to a criminal enterprise."

Richard and Linda told about the night that police came with intent to search the family home. Using a ruse, two officers pretended to be friends of Richard. Linda knew her



Nora Callahan and Richard Paey



Linda and Richard Paey



Perry Barber and Richard Paey



Janet Goree and November Volunteer Chrystal Weaver



(Right) Janet Goree hugs Linda Paey

husband's friends, but said she'd get Richard and closed the door. With a spinal injury and multiple sclerosis, Richard wasn't going to be running to the door. And even if he could have jumped out of bed, he wouldn't have made it to the door before the police broke it down. In seconds one masked officer held a gun to Richard's head while others provided back-up and began to search the home.

We learned details about who Linda and Richard were before the arrest, trial, imprisonment, and the rarely-given governor's pardon.

There was so much joy in the room as we met, but as the day wore on — after all the stories, gestures and side conversations with other drug war victims — the fact that some of Richard's advocates had loved ones imprisoned muted the celebration as leftover sorrow showed itself. It's a cloying, long-term agony felt by people when their

government, rather than protecting us is, instead, an agent of harm — a life-changing revelation.

The old life is gone, and they know and I know it is gone. There is life before-drug-prosecution and after-drug-prosecution life — the interim such a horror that the chasm between before and after doesn't leave a person and a family many connections or clues to who they were then — to who do you become now?

Janet is now linked with other activists to help bring some sanity to our antidrug laws. The day was a testament to the immense effort required to free just one of the hundreds of thousands of wrongfully imprisoned citizens. The cycle continues.

If your family has been affected by drug war injustice, we want to hear from you.

For more on Richard Paey, visit www.november.org/cartoons

Mail Call



Inspired for Real Change

During this year's presidential election campaign, I kept seeing underneath Barack Obama's name "Time for Real Change", and that struck a chord in me. I'm all for real change.

Well, now ... Barack Obama won the election by a landslide, and will be our first African-American president. Yeah!

This means a lot to those of us Americans that may not be numb to racial issues, which ties into a big part of what I ask, and even challenge, our newly elected president to change.

I want to see you use your power as president to change this corrupt, unjust and Yes! racist war on American soil. This war on the poor, this war on freedom: The Drug War.

We need to stop investing billions of dollars into a war that destroys families and benefits corporations.

Please get educated about the facts, Mr. Obama, and help bring REAL change.

For a more just America

Heather Rainfeather, Northport, WA

Hi! I was given one of your newsletters, *The Razor Wire*, and boy, did I enjoy reading it! Would you please put me on your mailing list? I have a lot of time to do, and that's the kind of reading stuff I like!

Roy L. Mercer, New Boston, TX

Today we signed the *Petition*; even though it's from prisoners, we are voicing ourselves. We are very glad that

there's people out in the world fighting for us and being our voices. We have sent copies to our loved ones to fill out and send them in.

The federal system is overcrowding the prisons, giving extreme sentences for minor drug offenses of any amount. I'm incarcerated with men doing 15, 20, 30, 45 and even life sentences for cases that are not that severe.

Thank you for the work that's being done on our behalf. If it's possible, please send some Petitions in Spanish to my wife and mother.

A prisoner of the drug war

(To download copies of the *Petition for Relief*, visit www.november.org/parole)

They call me an inmate. They call me an offender. All these names just to mask what I truly am: a prisoner being held against my will. A prisoner of Reagan's 30-year War on Drugs, created to benefit the pharmaceutical drug industry and allow the government to violate any citizen's rights.

I have been telling fellow prisoner this for years, and I just read your newsletter. Thank you for seeing some truth in the midst of all the lies.

John Jones, Pendleton, IN

Can you please send me a copy of the *Razor Wire* newsletter so I can see what it's all about? I received a 12-to-30-year sentence in West Virginia for simply sharing marijuana, as in passing a pipe around. It's a bizarre story which I wrote a book about.

Anyway, if you could send me a copy of your newsletter, it would be much appreciated. How great it is to know there are others out there fighting against this so-called war on drugs.

Most sincerely, Lawrence E. Scible



AG Holder Vows “No More Medical Marijuana Raids”

In a little-noticed remark during a late February news conference, Obama Attorney General Eric Holder said that the Justice Department will no longer raid medical marijuana dispensaries established under state laws but technically prohibited by the federal government.

The DEA continued to carry out such raids after Obama's inauguration, despite an Obama campaign promise to cease the practice. Holder said it wouldn't be the Administration's policy going forward.

“No, it won't be Obama policy”, Holder stated. “What the president said during the campaign, you'll be surprised to know, will be consistent with what we'll be doing in law enforcement. He was my boss during the campaign. He is formally and technically and by law my boss now. What he said during the campaign is now American policy.”

Source: Huffington Post (US)

Cops Don't Like Getting TASERed

Three members of the Metro Las Vegas Police Department are suing Taser International for injuries suffered during “training exercises” with the stun devices in 2003. Officer Lisa Peterson was permanently injured when she fell face first onto the floor after receiving a Taser jolt during a training seminar. She and two other members of the police force all claim in the suit that Taser failed to “adequately warn the police department of the potential for injury and minimized the risks of being shocked, which officers had been assured was not only safe but advisable.”

Both Amnesty International and Human Rights Watch have condemned use of the devices as torture.

Source: AlterNet (US)

CIA to Blame for Missionary Deaths

The CIA obstructed inquiries into its role in the shooting down of an aircraft carrying a family of Americans in Peru in 2001, the agency's inspector general has concluded. The report said a CIA-backed program in Peru targeting drug runners was so poorly run that many suspect aircraft were shot down by Peruvian air force jets without proper checks being made first.

A small plane carrying Christian missionaries was shot down by a Peruvian jet on April 20, 2001, after it was tracked

by a CIA surveillance plane that suspected it was carrying drugs. Veronica Bowers and her infant daughter, Charity, were killed, while their pilot, Kevin Donaldson, was badly injured.

Peruvians and Americans involved in the program told investigators that following the proper identification procedures could have given suspect aircraft time to escape. It was also sometimes simply easier to shoot down the aircraft than to force it down, they said.

“The result was that in many cases, suspect aircraft were shot down within two to three minutes of being sighted by Peruvian warplanes — without being properly identified, without being given the required warnings to land,” the report said.

Source: Reuters (US)

Feds Investigate Sheriff Joe

The self-proclaimed “Toughest Sheriff in America” may have met his match. In February, members of the House Judiciary Committee asked Attorney General Eric Holder and Homeland Security Secretary Janet Napolitano to investigate allegations of misconduct and abuse by Maricopa County (AZ) Sheriff Joe Arpaio.

For years Arpaio has made a PR spectacle of himself: running an unconstitutionally deplorable jail system, letting inmates die under tortuous conditions, violating the civil rights and liberties of those under his control, especially minorities, and costing Maricopa County untold millions in legal settlements. With a fraction of their inmate populations, Arpaio's department has had 50 times as many lawsuits as the New York, Los Angeles, Chicago, and Houston jail systems combined.

His most recent embarrassment is the reality show, *Smile: You're Under Arrest*, where he tricks and humiliates those with outstanding warrants and parole violations on nationwide TV.

Source: AlterNet (US)

Ex-cops Sentenced in Kathryn Johnston Murder

Three former Atlanta police officers who each pleaded guilty to a federal conspiracy charge in connection with the death of an elderly woman during a botched drug raid were sentenced in February to federal prison terms.

Jason R. Smith, Gregg Junnier and Arthur Tesler received sentences ranging from five years to 10. Kathryn Johnston, 92, was killed by police gunfire during the 2006 raid in Atlanta, GA. Police used a “no-knock” warrant to enter Johnston's house to look for drugs. But prosecutors said officers found none and tried to cover up the mistake by planting baggies of marijuana.

