

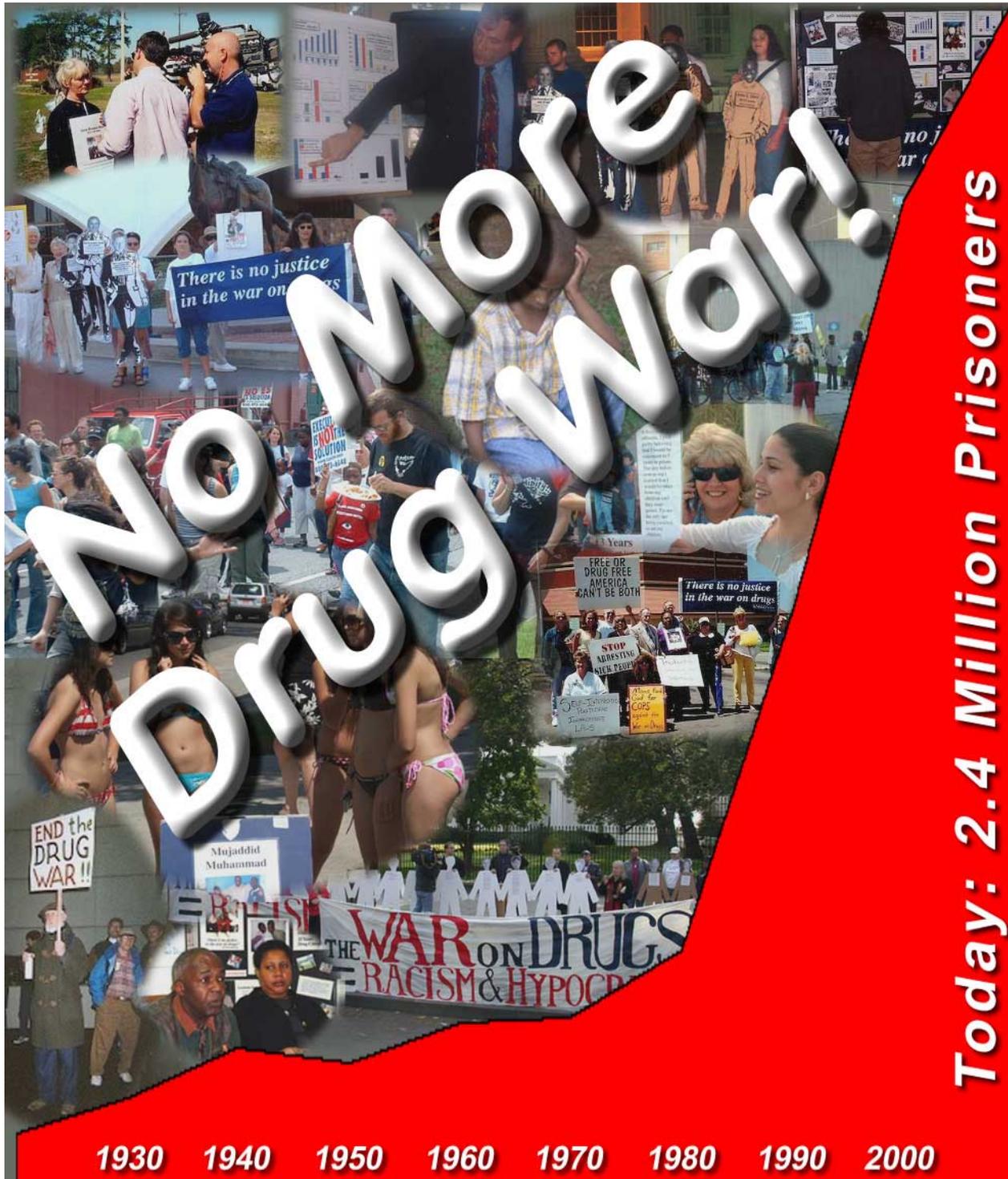
Working to end drug war injustice!

The November Coalition

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Razor Wire

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Today: 2.4 Million Prisoners

1930 1940 1950 1960 1970 1980 1990 2000

EDITOR'S NOTES

By Chuck Armsbury

What do you do at November Coalition?" is a fair question posed routinely in letters, emails, phone calls and face to face. Callers express surprise when a live voice answers the phone with "November Coalition, this is Chuck," unexpected in a time of automated systems and message machines. They're more surprised when one of us in this three-person rural office actively listens and offers some guidance. We've been "doing" this informal advocacy five days a week for more than 11 years.

We're not lawyers, though many people who contact us think we may be or can find one for the problem(s) they need solved. Mostly, we encourage people to get active where they live, embrace bottoms-up change, and take a 'use what you got to get what you need' approach to solving problems. That usually works to raise spirits and hope, but then last Spring came this troubling email, warning of a possible drug war death:

"My son was charged with drug possession with intent last year. The drugs (except for a small amount of pot he had on him) were not his, and the police know that. He had met a

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

woman a couple of weeks previously and went out with her. She had drugs in the back of her car that he was not aware of, and they were stopped by police.

"We found out later that she had been doing this for a couple of years with police knowledge. I have a taped conversation with her talking about how the police have forced her to do this for a couple of years, after she was charged with a previous crime.

"Anyway, my son was arrested and then offered (by police) that they'd request probation if he helped them set up a bust on a dealer. He was told that he cannot request any attorney about his arrest or the deal is void. He helped them with what they wanted, posted bond and waited for a court date for over a year.

"Well, here's the latest problem; he has received death threats for helping police — so

there must be an 'officer informant.' He's been scared to death because he's been threatened that he'll be killed in jail.

"There was a court date set last week, but notification was sent on Friday afternoon for a court date on Monday morning, so notice was not received in time. His bond was then forfeited, even though the court was contacted as soon as the notice was received, and it was their screw-up.

"So now he will be jailed to await trial as soon as he shows up at court. We fear for his life, and we can't afford an attorney. We don't know what to do and fear the system here more than anything else, since there's a lot of corruption.

"Do you know of any way at all we can get help? Thanks so much."

Attorneys aren't hungry for such cases, and no help was found. I heard from this distraught mother again recently:

"At this time my son is in hiding due to the threats on his life. We can't trust police or anyone else due to the threats that have been made. I'm sure there's a warrant on him for the bond forfeiture, due to not being informed of the hearing date, though we haven't heard anything and I'm afraid to contact anyone again.

"The police shouldn't have told him not to get an attorney involved, but I doubt a court-appointed attorney would have done anything anyway. I fear the outcome will be my son's death in the end, as so many others. You have permission to use our story but please don't use our names due to fear of further repercussions. Contact me if you need anything else. I appreciate your interest."

Our 'interest' includes more than listening and caring; it's also a continuing dedication to expose the low-down dirty, ugly snapshots of the drug war informant system expressed in this mother's forlorn words. Nora's *Directors Message* links our 'interest' to the relevant conduct/real offense revolution in sentencing.

Betty's been calling me regularly for the last few weeks. Her son in a Kentucky prison couldn't pee in a bottle when ordered — while guards watched. Though knowing he may be suicidal, they then punished his 'shy bladder syndrome' by placing him in a solitary unit for six months. I've listened patiently and repeatedly to Betty's story of her abused son and abusive father, stayed on the phone while she cried. She can't afford an attorney, and the local press ignores her. She insists the local police are corrupt.

Yet, Betty's determination, at age 65, to help her son inspires and teaches nonetheless. Losing doesn't seem to break her, as long as



she can talk with someone who listens and teaches fundamentals of citizen advocacy, and right now for her it's November Coalition's home office. As we went to press with this RW, Betty left a phone-message of thankfulness for having found legal counsel for her son.

The doorbell rang, and the woman at the front door told a sad tale of debilitating lupus and brain cancer affecting her and a friend. Though Washington State legalized medical marijuana in 1998, medical doctors remain reluctant to recommend cannabis, and won't locally for the woman who came to November Coalition's door.

Tracy Ingle's story (page 20) started with a phone call to our office from his sister. Our office networked with members and friends to find an attorney in Arkansas to defend Tracy.

A South Carolina student emailed with a question about prosecutions of mothers with so-called 'crack babies.' Have prosecutions leveled off? Can you help me with my research? And Anthony wrote to say thank you for trying to get him moved from Portland (OR) to the Dallas (TX) area to be near his ailing, incarcerated mother at Carswell. He needed contacts in Dallas, and I gave him names of people in the area to contact about housing and employment.

If you appreciate such everyday work we accomplish with a voluntary, national network of people anchored in Colville (WA), become a new member or renew your old membership today. If you're inside prison walls, that's only \$10/year. Outside members pay \$30/year, and students join for \$15/year. If you or your loved one appreciate a 'live voice' on the phone, send your membership money in today. If you especially appreciate receiving this issue of the *Razor Wire*, pass it on to a friend with a reminder to become a Novemberista now.

Outside groups like November Coalition were only dreamed of in the 1960-70s era of prisoner resistance and its calls for community organizing. Today, we're a living legacy with a host of independent voices demanding real change, bottoms up change, in police departments, courtrooms, prisons and the communities where we live. Help sustain the Coalition's 11-year-old grassroots' movement with your membership money, a renewed dedication, and be enlivened by an optimism of uncertainty that dispels pessimism.

Should Barack Obama or Cindy McCain Really Be in Prison?

That's the Mad Logic of the 'War on Drugs'. So Why the Silence?

BY JOHANN HARI

On January 20th 2009, either the president of the United States will be a man who used to snort coke to ease his blues, or the First Lady will be a former drug addict who stole from charity to get her next fix. In this presidential campaign, there are dozens of issues that have failed to flicker into the debate, but the most striking is the failing, flailing 'War on Drugs.'

Isn't it a sign of how unwinnable this 'war' is that, if it was actually enforced evenly, either Barack Obama or Cindy McCain would have to skip the inauguration — because they'd be in jail? At least their time in the slammer would feature some familiar faces: they could share a cell with Bill Clinton, George W. Bush, and some 46 percent of the US population.

The prohibition of drugs is perhaps the most disastrous policy currently pursued by the US government. It hands a vast industry to armed criminal gangs who proceed to kill more than

fancies — how much air is in your tyres? — than this \$40-billion-a-year 'war.'

They should be forced to listen to Michael Levine, who had a thirty year career as one of America's most distinguished federal narcotics agents. In his time, he infiltrated some of the biggest drugs cartels in the world. And he now explains, in sad tones, that he wasted his time.

In the early 1990s, he was assigned to eradicate drug-dealing from one New York street corner — an easy enough task, surely? But he quickly learned that even this was physically impossible, given the huge demand for drugs. He calculated that he would need one thousand officers to be working on that corner for six months to make an impact — and there were only 250 drugs agents in the whole city. One of the residents asked him, "If all these cops and agents couldn't get this one corner clean, what's the point of this whole damned drug war?"

When Levine penetrated to the very top of la Mafia Gruenza, one of the biggest drug-dealing gangs in the world, he learned, as he puts it, "that not only did they not fear our war on drugs, they actually counted on it. On one undercover tape-recorded conversation, a top cartel chief, Jorge Roman, expressed his gratitude for the drug war, calling it 'a sham put on the American tax-payer' that was 'actually good for business'."

He was right — prohibition is the dealer's friend. They depend on it. They thrive on it, just as Al Capone thrived on alcohol prohibition. When Levine recounted these comments to his boss — the officer in command of the paramilitary operation attacking South America — he replied, "Yeah, we know [the police and military battles against drug gangs] don't work, but we sold the plan up and down the Potomac."

Yet virtually no politicians are exposing this scandal. A rare and heroic exception is Jim Webb, Senator for Virginia. In his brilliant new book *Born Fighting*, he says "the hugely expensive antidrug campaigns we are waging around the world are basically futile." He even goes further, and exposes how this intersects with racism to create a monstrous injustice. The ACLU found in 2006 that although the races use drugs at the same rate, Black Americans — who comprise 12 percent of the population — make up 74 percent of all drug offenders sentenced to prison.

Webb shows the human cost: "Even as I write these words, it is virtually certain that somewhere on the streets of Washington D.C.



Johann Hari

an eighteen year-old white kid from the Maryland or North Virginia suburbs is buying a stash of drugs from an eighteen year-old black kid. The white kid is going to take that stash back to the suburbs and make some quick money by selling it to other kids." He will grow up and grow out of it, and one day — as a wealthy professional — he

will "look back on his drug use just as recreational and joke about it... just one more little rebellion on the way to adulthood."

But the black kid "will enter a hell from which he may never recover." He is likely to be arrested, and to go to prison. "Prison life will change the black kid, harden him, mess up his mind, and redefine his self-image. And after he is released from prison, the black kid will be dragging an invisible ball and chain behind him for the rest of his life. By the time the white kid reaches fifty years of age, he may well be a judge. By the time the black kid reaches fifty, he will likely be permanently unemployable, will be ineligible for many government assistance programmes, and will not even be able to vote."

Barack Obama only narrowly missed this fate. He would not be the Great Black Hope he deserves to be; he wouldn't even be allowed to cast a ballot in 2008.

Of course, ending drug prohibition may seem impossible now. But in 1924, even as vociferous a 'wet' as Clarence Darrow was in despair, writing that it would require "a political revolution" to legalise alcohol in the US. Within a decade, it was done.

Before this campaign is out, Obama needs to be asked: do you really think you should be in jail? McCain needs to be asked: do you really think your wife should be in jail? Both need to be asked: do you really think 46 percent of Americans should be criminalized? And if not, what are you going to do to begin ending this mad, unwinnable 'war on drugs'?

(About the author: Johann Hari has reported from Iraq, Israel/Palestine, the Congo, the Central African Republic, Venezuela, Peru and the US, and his journalism has appeared in publications all over the world. The youngest person to be nominated for the Orwell Prize for political writing, in 2003 he won the Press Gazette Young Journalist of the Year Award and in 2007 Amnesty International named him Newspaper Journalist of the Year. He is a contributing editor of Attitude magazine and published his first book, God Save the Queen?, in 2003.

Source for this August 10, 2008 article is www.johannhari.com — Editor

BEFORE THIS CAMPAIGN IS OUT, OBAMA NEEDS TO BE ASKED: DO YOU REALLY THINK YOU SHOULD BE IN JAIL? MCCAIN NEEDS TO BE ASKED: DO YOU REALLY THINK YOUR WIFE SHOULD BE IN JAIL? BOTH NEED TO BE ASKED: DO YOU REALLY THINK 46 PERCENT OF AMERICANS SHOULD BE CRIMINALIZED? AND IF NOT, WHAT ARE YOU GOING TO DO TO BEGIN ENDING THIS MAD, UNWINNABLE 'WAR ON DRUGS'?

10,000 citizens a year to protect their patches. It exports this programme of mass slaughter to Mexico, Colombia and beyond. It has been a key factor in reviving the Taliban in Afghanistan. It squanders tens of billions of dollars on prisons at home, ensuring that one in 31 adults in the US is now in prison or on supervised release at any one time. And it has destroyed an entire generation of black men, who are now more likely to go to prison for drug offences than to go to university.

And for what? Prohibition doesn't stop people using drugs. Between 1972 and 1978, eleven US states decriminalized marijuana possession. So did hundreds of thousands of people rush out to smoke the now-legal weed? The National Research Council found that it had no effect on the number of dope-smokers. None. The people who had always liked it carried on; the people who didn't felt no sudden urge to start.

So where's the debate? The candidates have spent more time discussing froth and



LAW LIBRARY

How Does Conspiracy Law Work?

In 1988 Congress passed another pre-election Anti-Drug Law. One of the provisions was urged by the Department of Justice to simply close a little loophole. The change was to apply the mandatory sentences of 1986, intended for high level traffickers, to anyone who was a member of a drug trafficking conspiracy.

