

FAMMMGram

Working for fair and proportionate sentencing laws

inside

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WHAT WEIGHS ABOUT as much as a candy bar and triggers a prison sentence of ten years? Crack cocaine, the smokable version of powder cocaine.

For over 20 years, this drug has been the subject of intense debate – first because of fear of it and later because of the acknowledgment that penalties for crack offenses are too harsh. Over the years there have been efforts to make crack sentences fairer but also deep disagreement on how to do that. The last serious attempt was promoted by the U.S. Sentencing Commission in 1995 and it was roundly rejected by Congress.

Now, 12 years later, the U.S. Sentencing Commission has again taken the initiative to recommend sentencing guideline changes for crack cocaine offenses. It looks like this time it will succeed.

On May 1, the Commission sent to Congress a

list of sentencing guideline amendments that included one that would lower crack sentences by about 16 months for approximately 80 percent of those convicted of federal crack offenses. The amendment will become effective on November 1 unless Congress opposes it, which FAMM doesn't expect to happen.

Although the reform is modest – and not yet retroactive – it breaks the logjam around crack penalties and opens the door for members of Congress to introduce bills to change the mandatory minimums for crack (see page 5). Finally, for the first time, lowering federal crack penalties is not a taboo subject.

FAMM hailed the Commission's crack amendment as a step in the right direction and sent a letter to the Commission saying so.

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FAMMGRAM HAS A spiffy new look. If you've been with us as long as I have, you might remember when it was four pages, letter-style, stapled together.... We've come a long way since then! The *FAMMGram* is our primary means of communication with our members and we want it to be inviting, readable, and full of valuable information. That's why we continue to improve it every year. A tremendous amount of credit

goes to Monica Pratt Raffanel, our production director who after nearly 14 years at FAMM, still finds fresh ways to present our message and stay within budget!

This is a particularly crucial time to watch our budget because sentencing reform is popping up everywhere, as you'll read in this issue. We are strategically using our resources to capitalize on opportunities that have opened up in the states (see Massachusetts, page six) as well as in Congress (see cover story). It's a very exciting time for sentencing reform and I am more optimistic about our chances of success than I have been in a dozen years. That doesn't mean mandatory minimum sentences will disappear tomorrow, but it does mean that we'll weaken their foundation, find openings that improve sentences for thousands, and eventually restore individualized sentencing so that the punishment fits not only the crime but the culpability of the defendant.

That's not asking for too much. FAMM's goals are as American as apple pie – to uphold the basic tenets of justice that most Americans (those who have not been affected by sentencing) still believe exist. It's our job – yours and mine – to make sure that we restore that slice of Americana that once made us proud. And given the current level of sentencing reform activity, the time has arrived!

My very best,



Julie Stewart



Roxana Rincones

(above) brings a wealth of business and management experience to FAMM as the new director of finance and administration. Roxana honed her skills as the chief financial officer of the Vietnam Veterans of America Foundation, a nonprofit organization that advocates for victims of conflict in several war-torn countries. She combines solid strategic planning and team leadership skills with outstanding financial management qualifications. Roxana was born in Caracas, Venezuela.

Betsy Atkinson is leaving FAMM to begin her first year at Georgetown University Law School in the fall. She first served as FAMM's case researcher and more recently became our federal policy analyst. The members and staff of FAMM will miss her!



Since 1991

Mission: FAMM is the national voice for fair and proportionate sentencing laws. We shine a light on the human face of sentencing, advocate for state and federal sentencing reform, and mobilize thousands of individuals and families whose lives are adversely affected by unjust sentences.

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New policy guides courts on extraordinary and compelling circumstances

JUDGES ARE SOMETIMES asked by the Bureau of Prisons to reduce a prisoner's sentence for extraordinary and compelling reasons – what is often referred to as “compassionate release.” In May, the U.S. Sentencing Commission sent to Congress a policy statement that gives judges guidance when considering such requests.

This new policy statement is the first to provide detailed guidance to courts considering these motions and clearly lays out medical and non-medical grounds for early release. The policy defines extraordinary and compelling reasons as the following:

- (i) the defendant is suffering from a terminal illness;
- (ii) the defendant is suffering from a permanent physical or medical condition, or is experiencing deteriorating physical or mental health because of the aging process, that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility for which conventional treatment promises no substantial improvement;
- (iii) the death or incapacitation of the defendant's only family member capable of caring for the defendant's minor child or minor children.