Source: MSNBC (US)

The Narco News Bulletin

Reporting on the Drug War and Democracy from Latin America

The Drug War Wall Begins to Fall

From Washington, Vienna, Rio de Janeiro, Seattle and South Carolina, a Convergence into a Mighty River of Reform

BY AL GIORDANO, SPECIAL TO THE NARCO NEWS BULLETIN

Twenty years ago, President George H. W. Bush named a blustering self-proclaimed moralist named Bill Bennett as drug czar. During the press conference to nominate him, an intrepid reporter asked the new czar how he could possibly lead the country away from dependence on addictive substances when he, as a cigarette smoker, was also an addict. The president and his czar huddled away from the microphone, whispering to each other, then stepped back up to the podium to announce that for the duration of his tenure Czar Bennett would refrain from smoking tobacco.

Nine months later, cartoonist Garry Trudeau, through his *Dooniesbury* panels, "outed" Bennett as continuing his addiction through use of a relatively new product: Nicotine chewing gum, at the time available only through a doctor's prescription. It took the so-called traditional media various weeks before the *Washington Post* confirmed the cartoonist's scoop. And even then the story came and went in the flash of a single day's news cycle.

I wrote about it then in a January 1990 cover story for the *Washington Journalism Review* (now, *American Journalism Review*): *The War on Drugs: Who Drafted the Press?* The media, then as now, day in, day out, reinforced

THE MEDIA, THEN AS NOW, DAY IN, DAY OUT, REINFORCED THE FALSE NARRATIVES OF THE DRUG WAR AS IT BLAMED THE PROBLEMS PROHIBITION CREATES: CRIME, CORRUPTION, ILLNESS AND VIOLENT CHAOS EVERYWHERE, ON THE DRUGS AND THEIR USERS.

the false narratives of the drug war as it blamed the problems prohibition creates: crime, corruption, illness and violent chaos everywhere, on the drugs and their users. And for most of these years, you could count the number of political



Al Giordano

leaders willing to question it on one, maybe two, hands: US Rep. Barney Frank, then-mayor of Baltimore Kurt Schmoke, then-attorney general of Colombia Gustavo de Greiff: profiles in courage, all.

Over the past week a number of news stories have surfaced in different corners of the globe that are flowing like tributaries into a mighty river of reform:

In Washington, the White House announced that DEA raids in medical marijuana states will end.

In Vienna, as *Narco News* copublisher Nora Callahan reported to us, the US delegation to United Nations drug policy talks broke with Bush administration blocks placed on key reforms to the international drug war: the lifting of the 1988 ban on needle exchange programs in the United States requires a change in UN policy under treaties already signed. "The US will support and endorse needle exchange programs" for addicts to reduce the spread of AIDS and other communicable diseases, reports BBC radio.

In Rio de Janeiro, former presidents César Gaviria of Colombia, Ernesto Zedillo of Mexico and Fernando Enrique Cardoso of Brazil — all heads of state that had presided

over prohibitionist policies in their lands — issued a joint report together with various Latin American intellectuals: *“Drugs and Democracy: Toward a Paradigm Shift.”*

Calling current drug policies “a failed war,” the former presidents concluded, “It is imperative to rectify the “war on drugs” strategy pursued in the region over the past 30 years. Prohibitionist policies based on the eradication of production and on the disruption of drug flows as well as on the criminalization of consumption have not yielded the expected results.

“Current drug repression policies are firmly rooted in prejudices, fears and ideological visions. The whole issue has become taboo which inhibits public debate. The

FOR NINE YEARS WE HAVE REPORTED AS SCORES OF LATIN AMERICAN LEADERS AND ORGANIZATIONS BROKE THE IMPOSED SILENCE TO CRITICIZE THE PROHIBITIONIST MODEL. THEY WERE MET, EACH TIME, WITH SMACK DOWNS AND EVERY KIND OF POLICY AND PERSONAL BLACKMAIL IMAGINABLE FROM THE CLINTON AND BUSH ADMINISTRATIONS WHO PREACHED “DEMOCRACY” WHILE MEDDLING IN THE SOVEREIGN DEMOCRATIC AFFAIRS OF LATIN AMERICAN NATIONS.

association of drugs with crime blocks the circulation of information and segregates drug users in closed circles where they become even more exposed to organized crime.

“Hence, breaking the taboo and acknowledging the failure of current policies and their consequences is the inescapable prerequisite for opening up the discussion about a new paradigm leading to safer, more efficient and humane drug policies”

Their recommendations:

1. Change the status of addicts from drug buyers in the illegal market to that of patients cared for in the public health system.

2. Evaluate from a public health standpoint and on the basis of the most advanced medical science the convenience of decriminalizing the possession of cannabis for personal use.

3. Reduce consumption through campaigns of information and prevention that can be understood and accepted by young people, who account for the largest contingent of users.

4. Redirect repressive strategies to the unrelenting fight against organized crime.

5. Reframe the strategies of repression against the cultivation of illicit drugs.

(On the fifth point, they note: “Such initiatives must also take into account the legal uses of plants, such as the coca leaf, in countries with a long-standing tradition of ancestral use previous to the phenomenon of their exploitation as an input for drug production. Accordingly measures must be taken to strictly adjust production to this kind of ancestral use.”)

As we noted nine years ago in the *Opening Statement* of this publication we titled *Narco News*, the winds of change are coming from this region and blowing northward. The former presidents recommend:

“Latin America’s active participation in the global debate would mark its transition from a problem-region to a pioneering-region in the implementation of innovative solutions for the drug problem.”

For nine years we have reported as scores of Latin American leaders and organizations broke the imposed silence to criticize the prohibitionist model. They were met, each time, with smack downs and every kind of policy and personal blackmail imaginable from the Clinton and Bush administrations who preached “democracy” while meddling in the sovereign democratic affairs of Latin American nations. Today, still, the multi-billion dollar ravages of US-sponsored Plan Colombia, the repression and herbicides it has dumped upon that land, continue. And a copycat maneuver known as Plan Mexico (“The Mérida Initiative”) gears up to wreak the same kind of havoc much closer to the United States, all purportedly to fight the very problems caused by prohibitionist drug policy as the same policy worsens those very harms.

The statement by the three former presidents calling on Latin American nations to make themselves laboratories in alternative drug policies (similar to how European nations have led successful innovations in “harm reduction” policies) throws down the gauntlet to Washington and provides a golden opportunity for the nascent Obama presidency to walk its talk and cease the bullying US drug war intimidations of the past decades.

The aforementioned news out of Vienna that the US will now cease to block some harm reduction policies through the UN treaties that bind member countries offers the best indication that Washington, too, has come to admit some of the failures of its repressive approach.

There are two more news stories, domestic to the United States, that have cracked the Drug War Wall a little bit more. From Seattle come reports that the next US “drug czar” may be police chief Gil Kerlikowske. The *Seattle Times* reports:

"Kerlikowske's possible role in shaping drug policy for the Obama administration was applauded Tuesday by local medical-marijuana advocates. In 2003, Kerlikowske opposed a city ballot measure, approved by voters, to make marijuana possession the lowest law-enforcement priority, saying it would create confusion. But in doing so, he noted that arresting people for possessing marijuana for personal use was already not a priority.

"Douglas Hiatt, a Seattle attorney and advocate for medical-marijuana patients, said his first preference would be for a physician to oversee national drug policy. But Kerlikowske would be a vast improvement over past drug czars, who have used the office to carry out the so-called "war on drugs," Hiatt said."