The effect of this amendment was to make everyone in a conspiracy liable for every act of the conspiracy. If a defendant is simply the doorman at a crack house, he is liable for all the crack ever sold from that crack house. Indeed, he is liable for all of the crack ever sold by the organization that runs the crack house. After the conspiracy amendment was enacted, the prison population swelled. Within six years, the number of drug cases in federal prisons increased by 300%. From 1986 to 1998 it was up by 450%.

One result of the conspiracy amendment is that low-level traffickers can get very long sentences. They can also be the victims of lies by codefendants who have figured out how to cut a deal and manipulate the sentencing laws to their advantage. High-level traffickers often get lower sentences than Congress anticipated.

The top organizer is in a position, for example, to identify and testify against the people who launder money for him at a bank, corrupt police officers, airport or shipping personnel, and others. When a top organizer faces a very long mandatory or guideline sentence, he is able to offer "substantial assistance" and get a low sentence. Examples of such deals were the much reduced sentences obtained by high level cocaine traffickers who testified against former Panamanian strongman, General Manuel Noriega, when the U.S. government prosecuted him for cocaine trafficking.

Source: Eric Sterling, at: www.pbs.org/wgbh/pages/frontline/shows/snitch/primer/

June 29, 2008 — Washington Times (DC) 'Relevant Conduct' Can Add to Sentences

BY JIM MCELHATTON

Steven Kalar, senior litigator in the Northern District of California's Office of Federal Public Defender, tells his clients facing big conspiracy cases to keep in mind the movie "Raiders of the Lost Ark."

"If you get hit, and it doesn't matter if it's even with one little dart, you're dead," Mr. Kalar said. "They're going to argue relevant conduct."

The point, he said, is that a criminal defendant might not benefit greatly from acquittal of all the charges in a major conspiracy case except for a seemingly minor count.

Prosecutors still can point to "relevant conduct" — the acquitted charges that jurors rejected or other accusations the jury never heard — and ask a judge to mete out a tougher sentence.

Mr. Kalar said that while juries must make their findings based beyond a reasonable doubt, sentencing judges instead can base their findings on a preponderance of evidence.

"I do think the Supreme Court will be addressing the issue very soon," he said.

James Bilsborrow, who recently published an article on acquitted conduct sentencing in the *William & Mary Law Review*, said the consideration of acquitted or uncharged conduct at sentencing is a recent phenomenon.

"In the past, you could get sentencing enhancements, but nothing that would take you up to 40 years," said Mr. Bilsborrow, who reviewed the defense and prosecution memos in the D.C. federal court case of Antwan Ball.

Ball was acquitted on murder and racketeering charges but convicted of one \$600 drug deal.

Defense attorneys say sentencing guidelines show Ball, who has a 1995 weapons conviction, should be released within a few years.

In memos, prosecutors say Ball deserves the 40 years, the maximum allowed by law for his drug charge, because he has intimidated witnesses, lied in court testimony and remains a danger to the community.

Defense attorneys balk at the description. They say it's unfair to ask for 40 years when jurors only found Ball guilty of a single drug transaction, acquitting him of the more serious charges

On Friday, the U.S. Court of Appeals for the District of Columbia noted the debate over the sentencing issue in the case of Tarik Settles, who had appealed his 57-month sentence on a firearms conviction.

"To be sure, we understand why defendants find it unfair for district courts to rely on acquitted conduct when imposing a sentence," the judges concluded in their opinion.

"For those reasons, Congress or the Sentencing Commission certainly could conclude as a policy matter that sentencing courts may not rely on acquitted conduct. But under binding precedent, the Constitution does not prohibit a sentencing court from relying on acquitted conduct."

Proposed Federal Parole, Good Time and Re-entry Legislation for the 110th Congress

Legislation is being drafted this summer and fall 2008 to establish a hybrid system of parole and good time allowances for federal prisoners, according to FedCURE, a nonprofit organization dedicated to ensuring human rights and early release for federal prisoners. Excerpts from recent FedCURE news release:

"There are now two separate draft-bills. First, the proposed 'parole' legislation has a new name and is sitting in House Legislative Counsel's office. Second, the Federal Inmate Work Incentive Relief Act of 2008 (FIWIRA), a good time bill, is back from House Legislative Counsel's office and is waiting for an advisory panel's review."

"The Criminal Justice Tax Relief Act of 2008 (CJTRA), authored by FedCURE, has been changed in a couple of significant ways and will probably have a new name. For now it is titled The Federal Release Revision Act of 2008. The focus of this Act is increased good time and parole review by the United States Parole Commission for those given more than a certain length of sentence.

"This proposed legislation would affect each and every inmate in some positive way. With a new focus, the CJTRA would establish a hybrid system of parole for all federal offenders. The bill is estimated to save the U.S. taxpayers \$4 to \$7 billion dollars annually."

"Rep. Danny K. Davis has formed an advisory panel comprised of federal judges, a former Deputy Attorney General, a couple of post-conviction defense counsel, key Judiciary Committee staffers and representatives of the BOP, Parole

Commission, Probation Services and other government agencies. The Panel is being asked for a twenty day turnaround for comments at which point another rewrite will doubtlessly take place before it is presented to House Counsel for their dissection of the details to ensure conformity with whatever statutory changes would have to take place if the bill passes."

If approved and signed into law by the President, the CJTRA, would:

- * Reinstate the old parole statutes and make amendments thereto.
- * Make all offenders eligible for parole.
- * Increase good time allowances.
- * Give jurisdiction to the United States Parole Commission to set release dates in accordance with applicable parole guidelines or the U.S. Sentencing Guidelines, whichever is lowest.
- * Provide for reduction in term of imprisonment of elderly offenders.
- * Clarify parole procedures.
- * Provide post incarceration supervision.
- * Apply prospectively and retroactively.
- * Extend the life of the United States Parole Commission for twenty years.

www.fedcure.org/information/FedCURENews.shtml

(Note: At the URL above you'll find documents made available by the US Sentencing Commission to those attending the symposium on Alternatives to Incarceration. Great information!. Website last updated August 4, 2008 — Nora)

An Emotionless Calculation of Years

BY NORA CALLAHAN

While studying “real offense” and “relevant conduct” and how these tangled legal terms have turned into tangled laws, I found through Internet searching one of the best research papers explaining some fine points of the US Sentencing Guidelines I’ve ever read. It was published in spring 2008.

... PAROLE AND GOOD TIME PROVISIONS WERE INSTRUMENTS THAT CONGRESS AND SENTENCING COMMISSION HAD AVAILABLE TO FURTHER THEIR GOALS OF JUSTICE. BY ABOLISHING PAROLE AND REDUCING GOOD TIME TO A PITTANCE, ALL THAT’S LEFT IS EMOTIONLESS CALCULATION OF YEARS TO SERVE INSIDE PRISON.

Entitled *Policy, Uniformity, Discretion, and Congress’s Sentencing Acid Trip*, Baylor University Law Professor Mark Osler tackles sentencing questions head-on. We’ve already sent out a few copies, and are hoping that many federal prisoners will have the opportunity to study it — and then put this important “reform document” in the prison law library for others. It’s an easy read, and those aren’t easy to come by. Your imprisoned loved one will thank you profusely for downloading it, printing it, and sending it to them. It’s 50 pages.

Tom Murlowski, November’s Operations Manager, can print and mail a few copies by request. We rely on key legal thinkers inside prisons, and you might be in contact with one we don’t know. To read this Message and other ‘blogs’ from Nora on Internet, go to *Drug War Injustice and Us*, at www.november.org/nora.

Because of limitations on electronic communications for the incarcerated, we are hoping this printed blog (short for ‘web log’) will reach and teach potential and current members of November Coalition, especially — but only with your help. We’ll list online only the best of ‘reform minded’ documents. That said, let your loved ones know that comments on these papers are welcome. Please write: *Drug War Injustice and Us*, November Coalition; 282 West Astor, Colville, WA 99114.

Most analyses of law offer only tinkering suggestions for reform, even after airing big beefs about irrational laws. Not the inestimable Professor Osler, a former prosecutor, who also tells us that things are worse than ever, explaining, “The result, even after Booker, has been the most restrictive sentencing system in the nation — one that imposes more uniformity and restricts judicial discretion more severely than any of the 50 state systems that overlap with federal courts in their common project of regulating crime.”

Within this rigid system are fast track programs and substantial assistance departures. I’ve tried to explain it — any uniformity is turned on its head — in various forums and formats for a long time. *Policy, Uniformity, Discretion, and Congress’s Sentencing Acid Trip* does the job better than I can do today, and for me, it darn well beats having to read my own awkward explanations after searching for inspiration and greater knowledge on the subject!

Law students, constitutional defenders and anyone interested in US Sentencing Guidelines, especially the federal system, will want to study Professor Osler’s work, too.

Completely scrapping the Guidelines is one of his suggestions; another is to have Congress return to traditional goals of sentencing and move away from the broad dictates, support for strange special interests in prosecuting certain crimes over others, and close the trap doors — the ability of Congress and the Commission to respond inappropriately to unscientific and biased pressures.

Osler asks, “Do we want an irrational and pointless construct at the center of our sentencing structure, even if it is not strictly mandatory?” Then answers, as would I, “I would hope not.”

Lastly, Osler proposes Congress could start over again with fewer goals, fewer advisory guidelines — from scratch. A “massive effort,” but “worthwhile,” and the one he prefers.

Osler believes that such a process, though “massive,” would allow thorough “rethinking of charge v. real offense conduct as the basis for sentencing.” Along with such a process are a host of other issues November Coalition has long brought to public attention, including the absence or neglect of rehabilitation in the current federal system, an absence eliminating a traditional goal of US sentencing.

Osler’s hope will only have hope if the enforcers

don’t outnumber other citizens, the stakeholders who should serve on the US Sentencing Commission and have been excluded thus far. If Professor Osler was at the head of the table, along with a few former prisoners, social workers who serve people released from prison, social scientists (not just their data), I’d think that effort would bring us measures of justice.

Continued costs of our 30-year sentencing experiment can’t be borne anymore, and so a ‘massive effort’ now could prove to be the massive solution to our country’s massive imprisonment problem. We shouldn’t be afraid of big jobs of solid reform. We really don’t have a choice — our country doesn’t have much disposable income anymore.

Last, but best, is Mark Osler’s explanation that parole and good time provisions were instruments that Congress and Sentencing Commission had available

THE RESULT, EVEN AFTER BOOKER, HAS BEEN THE MOST RESTRICTIVE SENTENCING SYSTEM IN THE NATION — ONE THAT IMPOSES MORE UNIFORMITY AND RESTRICTS JUDICIAL DISCRETION MORE SEVERELY THAN ANY OF THE 50 STATE SYSTEMS THAT OVERLAP WITH FEDERAL COURTS IN THEIR COMMON PROJECT OF REGULATING CRIME.

to further their goals of justice. By abolishing parole and reducing good time to a pittance, all that’s left is emotionless calculation of years to serve inside prison.

Really, no one wants to miss reading this important document. I encourage prisoners and their loved ones to use Osler’s research for the theme of a public discussion about what should replace ‘the mess’ we find ourselves in. Be the leaders you’ve been waiting for.

You can download *Policy, Uniformity, Discretion, and Congress’s Sentencing Acid Trip* at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1130212, or look for it in an upcoming issue of *The Federal Reporter*.

What’s Happening with Second Chance Act?

Signed into law by President Bush on April 9, 2008, the Second Chance Act (H.R. 1593) reauthorizes certain grant programs for prisoners’ reentry into their home communities. ‘Reauthorizing’ is the first step taken before Congress can ‘appropriate’ funds. Total cost over two-year period is estimated at \$191 million. By end of June no money has been spent.

As of June 25, the House Appropriations Committee completed the mark-up of the 2009 appropriations bill, which reserves \$45 million for programs under the Second Chance Act. In July the Senate Appropriations subcommittee reserved \$20 million for Second Chance programs. After full Committee consideration in the Senate, and assuming approval, further budget wrangling still leaves some doubt about how much, or if, money will be spent in coming months on Second Chance grants.

While recognizing that this Act is the first comprehensive effort by Congress to solve problems that released prisoners are given when they return home, the Act has very little to do with reducing time served in prison. A proposed pilot program for the “Eligible Elderly Offender” may take place in only one federal lockup and — like the little-used, existing “Compassionate Release” BoP policy — is unlikely to help many people over 65 who have served at least 75% of their sentences.

Another small provision affecting early release is the lengthening of time from six to twelve months for possible halfway house confinement, but the BoP is not

required to give every eligible prisoner twelve months. Same for slight increase in home confinement: BoP is not required to give home confinement as a right to any incarcerated person.

Though the Act authorizes funds for measuring levels of successful reentry, it offers only job preparation or ‘work readiness activities,’ not real jobs that anchor successful reentries. Though some incentives are provided for participation in skill-development programs, the Director of BoP has no power to reduce a term of imprisonment as incentive to participate

Only states and local governments are eligible for funding under the Act’s Demonstration Programs, but community-based nonprofit groups can apply for mentoring funds through the Department of Labor — which is authorized to merely “educate employers about existing programs for former prisoners, such as the work opportunity tax incentive.” Some money will be granted to “states or local governments for building transitional housing, including homes for recovering substance abusers.”

Whether it’s the \$45 million wanted by the House, or the \$20 million by the Senate in initial appropriations, the Second Chance Act ranks fairly low in planned criminal justice funding measures, and, to repeat, no one knows for sure that Congress will appropriate any money at all for the Act in this presidential election year.

Sources: www.reentrypolicy.org and www.famm.org

Bottoms Up 2008

A Guide to Grassroots Activism



I'm a Citizen Activist

By NORA CALLAHAN

With my brother well into serving his 27-year sentence in prison on a drug conspiracy conviction, it took me awhile to grasp firmly why I had to talk to others about the inhumanity of the drug war. The decision was tied to my innermost thoughts, and so I began to talk first to my friends and family.

Most people could listen to a different way of seeing the problems of drug use, abuse and addiction, and shared my opinions about the overuse of informants to secure convictions, and corruption of official institutions. They listened when I spoke of the hypocrisy of one class of people getting drug treatment options, while another class of people is herded off to prisons to be warehoused in idleness, or toil in prison factories.

People, ordinary folks in all walks of life, also could see that the quantity of all drugs, and the profits from legal and illegal drugs weren't decreasing. I began talking about drugs, and the war on some drugs.

I realize today that I was an activist long before I thought of myself as "an activist." You might be considering taking your own activist inclination to the 'next step.' Our staff and volunteers have compiled *Bottoms Up: Guide to Grassroots Activism*, to help you do that. Find it online at www.november.org/BottomsUp. If you have comments or suggestions, please contact us!

We are looking for individuals and groups who will commit to learning how to organize in their regions. We seek citizens who can volunteer to work with established leaders in or near their home towns, eventually being able to know and work with people throughout their state and nationally, too.

You can have a multitude of talents and possibilities, or be a beaten down grandmother with an extended family and concerned friends. Let's find a way to work together.

The strategic goal of our organizing is to engage many citizens in grassroots activism. It's common knowledge that when people work cooperatively, our collective energy can become a powerful political force. Your decision to be 'part of the solution' means it's time to figure out "how." Problems as large and complex as what to do about failed drug policy are never solved without lots of people working diligently on experiments and solutions.

Many of us want systems of earned, early release in federal and state prisons, and drug war injustice and selective enforcement brought to light.

Choose one or more current November Coalition campaigns. Refer to this guide as often as needed, and if you have any questions, contact our staff or another November Coalition volunteer.