Or, as determined by the director of the Bureau of Prisons, there exists in the defendant's case an extraordinary and compelling reason other than, or in combination with, the reasons in the subsections above.

This new policy statement might also be of use to a defendant awaiting sentencing who is the only family member capable of caring for his or her minor child or children. Such a defendant should consider citing the new provision to support an argument that the circumstance is an appropriate basis for varying from the guidelines.



Where the BOP stands

The legislative history of the early release statute makes it clear that Congress meant it to be used in different kinds of circumstances, not limited to end of life or even medical cases.

Currently, the BOP makes such motions very sparingly and only in cases of disabling illness or the imminent death of the prisoner. It remains to be seen whether the BOP will alter its practice to correspond with the new policy statement, which it is obliged to consider when making a sentence reduction motion.

Unlike guideline amendments, policy statements are not subject to congressional approval in the same way that proposed guideline amendments are. The Commission announced that the new policy will take effect with the other guideline amendments on November 1. It is important to remember that the policy statement does not change the fact that only the Bureau of Prisons can bring the motion for a sentence reduction. That said, the BOP, under 18 U.S.C. § 3582(c)(1)(A)(i) should move for sentence reduction for extraordinary and compelling reasons if it finds the reason exists and the reduction is consistent with applicable policy statements of the U.S. Sentencing Commission.

FAMM fought hard over a number of years to convince the U.S. Sentencing Commission to provide needed guidance to sentencing courts considering early release motions. We will keep a close eye on how the BOP treats requests for compassionate release in light of the new policy statement. **FG**

A crack in the door

(CONTINUED FROM PAGE 1)

The letter was also signed by the National Association of Criminal Defense Lawyers, the Federal Public and Community Defenders and the Practitioners' Advisory Group, a group of lawyers who advise the Sentencing

Commission. The American Bar Association also weighed in with their own letter in support of the amendment.

FAMM supported this reform because we know that – though small – it will directly impact a large number of FAMM members, which is reason enough to support it. But the amendment

is also the beginning of something bigger. Crack cocaine sentencing reform is bubbling in Congress with two bills already introduced and more sure to come. The challenge now is to produce one that adequately addresses the inequities of crack sentences and has a real chance of passing.

Under federal law,

distributing just five grams of crack (the amount of five Sweet N' Low packets) triggers a five-year mandatory prison sentence. Even mere possession of five grams of crack for personal use carries a mandatory five-year penalty. Fifty grams of crack – or the average weight of a candy bar – carries a 10-year sentence.

Crack sentences have been widely assailed and condemned as being unwarranted and unfair, especially to people of color. Federal crack cocaine defendants are overwhelmingly African Americans who are subject to the severe penalties triggered by involvement with small amounts of the drug.



Sentencing Commission report on crack

On May 15 the U.S. Sentencing Commission released a Report to Congress on Federal Sentencing Policy. It is the third crack cocaine report sent to Congress by the Commission since 1995. The report evaluates crack cocaine penalties and strongly urges Congress to do more than just approve the crack guideline amendment. The Commission encourages Congress to intervene to correct the mandatory minimum crack sentencing disparity. It expresses “its strong view that the amendment is only a partial solution” to some of the problems associated with crack cocaine penalties and that any comprehensive solution would require appropriate legislative action by Congress.

The Commission's specific recommendations to Congress are to:

- 1) Increase the five-year and 10-year mandatory minimum threshold quantities for crack cocaine offenses to focus the penalties more closely on serious and major traffickers,
- 2) Repeal the mandatory minimum sentence for simple possession of crack cocaine, and
- 3) Leave powder cocaine penalties alone.

In addition, the Commission seeks authority to incorporate any future changes to the mandatory minimums for crack into the federal sentencing guidelines.

Crack sentencing timeline

1986

In establishing mandatory minimum sentences, Congress sets different penalties for powder cocaine and for crack, a “cooked” version of powder cocaine, because they believe there is more harm associated with crack cocaine than with powder cocaine. As a result, a defendant convicted of selling 500 grams of powder cocaine or five grams of crack receives a five-year sentence; for five kilos of powder cocaine or 50 grams of crack, the penalty is 10 years. The difference in powder and crack penalties is commonly referred to as the 100:1 ratio between the drugs.

1988

Congress makes mere possession of crack cocaine punishable by a five-year prison sentence, making crack the only drug to carry a federally mandated minimum sentence for simple possession.