And this from the Drug Policy Alliance:

"Washington allows patients to use medical marijuana if they have terminal or debilitating illnesses and documentation from a physician. This law was enacted in November of 1998 after voters passed Measure 692 The State of Washington rivals New Mexico in its drug policy reform pace, enacting several reforms since 1996, ranging from legalizing medical marijuana to decriminalizing the sale and possession of syringes.

"In 2002, the legislature passed legislation cutting the sentences for various non-violent drug offenses and using the savings (estimated to be \$50 million over the next six years) to fund drug treatment programs. The legislation also implements a new sentencing grid in 2004 that will give judges more sentencing discretion. Supporters included (then) Gov. Locke and Republican King County (Seattle) prosecutor Norm Maleng."

These are the waters in which Chief Kerlikowske has swum and has adapted splendidly according to all sides. His reported soon-to-be promotion to national drug czar would signal that what is present policy for the state of Washington could become the not-too-distant future policy for the entire nation. At minimum, Kerlikowske occupying the post from where Bill Bennett and General Barry McCaffrey waved their scolding fingers to demonize vast swathes of the population signals a ratcheting down of the scapegoating rhetoric that has been emblematic of US drug policy.

One more story floating over the airwaves is the 800-pound gorilla in the room: In South Carolina, a spokesman for the Richland County Sheriff tells reporters that Olympic gold medalist Michael Phelps "could be facing a drug

charge" because of media-published photographs of the 23-year-old athlete smoking marijuana at a party in that jurisdiction. The sheriff has already rounded up eight friends of the swimmer for their alleged participation in his crime.

Not since the olden days in Nottingham has a sheriff been on the verge of sparking an incident that would have such mega-consequences for a population. Can you imagine, kind reader, the firestorm if the drug war — so accustomed to singling out the poor, the minority, the ill and the invisible — suddenly targets America's Darling and makes Michael Phelps the most recognizable face of peaceful illegal drug use on the planet? It would be akin to throwing a lit match into the basement full of gasoline that underlies current prohibitionist drug policies. Phelps is healthy, soft-spoken, polite, of good humor, skilled on television (as his hosting of *Saturday*

Night Live revealed). Grandmothers everywhere, when they see his face, don't want to send him to prison; They want to pinch his cheek.

The media circus that would ensue would bring the hypocrisy of the drug war into every living room and stir a nationwide debate around every kitchen table over how thoroughly senseless the US war on drugs has become. In the context of the step-by-step and incremental policy changes underway, the making of Michael Phelps into martyr and poster boy would serve, much like that first hammer in Berlin, to inspire a thousand more blows against the Drug War Wall, turning its evident cracks into gaping holes and its cement to rubble.

Source: *Narco News Bulletin (America)*: www.narconews.com/Issue55/article3393.html, February 11, 2009, slightly edited for space

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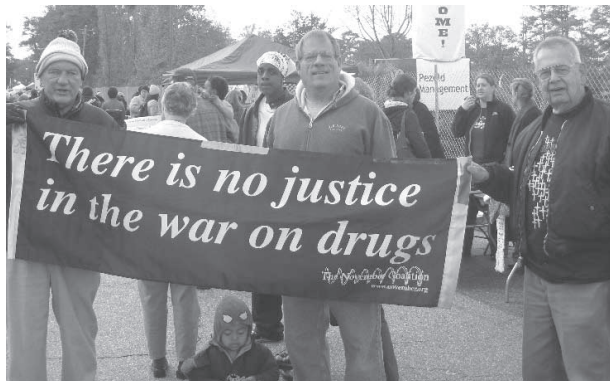
BY FATHER TOM HEREFORD, NOVEMBER COALITION

The School of the Americas Watch (SOAW) held its annual Memorial, Prayer Vigil and Peace Rally November 21-23, 2008. Fr. Roy Bourgeois and a few others started SOAW in 1990, while trying to stop the US training of military and law enforcement from Latin America in "counter-insurgency" techniques. These School of the Americas 'graduates' would then return home and use this training to intimidate, torture and kill the people of their home countries. Fr. Roy Bourgeois and his allies were prophets "speaking truth to power" in the tradition of Dorothy Day, Martin Luther King and Oscar Romero.

In his last broadcasted Sunday Sermon before being assassinated in El Salvador, Archbishop Oscar Romero, becoming more passionate as he spoke, said: "I would like to make a special appeal to the men of the army, and specifically to the ranks of the National Guard, the police and the military. Brothers, you come from our own people. You are killing your own brother peasants when any human order to kill must be subordinate to the law of God, which says, 'Thou shalt not kill.' No soldier is obliged to obey an order contrary to the law of God. No one has to obey an immoral law... In the name of God, in the name of this suffering people whose cries rise to heaven more loudly each day, I implore you, I beg you, I order you in the name of God: stop the repression!"

When I remember Oscar Romero's words, I cannot help but think of the millions of our brothers and sisters held in prisons in this country. The Archbishop knew he was speaking to people with goodness in their hearts, which is one reason he was so frustrated.

Fr. Tom Hereford has been a stalwart November Coalition volunteer for five years. He served as a federal Bureau of Prisons chaplain for over 10 years, primarily at FCI Coleman, FL, and presently resides in St. Louis, MO. As a member of the Catholic Worker Movement, he focuses on poverty, imprisonment and homelessness issues in his community. Fr. Hereford is also a member of Amnesty International, the ACLU, and the Catholic Peace Fellowship. He can be contacted at tomh@november.org.



Father Carl Kabot, Father Tom Hereford, and Jack Hereford (Tom's dad). Fr. Kabot served over 18 years in federal prison for his non-violent resistance to nuclear weapons proliferation.



For more on SOAWatch, visit www.soaw.org
For more on the drug war in Latin America, visit The Narco News Bulletin at www.narconews.com

November Coalition Booth at the Power to the Peaceful Festival Golden Gate Park, San Francisco, CA, September 6, 2008

The Power to the Peaceful Festival in San Francisco was a great event. People signed the *Petition for Relief from Drug War Injustice*, we handed out nearly all our copies of November Coalition's *Razor Wire*, and had many people asking questions and reading the materials and handouts.

We were put in a prominent location, although it was a little hard for communication, as we were quite close to the stage. We collected donations which I put toward the booth fee, and I will be sending out the completed *Petitions for Relief*, but was holding off as I am hoping to have a couple more to send out soon. Thank you so much for all your help with this. — Andrea Rolde

(For more on the Power to the Peaceful Festival, visit www.powertothepeaceful.org.)



The Petition for Relief from Drug War Injustice

In the mid 1980s Congress abolished parole and passed harsh drug sentencing laws. Many states followed, creating a ten-fold increase in the number of drug offenders incarcerated. We have lost cherished legal traditions and endured many other unintended consequences due to destructive anti-drug laws (prohibition).

It is illogical to spend tax dollars on long imprisonment when other means have proven far more effective in addressing the social problems of drug abuse and addiction. State leaders across the U.S. are reforming rigid sentencing guidelines, drug and parole policies. We urge federal leaders to do the same: Provide prisoners with an incentive to maintain exemplary behavior in prison and earn early release.

Earned, early release would foster incentives toward cooperation, study, and learning skills that help create a safer environment for staff and prisoners alike. Families could be reunited earlier, with better prospects for prisoners' successful reentry into society.

High costs of incarcerating drug offenders would be dramatically reduced - with a 2008 budget of \$5.4 billion, the US Bureau of Prisons incarcerates over 108,000 drug law violators (54% of federal prisoners), costing almost \$3 billion annually.*

Inhumane prison overcrowding would be relieved -- the federal system is 37% over capacity and growing more than 3% per year.

We, the undersigned, support 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 and download copies of the *Petition* at www.november.org/parole



November Coalition Volunteer Andrea Rolde collects signatures for the *Petition for Relief from Drug War Injustice*

Are You Paying Attention to President Obama's Intentions?