Bottoms Up Chapters

- > Introduction
- > Get Started
- > Organize
- > Public Activities
- > Be the Media
- > Public Spaces
- > Posters, Flyers
- > Displays
- > Get Publicity
- > Fundraising
- > Tool Kit
- > Contact Us
- > November Videos
- > Reading Room

Learn more at www.november.org/BottomsUp



Nora Callahan, Executive Director of November Coalition, speaking at Mercy Law School in Detroit, MI, on the Journey for Justice, October 2002

Be the Media

Multimedia presentations can illuminate complex issues to a diverse audience. Multimedia is a term that sounds more complex than it is.

Show a Film Documentary

Through the years, the November Coalition volunteers and network have found video documentaries a great way to educate others and stimulate new conversations about what should replace the war on drugs.

You might not know it, but most documentaries are about subjects in the shadows, and people imprisoned and their loved ones are in the shadows of many issues of the day. Advocacy groups holding advance screenings and publicizing these films, is often the only way the work receives any public attention. You can help a documentary become popular and available for home rental, and air on cable or network TV. Showing the best of educational media is another way to move our issue to the public's notice.

We can make the following videos available to your group, one a current release and one a documentary 'classic':

Up the Ridge, a US Prison Story is a documentary produced by Nick Szuberla and Amelia Kirby. In 1999, Szuberla and Kirby were volunteer DJ's for the Appalachian region's only hip-hop radio program in Whitesburg, KY when they received hundreds of letters from prisoners transferred into nearby Wallens Ridge State Prison, the newest prison built to prop up the region's sagging coal economy. *Up the Ridge* explores competing political agendas that align government policy with human rights violations, and political expediencies that bring communities into racial and cultural conflict with tragic consequences. (60 minutes)

Snitch, a 1999 PBS *Frontline* classic from award winning producer Ofra Bikel that investigates how a fundamental shift in the country's anti-drug laws — including federal mandatory minimum sentencing and conspiracy provisions — has bred a culture of snitching that's in many cases rewarding the guiltiest and punishing the less guilty. (90 minutes)

Create a Video Short

Within your group you're likely to meet someone who has tinkered with video and photographs: creating short videos of vacations, trips to the beach and holidays. Think about creating video shorts that teach about your group, its mission, political objectives and more about the issues. There are popular places online where creative video shorts can garner lots of public attention. YouTube, Google, and Yahoo are three of dozens of popular places where video creations can be uploaded.

Make a Website

Social networking websites offer another way your group can publicize local events, share projects and attract more members. Myspace, Facebook, Blogger are three of hundreds of Internet possibilities that allow individuals and groups to have a presence online without any cost. With only a little computer skills, one volunteer, or small team, manage communications expertly with little effort.

Through MySpace, Tyrone Brown supporters were able to help November Coalition keep the public notified as citizens rallied nationwide for Ty's release. It worked!

Talk Radio

Be a guest or regular listener and person who calls to comment on talk radio shows. If a talk show host is discussing taxes, call to complain about your tax dollars wasted in a futile war against drugs, a war wherein the police, courts and prisons fuel the conflict.

If you have a loved one imprisoned, learn to give the background of your personal experience of injustice in a sentence or two. Don't try to detail a

legal case on radio or any short media interview.

Nora Callahan has learned to say, "My brother was charged and imprisoned in 1989 for a drug conspiracy and sentenced to 27 years in federal prison. There was no evidence, just the word of those who traded testimony against my brother for their freedom." From there you can discuss aspects of drug war injustice, and the audience knows how you are connected to the issue.

Broadcast

Podcasting is another way that a small or large group of people can communicate publicly. According to Wikki, "A podcast is a collection of digital media files which is distributed over the Internet, often using syndication feeds, for playback on portable media players and personal computers. The term podcast, like "radio", can refer either to the content itself or to the method by which it is syndicated; the latter is also termed podcasting. The host or author of a podcast is often called a podcaster.

Do a websearch: podcast drug war activism, or podcast drug war and listen to some samples of homegrown media. YouTube, Google and MySpace, and iTunes have podcast and other broadcasts, too.

Theater

How about a theatrical presentation? Some groups are writing, performing, sharing plays and small skits. There are scripts available that can be modified to suit your group.

Thousand Kites, a national dialogue project addressing the criminal justice system has a theater project. "You can download the script and other tools to put the Thousand Kites play in your community. Do a reading, create a performance, and gather your communities stories. Kites has the script and helpful guides for you to start a dialogue in your community." More info on Thousand Kites Theater is a mouse click away, so check it out today.

Public Service Announcements

Got a beef? Create a public service announcement, take up a collection from friends and associates that wants your group to air it. On our website (www.november.org/LocalScenes) is one sample aired during an anti-jail initiative in 2004 in Stevens County, WA.

By the way, it worked — we failed the jail.

Remember, you can be the media!



Up The Ridge: A US Prison Story — Screening & Discussion, Spokane, WA 2008

If you would like a DVD copy of Up The Ridge, write our office at: UP THE RIDGE, November Coalition, 282 West Astor, Colville, WA 99114, or e-mail tom@november.org. You can learn more about Up The Ridge at www.thousandkites.org.

Ex-Drugs Policy Director Calls for Legalisation

BY DUNCAN CAMPBELL, THE GUARDIAN

A former senior civil servant who was responsible for coordinating the government's anti-drugs policy now believes that legalisation would be less harmful than the current strategy. Julian Critchley, the former director of the Cabinet Office's anti-drugs unit, also said that his views were shared by the "overwhelming majority" of professionals in the field, including police officers, health workers and members of the government.

He also claimed that New Labour's policy on drugs was based on what was thought would

"JULIAN CRITCHLEY IS ONE OF THE BRAVE FEW TO TELL THE TRUTH ABOUT THE FAILURE OF PROHIBITION AND THE NEED TO REPLACE IT WITH A SYSTEM OF REGULATION," — DANNY KUSHLICK, TRANSFORM DRUG POLICY FOUNDATION

play well with the *Daily Mail* readership, regardless of evidence of what worked. Downing Street policy advisers were said to have suggested stunts such as sending boats down the Thames to catch smugglers to coincide with policy announcements.

Critchley — not to be confused with the late Tory MP of the same name — was director

of the UK Anti-Drug Coordination Unit in the Cabinet Office, with the job of coordinating government policy across departments and supporting the then drugs Tsar, Keith Hellawell. In a contribution to the debate on the "war on drugs" on a BBC website, Critchley spelled out his reasons for now supporting legalisation and claimed the government's position is hypocritical. Yesterday Critchley, who is now a teacher, confirmed that the blog posting accurately conveyed his views.

"I joined the unit more or less agnostic on drugs policy, being personally opposed to drug use, but open-minded about the best way to deal with the problem," he wrote on the blog. "I was certainly not inclined to decriminalise. However, during my time in the unit, as I saw more and more evidence of 'what works', to quote New Labour's mantra of the time, it became apparent to me that ... enforcement and supply-side interventions were largely pointless. They have no significant, lasting impact on the availability, affordability or use of drugs."

He said that his views were widely held in the government but rarely expressed in public. "I think what was truly depressing about my time in UKADCU was that the overwhelming majority of professionals I met, including those from the police, the health service, the government and voluntary sectors held the same view: the

illegality of drugs causes far more problems for society and the individual than it solves. Yet publicly, all those intelligent, knowledgeable people were forced to repeat the nonsensical mantra that the government would be 'tough on drugs', even though they all knew the government's policy was actually causing harm."

Critchley believed that the benefits to society of the fall in crime as a result of legalisation would be dramatic. "Tobacco is a legal drug, whose use is declining, and precisely because it is legal, its users are far more amenable to government control, education programmes and taxation." Anyone who wished to purchase the drug of their choice could already do so. "The idea that many people are holding back solely because of a law which they know is already unenforceable is simply ridiculous."

His intervention was welcomed yesterday by drugs law reformers. "Julian Critchley is one of the brave few to tell the truth about the failure of prohibition and the need to replace it with a system of regulation," said Danny Kushlick, of the Transform Drug Policy Foundation. "It is truly shameful that there are so many more who know that the war on drugs is overwhelmingly counterproductive, and yet continue to remain silent, tacitly endorsing a policy that they know creates misery, degradation and death for millions across the globe."

Inside/Outside Voices

BY CHUCK ARMSBURY

Kenneth Brydon is News Editor for the recently revived *San Quentin News* — the pulse of San Quentin. Volume 2008, No. 1, was mailed to our office with a request for permission to reprint articles from the *Razor Wire*. "Up to this print, the *SQ News* was last put out in 1992," wrote Brydon in a cover letter.

Well laid-out on yellow paper with photos, *SQ News* includes articles on the Men's Advisory Council, *SQ Law Libraries*, getting an AA degree, the 1964-created San Quentin Utilization Of Inmates Resources, Experiences And Studies (SQUIRES) mentoring program, Overall Health And Wellness and smaller pieces on the *SQ Giants* baseball team and California Reentry Program.

Brydon also told about a special workshop within *SQ* that labored over a year to publish an anthology of fiction and nonfiction writing, *Brothers in Pen: A Means of Escape*, with a "range of subject matter as wide as the imagination." — Rattlesnakes, Black Power, prison boxing matches, painful childhoods and

transformation in the 'hood.'

Anthology contributors are serious writers, many of them Lifers, and all proceeds from sale of the anthology "go through the William James Association to support this creative writing class through the Arts-in-Corrections program. To purchase *Brothers In Pen* online: www.lulu.com.

Subscribe or send submissions to Education Department, *San Quentin News* (USPS 4870-700), San Quentin, CA 94974. Death row stories are welcome. Editors close with Sanskrit saying, "Learn to behave from those who cannot."

Larry Levine spent 10 years in federal custody, a first-time, nonviolent offender. After release, Levine did what most released prisoners seldom do: he stayed determined to help others like him in 1998 who "were scared, angry, confused, and totally overwhelmed by a Criminal Justice System I knew little about. I had no idea what to expect, no one to turn to, and was on my own."

Years spent studying and challenging BOP "Program Statements" gave Larry a rich insight

into how rules are made, followed or disobeyed by prison staff. On the outside he offers unique advocacy for those about to enter a federal prison.

In a phone interview Levine made it clear he works for a fee, a sliding fee based on income and need. Calling it *Fedtime 101*, he offers "direct one-on-one counseling and guidance, to ensure you have a complete understanding of the issues lying ahead of you and your family."

Levine claims he'll address concerns expressed by an incarcerated person's loved ones, and insists his mission is "to provide the most accurate, up-to-date information, addressing all key issues concerning BOP Policy, pre-and post-custody policy, and what really happens when someone goes inside."

Larry has two websites where you can learn more about his history, special consulting service and initial efforts to organize California ex-felons into a voting bloc:

www.americanprisonconsultants.com and www.californiafelonparty.org

Thanks for Telling the Truth

BY WALLY PAREDES, PRISONER OF THE WAR ON DRUGS

Many years have passed since I last wrote. More than a decade ago your informative newsletter (*Razor Wire*) ceased, right? I never questioned the demise of something I came to enjoy. You see, "so many" things in my life have come to an end over the past 20 years that I now question little.

I am presently 64 years of age and serving a 30-year sentence for the nonviolent, victimless offense of a single delivery of a controlled substance to a paid, contractual, criminal informant. No money ever exchanged hands, and not a single person witnessed the alleged offense. Yet, a jury believed the paid-for testimony of a person making a living by accusing others.

THE U.S. SENTENCING GUIDELINES IN CHAPTER 4 CLEARLY EXCLUDE CONVICTIONS OVER 15 YEARS OLD FOR ESTABLISHING A CRIMINAL-HISTORY SCORE. YET THIS PROVISION OF THE SECOND CHANCE ACT PERMITS "ANY" PRIOR CONVICTION OF VIOLENCE TO EXCLUDE AN INMATE'S ELIGIBILITY. MOREOVER, THE BOP, IN ESTABLISHING A HISTORY OF VIOLENCE, UTILIZES RELEVANT AND/OR ACQUITTED CONDUCT. AN INDIVIDUAL CHARGED BUT EXONERATED OF THE OFFENSE, UNDER THE BOP'S INTERPRETATION, STILL HAS A HISTORY OF VIOLENCE — PRECLUDING ELIGIBILITY FROM THE ELDERLY OFFENDER PROGRAM.

This September 2008 I begin my 20th year. Over the past two decades all of my family but one sister have passed away. I have listened to the hopes and dreams of legislation to come that would put an end to these draconian sentences.

Other inmates bring me newsletters from nonprofit outside groups and a host of law firm newsletters promising relief on the near horizon or a light at the end of the tunnel. And far more often than not, the light at the end of the tunnel soon reveals itself as an oncoming train.

All these years inside have taught me much acceptance, tolerance and broad-mindedness. Yet, at the same time I have developed vexation, indignation and irritability towards those who find some repugnant, appalling, disgusting pleasure in building up false hope within those of us grasping for straws.

For years, older offenders like me looked hopefully to an elderly offender law that just might afford us our last years with the few loved ones we have left. Only to see it come forth within the Second Chance Act of 2007 as a very limited program, not subject to law, but subject to the discretion of the Bureau of Prisons.

The U.S. Sentencing Guidelines in Chapter

4 clearly exclude convictions over 15 years old for establishing a criminal-history score. Yet, this provision of the Second Chance Act permits "any" prior conviction of violence to exclude an inmate's eligibility. Moreover, the BOP, in establishing a history of violence, utilizes relevant and/or acquitted conduct. An individual charged but exonerated of the offense, under the BOP's interpretation, still has a history of violence — precluding eligibility from the Elderly Offender Program.

How on earth could Congress write such a toothless law? It has no backbone, no foresight. It will soon be obvious just how few prisoners will qualify. Why is it that every new law, every new break, every second chance, are given to those with no serious time to do? Those that have already been given every consideration on earth. While those of languishing away continue to "again" be punished for prior convictions "already" utilized three and four different ways in order to achieve what are, in essence, life terms of incarceration.

Where is our "second chance?" Just when have we finished serving sentences from 10, 15, 20 years ago? Sentences we have already served the time for. When do they end? It sickens us to see the never-ending efforts of those on the outside who could make a difference single out only those who have already received break after break.

Maybe somewhere in our past we've had some type of conduct considered violent. But we're now serving 30 year-sentences because of enhancements for that prior conduct. Our instant offenses are not "We" chose not to engage in violent crime. Yet, we now serve

sentences for drug offenses greater than those imposed upon many murderers, rapists, child molesters and armed robbers. Why?

Recently, federal prisons from coast to coast have been buzzing with hope that Congress will reinstate parole and the old (pre-1984) earned good time system. Rumors run wild. False information travels everywhere. This week, in fact, rumor was that the House of Representatives passed this long-awaited legislation. Inmates are desperate to finally give mothers, fathers, wives, children and host of other loved ones good news. How utterly sad!

Fortunately, I was able to borrow a copy of a printout of a six-page bulletin your office put out on April 18, 2008. On page 3 in bold print you accurately state that "there is at present NO bill in the U.S. Congress, 110th Session, to restore federal parole."

Thank you! It can't be much clearer than that. And that is how it should be. Should we give up hope? Of course not. But giving our loved ones false hope based on false or misunderstood information does far more harm than good. Had "your" information been more readily available, possibly these rumors could be replaced with knowledge and better understanding.

If the *Razor Wire* is still distributed, I would certainly welcome and appreciate receiving it. Rest assured, I will spread the word/facts. I have about six and one-half years remaining in my sentence — if I live that long and am able to walk out these doors. I seriously doubt that I will witness our government realize or admit to the travesty the war on drugs has bestowed on its own citizens. Keep up the good work.