1995

The U.S. Sentencing Commission, responding to a 1993 request from Congress, releases a report on crack and powder cocaine and submits a guideline amendment to Congress to sentence crack cocaine the same as powder cocaine. Congress rejects the amendment and asks for another solution.

1996

The Journal of American Medical Association (JAMA) releases a study that concludes that crack and powder cocaine are the same drug and crack penalties should be changed.

1997

The U.S. Sentencing Commission, responding to Congress' request, provides another solution: lower crack penalties and raise powder cocaine penalties. Former President Bill Clinton supports the recommendation, but no action is taken on it.

1998

Rep. Charles Rangel (D-N.Y.) introduces the first of many crack sentencing reform bills. The bill dies.

The ball is in Congress' court

The ball is now in Congress' court and some members are already picking it up. Sen. Jeff Sessions (R-Ala.) introduced a crack cocaine reform bill (S. 1383) on May 16 that would lower crack cocaine penalties but raise penalties for powder cocaine defendants. Rep. Charles Rangel (D-N.Y.) introduced a bill in January to make crack penalties the same as those for powder cocaine (H.R. 460). Other crack bills are expected to be introduced soon in the Senate and the House.



Sen. Jeff Sessions



Rep. Charles Rangel

FAMM is working hard on Capitol Hill to ensure that crack sentencing reform is meaningful and does not involve increasing penalties for powder cocaine. Above all, we are encouraging members of Congress who are interested in reform to ground their bills in evidence, instead of picking numbers out of the air and to rely on other measures of culpability, such as the defendant's role in the offense, in establishing the penalty. We will report to you on our progress on our website at www.famm.org, through e-alerts (visit our website and sign up now) and in the *FAMMGram*. **FG**

How will the crack guideline change work in November?

The easiest explanation of how the new crack cocaine guideline will work – if unopposed by Congress – is that all crack penalties will drop by two levels on the sentencing table: Level 38 becomes level 36; level 36 becomes level 34; level 34 becomes level 32, and so on.



For example, a conviction for five grams of crack carries a mandatory minimum of 60 months (five years). The current guideline sentence for five grams is set at base offense level 26 for a first-time offender and carries a guideline range of 63-78 months, which is longer than the mandatory minimum sentence of 60 months. The new crack guideline amendment will reduce the base offense level from level 26 to level 24. Level 24 carries a sentence of 51-63 months. This range includes the mandatory sen-

tence but also includes a lower sentence for those defendants who are not subject to the mandatory minimum sentence, either because they are eligible for the safety valve or because they secured a substantial assistance departure from the mandatory minimum. Similarly,

a defendant convicted of an offense involving 50 grams of crack cocaine will see the base offense level reduced from 32 (121 to 151 months) to level 30 (97 to 121 months). The new, lower guideline ranges will still include the mandatory minimums at the five grams and 50 grams levels.

As of now, the guideline amendment affects only those people sentenced after it becomes effective on November 1. FAMM is advocating to make the amendment retroactive, but it is up to the Commission to do so.

2001

Newly elected President George W. Bush suggests that crack and powder cocaine penalties should be the same.

2002

An important precedent of Republican support for addressing the disparity in federal cocaine sentencing laws is set when Sens. Jeff Sessions (R-Ala.) and Orrin Hatch (R-Utah) introduce a bill to address disparity between crack and powder cocaine penalties by lowering crack penalties and raising powder penalties. The U.S. Sentencing Commission releases a new report on cocaine that concludes that the 100:1 ratio between the two forms of cocaine is not appropriate. It recommends that Congress change the five-year mandatory minimum crack threshold quantities to at least 25 grams and the

10-year threshold quantity to at least 250 grams. The recommendation is not acted upon.

2004

Although the U.S. Sentencing Commission failed to address cocaine sentencing policy in its guideline recommendations to Congress in 2004, its report, "Fifteen Years of Guidelines Sentencing," stated that "[r]evising the crack cocaine thresholds would better reduce the [sentencing] gap than any other single policy change, and it would dramatically improve the fairness of the federal sentencing system."

2006

The U.S. Sentencing Commission again expresses interest in reviewing the crack and powder cocaine sentencing disparity and holds a public hearing. Top prosecutors and law enforcement officers testify that crack cocaine dealers are at the lowest end of

the cocaine distribution chain, with the most serious cocaine trafficking occurring almost solely in powder cocaine. A bipartisan group led by Sen. Jeff Sessions (R-Ala.) introduces a bill to decrease the 100:1 sentencing disparity between crack and powder cocaine to 20:1, which would have benefited some defendants convicted of crack offenses but resulted in longer sentences for some defendants convicted of powder cocaine offenses.