The historic election of President Barack Obama has sparked resurgent hope in a large majority of folks across our country, including tens of thousands of incarcerated people. Hope for the future, for early release, for second chances and going home.

Early in the 2007-08 campaign he expressed his list of intended reforms for criminal justice online and during public appearances. Internet users learned that as President he would create a Green Jobs Corp to help disadvantaged youth, invest in transitional jobs and create career pathway programs to help low-income Americans. And he would reduce crime recidivism by providing new ex-offender support programs, including a "prison-to-work incentive to reduce barriers to employment." Obama believes the "disparity between sentencing crack and powder-based cocaine is wrong and should be completely eliminated." (1)

"I THINK ITS TIME WE TOOK A HARD LOOK AT THE WISDOM OF LOCKING UP SOME FIRST TIME NONVIOLENT DRUG USERS FOR DECADES. SOMEONE ONCE SAID, AND I QUOTE: "MINIMUM SENTENCES FOR FIRST-TIME USERS MAY NOT BE THE BEST WAY TO OCCUPY JAIL SPACE, AND/OR HEAL PEOPLE FROM THEIR DISEASE." YOU KNOW WHO SAID THAT? THAT WAS GEORGE W. BUSH — SIX YEARS AGO. AND I DON'T SAY THIS VERY OFTEN, BUT I AGREE WITH GEORGE W. BUSH."

In April 2007 Obama spoke publicly of being smart on crime, not just tough. He told his audience that cities with less violent crime have adopted a preventative approach. Forecasting a renewed climate of mutual aid and betterment, the President wants police to work cooperatively on crime problems with local churches, non-profits and other leadership groups in communities across the nation.

Obama believes that to reduce recidivism means to do more than lock up more youth, especially for nonviolent drug crimes. Although he's on record against ending prohibition by legalizing all drugs, he said in his April speech that "the worse thing we can do is lock them up for a long

time, people without any education, functionally illiterate, they don't have any skills or training, they are now convicted felons, we release them and now they are 25 or 26 and they are out on the streets, can't be hired by anybody, what are they going to do? They are going to go back to dealing drugs." If elected, he would favor "diversion programs, drug courts, treatment for those who have substance abuse problems, treatment that encourages training and skills, literacy even while people are being punished for their drug crimes. The more that we take that kind of approach, the more effective we are at reducing recidivism rates."

President Obama doesn't seem proud that the US is world's leading jailer, nor pleased there's a racial bias in the arrest, conviction and sentencing for drug crimes especially. Expressing mild ambivalence, he told his April 2007 audience that if he's elected we'll "have a president and a justice department, a civil rights division that is willing to enforce the law equally. If we're going to have drug laws it shouldn't matter if you're dealing in public housing versus the suburb out of your mom's back yard."

In September 2007 Obama spoke with Howard University (DC) students, "Don't let anyone tell you that change is not possible. Don't let them tell you that standing out and speaking up about injustice is too risky. What's too risky is keeping quiet. What's too risky is looking the other way... It's time to seek a new dawn of justice in America." (2)

"From the day I take office as President, America will have a Justice Department that is truly dedicated to justice... I will rid the department of ideologues and political cronies, and for the first time in eight years the civil rights division will actually be staffed with civil rights lawyers who prosecute civil rights violations, and employment discrimination and hate crimes."

"Those who came before us did not strike a blow against injustice only so that we would let injustice fester in our time. Thurgood Marshall did not argue *Brown v. Board of Education*—ed.) so that we could accept a country where too many African American men end up in prison because we'd rather spend more to jail a 25-year-old than to educate a 5-year-old. Dr. King did not take us to the mountaintop so that we would allow a terrible storm to ravage those who were stranded in the valley. He did not expect that it would take a breach in the levees to reveal a breach in our

compassion; that it would take a hurricane to reveal the hungry God asked us to feed, the sick he asks us to care for, the least of these he asks us to treat as our own.”

“There are moments when what’s truly risky is not to act. What’s truly risky is to let the same injustice remain year after year after year. What’s truly risky is to walk away and pretend it never happened. What’s truly risky is to accept things as they are, instead of working for what they could be.” As to who’s suffering, “Our (black) community has suffered more than anything from the slow, chronic tolerance of violence. Nonviolence was the soul of the civil rights movement. We have to do a better job of teaching our children that virtue.”

Referring to aftermath of Hurricane Katrina and the Jena, Louisiana students’ racial injustice struggle, Candidate Obama told Howard students that these major events “exposed glaring inequalities in our justice system ... that we have a system that locks away too many young first time nonviolent offenders for the better part of their lives; a decision that’s not made by a judge in a courtroom but all too often by politicians in Washington and state capitals across the country.”

Referring to his legislative successes in Illinois around death penalty injustice, “Folks told me that there was too much political risk involved, and it would come to haunt me later, when I ran for higher office. But I believed that it was too risky not to act. And after a while people with opposing views came together and started listening. And we ended up reforming that death penalty system, and we did the same (to pass) the law to expose racial profiling.”

“As President of the United States I will also work every day to ensure that this country has a criminal justice system that inspires trust and confidence in every American regardless of age or race or background. There’s no reason that every person accused of a crime shouldn’t have a qualified public attorney to defend them. We’ll recruit more public defenders to the profession by forgiving college and law school loans. I will be asking some of the brilliant young minds here at Howard to take advantage of that offer.”

Then Obama informed his young audience, “When I am President I will no longer accept the false choice between being tough on crime and vigilant in our pursuit of justice. Dr. King said: ‘It’s not either/or, it’s both/and.’ Black folks care about stopping crime. We care about being tough on violence. But we can have a crime policy that’s both tough and smart. If you’re convicted of a crime involving drugs, of course you should be punished. But let’s not make the punishment for crack cocaine that much more severe than the punishment for powder cocaine when the real difference is where the people are using them or who is using them.

Republicans have said they think that’s wrong, Democrats think that’s wrong, and yet it’s been approved by Republican and Democratic presidents because no one has been willing to brave the politics and make it right. But I will, when I am President of the United States of America.”

Specifically, “I think its time we took a hard look at the wisdom of locking up some first time nonviolent drug users for decades. Someone once said, and I quote: “Minimum sentences for first-time users may not be the best way to occupy jail space, and/or heal people from their disease.” You know who said that? That was George W. Bush — six years ago. And I don’t say this very often, but I agree with George W. Bush. The difference is that he hasn’t done anything about it. When I am President of the United States, I will. We will review these sentences to see where we can be smarter on crime and reduce the blind and counterproductive warehousing of nonviolent offenders. We will give first-time nonviolent drug offenders a chance to

“WE WILL REVIEW THESE SENTENCES TO SEE WHERE WE CAN BE SMARTER ON CRIME AND REDUCE THE BLIND AND COUNTERPRODUCTIVE WAREHOUSING OF NONVIOLENT OFFENDERS. WE WILL GIVE FIRST-TIME NONVIOLENT DRUG OFFENDERS A CHANCE TO SERVE THEIR SENTENCE WHERE APPROPRIATE, IN THE TYPE OF DRUG REHAB PROGRAMS THAT HAVE PROVEN TO WORK BETTER THAN A PRISON TERM IN CHANGING BAD BEHAVIOR AND REDUCING RECIDIVISM. SO LET’S REFORM THE SYSTEM. LET’S DO WHAT’S SMART. LET’S DO WHAT’S JUST.”

serve their sentence where appropriate, in the type of drug rehab programs that have proven to work better than a prison term in changing bad behavior and reducing recidivism. So let’s reform the system. Let’s do what’s smart. Let’s do what’s just.”