New Constituency" Targeted as Election Day Approaches

FROM THE SENTENCING PROJECT

Florida civil rights lawyer Reggie Mitchell, Alabama activist Rev. Kenneth Glasgow and various grass-roots groups around the nation are trying to register tens of thousands of newly eligible citizens with felony convictions for the upcoming election. "They have taken up the cause on their own, motivated by the belief that former offenders have been unfairly disenfranchised for decades," the *Washington Post* reports. Mitchell said Florida's former disenfranchisement policy that banned all citizens with felony convictions from voting offended his notion of justice. "You can serve your time and still have your rights taken away," he stated of the former policy which was changed last year to allow those with non-violent offenses and paid restitution to vote. "I studied the history of black disenfranchisement in the state. We had the grandfather laws and the tissue-paper ballots. When a black man came to vote, they gave him a tissue-paper ballot that

was later thrown out. There were lynchings and riots. We've got a long history of depriving people of the right to vote in Florida."

Commenting on the *Post's* coverage, the *American Prospect* posted a blog entry that begged for a logical response to continuing antiquated disenfranchisement laws. "Such laws are Constitutionally suspect. If someone has fulfilled their legal obligations in prison, why are they still being punished after release? Why do former felons lose the right to act politically in their own self-interest once they are supposedly free? What, exactly, is Constitutional about depriving American citizens of one of their most basic civil rights? How does disenfranchising the formerly incarcerated encourage them to be productive members of society?"

Most ridiculous is the presumption that such laws are 'tough on crime.' How does preventing ex-felons from voting prevent crimes from being committed?"



Upcoming Events

September 1, 2008 , Santa Fe, NM. 9th Annual Labor Day Voter Empowerment Rally, 11:00 AM - 2:00 PM at Franklin Miles Park at Camino Carlos Rey and Siringo Road, Santa Fe, NM. Join Drug Policy Alliance New Mexico for its fifth year participating in Santa Fe's Labor Day Rally. The event will feature a picnic and rally.

September 3, 2008, New York City. re:FORM: A Benefit and Art Auction for the Drug Policy Alliance, 6:00 - 9:00 PM at Cheim & Read, 547 W 25th St, New York, NY. For more info, see <http://tinyurl.com/5zn4lh>

September 6, 2008, Missoula, MT. 13th Annual Missoula Hempfest, 12:00 PM at Caras Park, 131 S Higgins Ave., Missoula, MT. For more info, contact info@missoulahempfest.com or 406-552-4693, or see www.missoulahempfest.com

September 6 - 7, Portland, OR. HempStalk 2008, at the Eastbank Esplanade, 2 SE Main (Between Salmon & Madison), Portland, OR. For more info, contact D. Paul Stanford at (503) 235-4606 or paul@hempstalk.org, or Madeline Martinez at exec.director@ornorml.org, or see www.ornorml.org or www.hempstalk.org

September 15 - 16, 2008, Prague, Czech Republic. 1st Global Conference on Methamphetamine, held at Prague's historic Charles University. For more info, contact 44 (0) 208 987 6021 or see www.globalmethconference.com

September 18, 2008, London, England, UK. RELEASE Conference: Drugs, Race &

Discrimination, 8:30 AM - 5:00 PM at the Hampstead Theatre, London, UK. For more info, contact Jacqui Olliffe at jacqui@release.org.uk, to register, see <http://releaseorgu.eweb101.discountasp.net/release>

September 19 - 21, 2008, New York City. Horizons: Perspectives on Psychedelics, at Judson Memorial Church, 55 Washington Square South, New York, NY. For more info, contact info@horizonsnyc.org or see <http://horizonsnyc.org>

September 20, 2008, Boston, MA. 19th Annual MASSCANN/NORML Boston Freedom Rally, 12:00 - 6:00 PM at the Boston Common, 138 Tremont St., Boston, MA. For more info, contact (781) 944-3366 or (781) 944-2266

September 27, 2008, New York City and State. Drop The Rock Empowerment Day. At various locations throughout New York City and State, participants will: 1. Educate New Yorkers on the continuing harsh effects of the Rockefeller Drug Laws; 2. Register New Yorkers to vote; and 3. Collect petition signatures calling for the repeal of the Rockefeller Drug Laws. To participate and for more info, contact Caitlin Dunklee at 212-254-5700 x339 or cdunklee@correctionalassociation.org, or visit www.droptherock.org

Oct 29 - Nov 1, 2008, Philadelphia, PA. 8th International Conference on Pain and Chemical Dependency (ICPCD), at the Loews Philadelphia Hotel, Philadelphia, PA. For more info, contact Bill Stoff at 800-397-9774 or 215-337-6100, ext. 111, or registration@iapcd.org, or see <http://tinyurl.com/6a8hed>

November 9 -11, 2008, San Francisco, CA. The Green Festival, at the San Francisco Concourse Exhibition Center. Sustainable Economy, Ecological Balance, and Social Justice. A joint project of Global Exchange and Co-Op America. For more info, see www.greenfestivals.org

November 13 - 16, 2008, Miami, FL. 7th National Harm Reduction Conference, at the Radisson Hotel, 1601 Biscayne Blvd, Miami, FL. For more info, contact Paula Santiago at 212-213-6376, x15 or see www.harmreduction.org

February 26-27, 2009, El Paso, TX. The Prisoner's Family Conference. At The Radisson Hotel, 1770 Airway Blvd., El Paso, TX. For more info contact 915-861-7733 or info@solutionsforelpasso.org, or see www.solutionsforelpasso.org



Mail Call

I just had to write you to let you know the good news so that we can all share my joy. I have been down now 17 years on a life sentence. I just received in the mail that a motion I filed has been granted. My sentence now is 27 years thanks to the new law of crack. I know you all have been working hard to get true justice for many. Thank you for all the encouragement and hard work. Now I have a chance to be with my family. Many others will too.

Also let Rachel Morton know I greatly appreciate her very much for steady encouragement through it all. She kept telling me not to give up hope
Santiago Planas

I would like very much to be placed on y'all's mailing list for the newsletter. Keepin' it short so others can be helped as well.
Christopher

I have been reading a book about federal prison, and your organization was mentioned in it. The book didn't have much of a description of your organization, but it did pique my curiosity. I am a federal prisoner awaiting sentencing. I was wondering if you would mail me some information on your organization, some info that would explain to me what you do, and any publications you have. If there is any way I can help, and if I can become a member of November Coalition, let me know. Thank you for your time.
Christopher Zoukis

Shalom. After reading your site, especially that of the POW's wall of horrors, it is mind blowing to say the least. As a 32 year veteran paralegal these sentences that I have read shocks and numbs my mind, esp. if the government cases are built on speculation, and not facts. And people wonder why Mrs. Obama made the comments she is not proud of America !!

Edmund Burke once stated, "The only thing necessary for evil to triumph is for good men to do nothing."
Rabbi Joshua Josiah

Nora:

I just happened to visit my blog today and saw your comments (isn't that ironic, I haven't been there for months).

I am so happy to be reconnected with you. We just filed my son's 2255. I'd like to send you a copy, I think it's too big to email.

The last time we spoke, I was waiting to see where he would be assigned so I could give you his location. I was hoping for Wisconsin, but he is over 700 miles away at Schuylkill FCI in Pennsylvania.

It is so good hearing from you. Thank you.
Emma L. Young

Hello from NYC

I just wanted to let you know that I attended an event and met a wonderful woman who just happened to be an attorney. We spoke about the drug war, Isidro and the November Coalition. She is very much interested in TNC and we will be meeting again soon.

Teresa Aviles

SAVE THE DATE

CR

strategy and struggle to abolish the prison industrial complex: ten years and counting

ten

Critical Resistance 10th Anniversary
September 26th - 28th, 2008 • Oakland, CA



By Nora Callahan

Pssst! There's an Elephant in the Room

During presidential election years, even political cynics can get excited about the prospects of real change. Big things happen sometimes, and we are likely at a historical 'tipping point' in the war on drugs.

What if the man elected president has the heart to highlight the federal imprisonment boom as a domestic crisis, not a benchmark of federalization's progress? On the day G.W.Bush signed the Second Chance Act, he ignored the 'elephant in the room' — mandatory sentencing and "Real Offense Guideline Sentencing."

At the same time, we've seen what eight years of presidential priorities can yield, but to date we've not yet seen a US president confront the US carceral crisis. With all the talk of 'hope' and promises of 'change,' Ralph Nader is the only presidential candidate promising to decarcerate federal drug war prisoners. Aside from Nader, there is growing support for decarcerating federal prisons within Congress and other governmental groups. Even the US Sentencing Commission hosted a symposium on Alternatives to Incarceration just last July.

The Commission is aware that one solution to the carceral crisis could be a move away from "real offense" to "charged offense" sentencing. They have power to recommend it and, without objections from Congress, to correct unchecked powers of the prosecutor. We, (advocates of federal sentencing reforms) should encourage the Commission to make this change — in constant chorus.

Prisoners are integral to a letter writing campaign. Telling the Commission how much time you're doing on crimes you were never charged with holds power to move Members to greater understanding of how this system works in personal ways, beyond the sentencing charts they author and monitor. I know it moves people emotionally after they read your stories from our website.

There are simple ways, legislatively and through the Commission and Congressional bipartisan committees, to reduce the federal prison population dramatically, and not crush communities receiving people home. They are not being proposed, but have been replaced instead with complicated proposals that Paul Simon warned us to avoid. Paul Simon, a former US Senator from Illinois, died in 2003 a couple years into mentoring our challenge to restore a system of early release.

"Keep it simple," he told us. "Members of Congress like to understand a proposal, if it is long and too complex, you won't get the support you need."

Simple is this. Reuniting families earlier is the least expensive or complicated road to re-entry assistance solutions and decarceration goals. 'Good time,' reduced by the US Sentencing Commission through the power invested in them via the Sentencing Reform Act of 1984, could be increased by the Commission and submitted to Congress. Like Crack Cocaine Sentencing reform and retroactivity rulings late last year, if Congress doesn't object, they would become law. Personally, that is the proposal I support because in a complicated world we must look for the least complex, most inexpensive and effective solutions.

Expose the Elephant in the Room by writing the US Sentencing Commission, one of the primary governmental bodies charged with sentencing matters and federal crime control policies. Presidential candidates addresses are also provided below, and the addresses of your US representative and senators, too.

If you are a new member of the November Coalition,

thank you for your support and willingness to join our efforts to end drug war injustice. If you aren't a member, please join — the details on how to do so are on page 22 of this issue of the *Razor Wire*, or online at www.november.org.

Office of Public Affairs, USSC

One Columbus Circle, N.E.
Washington, DC., 20002-8002.
(202) 502-4500 — email: pubaffairs@ussc.gov

Presidential Candidates' office addresses are:

Obama for America

PO Box 8102
Chicago, IL 60680

John McCain 2008

PO Box 16118
Arlington, VA 22215

Nader for President 2008

P.O. Box 34103
Washington, D.C. 20043

Barr 2008 Presidential Committee

P.O. Box 725007
Atlanta, GA 31139

Rep. _____

U.S. House of Representatives
Washington, DC 20515

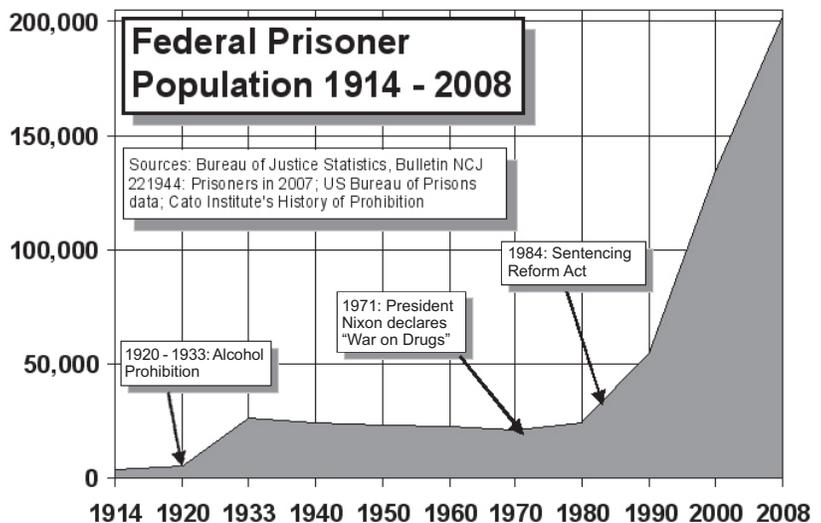
Sen. _____

U.S. Senate
Washington, DC 20515



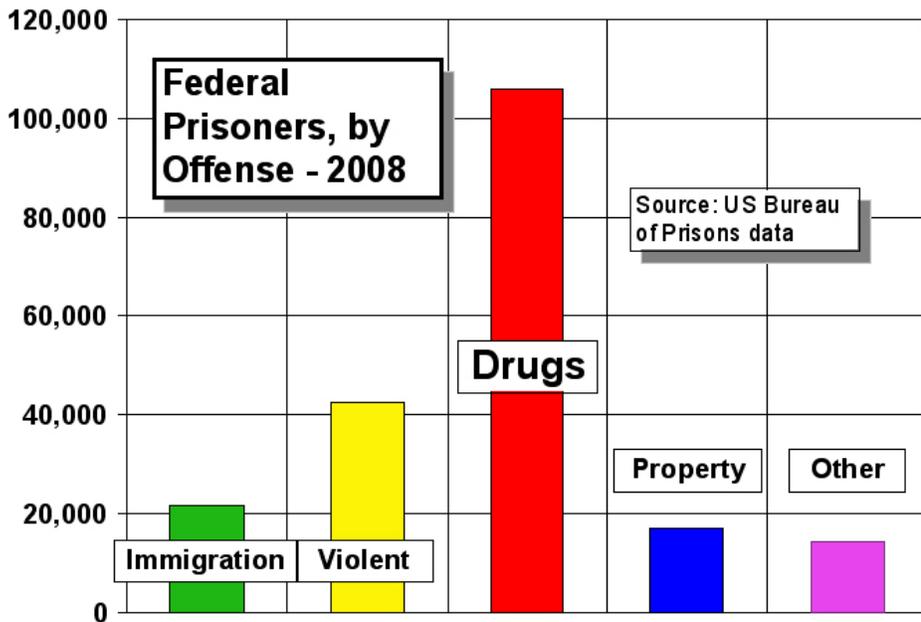
The late Sen. Paul Simon (D-IL)

(Remember, you have 1 Representative and 2 Senators. Find more info about them, including local offices, at <http://thomas.loc.gov>.)