2007

The U.S. Sentencing Commission sends a guideline amendment to Congress that lowers crack cocaine penalties on average by 16 months for 80 percent of crack defendants. The Commission also issues another crack report that urges Congress to address the inequity of mandatory minimum sentences for crack.

Second Chance Act unexpectedly stalls in Congress

A BILL TO PROVIDE funds for programs that help formerly incarcerated people re-enter society has unexpectedly stalled in Congress. H.R. 1593, the Second Chance Act, was introduced by Rep. Danny Davis (D-Ill.) on March 20 and passed by the House Judiciary Committee on March 28, with bipartisan support. On May 15, the bill was scheduled for a vote in the full House of Representatives, where 290 votes in favor of the bill (two-thirds of

the representatives) were needed to pass it. At the last minute, H.R. 1593 was pulled from the schedule by Democratic leaders who were concerned there were not enough votes to ensure its passage.

This was a blow to the bill's sponsors and supporters, including FAMM members, many of whom wrote letters and emails and made telephone calls in support of H.R. 1593. Among other things, the Second Chance Act would provide re-entry funding on the state and local level to support former prisoners' needs for housing, mental health and substance abuse treatment, education, employment and rebuilding

family and community ties. The Second Chance Act also includes an elderly prisoner relief provision and a halfway house provision.

Rep. Davis and other cosponsors plan to address concerns raised by some lawmakers and reschedule a vote on the bill. H.R. 1593 currently has 93 bipartisan co-sponsors. There is also a Senate version of the Second Chance Act, S. 1060, introduced by Sen. Joseph Biden (D-Del.) S. 1060 has been referred to the Senate Judiciary Committee, but no action has been taken on it.

As always, FAMM will be sure to inform you of any updates to this bill through e-alerts and our website. **FG**

statenews

massachusetts

Leadership supports sentencing reform

This is an exciting time for supporters of mandatory sentencing reform in Massachusetts, with Gov. Deval Patrick, House Speaker Salvatore DiMasi and Senate President Therese Murray calling for change and reform bills being introduced.

In April, the governor announced a comprehensive review of the state's mandatory sentencing laws, a move

supported by the attorney general and the chief justice of the state trial courts. On May 10, Gov. Patrick, Senate President Murray and House Speaker DiMasi made spontaneous



Gov. Deval Patrick and Boston police officers

remarks on the need for mandatory minimum drug law reform at a press conference on the supplementary budget. The three leaders expressed opposition to the sentencing structure, including the mandatory minimum drug laws for trafficking and violations of drug-free enhancement zones.

Speaker DiMasi said, "I think that we've made mistakes in the past in how we approach the crime problem, especially youth programs or youth crime. ... I mean, mandatory minimum sentences, for instance, I don't think are working and we're paying for the mistakes that we had in the past, and I will say that publicly."

Gov. Deval Patrick said he also opposes the mandatory minimums because, "I think anybody who's actually practiced in court on the defense and the prosecutor side has concerns about the systemic impact of warehousing as a strategy to fight crime."

Senate President Murray agreed, saying, "We're taking juveniles, kids who haven't figured out how it's put together, haven't got the education, haven't got the support at home, and we're putting them into correctional facilities, and they're coming out with a stigma that they'll never get rid of."

I think that we've made mistakes in the past in how we approach the crime problem, especially youth programs or youth crime.... I mean, mandatory minimum sentences, for instance, I don't think are working and we're paying for the mistakes that we had in the past, and I will say that publicly.

—MASSACHUSETTS SPEAKER SALVATORE DIMASI

Members put human face on mandatory sentences at hearing

FAMM members lined the hallway outside a hearing room in the Massachusetts Statehouse on May 16, waiting for the Public Safety and Homeland Security Committee to discuss S. 1379, introduced by Sen. Cynthia Creem (D-Newton), a long-time champion of drug law reform. Among other reforms, S. 1379 provides early parole eligibility for individuals sentenced under the state's harsh mandatory minimum drug laws and increases "good time."