But how to get needed reform. Cautioning his listeners about expecting too much from their President, “The truth is, though, one man cannot make a movement. No single law can erase ... the callousness of a prosecutor who bypasses justice in the pursuit of vengeance. No one leader, no matter how shrewd, or experienced, or inspirational, can prevent teenagers from killing other teenagers in the streets of our cities, or free our neighborhoods from the grip of homelessness, or make real the promise of opportunity and equality for every citizen.”

"Only a country can do those things. Only this country can do those things. That's why if you give me the chance to serve this nation, the most important thing I will do as your President is to ask you to serve this country, too. The most important thing I'll do is to call on you every day to take a risk, and do your part to carry this movement forward. Against deep odds and great cynicism I will ask you to believe that we can right the wrong we see in America. I say this particularly to the young people who are listening today."

"It takes a movement to lift a nation. It will take a movement to go into our cities and say that it's not enough

just to fix criminal justice (but) what we really need is to make sure our kids don't end up there in the first place."

With his integrity on the line, President Obama candidly challenges all of us to shoulder a great responsibility and do as 1930s President Roosevelt told reform activists then, "Make me do it."

(1) www.barackobama.com/issues/civil_rights/#ex-offender-support

(2) edited text transcribed from Internet video of Obama's Howard University (Wash DC) talk with students on September 29, 2007

February 9, 2009 — Huffington Post (US)

Federal Judges Seeking Massive California Prisoner Release

BY DON THOMPSON

SACRAMENTO, Calif. — A special panel of federal judges tentatively ruled Monday that California must release tens of thousands of inmates to relieve overcrowding.

The judges said no other solution will improve conditions so poor that inmates die regularly of suicides or lack of proper care.

The panel said it wanted the state to present a plan to trim the population in two to three years.

"There are simply too many prisoners for the existing capacity," they wrote. "Evidence offered at trial was overwhelmingly to the effect that overcrowding is the primary cause of the unconstitutional conditions that have been found to exist in the California prisons."

The three judges suggested a target prison population of between 100,800 and 121,000 inmates — down from the current level of about 158,000. More inmates live in conservation camps, community correctional facilities and private prisons in other states.

The proposed targets would require the state to reduce the prison population by between 36,200 and 57,000 inmates. Attorneys representing inmates had sought a reduction of about 52,000 inmates.

The state can change parole and other policies to cut the population of its 33 adult prisons without endangering the public, the judges said.

Reducing the number of inmates might have a positive effect as well, they said. "This is particularly true considering that California's overcrowded prison system is itself ... a public

safety hazard," the panel said in its order.

The state will appeal any final prisoner release order to the U.S. Supreme Court, said Matthew Cate, secretary of the California Department of Corrections and Rehabilitation.

"We disagree with the ruling. We disagree that the prisons are unsafe. We will appeal," Cate said, speaking on behalf of himself and Gov. Arnold Schwarzenegger. Releasing that many inmates is "the equivalent of between seven and 10 California prisons."

The three federal judges said a final population figure would be set later and they may hold more hearings before making their decision final.

After hearing closing arguments in the case last week, the judges said they wanted to quickly issue a tentative ruling in hopes of forcing the state to take steps on its own or reach a settlement with attorneys representing inmates.

In Monday's order, they offered the services of a court-appointed referee for settlement talks. Previous negotiations failed, forcing the trial that started in November.

The order comes as California struggles to bridge a \$42 billion budget deficit that is forcing the state to furlough its employees two days each month.

An expert panel convened by California corrections officials has projected the state could save \$803 million to \$906 million annually if parolees were not sent back as easily for technical violations and if convicts could more easily earn early release credits by taking classes and vocational programs.

How I Celebrated My 75th Birthday

Speech Delivered at University of Central Florida NORML Meeting

BY JOHN CHASE, JANUARY 14, 2009

First, thanks for inviting me here today. My credentials ... I am a retired engineer, still married to the grandmother of my 8 grandchildren. My interest in the drug war began just after I went online ten years ago. I remembered that in the mid 90s my brother told me Milton Friedman was calling the drug war “prohibition”. I knew what that was, so I started digging, and the more I dug the less I liked it.

Just 10 years ago I connected with Nora Callahan, the founder of the November Coalition. The mission of TNC is to end the injustices of the drug war. Mostly federal cases, but sometimes State cases. More later on that.

Today is my 75th birthday. I was born exactly 40 days after National Prohibition ended, and about 3 years before the Marihuana Tax Act of 1937, the law that effectively outlawed marijuana. So in my first 3 years of life I could drink AND smoke legally, but I was too young to take advantage of it.

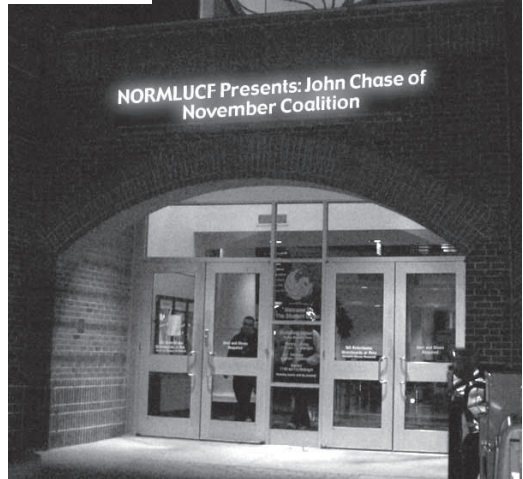
To paraphrase Will Rogers, “Prohibition is bad, but better than no liquor at all”

How did we get into this mess? It began when the “Enlightenment” of the 18th/19th century reached the so-called New World.... the idea that government could enact laws to improve society. Child Labor Laws, for instance, began in England in 1832, then in the U.S. In 1916.

In 1920, the U.S. went a step further by their “noble experiment” to stamp out alcohol. 1920 was the year that women got the vote. Prohibitionists believed that National Prohibition would be assured because women knew the downside of alcohol. Women were for prohibition at first, then turned against it when they compared it to life with legal alcohol. It had been only 10 years, so they remembered.

In 1930 the Women’s Organization for National Prohibition Reform voted their resolution against National Prohibition. It was, they wrote, “ ... wrong in principle, ... equally disastrous in consequences in the hypocrisy, the corruption, the tragic loss of life and the appalling increase of crime which have attended the abortive attempt to enforce it; in the shocking effect it has had upon the youth of the nation; in the impairment of constitutional guarantees of individual rights; in the weakening of the sense of solidarity between the citizen and the government which is the only sure basis of a country’s strength.”

In 1883, a Yale philosopher, William Graham Sumner,



wrote an essay, entitled “*The Forgotten Man.*” Sumner warned that well-intentioned social progressives often coerced unwitting average citizens into funding dubious social projects. He wrote: “As soon as Citizen A observes something which seems to him to be wrong, from which Citizen X is suffering, A talks it over with Citizen B, and A and B then propose to enact a law to remedy the evil and help Citizen X. Their law always proposes to determine . . . what A, B, and C shall do for X.” But what about C? There was nothing wrong with A and B helping X. What was wrong was the law, and the indenturing of C to the cause. Citizen C was the forgotten man, the man who paid, the man who never is thought of.” We call Citizen A a social liberal.

We ended National Prohibition not because we thought alcohol was good. We ended it because life got so bad that Citizen C began to speak up.

Classical Liberals turned a blind eye to Slavery, the Jim Crow laws and the financial excesses of the Roaring 20s. Social Liberals brought us National Prohibition and Constitution-bending legislation used to prosecute today’s

drug war. Both the Republicans and the Democrats are to blame. The drug war has failed so badly that Citizen C, the forgotten man, is speaking up.