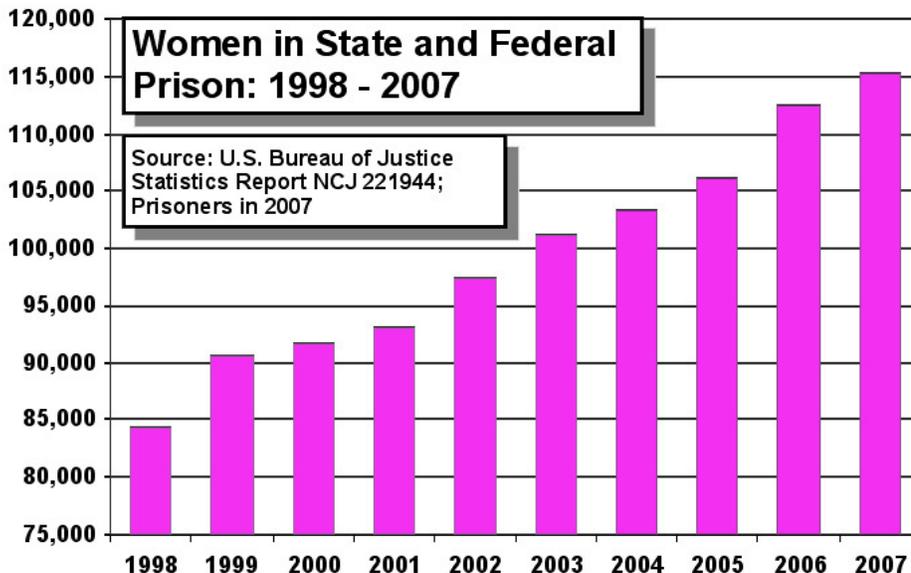


The War on Drugs at a Glance

"PROHIBITION ... ATTEMPTS TO CONTROL A MAN'S APPETITE BY LEGISLATION, AND MAKES A CRIME OUT OF THINGS THAT ARE NOT CRIMES. A PROHIBITION LAW STRIKES A BLOW AT THE VERY PRINCIPLES UPON WHICH OUR GOVERNMENT WAS FOUNDED." — ABRAHAM LINCOLN: SPEECH IN THE ILLINOIS HOUSE OF REPRESENTATIVES, DEC 18, 1840.



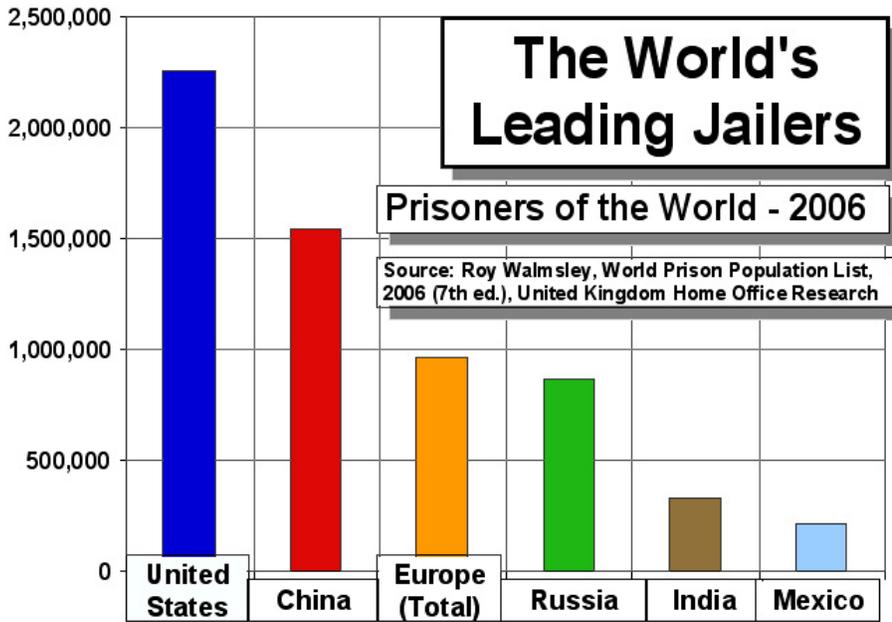
"IN SUM, TRUTH TAKES A HOLIDAY, AND SPECIAL INTERESTS BURROW INTO THE SOURCES OF WEALTH AND INFLUENCE. THE RESULT IS WASTE AND NONSENSE THAT IN ANY OTHER HUMAN ENDEAVOR WOULD BE INTOLERABLE. IF THERE IS A KEY TO UNDERSTANDING AMERICA'S-CRIMINAL JUSTICE PROBLEM, IT LIES IN RECOGNIZING THAT THE WAR ON DRUGS HAS BEEN LOST AND NEVER WAS WINABLE. IN ORDER TO FEED THE WAR MACHINE, WE HAVE SACRIFICED OUR COURTS, PRISONS AND LAW ENFORCEMENT. MORE IMPORTANTLY, WE HAVE SURRENDERED MANY OF THE FREEDOMS THAT MADE US THE FREEST SOCIETY IN HISTORY." — JOHN L. KANE, JR., SENIOR JUDGE, U.S. DISTRICT COURT, DENVER



"MISTRUST THOSE IN WHOM THE IMPULSE TO PUNISH IS STRONG." — FRIEDRICH NIETZSCHE

"INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE." — DR. MARTIN LUTHER KING, JR.

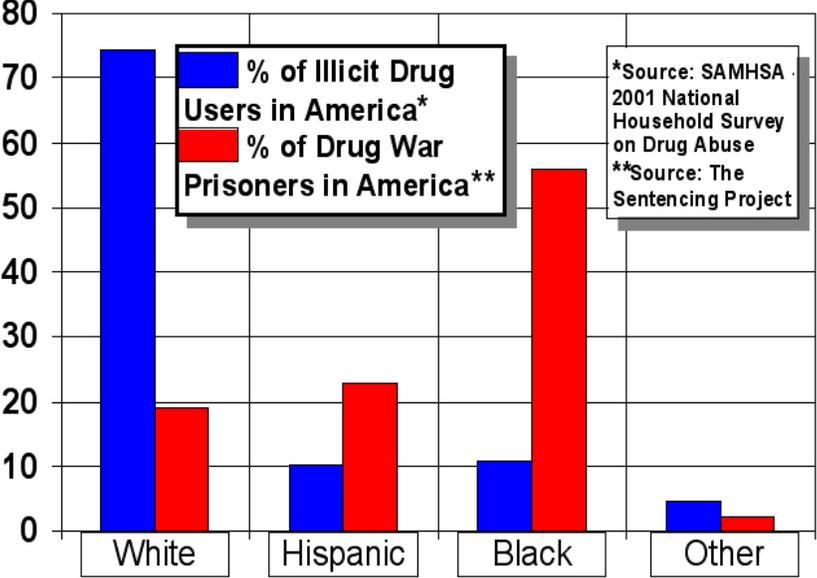
"THOSE WHO WOULD GIVE UP ESSENTIAL LIBERTY TO PURCHASE A LITTLE TEMPORARY SAFETY, DESERVE NEITHER LIBERTY NOR SAFETY." — BENJAMIN FRANKLIN



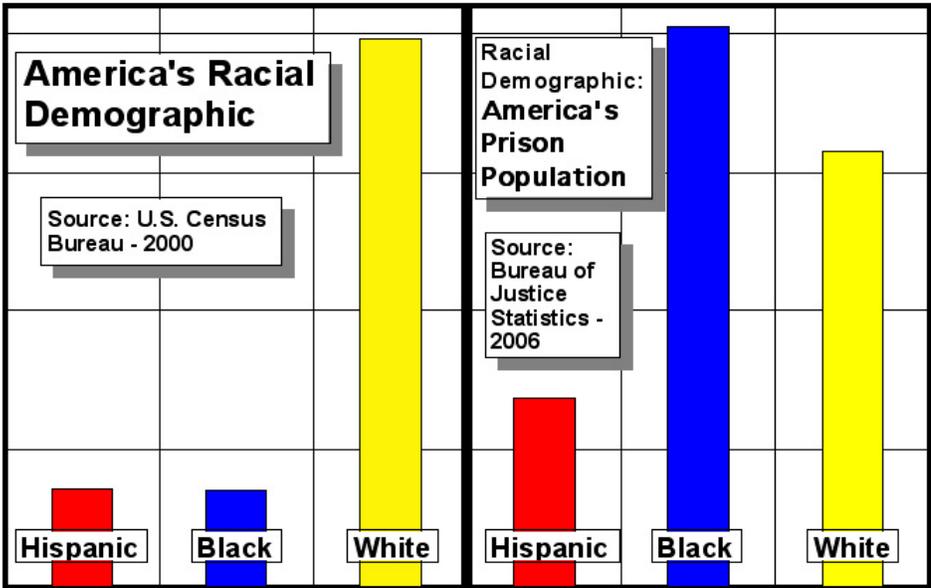
"OVER THE COURSE OF THE PERIOD FROM THE MID-1970'S UNTIL TODAY, THE UNITED STATES HAS EMBARKED ON ONE OF THE LARGEST PUBLIC POLICY EXPERIMENTS IN OUR HISTORY. YET THIS EXPERIMENT REMAINS SHOCKINGLY ABSENT FROM PUBLIC DEBATE: THE UNITED STATES NOW IMPRISONS A HIGHER PERCENTAGE OF ITS CITIZENS THAN ANY 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". — VIRGINIA DEMOCRATIC SENATOR JIM WEBB, SPEAKING AT THE SENATE JOINT ECONOMIC COMMITTEE HEARING ON MASS INCARCERATION, FALL 2007

"WE NEVER KNEW THAT [PROSECUTORS] WOULD TAKE THE GENEROSITY OF GOOD PUBLIC POLICY MAKERS AND TURN IT ON ITS HEAD. WE NEVER KNEW THAT THEY WOULD TAKE OUT AFTER INNOCENT PEOPLE IN SO MANY DIFFERENT WAYS. I CANNOT EVEN GET INTO TELLING MY COLLEAGUES HOW THEY USE CONSPIRACY LAWS. NO EVIDENCE, NO DOCUMENTATION. THESE CONSPIRACY LAWS ARE FILLING UP THE PRISONS." — REP. MAXINE WATERS (D-CA),



These graphs and more are available for free download at www.november.org/graphs



"WE'VE JUST ABOUT LOST A GENERATION OF YOUNG PEOPLE. WE'RE BUILDING NEW PRISON BEDS AT THE RATE OF ABOUT 1000 A WEEK AND WE'RE STILL OVERCROWDED... WE'VE SPENT \$100 BILLION ON THE WAR ON DRUGS AND WE'RE LOSING IT." — US DISTRICT JUDGE THOMAS WISEMAN

"NEVER DOUBT THAT A SMALL GROUP OF THOUGHTFUL, COMMITTED CITIZENS CAN CHANGE THE WORLD. INDEED, IT IS THE ONLY THING THAT EVER HAS." — MARGARET MEAD



McCain Wants to 'Surge' American Communities

ABC News reports from John McCain's appearance at the Urban League in August 2008:

Answering a question about his approach to combatting crime, John McCain suggested that military strategies currently employed by US troops in Iraq could be applied to high crime neighborhoods here in the US.

McCain called them tactics "somewhat like we use in the military. You go into neighborhoods, you clamp down, you provide a secure environment for the people that live there, and you make sure that the known criminals are kept under control. And you provide them with a stable environment, and then they cooperate with law enforcement."

The way he described it, his approach sounded an awful lot like the 'Surge' in Iraq.

Coerced into Snitching, Woman Jumps Off Bridge Instead

A woman who was arrested on drug charges and then pressed into working as an informant jumped from a bridge into the near-freezing Wenatchee River, Washington State in early July. The 43-year-old woman, Sandra I. Duffy, jumped about 20 feet to the water, which is about 48 degrees. She had been arrested earlier on probation violation warrants and drug charges, including possessing methamphetamine.

Ms. Duffy had previously worked with the Columbia River Drug Task Force, and agreed to help buy cocaine from a seller who wanted to meet on the bridge.

Duffy was recaptured two days after jumping, and was identified, arrested and jailed for investigation of escape, obstructing justice and theft for getting out of the handcuffs.

Source: *Associated Press*

SWAT Raids Mayor's House, Kills His Dogs

On an August evening, in the tiny Washington, DC suburb of Berwyn Heights, a SWAT team from the Prince Georges County, Maryland, police department, stormed a home, killed two dogs, then handcuffed one of the homeowners and his mother-in-law on the floor for hours as the dogs' blood drained around them.

That homeowner happened to be the mayor of the town, a fact which has drawn a lot of

attention to the incident. The rationale for the home invasion was that a package of marijuana had been delivered to the home. What was mentioned in the press, but not reflected on, is that the package had actually been brought to the home by the police.

A drug dog in Arizona smelled marijuana inside a package at the post office, addressed to the mayor's wife. Police brought the package to Maryland, and disguised as postal workers delivered it to the house. The box sat outside all day. When Mayor Calvo came home, he brought the box inside, placed it near the door, and went upstairs. The SWAT team then stormed the house, killed the dogs, and locked the people up.

Source: *Drug War Chronicle (US)*

Private US Firm Teaches Torture to Mexican Police

Videos showing Mexican police learning torture methods appeared on the Internet in July as the country, soon to receive hundreds of millions of dollars in U.S. anti-drug aid, is seeking to improve its human rights record. The videos show officers in the city of Leon, about 150 miles northwest of Mexico City, forcing one of their colleagues to crawl through vomit and injecting carbonated water into the nose of another.

An instructor, whose face can be seen in one video, barks out commands in English. Leon Police Chief Carlos Tornero told the *Associated Press* that the instructor is from a private U.S. security firm, but he declined to say which one.

Mexican and international human rights organizations expressed concern over the videos.

"This is troubling," said Sergio Aguayo, founder of the nonprofit Mexican Academy for Human Rights. "In the past, torture was usually hidden. Now they don't even bother."

NYPD Retaliates Against Club Owner

Last year, New York police officers arrested four men in a city nightclub on charges of selling \$100 worth of cocaine. After six months and the men's life savings, their names were cleared, because club surveillance video showed that the undercover cops had no contact with the accused men in the two hours they were in the club.

Now, club owner Eduardo Espinoza says the police are retaliating against him because he made the tapes available to defense counsel. Espinoza had received just two summonses in the two-and-a-half years he owned the club prior to turning over the videotapes. He has received more than a dozen since.

"I've been harassed so much, I'm selling my business," said Espinoza, owner of Delicias de Mi Tierra on 91st Place in Elmhurst. "Every two

to three weeks, there's cops in here, searching the bar. If there's no violation, they'll make it up. I lost all my clients — everybody's scared to come in my place right now."

Source: *Reason Magazine*

Brazil Appeals Court Rules Drug Possession Not a Crime

In March, a Brazilian appeals court in São Paulo declared that possession of drugs for personal use is not a criminal offense. Several lower courts had previously ruled in the same way, but the ruling from the São Paulo Justice Court's 6th Criminal Chamber marked the first time an appeals court there had found Brazil's drug law unconstitutional as it pertains to simple drug possession.

The ruling came in the case of Ronaldo Lopes, who was arrested with 7.7 grams of cocaine in three separate bags on the night before Carnival began in 2007. Lopes acknowledged that the drugs were his and said they were for his personal use, and was sentenced to 2 1/2 years in prison as a drug trafficker. But the appeals court judges threw out the trafficking charge since it was based on an anonymous complaint. It then threw out the possession charge, saying it was unconstitutional.

In his opinion in the case, Judge José Henrique Rodrigues Torres said the law criminalizing drug possession for personal use was invalid because it violated the constitutional principles of harm (there is no harm to third parties), privacy (it is a personal choice), and equality (possessing alcohol is not a crime). "One cannot admit any state intervention, mainly repressive and of penal character, in the realm of personal choice, especially when it comes to legislating morality," he said.

Source: *Drug War Chronicle (US)*

Officer Acquitted in Mother and Child Shooting

LIMA, Ohio — Tarika Wilson, 26, was killed in January by Sgt. Joseph Chavalía, and her 13-month-old baby, Sincere Wilson was shot in the shoulder and hand, with an injured finger amputated afterward. An 11-man Lima SWAT team raided Tarika Wilson's house in search of her boyfriend, Anthony Terry, who was wanted on drug charges.

Sergeant Chavalía was acquitted in August of misdemeanor negligent homicide and negligent assault. The sergeant is white; Wilson was black.

Calling the all-white jury's verdict "an injustice," Rev. Jesse Jackson said the Rainbow PUSH Coalition, an activist group he founded, plans to take action in the situation, but only under the leadership of Lima's Interdenominational Ministerial Alliance, a coalition of the city's black religious community.