Laura Sager, FAMM's national campaign director, asked FAMM members to stand and be recognized before she gave testimony to the committee on how the state's harsh laws devastate families, waste lives and squander millions in taxpayer dollars. Bernice Williams, a FAMM member, then told committee members about the heartbreak and hardship her family has endured since her daughter, a mother of two, was sentenced to a 15-year mandatory minimum sentence.

A distinguished panel of attorneys and organizations working for criminal justice reform, as well as law enforcement, also testified in support of the bill. Rep. Michael Costello (D-First Essex), committee co-chair, voiced his support for change. Many who testified emphasized the decade of efforts to reform Massachusetts' mandatory minimums and emphasized "the time has come" to make long-overdue changes in the state's drug laws.

However, advocates also expressed strong opposition to post-release supervision provisions of the bill and Sen. Creem is reviewing that portion of the bill.

FAMM extends its gratitude to the FAMM members who attended the hearing and volunteers Lynn Holbein, Marie Russo and Whitney Taylor for their leadership and assistance.

For more information or to volunteer with Massachusetts FAMM, please call Marie Russo at (781) 334-5947 or email russomarie@aol.com.

new jersey

Sentencing Commission calls for changes in drug-free zone laws

FAMM's campaign to reform New Jersey's harsh drug-free zone laws received a boost in May, when the N.J. Commission to Review Criminal Sentencing released two reports documenting the need to reform drug-free zone laws and to expand access to treatment through drug courts for nonviolent, drug-addicted individuals who would otherwise serve harsh mandatory prison sentences.

The report on drug-free zones reaffirms the Commission's initial call for the reduction in size of all zones from 1,000 feet of a protected location to 200 feet, removal of the mandatory minimum period of incarceration for the new zone offense and elevation of the new zone violation to a second-degree offense.

"FAMM supports the Commission's recommendations, which could save the state millions in corrections costs and reduce the human and fiscal waste of mandatory minimum drug sentences," said Joseph Greer, FAMM's New Jersey campaign director.

Drug-free zones bills pending in the legislature

Drug-free zone reforms are currently pending action in the legislature. A. 2877, sponsored by Assemblyman Peter J. Barnes (D-18, Middlesex) and S. 278, introduced by Sen. Bernard Kenny (D-33, Hudson) would reduce all drug-free zones to 200 feet, enhance the penalty for a zone violation to a second-degree offense, and remove the current mandatory mini-



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mum penalty. FAMM is working hard too ensure action on the bills.

This spring and summer, New Jersey FAMM is meeting with local officials to build statewide community support for the bills and will keep members posted on developments through print and e-alerts and our website, www.famm.org.

Newark membership meeting

More than 30 people joined FAMM staff at a FAMM membership and community meeting in Newark on March 31.

Angelyn Frazer, organizing director, and Joseph Greer, campaign director, gave an overview of FAMM and the New Jersey campaign. Greer explained how



FAMM members at community meeting in Newark

individuals and the community could get involved in FAMM's fight for sentencing justice.

A 60 Minutes II video featuring FAMM volunteer JeDonna Young illustrated the injustices and impact of harsh mandatory minimums. The video's impact was so profound that the audience expressed outrage and asked to see it again.

Members left with packets of information about FAMM to share with family and friends.

For more information or to volunteer with the New Jersey FAMM campaign, please contact Joseph Greer at (609) 577-9520, write: NJ FAMM, P.O. Box 699, Plainsboro, N.J. 08536, or email jgreer@famm.org.

michigan

Support for further sentencing reform building in Michigan

The Michigan FAMM team has been in action since the legislative session started in January, building support for additional changes needed following FAMM's successful 1998 and 2003 reforms of mandatory drug sentencing laws.

FAMM's National Campaign Director Laura Sager, Detroit attorney Margaret Raben and FAMM consultant Noah Smith are meeting with legislative leaders and coalition partners to win support for the reforms. Many of these would provide earlier parole eligibility dates for individuals who were not affected by the 2003 reforms, as well as those serving mandatory consecutive sentences. FAMM is also working to eliminate life without parole sentences for second-time drug offenses over 50 grams. In addition, FAMM has developed a number of proposals that would remove barriers to diversion to treatment and drug court for drug-dependent and/or mentally ill individuals convicted of very low-level possession and delivery drug offenses.

Building support for new bills

Although the House Judiciary Committee passed several of these reforms with no dissenting votes last year, the bills need to be reintroduced this session.

Once FAMM has explored the broadest possible agreement on the details of the bills, sponsors in the House of Representatives will introduce the reforms and bill numbers will be assigned. We will notify you as soon as the bills are introduced and will post updated information on the FAMM website at www.famm.org.