Each election year there is another state, or county or city or community voting to liberalize marijuana. Some vote for medical marijuana, some that marijuana enforcement will be a low priority; a few vote to decriminalize, that is to make possession like a traffic ticket. (That's the usual meaning of "decriminalize": to make adult possession of a small quantity less than a felony. This meaning is often misunderstood, sometimes interpreted to mean legalization).

No question that it is the compassionate thing to do, but it will not scale back the war on pot, not if the 1920s is an indicator. Medicinal alcohol was freely available throughout National Prohibition, but it didn't reduce the lawlessness and violence of the 1920s. And it won't help wind down the drug war, other than to help persuade the public that marijuana is not scary. But even if all the states, and the feds, rescheduled marijuana so it could be prescribed by doctors, the societal damage will continue. Doctors will be arrested for prescribing "too much" marijuana. I know how that works first-hand.

I was involved in the case of Richard Paey (see page 10), the sick man who was finally granted a full pardon by the FL Clemency Board in September 2007. The same FL prosecutor hounded Richard through 7 years and 3 trials and finally got him. Paey was sentenced to the 25 year "mandatory minimum" required by the FL Trafficking statute. No parole possible; the only hope was Gov. Crist and the FL Clemency Board. It's a long story... Ten years, total. I'm going to take a few minutes to tell it because it is exactly what can happen with medical marijuana if it becomes the law of the land.

I picked up the story halfway through. In August 2002, I happened to read in the *St. Pete Times* that Richard was to be sentenced to 25 years, so I drove to the West Pasco County Courthouse. I watched Paey's attorney persuade the judge to throw out the jury conviction on a technicality. That was the 2nd trial.

Paey had been in a traffic accident in 1985 in NJ that hurt his back, then back surgery that made it worse. It left him in chronic pain. His NJ doc was prescribing painkillers.

Then the Paey family moved to Florida, to Hudson, in Pasco County. Richard couldn't find a doctor who'd take him on, so his NJ doc mailed him prescriptions. When the local sheriff discovered that Richard was using a lot of pills he went to NJ with a FL DEA agent and told the doc that Richard was selling the pills ... They threatened the doc with 25 years and the doc abandoned Richard to the street ... actually not literally to the street. Richard was in bed by then, with MS.

So Richard stayed at home and Xeroxed the prescriptions his doc had been mailing, and his wife drove him around to have them filled. The local sheriff staked out the Paey house to see who Richard was selling his pills to. In almost 3 months, no one came to the house, but they'd invested so much effort to get Paey that they arrested him anyhow. A SWAT team broke in, masked, guns drawn, etc. Paey was in bed saying "call my doctor, call my doctor", but they didn't do that. His wife was on the floor in handcuffs, three young children in the home. Fortunately, Richard is a man of principle, and his wife had a good job as an optometrist. So they fought the system, for 10 years total. It meant mortgaging their house and digging into Linda's 401k.

The November Coalition's mission is to stop the injustice of the drug war. It is aimed chiefly at the feds — the DEA — but makes exceptions in certain State cases. The Paey case was one of those. Nora Callahan's staff printed over 4000 postcards featuring one of the cartoons Richard drew in prison for people to mail to

Governor Jeb Bush. Those cartoons are still on the November website. This went on for years. Opinion pieces in the *SP Times*, *NY Times*, *Tampa Tribune*, *International Herald Tribune*. Reported on *20/20*, *Nightline*, finally on *60 Minutes*. He'd still be in prison but for the national — and international — reporting.

So, why did I take the time to tell that long story? Two reasons. First to emphasize the enormous amount of work — and good luck — it takes today in the U.S. to remedy a single, exceptionally egregious injustice. There are many 1000s almost as bad that fly beneath the radar. Second, even if marijuana is rescheduled from Schedule A to Sched B, patients will run the same risk as Richard Paey. The DEA is playing doctor and causing a lot of damage. MMJ won't change that.

CLASSICAL LIBERALS TURNED A BLIND EYE TO SLAVERY, THE JIM CROW LAWS AND THE FINANCIAL EXCESSES OF THE ROARING 20S. SOCIAL LIBERALS BROUGHT US NATIONAL PROHIBITION AND CONSTITUTION-BENDING LEGISLATION USED TO PROSECUTE TODAY'S DRUG WAR. BOTH THE REPUBLICANS AND THE DEMOCRATS ARE TO BLAME. THE DRUG WAR HAS FAILED SO BADLY THAT CITIZEN C, THE FORGOTTEN MAN, IS SPEAKING UP.

I am one of the few drug policy reform activists who thinks decriminalization will backfire because it will do nothing to take profit out of the illegal trade. On the contrary, it will INCREASE the profit. The law of supply and demand says that price will rise if demand increases or supply decreases.

The only way to stop the societal damage being done by the drug war is to take out the profit, and there is only one way to do that. Legalize everything. If that's not politically possible, legalize what can be legalized..... Marijuana. Put it on the same legal plane as beer and wine. Legal marijuana would be a cash cow for tax revenue.

My recommendation: Don't "legalize" anything. Just get the feds out. Stop seducing local politicians with federal money to "fight drugs". Let the states handle it. We did it in 1933 and it has worked for 75 yrs. Marijuana is gaining

acceptance, so start with that, then decide if it should be done for other drugs.

There is a fallback position. Don't try to stamp out ALL use. Just stamp out PROBLEM use, the way we do with alcohol. We have severe penalties for DUI offenses. If we could identify problem use before the fact, that would be best of all. The vast majority of drug use is casual use, not problem use, and casual users are no problem to society, by definition. When we read that that drug prevalence has gone down it means nothing because the decrease is virtually all in casual use. If beer were to be illegal again, I'd probably stop, but it would not help society. Problem users will get their drug, legal or not.

Finally, thanks for letting me go first. It's only 10 PM. I can cut out now and drive back to Pinellas County.

I Got Published!

OCTOBER 2008
MOTHER JONES MAGAZINE (US)

Why does America have 8 to 10 times more prisoners per capita than any other democracy? Are we supposed to believe that America has that many more criminals? Or could it be that we lock up far too many people for far too long? As someone who is serving a 20-year mandatory minimum sentence for allegedly being a one-time participant in a large marijuana conspiracy, I think I know the answer.

Charle Crehore, Tucson, AZ

JANUARY 21, 2008
US NEWS & WORLD REPORT (US)

As a federal inmate serving a 20-year sentence for marijuana conspiracy, I can tell you what is one of the greatest obstacles to successful [prisoner] re-entry: overly long sentences, especially for non-violent crimes. With good time, I will get out at age 60. What really are my chances of successfully re-entering society at that point?

Charle Crehore, Tucson, AZ

FEBRUARY 22, 2009
ST. PETERSBURG TIMES (FL)

Prohibition Problem

You offered two recent opinion pieces about the drug war. One would continue this war; the other would treat drugs as a public health problem. In effect, the issue is whether to stop all use or to stop problem use. History teaches that the latter is more effective.

National Prohibition (1920-1933) failed because it tried to stamp out all drinking by prosecuting bootleggers. By the late 1920s the public had begun to withdraw their support for Prohibition because they saw 1) an alcohol-free America was not possible, 2) the illegal wealth enabled by Prohibition fostered street violence and official corruption, 3) it was costly to imprison bootleggers, and 4) there was a need for liquor tax revenue.

We ended Prohibition in 1933 and have learned to live with legal alcohol by focusing on problem drinking. While many of us believe alcohol regulation is still too soft, no responsible person has proposed that we try again to stop all drinking.

John Chase, Palm Harbor, FL

Prisoners: Get The Facts!