Source: *The Blade (OH)*

Studies & Reports



One In 99 US Adults In Prison

For the first time in the nation's history, more than one in 100 American adults is behind bars, according to a new report released in early 2008 by the Pew Center for the States. Nationwide, the prison population grew by 25,000 last year, bringing it to almost 1.6 million. Another 723,000 people are in local jails. The number of American adults is about 230 million, meaning that one in every 99.1 adults is behind bars.

Incarceration rates are even higher for some groups. One in 36 Hispanic adults is behind bars, based on Justice Department figures for 2006. One in 15 black adults is, too, as is one in nine black men between the ages of 20 and 34.

According to Susan Urahn, the Pew Center's managing director, "we aren't really getting the return in public safety from this level of incarceration."

"We tend to be a country in which incarceration is an easy response to crime," Ms. Urahn continued. "Being tough on crime is an easy position to take, particularly if you have the money. And we did have the money in the '80s and '90s."

Now, with fewer resources available to the states, the report said, "prison costs are blowing a hole in state budgets." On average, states spend almost 7 percent on their budgets on corrections.

The Pew report recommended diverting nonviolent offenders away from prison and using punishments short of reincarceration for minor or technical violations of probation or parole. It also urged states to consider earlier release of some prisoners.

The full Pew Center, report, *One in 100: Behind Bars in America 2008*, can be found at: www.pewcenteronthestates.org.

New Studies Emphasize Racism In Drug War

The Sentencing Project's new study, *Disparity by Geography: The War on Drugs in America's Cities*, is the first city-level analysis of drug arrests, examining data from 43 of the nation's largest cities between 1980-2003. The study found that since 1980, the rate of drug arrests in American cities for African Americans increased by 225%, compared to 70% among whites. Black arrest rates grew by more than 500% in 11 cities during this period and in nearly half of the cities, the odds of arrest for a drug offense among African Americans relative to whites more than doubled.

Among The Sentencing Project report's key findings:

* Six cities experienced more than a 500% rise in overall drug arrests between 1980 and 2003: Tucson (887%), Buffalo (809%), Kansas City (736%), Toledo (701%), Newark (663%), and Sacramento (597%).

* Extreme city variations in drug arrests point to local enforcement decisions as prime contributor to racial disparity.

* African American drug arrests increased 3.4 times the rate of whites despite similar rates of drug use.

The report was released in conjunction with Human Rights Watch's *Targeting Blacks: Drug Law Enforcement and Race in the United States*, which documents that in 34 states the persistent racial disparities among drug offenders sent to prison. Both organizations urge public officials to restore fairness, racial justice and credibility to drug control efforts.

Both reports follow in the wake of the March 2008 recommendations of the United Nations Committee on the Elimination of Racial Discrimination. The Committee urged that U.S. criminal justice policies and practices address the unwarranted racial disparities that have been documented at all levels of the system.

For more information, visit www.sentencingproject.org and www.hrw.org.

Despite Drug War, US Leads World In Drug Use and Abuse

After 40 years of the modern drug war, world-record incarceration rates, and over \$1 TRILLION spent, the United States continues to lead the world in drug consumption and abuse, according to data recently released from the World Health Organization (WHO). Countries with looser drug laws have lower rates of abuse, according to the report:

"The United States, which has been driving much of the world's drug research and drug policy agenda, stands out with higher levels of use of alcohol, cocaine, and cannabis, despite punitive illegal drug policies ...

"The Netherlands, with a less criminally punitive approach to cannabis use than the U.S., has experienced much lower levels of use, particularly among younger adults."

The study is available at: <http://medicine.plosjournals.org>.

Abuse And Death At Youth 'Boot Camps'

The first federal look at "boot camps," wilderness programs, and similar programs aimed at troubled youth, including those sent away because of drug use, has found widespread allegations of abuse at such facilities. The Government Accountability Office study, released December 2007, examined 1,619 allegations of abuse from 2005 alone.

"GAO could not identify a more concrete number of allegations because it could not locate a single Web site, federal agency, or other entity that collects comprehensive

nationwide data," the report noted.

The GAO also examined 10 cases between 1990 and 2004 where teens died at those facilities. Three of the victims were placed in the facilities by their parents because of their drug use.

Each year thousands of teenagers are referred for drug treatment, even for being caught once smoking marijuana. The drug czar uses teen drug treatment figures to argue that marijuana is a serious problem, but doesn't mention that most teens "seeking" treatment for marijuana are ordered there by courts or schools. Nor does he mention that when it comes to treatment facilities like those examined by the GAO, the cure can be infinitely worse than the disease.

The full GAO Report, *Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth*, is available from the GAO website at www.gao.gov.

Source: *Drug War Chronicle (US)*

Sentences Reduced For 3,000 Cocaine Prisoners

Some 3,000 inmates convicted on crack cocaine charges have had their prison sentences reduced since the United States Sentencing Commission (USSC) voted to ease the way courts meted out penalties for drug crimes to address disparities in the treatment of crack-related crimes compared with those involving powdered cocaine.

Four out of five crack cocaine defendants are black, and most powder cocaine convictions involve whites.

Since March 3, when new federal sentencing guidelines went into effect, 3,647 crack cocaine offenders had applied for early release.

A USSC study said that federal judges nationwide had agreed to reduce prison sentences for 3,075 inmates. About 1,600 federal inmates were eligible for immediate release, but the study said it was not clear how many offenders had been actually freed.

Black inmates accounted for 84 percent of those given less prison time, bolstering the commission's view that the former guidelines had created a racial disparity because of the way cocaine offenders were sentenced.

The new sentencing guidelines, which took in March, allowed some 20,000 inmates convicted on crack cocaine charges to seek retroactive reductions in their prison time.

The report showed that 30 percent of crack offenders whose sentences were reduced were minor or first-time criminals, and 9 percent of those whose sentences were shortened were violent or repeat offenders.

The full report, *Data on Retroactive Application of the Crack Cocaine Amendment*, is available from the United States Sentencing Commission at www.usc.gov.

Source: *New York Times*, 4/25/08

US Drug Policies Flawed and Failed, Experts Tell Congressional Committee

The US Congress Joint Economic Committee held a historic hearing in June on the economic costs of US drug policy. The hearing, titled *Illegal Drugs: Economic Impact, Societal Costs, Policy Responses*, was called at the request of Sen. Jim Webb (D-VA), who in his opening remarks described the all-too-familiar failure of US drug policy to accomplish the goals it has set for itself. It was the second hearing related to incarceration that Webb has convened under the auspices of this committee.

"Our insatiable demand for drugs" drives the drug trade, Webb pointed out. "We're spending enormous amounts of money to interdict drug shipments, but supplies remain consistent. Some 86% of high schoolers report easy access to marijuana. Cocaine prices have fallen by about 80% since the 1980s," the freshman senator continued. "Efforts to curb illegal drug use have relied heavily on enforcement. The number of people in custody on drug charges has increased 13-fold in the past 25 years, yet the flow of drugs remains undiminished. Drug convictions and collateral punishments are devastating our minority communities," Webb said.

"Our current policy mix is not working the way we want it to," Webb declared. "The ease with which drugs can be obtained, the price, the number of people using drugs, the violence on the border all show that. We need to rethink our responses to the health effects, the economic impacts, the effect on crime. We need to rethink our approach to the supply and demand of drugs."

Such sentiments coming from a sitting senator in the US in 2008 are bold if not remarkable, and it's not the first time that Webb has uttered such words:

In March of last year, he told George Stephanopoulos on the *ABC News* program *This Week*: "One of the issues which never comes up in campaigns but it's an issue that's tearing this country apart is this whole notion of our criminal justice system, how many people are in our criminal justice system — I think we have two million people incarcerated in this country right now and that's an issue that's going to take two or three years to try to get to the bottom of and that's where I want to put my energy."

In his recently-released book, *A Time to Fight*, Webb wrote: "The time has come to stop locking up people for mere possession and use of marijuana," "It makes far more sense to take the money that would be saved by such a policy and use it for enforcement of gang-related activities" and "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."

Still, drug reformers may be impatient with the level of rethinking presented at the hearing. While witnesses including University of Maryland criminologist Peter Reuter, author of "*Drug War Heresies*," and John Walsh, director of the Washington Office on Latin America (WOLA) offered strong and familiar critiques of various aspects of US drug policy, neither of the words "prohibition" or "legalization" were ever uttered, nor were the words "tax and regulate," and radical alternatives to current policy were barely touched upon. Instead, the emphasis seemed to be on adjusting the "mix" of spending on law enforcement versus treatment and prevention.

The other two witnesses at the hearing, Kings County (Brooklyn), New York, Assistant District Attorney Anne Swern and community coordinator Norma Fernandes of the same office, were there to talk up the success of drug court-style programs in their community.

"US drug policy is comprehensive, but unbalanced," said Reuter. "As much as 75% of spending goes to enforcement, mainly to lock up low-level drug dealers. Treatment is not very available. The US has a larger drug problem than other Western countries, and the policy measures to confront it have met with little success," he told the committee.

Reuter said there were some indications policymakers and the electorate are tiring of the drug war approach, citing California's treatment-not-jail Proposition 36, but there was little indication Congress was interested in serious analysis of programs and policies.

"Congress has been content to accept rhetoric instead of research," Reuter said, citing its lack of reaction to the Office of National Drug Control Policy's refusal to release a now three-year-old report on drug use levels during the Bush administration. "It's hardly a secret that ONDCP has failed to publish that report, but Congress has not bothered to do anything," he complained. "We need more emphasis on the analytic base for policy."

But even with the paltry evidence available to work with, Reuter was able to summarize a bottom line: "The US imprisons too many people and provides too little treatment," he said. "We need more than marginal changes."

"US drug policies have been in place for some time without much change except for intensification," said WOLA's Walsh, noting that coca production levels are as high as they were 20 years ago. "Since 1981, we have spent about \$800 billion on drug control, and \$600 billion of that on supply reduction. We need a stiff dose of historical reality as we contemplate what to do now," he told the committee.

With the basic policies in place for so long,

some conclusions can now be drawn, Walsh said. "First, the balloon effect is real and fully relevant today. We've seen it time and time again, not just with crops, but also with drug smuggling routes. If we want to talk about actually reducing illicit crops and we know eradication only leads to renewed planting, we need to be looking for alternatives," he said.

"Second, there is continuing strong availability of illicit drugs and a long-term trend toward falling prices," Walsh said, strongly suggesting that interdiction was a failed policy. "The perennial goal is to drive up prices, but prices have fallen sharply. There is evidence of disruptions in the US cocaine market last year, but whether that endures is an open question and quite doubtful given the historical record," he said.

"Third, finding drugs coming across the border is like finding a needle in a haystack, or more like finding lots of needles in lots of different moving haystacks," he said. "Our legal

"EFFORTS TO CURB ILLEGAL DRUG USE HAVE RELIED HEAVILY ON ENFORCEMENT. THE NUMBER OF PEOPLE IN CUSTODY ON DRUG CHARGES HAS INCREASED 13-FOLD IN THE PAST 25 YEARS, YET THE FLOW OF DRUGS REMAINS UNDIMINISHED. DRUG CONVICTIONS AND COLLATERAL PUNISHMENTS ARE DEVASTATING OUR MINORITY COMMUNITIES."
— SEN. JIM WEBB (D-VA)

commerce with Mexico is so huge that to think we can seal the borders is delusional."

With respect to the anti-drug assistance package for Mexico currently being debated in Congress, Walsh had a warning: "Even with US assistance, any reduction in the flow of drugs from Mexico is unlikely." Instead, Walsh said, lawmakers should adjust their supply-control objectives and expectations to bring them in line with that reality.

Changes in drug producing countries will require sustained efforts to increase alternative livelihoods. That in turn will require patience and a turn away from "the quick fix mentality that hasn't fixed anything," Walsh said.

"We can't expect sudden improvements; there is no silver bullet," Walsh concluded. "We need to switch to harm reduction approaches and recognize drugs and drug use as perennial problems that can't be eliminated, but can be managed better. We need to minimize not only the harms associated with drug use, but also

CONTINUED ON NEXT PAGE

those related to policies meant to control drugs.”

“It is important to be able to discuss the realities of the situation, it’s not always a comfortable thing to talk about,” Webb said after the oral testimony. “This is very much a demand problem. I’ve been skeptical about drug eradication programs; they just don’t work when you’re supplying such an enormous thirst on this end. We have to find ways to address demand other than locking up more people. We have created an incredible underground economic apparatus and we have to think hard about how to address it.”

“The way in which we focused attention on the supply side has been very much mistaken,” agreed Rep. Maurice Hinchey (D-NY), who along with Rep. Bobby Scott (D-VA) and Sen. Amy Klobuchar (D-MN) were the only other solons attending the hearing. “All this focus on supply hasn’t really done anything of any value. The real issue is demand, and prevention and dealing with people getting out of prison is the way to deal with this.”

Reuter suggested part of the solution was in increase in what he called “coerced abstinence,” or forced drug treatment. Citing the work of UCLA drug policy researcher Mark Kleiman, Reuter said that regimes of frequent testing with modest sanctions imposed immediately and with certainty can result “in a real decline in drug taking and criminal activity.”

That got a nod of agreement from prosecutor Swern. “How long you stay in treatment is the best predictor of staying out of trouble or off drugs,” she said. Swern is running a program

with deferring sentencing, with some flexibility she said. “The beauty of our program is it allows us to give people many chances. If they fail in treatment and want to try again, we do that,” she said.

As the hearing drew to an end, Webb had one last question: “Justice Department statistics show that of all drug arrests in 2005, 42.6% were for marijuana offenses. What about the energy expended arresting people for marijuana?” he asked, implicitly begging for someone to respond, “It’s a waste of resources.”

But no one connected directly with the floating softball. “The vast majority of those arrests are for simple possession,” said Reuter. “In Maryland, essentially no one is sentenced to jail for marijuana possession, although about a third spend time in jail pre-trial. It’s not as bad as it looks,” he said sanguinely.

“There’s violence around marijuana trafficking in Brooklyn,” responded prosecutor Swern.

WOLA’s Walsh came closest to a strong answer. “Your question goes to setting priorities,” he said. “We need to discriminate among types of illicit drugs. Which do the most harm and deserve the most emphasis? Also, given the sheer number of marijuana users, what kind of dent can you make even with many more arrests?”

And so ended the first joint congressional hearing to challenge the dogmas of the drug war. For reformers that attended, there were generally thumbs up for Webb and the committee, mixed with a bit of disappointment that the hearings only went so far.

“It was extraordinary,” said Sanho Tree,

director of the Drug Policy Project at the DC-based Institute for Policy Studies. “They didn’t cover some of the things I hoped they would, but I have to give them props for addressing the issue at all.”

“Webb was looking for someone to say what he wanted to say with the marijuana question, that perhaps we should deemphasize law enforcement on that,” said Doug McVay, policy analyst at Common Sense for Drug Policy, who also attended the hearing. “I don’t think our witnesses quite caught what he was aiming for, an answer that arresting all those people for marijuana takes away resources that could be used to fight real crime.”

Sen. Webb came in for special praise from Tree. “Perhaps because he’s a possible vice presidential candidate, he had to tone things down a bit, but he is clearly not afraid to talk about over-incarceration, and using the Joint Economic Committee instead of Judiciary or Foreign Affairs is a brilliant use of that committee, because this is, after all, a policy with enormous economic consequences,” Tree said.

“Webb is clearly motivated by doing something about the high levels of incarceration. He held a hearing on it last year, and got the obvious answer that much of it is related to drug policy. Having heard that kind of answer, most politicians would walk away fast, but not Webb, so I have to give him credit.”

Reversing the drug war juggernaut will not be easy. The Congressional Joint Economic Committee hearing was perhaps a small step toward that end, but it is a step in the right direction.

Violent Crime Created by Desperation and Poverty

BY RICHARD P. BURTON, SR.

American leaders need to signal a ‘code blue’ as they ponder poverty and its side effects. If America improves the economy, crime will become more manageable for law enforcement. By leaving the economy in the gutter, it doesn’t matter how many drug dealers you take out, more will take their places.

Drugs are the boogy-man that politicians avoid having to address, further concealing the real issues such as terrible schools and a failing economy. Crack dealers are a problem, but they are not the cause of violent crime in general. That is just what some politicians, law enforcement officials and criminal justice leaders want you to think.

Gangs, drugs and violence within many African American and other minority communities translate into freshly spray-painted, red gang-graffiti on apartment buildings and other structures — and often seen after street killings of a young person. Usually, kids are off limits to gangs and violence; however, children as young as three are caught in cross-fires and killed.

I often visit communities of run-down homes, apartment buildings and ugly neighborhoods, often less than a square mile from downtown government buildings and beautiful landscapes. Recently, I visited an area in Pompano Beach, Florida known as Ugly Corner, and felt like I might be in a third world country. It didn’t take long for the locals to recognize me from past visits and begin sharing stories on the conditions and their long struggles to shake the Corner’s violent image.

Some indicated that drug dealers are responsible for many shootings and robberies over the years. Though residents agree that the violence is mostly related to drugs and poverty, some say the culture of hostility has reinforced an undercurrent of racial tension because of the lack of jobs, fears of local political leaders and their interests in filling prisons and jails in Florida.

Florida’s Department of Corrections has a \$2.5 billion budget. Governor Charlie Crist’s recommended budget calls for a cut from Education of about \$182 million. When the legislative session opened in early March, the budget committees recommended even more — \$357 million or close to 1.5%. While the governor has no problem slashing school accounts, his same budget proposal asks for \$330 million in new funding for prisons and corrections — almost twice the amount that he wants to take from the schools.

I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law. At no time do we condone wrongness on either side of the wall.

Burton’s writing appeared in Project R.E.A.C.H., Inc. Weekly, August 14, 2008

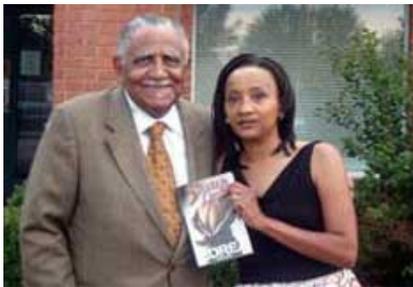
Contact: Richard P. Burton, Sr., Director, PROJECT R.E.A.C.H., INC., P.O. Box 440248, Jacksonville, FL 32244, Phone: 904-786-7883.

Urban Fiction Tackles Real Issues “Snitchcraft” Included In Curriculum Guide At Yale

June 2008, Atlanta, GA — *SnitchCraft*, an urban novel by Edrea Davis, recently landed on the required reading list in a curriculum guide examining snitching at the Yale National Initiative of the Yale-New Haven Teachers Institute.

The Introduction to Criminal Justice course, *Police Investigative Challenges: To Snitch or Not to Snitch, That is the Unanswered Question*, seeks to teach a comprehensive curriculum on the problems and repercussions associated with uncooperative witnesses.

SnitchCraft is required reading, notes Christine F. Shaub, a Yale National Fellow and



Rev. Joseph E. Lowery and Edrea Davis

creator of the curriculum unit, “because it looks at the present day social phenomenon of snitching, police corruption and the use of paid confidential informants in solving crime.”

Legendary civil rights leader and vocal advocate for criminal justice reform, Rev. Joseph E. Lowery, praised Davis. “Edrea shrewdly weaves critical information and spiritual messages into a gripping urban story,” Lowery said.

The co-founder of SCLC with Dr. Martin Luther King, Jr. added, “*SnitchCraft* provides a glimpse into the flawed snitch system, offers a historical perspective on the distrust of law enforcement, and promotes civic engagement. It’s an excellent teaching tool for inner-city youth.”

SnitchCraft (Dogon Village Books ISBN: 097869740-5) fuses hip-hop with civil rights to tell the story of a hustler-turned-nightclub owner set up by a dishonest snitch. The fictional saga juxtaposes the themes of family, spirituality, and social justice, against the backdrop of a popular

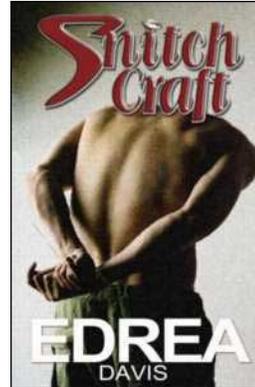
Southern California nightclub battling escalating gang violence.

“I am thrilled to be on any list that includes Edgar Allen Poe,” said Davis. “But, I am most honored that someone in a program focused on developing effective teaching strategies for youth in low-income communities recognized the value of the messages embedded in *SnitchCraft*.”

SnitchCraft also includes a resource list of contacts for organizations working on criminal justice reform including, The November Coalition, FAMM, Stop the Drug War, Drug Policy Alliance, and The Coalition for the Peoples’ Agenda.

SnitchCraft is available online at www.snitchcraft.com and most online book retailers, and is distributed to bookstores nationally through Ingram Book Group. For more information on Yale National Initiative visit <http://teachers.yale.edu>.

Contact Edrea at edmedia@dogonvillage.com or 818-613-9521.



NORA (The Nonviolent Offender Rehabilitation Act) is a grassroots initiative prepared for the November 4, 2008 ballot in California, offering a common-sense solution to prison

overcrowding. After an official January kickoff, the popular campaign is going strong. The official sponsor is called the NORA Campaign, supported by the Campaign for New Drug Policies and Drug Policy Alliance Network.

California’s Secretary of State, Debra Bowen, on June 27 announced that NORA would be numbered Proposition 5 on the November ballot. Owen found that NORA supporters had turned in 761,183 voter signatures to ensure meeting overall requirement that 433,971 signatures be found valid.

To qualify on the expedited “random sample” process, NORA needed to have 477,369 “projected” valid signatures. Before some counties had reported results, Bowen certified NORA after receiving reports of 483,278 valid signatures on file. Final totals should be available by late-Summer.

Thanks to our signature-gathering teams,



volunteers and, of course, the hundreds of thousands of Californians who agree it’s time for change and helped put NORA on the ballot! Here’s a brief summary:

- * Requires State to expand and increase funding and oversight for individualized treatment and rehabilitation programs for nonviolent drug offenders and parolees.

- * Reduces criminal consequences of nonviolent drug offenses by mandating three-tiered probation with treatment and by providing for case dismissal and/or sealing of records after probation. Limits court’s authority to incarcerate offenders who violate probation or parole.

- * Shortens parole for most drug offenses, including sales, and for nonviolent property crimes.

- * Creates numerous divisions, boards, commissions, and reporting requirements regarding drug treatment and rehabilitation.

Independent oversight panel would have authority over major features of implementation.

- * Changes certain marijuana misdemeanors to infractions. Fines paid for simple marijuana possession

would help pay for programs for special at-risk youth.

The measure saves prison beds by requiring local sanctions, not prison, to punish minor parole violations by nonviolent prisoners.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government:

- * Increased state costs that could exceed \$1 billion annually primarily for expanding drug treatment and rehabilitation programs for offenders in state prisons, on parole, and in the community.

- * Savings to the state that could exceed \$1 billion annually due primarily to reduced prison and parole operating costs.

- * Net savings on a one-time basis on capital outlay costs for prison facilities that could exceed \$2.5 billion over several years.

To get involved, contact msammuli@drugpolicy.org or see www.prop5yes.com.

LOCAL SCENES



Rallies Against the War on Drugs, Orange County, CA — Spring 2008. Cosponsored by Orange County NORML and November Coalition



(Above) November Coalition volunteers Amalia Fernandez & Rachel Morton rally in Orange County, CA



I Got Published!

FEBRUARY 3, 2008 — ERIE TIMES-NEWS (PA)

Home Monitoring Worse Than Prison

In response to the article about Erie County's increasing use of home confinement via electronic monitoring (*Erie Times-News*, Jan. 22), one is forced to recognize the genius of the scheme.

With the vast majority of people incarcerated today as a result of victimless, non-violent drug crimes or technical violations of parole or probation, the state has terrorized defendants enough so that not only will they opt to literally become prisoners in their own home, but also pay for the privilege.

I lasted about three days with an electronic bracelet on my ankle before returning to Erie County Prison. And I was happy to do so, because I was no longer tagged like an animal and forced to see my own home as a prison.

I would do it again, too, because nothing illustrates the abuse of power by local authorities, from police to probation officers to judges, like forcing an otherwise productive, working, taxpaying citizen to sit in jail for a few months and be fed, clothed, sheltered and cared for by the taxpayers.

If taxpayers knew fully well what petty things send a person back to jail in Erie County at their expense, they would be outraged.

Jeremy Fowler, Erie, PA

MAY 16, 2008 — THE TAMPA TRIBUNE

Blame The War On Drugs

Regarding "Parents Blame Police In Death" (Metro, May 12):

It is bad enough that this poor girl volunteered to go undercover for the Tallahassee police in the hope that they might then leave her alone.

What is worse is that the parents and their attorneys, the Tallahassee police and online comments fail to understand the cause of Rachel Hoffman's death. Some of them blame the Tallahassee police; some, the girl's naivete and for not following police directions; some, for her getting involved in illegal drugs in the first place. They're all wrong.

I blame the drug war, the public policy that causes more societal damage than it prevents. Or are we to believe that killing the Rachels of the drug war is the price we must pay to "fight drugs"? I think not. I think there is a better way.

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 5th Edition of *Drug War Facts!* (Published by Common Sense for Drug Policy, and continuously updated at: www.drugwarfacts.org)



May 7, 2008 — Reason Magazine (US)

Tracy Ingle: Another Drug War Outrage

BY RADLEY BALKO

About a month ago I got a call from a reporter for the *Arkansas Times* inquiring about my research into paramilitary drug raids. He'd been reporting on a raid in North Little Rock involving a 40-year-old man named Tracy Ingle. When he told me the story over the phone, I was floored, even given all the abuses and mistakes I've reported and read about over the last few years. What makes the case especially egregious is not that the police may have gotten the wrong home, that they shot a man, or that they were covering it up or going silent. We've seen all that before. What's mind-blowing about this one is that they've continued abusing the poor guy, even after it should have been clear for some time now that they made a mistake.

From the outset, it should be noted that Tracy Ingle has had some trouble with the law in the past, though nothing violent, and nothing drug-related. He has had a couple of DWI's, and a citation for failing to appear in court. He apparently also agreed to do some repair work on a friend's car that later turned out to be stolen.

That said, what's happened to him over the last few months is pretty outrageous.

I've since spoken again to the reporter and to Tracy Ingle's sister, Tiffney Forrester, who herself is a former sheriff's deputy. I've also had a chance to review the warrants and return sheets.

INGLE ... REACHED FOR A BROKEN GUN, A PRETTY CLEAR INDICATION THAT HE HAD NO INTENTION OF KILLING ANYONE, BUT RATHER WAS TRYING TO SCARE AWAY THE INTRUDERS. WHEN HE GRABBED THE GUN, AN OFFICER INSIDE THE HOUSE FIRED HIS WEAPON. THE BULLET HIT INGLE JUST ABOVE THE KNEE, SHATTERED HIS THIGH BONE, AND NEARLY SEVERED HIS LOWER LEG. WHEN THE OUTSIDE OFFICERS HEARD THE SHOT, THEY OPENED UP ON INGLE, HITTING HIM FOUR MORE TIMES.

The North Little Rock Police Department wouldn't discuss the case with me.

Here's a quick rundown:

* On January 7, 2008 a paramilitary police unit in North Little Rock, Arkansas conducted a drug raid on Tracy Ingle's home. Ingle says he had fallen asleep for several hours, and was asleep when the raid happened. He awoke when the police took a battering ram to his door.

Another team of officers approached from the outside of the house, and shattered the window to his bedroom.

* When he awoke, Ingle says he thought his home was being invaded by armed robbers. He reached for a broken gun, a pretty clear indication that he had no intention of killing anyone, but rather was trying to scare away the intruders. When he grabbed the gun, an officer inside the house fired his weapon. The bullet hit Ingle just above the knee, shattered his thigh bone, and nearly severed his lower leg. When the outside officers heard the shot, they opened up on Ingle, hitting him four more times. According to Ingle's sister, one bullet still rests just above Ingle's heart, and can't be removed.

* Ingle was taken to the hospital, and spent a week-and-a-half in intensive care. He was then removed from intensive care — still in his hospital pajamas — and taken to the North Little Rock police department, where he was questioned for five hours. He was not told he was suspected of a crime, and his family wasn't allowed to speak with him. After the interrogation, he was arrested and transferred to the county jail.

* Ingle spent the next four days in jail. He says he was never given his pain medication or his antibiotics. Though hospital nurses told him to change his bandages and clean his wounds every 4-6 hours, Ingle told the *Arkansas Times* that jail officials changed them only twice in four days. Ingle's wounds became infected during the time he was in jail.

* Police found no illegal drugs in Ingle's home. They did find a scale, which Ingle's sister tells me was an extra she was given when she worked at a medical testing facility. She used it in her jewelry-making hobby. They also found a bunch of small plastic bags. Again, Ingle's sister says these were part of her business. "I was leaving the country for a while, and I stored a lot of my stuff at his house," she told me. "The scale and bags were mine, and are both common things to have for anyone who makes jewelry." Police also found the broken gun and a broken police scanner.

* From those items, the police charged Ingle with running a drug enterprise. They also charged him with assault, for pointing his broken gun at the police officers who had just barged into his home. The judge set Ingle's bail at \$250,000, explaining that it had to be set high because Ingle had engaged in a shootout with police — never mind that Ingle didn't fire a shot. Ingle was able to sell his car to pay a bail bondsman. But with no car, his injuries render



Tracy Ingle

him basically immobile. He had to walk two miles on crutches and an infected leg to his hearing last week.

* The police obtained a no-knock warrant for Ingle's home about three weeks prior to the raid. The warrant itself reads like boilerplate, with no specific references to Ingle (other than his address), or why he specifically posed a risk to police safety, or of disposing of drugs before coming to answer the door. It mentions no controlled buys. It doesn't even mention an informant. In fact, someone scratched out "crack cocaine" and hand-wrote in "methamphetamine" on the type-written warrant, suggesting a cut, plug, and paste job. The Supreme Court has ruled that police must show case-specific evidence of exigent circumstances in order to be issued a no-knock warrant. The mere fact that it's a drug case isn't enough. The warrant for Ingle's home contains no such specific information.

Many times, information specific to the investigation is contained in the affidavit the investigating officer files for the search warrant, not in the warrant itself. Forrester says she has called the North Little Rock Police Department more than 20 times in an effort to obtain a copy of the affidavits. She says they at first refused to return her phone calls. When she was finally able to speak with a lieutenant, he became angry when she told him she had contacted

CONTINUED NEXT PAGE

the media. She then says he told her to “dream on” when she asked for copies of the affidavits.