Send us a copy of your published editorial or letter — you'll receive a free copy of the latest edition of *Drug War Facts!* (Published by Common Sense for Drug Policy, and continuously updated at: www.drugwarfacts.org)

Prisons Under Pressure

Corrections Budgets in the Age of Austerity

If there are any silver linings in the current economic, fiscal, and budgetary disaster that afflicts the US, one of them could be that the budget crunch at statehouses around the country means that even formerly sacrosanct programs are on the chopping block. With drug offenders filling approximately 20-25% of prison cells in any given state, prison budgets are now under intense scrutiny, creating opportunities to advance sentencing, prison, and drug law reform in one fell swoop.

Nationwide, corrections spending ranks fourth in eating up state budget dollars, trailing only health care, education, and transportation. According to the National Association of State Budget Officers, five states — Connecticut, Delaware, Michigan, Oregon and Vermont — spend more on prisons they than do on schools.

The US currently spends about \$68 billion a year on corrections, mostly at the state level. Even at a time when people are talking about trillion dollar bail-outs, that's a lot of money. And with states from California to the Carolinas facing severe budget squeezes, even "law and order" legislators and executive branch officials are eyeing their expensive state prison systems in an increasingly desperate search to cut costs.

"If you look at the amount of money spent on corrections in the states, it's an enormous amount," said Lawanda Johnson of the Justice Policy Institute. "If they could reduce prison spending, that would definitely have an impact on their state budgets. Now, a few states are starting to look at their jail and prison populations," she said.

Among them:

Alabama: The state Department of Corrections is facing a 20% budget cut in 2009. Alabama Corrections Commissioner Richard Allen is telling legislators he will try to "dampen down" the number of new inmates by working on sentencing reform, community corrections, new pardon and parole rules, and a supervised reentry program. The number of Alabama prisoners jumped from nearly 28,000 in March 2006 to more than 30,000 in December 2008, an increase Allen said was caused in part because the legislature had created 67 new felony crimes since 2001.

California: With a prison population of more than 170,000

and the state facing budget deficits of gargantuan proportions, Gov. Arnold Schwarzenegger (R) has suggested eliminating parole time for all non-serious, nonviolent, and non-sex offenders. His plan would cut the parole population by 65,000 people, more than half the 123,000 currently on parole. It would also reduce by tens of thousands the number of people behind bars in the Golden State by increasing good-time credits for inmates who obey the rules and complete rehabilitation. That move could cut the prison population by 15,000 by June 2010. Schwarzenegger's proposal is opposed by — you guessed it — the California Correctional Peace Officers Association, for which mass imprisonment is a job security issue.

Colorado: Gov. Bill Ritter (D) has proposed extensive cuts in the state corrections system, including closing two state prisons, delay the construction or expansion of two other prisons, and selling a department-owned 1,000-acre ranch. Those cuts would eliminate at least 71 jobs and save \$13.6 million in the coming fiscal year.

Kentucky: Gov. Steve Beshear (D) and state legislators last year granted early release to some 1,800 prisoners, including some violent offenders, in a bid to take a bite out of the state's \$1 billion budget deficit. Although Beshear and the legislature have protected the Corrections Department from budget cuts afflicting nearly all other state agencies and

programs, the state's dire financial straits are making passage of a treatment-not-jail bill for drug offenders more likely this year. That could save the state \$1.47 million.

Michigan: Gov. Jennifer Granholm (D) will propose keeping prison spending near the \$2 billion mark in 2010, 57% higher than a decade ago, but legislators are about to chew on proposals for reform from the Council of State Governments

Justice Center to cut the number of state prison inmates by 5,000. That would save about \$262 million by 2015, far short of the \$500 million annual savings now being called for by the Detroit Chamber of Commerce, among others. The Justice Center proposals include cutting the average time above the minimum sentences inmates serve from 27% to 20%. Some 12,000 inmates have already served more than their minimum sentences. Deputy Corrections Director Dennis Schrantz said those proposals were only the

"IF WE WANT TO TALK ABOUT A SUSTAINABLE REDUCTION IN THE PRISON POPULATION, WE NEED TO REVISIT WHO IS GOING AND FOR HOW LONG, AS WELL AS A CRITICAL EVALUATION OF SENTENCING LAWS, REPEALING MANDATORY MINIMUMS, AND EXPANDING PAROLE ELIGIBILITY."

beginning, noting that the state had closed nine prisons since 2003 and will close three more this year.

Mississippi: Faced with an emergency \$6.5 million (2%) budget cut for the current fiscal year, the state Department of Corrections is moving to reduce the number of inmates in county and regional jails and private prisons. The state pays counties \$20 per inmate per day to house them and pays private prison companies at least \$31.70 per inmate per day. The state will remove 300 inmates from county jails and 50 from private prisons. Corrections Commissioner Chris Epps also has sent a list of 2,900 nonviolent inmates to the parole board for possible early release. The department may also grant early release to prisoners with severe medical problems, allowing the state to cut costs by not having to provide medical care for them.

New York: With a \$15 billion budget deficit and a Department of Correctional Services eating up \$2.5 billion a year — more than any other state agency — Gov. David Paterson (D) is seeking to release 1,600 offenders early and reform or repeal the state's draconian Rockefeller drug laws. The prison budget has continued to increase despite a whopping 35% drop in crime in the last decade and a prison population at the lowest levels since the 1980s. Now Correctional Services Director Brian Fischer wants to close prison camps and correctional annexes sitting empty with a thousand beds, saving the state \$100 million and cutting the 31,000 corrections department employees by about 1,400 through attrition. It's a start.

South Carolina: After running in the red for the last two years, the state's prison director, Jon Ozmint, told legislators he needed \$36 million for the current fiscal year, leaving the solons with three choices: cut spending for health, education, or other services; finance corrections through the reserve, or close prisons. Legislators last year rejected Ozmint's suggestion that they save money by releasing prisoners early and closing prisons. This year, Ozmint is suggesting that the state reduce the requirement that serious felons serve 85% of their sentence to 70%. The prison crisis in South Carolina has prompted the normally pro-prison *Charleston Post & Courier* to call for "alternative sentencing that could keep nonviolent offenders out of prison" and "revising mandatory minimum sentences."

Virginia: Telling legislators "we want to lock up people we're afraid of and not ones we're mad at," Virginia corrections director Gene Johnson said this week Gov. Tim Kaine (D) wants to release some nonviolent offenders 90 days early to save the state \$5 million a year. Nearly 1,200 inmates would qualify for early release, he said. Virginia has already closed five prisons employing 702 people, and may resort to limited lay-offs, Johnson told legislators.

This is by no means a list of all the states grappling with prison spending in the current crisis. Correctional costs are on the agenda at statehouses across the country, but as the list above suggests, the economic squeeze is providing openings for reform.

"In the handful of states that have already opened legislative sessions this year, the corrections budget is frequently raised in budget conversations," said Ryan King, an analyst for The Sentencing Project. "A number of governors have raised the issue. It will definitely be on the table. With the recession really taking hold this year, it will be a major, major issue," he said.

"With each passing year, there is a little greater acknowledgement that we are in a position where states are spending far too much money to incarcerate and can't build their way out of it, but the prison population is still increasing

AFTER DECADES OF SEEMINGLY ENDLESS SENTENCE INCREASES AND PRISON-BUILDING, PERHAPS THE WHEEL IS BEGINNING TO TURN.

each year," said King. "If we want to talk about a sustainable reduction in the prison population, we need to revisit who is going and for how long, as well as a critical evaluation of sentencing laws, repealing mandatory minimums, and expanding parole eligibility. Those are the big steps that need to be taken."