* According to Forrester, Ingle’s neighbor had a direct line of sight into the bedroom, and saw the entire raid. His account initially matched Ingle’s. But that changed. “We have a witness, a next door neighbor that saw the entire incident,” Forrester told me. “He came forward on his own to give a statement to the family. Police never questioned him until a month or so after the shooting, at my insistence. They kept this neighbor in his home, and questioned him for at least four hours, refusing to let the man’s wife come home, or for other people to see him. When the police finished intimidating the man, they told him specifically that ‘he did not see what he thought he saw.’ The neighbor is now afraid to talk to the media.” I have not yet been able to speak with the neighbor.

* Ingle’s family was able to put up \$1,000 to retain an attorney, but can’t afford the extra \$6,000 the attorney has asked to represent Ingle. Ingle is therefore still looking for representation. He has no health insurance, and no money to pay for medication, or to continue treatment of his injuries.

* Last week, after the *Arkansas Times* article appeared, the judge in the case issued a gag order, preventing Ingle and any future attorney he may have from talking to the media about

THE SUPREME COURT HAS RULED THAT POLICE MUST SHOW CASE-SPECIFIC EVIDENCE OF EXIGENT CIRCUMSTANCES IN ORDER TO BE ISSUED A NO-KNOCK WARRANT. THE MERE FACT THAT IT’S A DRUG CASE ISN’T ENOUGH. THE WARRANT FOR INGLE’S HOME CONTAINS NO SUCH SPECIFIC INFORMATION.

what happened to him. This is puzzling. Before today there had been exactly two articles about this case — not exactly a media circus. It’s hard to understand why a gag order was necessary. It’s only real purpose is to prevent more people from learning about what’s increasingly looking like a railroading. And it’s only effect is to lend more support to the possibility that it is, in fact, a cover-up and railroading.

As noted, the police aren’t talking. And the prosecutor is now bound by the gag order. Perhaps there’s some piece of information damning to Ingle I’m not yet aware of — though it’s hard to imagine what that might be.

Barring that, what’s happening to Tracy Ingle is pretty outrageous.

Original Article with commentary: <http://reason.com/blog/show/126284.html>

(Tracy’s family has created a supportive web site: www.justicefortracy.com)

UNODC Director Declares International Drug Control System Not ‘Fit For Purpose’

In an extraordinarily candid report, the head of the UN agency responsible for overseeing the international conventions on drugs, describes the multi-lateral drug control system as not ‘fit for purpose’. He also explains how the international regime has created significant unintended consequences.

The report, “*Making Drug Control ‘Fit For Purpose’: Building On The UNGASS Decade*” was made available, but not widely disseminated, at the March 2008 meeting of the UN Commission on Narcotic Drugs in Vienna. Here’s some excerpts:

“There is indeed a spirit of reform in the air, to make the conventions fit for purpose and adapt them to a reality on the ground that is considerably different from the time they were drafted. With the multilateral machinery to adapt the conventions already available, all we need is: first, a renewed commitment to the principles of multi-lateralism and shared responsibility; secondly, a commitment to base our reform on empirical evidence and not ideology; and thirdly, to put in place concrete actions that support the above, going beyond mere rhetoric and pronouncement.” (p.13)

“Looking back over the last century, we can see that the control system and its application have had several unintended consequences — they may or may not have been unexpected but they were certainly unintended. The first unintended consequence is a huge criminal black market that thrives in order to get prohibited substances from producers to consumers, whether driven by a ‘supply push’ or a ‘demand pull’, the financial incentives to enter this market are enormous. There is no shortage of criminals competing to claw out a share of a market in which hundred fold increases in price from production to retail are not uncommon.” (p.10)

“The second unintended consequence is what one might call policy displacement. Public health, which is clearly the first principle of drug control, was displaced into the background. The third unintended consequence is geographical displacement. It is often called the ‘balloon effect’ because squeezing (by tighter controls) one place produces a swelling (namely an increase) in another place.” (p.10)

“A system appears to have been created in which those who fall into the web of addiction find themselves excluded and marginalized from the social mainstream, tainted with a moral stigma, and often unable to find treatment even when they may be motivated to want it.” (p.11) “The concept of harm reduction is often made into an unnecessarily controversial issue as if there were a contradiction between (i) prevention and treatment on one hand and (ii) reducing the adverse health and social consequences of drug use on the other hand. This is a false dichotomy. These policies are complementary.” (p.18) “It stands to reason, then, that drug control, and the implementation of the drug Conventions, must proceed with due regard to health and human rights.” (p.19)

Danny Kushlick, Transform Drug Policy Foundation Director said, “This report is a welcome contrast to the politically motivated rhetoric that has dominated much of the Commission on Narcotic Drug’s deliberations in the past. Congratulations to all for clearly stating what many in the drug policy reform movement have been saying for decades. That, for all its good intentions, the international drug control system has created unsustainable negative consequences and that its fitness for purpose in the modern world, and possible reforms, must be fundamentally explored.

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



Sunil Aggarwal, Seattle medical marijuana specialist and activist, and Jack Cole, director of Law Enforcement Against Prohibition (LEAP) at *Beyond 2008: An International NGO Forum in Vancouver, Canada*, hosted by the Centre for Addictions Research of BC in February. This event, attended by November Coalition’s Nora Callahan, was a prelude to the March 2008 meeting of the UN Commission on Narcotic Drugs in Vienna, Austria

Remember Rachel Hoffman

April 2, 2008 — Santa Fe Reporter (CA)

Unlock The Truth

By SABIN BAILEY, SANTA FE

FROM STUDENTS FOR SENSIBLE DRUG POLICY (SSDP)

On May 7th, 2008, an SSDP member lost her life in the crossfire of the War on Drugs. Rachel Morningstar Hoffman had just graduated from Florida State University, with plans to attend culinary school. As an undergrad, she was popular among her group of friends, many of whom she met through her involvement in FSU's chapters of Students for Sensible Drug Policy (SSDP) and the National Organization for the Reform of Marijuana Laws (NORML).



Like many college students, she shared marijuana with her friends, and would often "go in" on larger amounts in order to save money. And that's how she got busted.

Rachel was threatened with prison time, then promised a slap on the wrist if she agreed to wear a wire and set up a deal with some dealers she'd never met. Tallahassee police gave her \$13,000 in cash, and told her to purchase 1,500 ecstasy pills, 2 ounces of cocaine, and a handgun. They never informed her attorney, family, or the state prosecutor before they sent Rachel into the lions' den that day. And nobody had the chance to tell her she was in way over her head.

After police found Rachel's body (shot with the very gun she was told to buy), they held a press conference to blame her for her own death. Among Rachel's family and friends, sadness quickly turned into outrage and action. Days after her death, hundreds of students marched in protest of the role the Tallahassee Police Department played in Rachel's death. They held signs that read "Who Killed Rachel?" and "No More Drug War" while wearing t-shirts they had gotten from SSDP and other allied organizations at our last international conference.

In her memory, Rachel's mother has established the Morningstar Foundation, the goal of which is to pass a law requiring legal advice to be sought before a civilian can consent to undercover work. The family is also planning a benefit concert in Rachel's honor.

For more info, visit www.ssdp.org

Since Dave Maass' article, "Inside Out," [Cover story, March 19] was published last week, I have received calls asking what people can do about the incarceration pandemic in the United States. Yes, we have the highest per capita incarceration rate — in the world. TWO MILLION plus, each year. As a society, we have moved from the presumption of innocence to the assumption of guilt. I can't count the number of times I've been told that if one is arrested, one must be guilty. Habeas corpus effectively disappeared a decade ago...long before anyone realized it was happening.

The euphemistically named WAR ON DRUGS was the first never-ending, failed war. And the house of cards it was grounded on was also fear.

What can you do? Educate yourself. Don't believe the "spin" associated with prisons and prisoners. Go to your search engine and keyword "wrongful convictions" and/or "prosecutorial misconduct." You will learn that our "justice system" isn't just.

Once you know more about what is really happening — contact your elected representatives. The Federal Bureau of Prisons has only Congress as its overseer; and Congress hasn't been watching. After all, felons usually can't vote. Contact Sen. [Jeff] Bingaman and Congressman [Tom] Udall, ask them what they are doing about prison issues.

Offer your support — time and money — to organizations that are working on prisoners' issues. Locally you can contact Mara Taub, of the Coalition for Prisoners' Rights at 982-9520. Mara and her group of volunteers have been publishing a newsletter for more than 30 years on a shoestring budget. They can use your donations and your time as a volunteer.

Nationally you can join The Innocence Project at innocenceproject.org. You have probably heard some of their success stories, innocent people freed after serving decades of time.

The November Coalition at november.org, whose "members educate the public about destructive, unnecessary incarceration due to the US drug war, and advocate for drug war prisoners."

The American Friends Service Committee at afsc.org/issues/issueindex.htm#criminal has many valuable articles, including Bonnie Kearness' landmark "Torture in US Prisons," a must-read.

Thank you to Mr. Maass and the Reporter's editor and publisher for allowing this article to be done. And thank you to all who have supported us during these grueling six years.

ANNUAL MEMBERSHIP INCLUDES THE RAZOR WIRE
NEWSPAPER AND OTHER SPECIAL NOTICES

Count Me In!

Working to end drug war injustice

My Contact Information (non-prisoner):

Name _____
Address _____
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State _____ Zip +4 _____
Phone _____
Email _____

Annual Dues: \$30 • Students: \$15 • Prisoners: \$10

I don't know a prisoner, but I will sponsor one.
I have enclosed an additional \$10.00

Total Enclosed: \$ _____

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

Do you have a loved one in prison?

- I want to sponsor my imprisoned loved one's membership and have enclosed an additional \$10.00.
 I am a prisoner. I have enclosed at least \$10.00 (money order or stamps), or made arrangements for payment.

Name _____
Registration Number _____
Prison _____
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The November Coalition
282 West Astor • Colville, WA 99114

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En Español

TRADUCIDO POR AMALIA FERNÁNDEZ, VOLUNTARIO DE LA COALICIÓN DE NOVIEMBRE

Declaración sobre la Misión de La Coalición de Noviembre Trabajando para terminar la injusticia de la guerra contra las drogas

La Coalición de Noviembre que fundada en 1997, es un grupo de personas cuyas vidas han sido impactadas por la política del gobierno actual. Nosotros somos prisioneros, padres de aquellos que están encarcelados, esposas, hermanas, hermanos, hijos, tías, tíos y primos. Somos amigos y ciudadanos preocupados por las altas casualidades que la guerra contra las drogas ha traído en proposiones alarmantes.

La Coalición de Noviembre es una organización sin ganancia monetaria y está formada por voluntarios cuyo propósito es el de educar al público acerca del aumento del número de prisioneros en los Estados Unidos debido a las leyes sobre las drogas. Les mandamos un aviso de alerta a los demás ciudadanos, particularmente a los que parecen ser ingenuos acerca del peligro de tener una autoridad o gobierno que vá mas allá de los límites constitucionales. La guerra contra las drogas es un asalto a los derechos civiles y causa una eroción constante a los derechos otorgados por los gobiernos federal y estatal.

La guerra contra las drogas no reduce el uso de drogas. El decidir de levantar una guerra contra las drogas estimula violencia y una economía subterránea la cual tendría fin si se acabara la prohibición de drogas. Nuestro país, nuestro mundo debe ser mas seguro y no simplemente menos libre.

“Ama y honra toda la gente que sufre bajo repression. Sebes de saber los motivos por lo que haces este trabajo y continua estudiando historia de diversos puntos de vista. Está preparado para sacrificar la manera antigua de pensar y hacer las cosas y mantente ideologicamente flexible. Hay que identificar la superioridad blanca como una forma racista de represión que dicta la política interna y extranjera. Actúa como que no habrá un mañana, como si la humanidad se colgara de una balanza, y sé honesto y científico en consideración al desarrollo de apoyo al movimiento de derechos humanos. A donde quiera que usted viva, hay que mantenerse envuelto en cuestiones civiles y del gobierno.” — Nora Callahan, nota del discurso Luz dentro de las Sombras: Una celebración dedicada a Orlando Letelier, Ronni Karpen Moffitt, y los heroes del Movimiento de Derechos Humanos (Premios Letelier-Moffitt para Derechos Humanos).

Gratis un libro de leyes en español

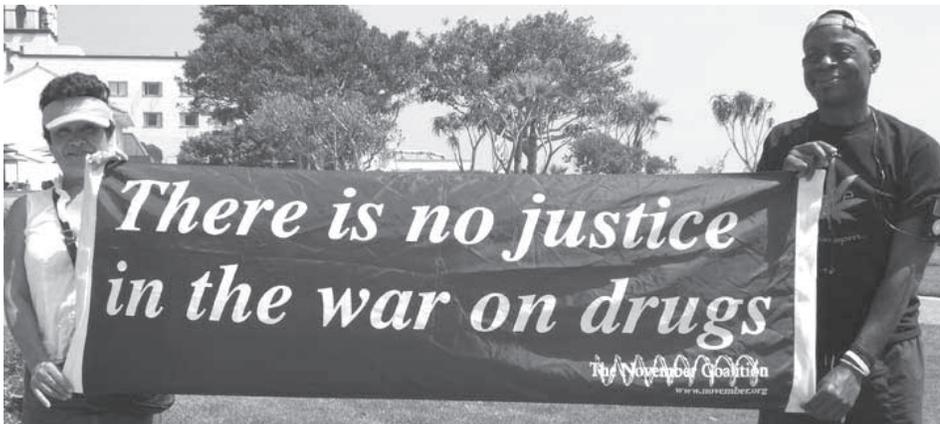
Gracias a la generocidad de un editor, podemos distribuir a prisioneros que hablan español o a las bibliotecas de las prisiones – sin costo alguno – un número limitado del libro de David Zapp titulado “Reglamento Federal de Enjuiciamiento Penal” y tambien su libro titulado “Reglamento Federal Del Procedimiento de Apelación.” Ambos libros se han publicado en inglés y español. El Licenciado David Zapp abrió su oficina de abogado en 1974 especializandose en casos de narcoticos y lavado de dinero.

A través de su carrera, David Zapp ha representado clientes en los casos de narcoticos y lavado de dinero mas grandes de los Estados Unidos.

Si desea obtener un libro gratis, mande su petición a:

Zapp Manuals, c/o November Coalition, 282 West Astor, Colville, WA 99114 o llame al (509) 684-1550.

Esta publicación es posible a través de Legal Publications in Spanish, P.O. Box 623, Palisades Park, NJ 07650. Número de telefono (800) 432-0004, Website: www.publeg.com – La dirección electrónica de David Zapp es: www.davidzapp.com.



Amalia Fernández (dejado) representa la Coalición de Noviembre durante la protesta de la guerra de droga, Laguna Beach, CA, Junio de 2008 (vea la página 19)

How to Communicate with The November Coalition

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

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

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

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

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

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

The November Coalition

282 West Astor • Colville, WA 99114

Voice & Fax: (509) 684-1550

moreinfo@november.org

www.November.org • www.NoNewPrisons.org

www.NovemberSoap.com

Staff: Chuck Armsbury, Nora Callahan,

Tom Murlowski

Board of Directors: Teresa Aviles, 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 membership form on page 22.**

IF YOU OWN OR OPERATE A RETAIL STORE, OR DO COMMUNITY ACTIVISM, CONTACT OUR OFFICE FOR INFO ABOUT BULK DISTRIBUTION.



July 13, 2008: The Isidro Aviles Memorial Picnic

Remembering the life and mysterious death of Isidro Aviles, family, friends and November Coalition members gather each year in a park near New York City. This year's event marked 10 years to the day that Isidro passed away in federal custody.

Left: Isidro's parents, Hector Aviles and Teresa Aviles. Right: Teresa Aviles' lifelong friend Beverly 'Toodie' Rhett.

For more info, visit www.november.org/thewall/cases/aviles-i/aviles-i.html



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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.

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