There is still resistance to reform, King said, but things are changing. "There is now much broader consideration of amending parole and probation policies, along with diversion of drug offenders," he said. "Those are probably the two most widely achieved reforms in the last few years. We will probably see more of that, but if we're going to move this from diverting a few thousand people to really addressing the 1.5 million in prison, we are going to have to start asking whether people belong in prison for decades, whether life without parole is really necessary. The real engines of growth for the prison population are admissions and sentence lengths, and a lot of policymakers are still uncomfortable having that conversation."

After decades of seemingly endless sentence increases and prison-building, perhaps the wheel is beginning to turn. Politicians immune to "bleeding heart" pleas for humanity are not immune to pocket-book issues. But while change is starting to come, the US remains a long way from losing its crown as the world's leading jailer.

Seattle Police Chief Gil Kerlikowske Named New Drug Czar

President Obama has named Seattle Police Chief Gil Kerlikowske to head the Office of National Drug Control Policy (ONDCP), colloquially known as the drug czar's office, a White House official confirmed Thursday. It is not clear when the official announcement will be made.

It is also not clear whether ONDCP will retain its position as a cabinet-level entity, which it has been under recent administrations. That, too, will be cleared up when the official announcement is made, the official said. The drug czar possibly being demoted could be a good thing or a bad thing, depending on his proclivities.

How Kerlikowske will behave as drug czar is unclear. His has not been a loud voice on drug policy, but he has been police chief in a city, Seattle, that has embraced lowest-priority policing for adult marijuana offenses and needle exchange programs, and he has gone with the flow in regards to those issues.

Prior to being named Seattle police chief in 2000, Kerlikowske served as deputy director in the Justice Department, where he oversaw the Community Oriented Policing Services (COPS) grant program. He also spent four years as Buffalo's police commissioner. The military veteran has a total of 36 years in law enforcement, where he has earned a reputation as a progressive.

While Kerlikowske has a national profile in law enforcement circles, it is not because of drug policy. His interests have been around gun policy, immigration, and electronic data mining of private records, which he has criticized as highly intrusive and not very useful.

Drug reformers had advocated for someone with a public health — not a law enforcement — background to head ONDCP. But a progressive law enforcement official who has a record of tolerating drug reform and harm reduction efforts may make for a decent drug czar from the reform perspective.

"While we're disappointed that President Obama seems poised to nominate a police chief instead of a major public health advocate as drug czar, we're cautiously optimistic that Seattle Police Chief Gil Kerlikowske will support Obama's drug policy reform agenda," said Ethan Nadelmann, executive director of the Drug Policy Alliance. "What gives us hope is the fact that Seattle has been at the cutting edge of harm reduction and other drug policy reform developments in the United States over the last decade," he said.



Upcoming Events

April 29, 2009, New York City. *Pleasure, Pain, Physicians And Police: The Law Of Controlled Substances And The Practice Of Medicine*, 6:30 - 10:00 pm at Association of the Bar of the City of New York, 42 West 44th Street, New York, NY. Presented by the Association of the Bar of the City of New York's Special Committee on Drugs and the Law.

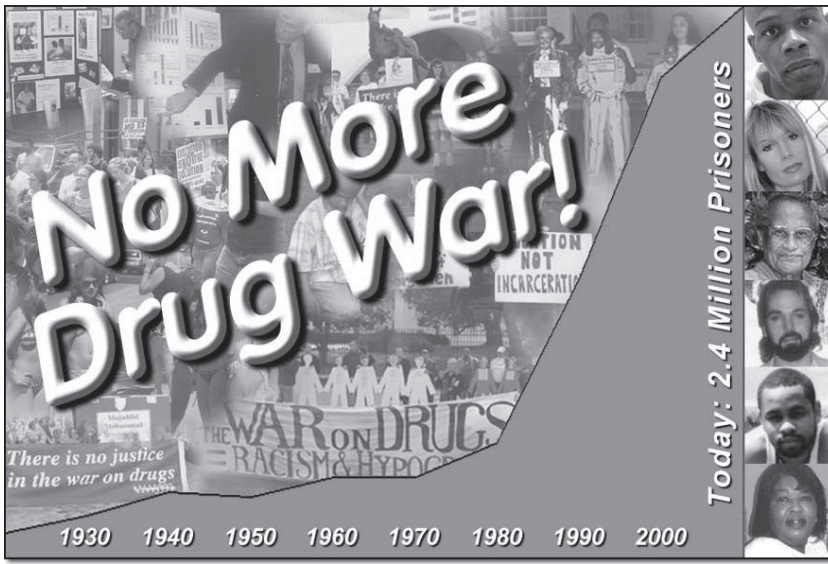
May 2, 2009, New Haven, CT. *Drug War Panel & Forum*, 10:00 AM - 5:00 PM at Yale University, Dwight Hall, New Haven, CT. Details pending. Guests include former drug war prisoner Kemba Smith, a representative from LEAP (Law Enforcement Against Prohibition), Cliff Thornton of Efficacy, and more. Hosted by People Against Injustice. For more info, contact Barbara Fair at (203)787-5262 or justicepeace75@hotmail.com

June 10 - 12, 2009, New Orleans, LA. *Annual National Seminar on the Federal Sentencing Guidelines*, presented by The United States Sentencing Commission, at the New Orleans Hilton Riverside, New Orleans, LA. For more info, see www.ussc.gov

July 24, 2009, Los Angeles, CA. **2009. Southern California Harm Reduction Summit**, 9:00 AM to 5:00 PM at the California Endowment, Center for Healthy Communities, Los Angeles, CA. For more info, contact Harm Reduction Coordinator Meghan Ralston at mrалston@drugpolicy.org.

August 6-8, 2009, Houston, TX. *The International Prison Privatization Experience: A Transatlantic and Transpacific Dialogue*, at Texas Southern University, Houston, TX. For more info, contact Dr. Byron E. Price at pricebe@tsu.edu or 713-313-4809.

November 11 - 14, 2009, Albuquerque, NM. *Reform 2009: The International Drug Policy Reform Conference*, hosted by Drug Policy Alliance. At the Albuquerque Convention Center, Albuquerque, NM. For more info, contact sjones@drugpolicy.org or see www.drugpolicyevent.com/index.php?option=com_content&task=view&id=34



Message on reverse: This graph represents the growth of the US prison population from 1920 (110,000) to the present (2.4 million prisoners), highlighting the steep rise in imprisonment due to the excessive sentencing of the war on drugs. With 1 out of 99 American adults now in prison, the United States remains the World's Leading Jailer. For more information, visit www.november.org

US prison population from 1920 to present, highlighting the excessive sentencing of the war on drugs. The US is the World's Leading Jailer. www.november.org

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“No More Drug War” Postcards

These high-quality, glossy color, standard US Mail postcards are a great way to spread a message of hope and reform. A set of 12 postcards, stored in a handy ziplock plastic bag, is only \$4.00, shipping included! They can be purchased online at www.november.org/shop, or send a check or money order for \$4.00 each set to:

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How to Communicate with The November Coalition

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

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

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

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

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

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



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

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

To join The November Coalition and receive this newspaper, see our membership form in this issue.

November Coalition Foundation

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What is The November Coalition?

The November Coalition was founded in 1997 as a non-profit, grassroots organization with a mission to raise awareness in individuals and communities about the spiraling increase in numbers of imprisoned in the United States due to drug-law enforcement. We arouse and activate fellow taxpayers about existing and impending dangers of an overly powerful federal government acting beyond constitutional constraints. We counsel victims of this peculiar 'war,' most of whom were minor participants, and warn our fellow citizens of the steady erosion of civil liberties, human rights and personal freedoms allowed by federal and state authorities. Coalition members and supporters are convinced that the War on Drugs does nothing but stimulate an ever more profitable and violent underground economy. The intent of any law should create a safer country and safer world, not one more costly and less free. Visit us on the web at www.november.org.