Commutations may help some members

Commutations are rare, difficult to achieve and highly selective – that's why FAMM focuses on legislative sentencing reform.

However, Gov. Jennifer Granholm recently de-

clared her intention to relieve prison overcrowding through a combination of policies, including commutations. Because we do not want to miss an opportunity to help members, FAMM is working to assist as many Michigan prisoners as possible with commutation petitions.



Michigan Gov. Jennifer Granholm is considering ways to relieve prison overcrowding

Please remember that commutations are **completely at the discretion** of the Governor, so there is no “due process” or guarantee of success. Relatively few people benefit from commutations, so legislative reform remains the best avenue for relief from long mandatory sentences.

FAMM’s resources are limited for commutation work, so please be patient and we will respond to your inquiry as soon as possible.

Please contact Tom Burkert in the Michigan office with questions or concerns. You can reach Tom at (517) 487-1261 or tomburkert@famm.org, or write MI FAMM, P.O. Box 15007, Lansing, Mich. 48901-5007.

north carolina

Proposed “gang bills” inflexible, costly and least effective approach

FAMM has been working overtime in North Carolina to modify or stop harsh new sentencing laws.

S. 1358 sponsored by Sen. Malcolm Graham (D-Mecklenberg) and House Bill 274 sponsored by Rep. Henry “Mickey” Michaux (D-Durham) create new, vague definitions for gang members, add new felonies, and impose new consecutive mandatory minimum sentences at a potentially huge cost to taxpayers in North Carolina.

Yet North Carolina already has very tough laws for serious and violent crime and gang-related activity.

“We recognize that North Carolina’s communities and families face serious problems with gang activity,” Laura Sager, FAMM’s national campaign director,

Facts on gangs

North Carolina is not the only state considering new mandatory sentencing laws and enhancements for gang affiliation. National experts point out that:

- Like North Carolina, most states already have very tough laws for serious and violent crime and gang-related activity.
- Most youth actually involved in gangs are members for less than a year and many of those who do join are not involved in serious or violent gang activities.
- Re-arrest and re-incarceration rates for incarcerated children and youth are significantly worse than rates for at-risk children and youth targeted by prevention and intervention programs. Higher recidivism rates will create additional human and fiscal costs for years to come.



told members of the Senate Judiciary Committee in April at a hearing on S. 1358. “However, S. 1358 is the wrong approach. The costs of this bill, in both human and fiscal terms, will be enormous.”

Bills expose young people to prison

FAMM mobilized a broad group of North Carolina organizations and experts, including the Lost Generation Task Force, ACLU and the North Carolina’s Covenant for Children to present testimony about the negative consequences of the gang bills at the hearing on S. 1358.

Sager and other experts testified that the bill exposes youth to harsh sentences and lifelong identification as gang members. “The bill’s definition of ‘gang’ is far too vague. Law enforcement would be able to tag youth from the same neighborhood wearing similar hip hop clothing and engaging in even minor drug use as gang members. This will have a lifetime impact on their employment, housing and educational opportunities,” said Sager.

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Opposition to bills leads to reviews

After the hearing, Sen. Martin Nesbitt, Senate Judiciary Committee chair, created a working group including Sen. Graham, Famm and other experts on S. 1358. The group met with Sen. Graham on April 30 to discuss their concerns about the bill's impact on children and families. Senator Graham agreed to revise S. 1358 to address some of the issues raised. As we go to press, Famm is waiting to review the new version of S. 1358.

The House gang bill, H. 274, is also generating opposition. Angelyn Frazer, Famm national organizing director, and other opponents voiced strong opposition to H. 274 before members of the House Judiciary III Committee. As a result of concerns raised, the bill was sent to a subcommittee for further review. Famm and coalition members have met twice with subcommittee members to voice their concerns.

In addition, Famm is monitoring other sentencing bills in North Carolina, including legislation that would make technical changes to the sentencing guidelines.

North Carolina members should email tomburkert@famm.org or call (517) 487-1261 for information about upcoming events and opportunities to get involved with Famm.

maryland

Maryland governor disappoints by vetoing sentencing reform bill

Supporters of sentencing justice in Maryland were dealt a disappointing blow on May 18 when Gov. Martin O' Malley vetoed a bill that would have provided the possibility of parole for nonviolent

Instead of taking a baby step in the right direction towards treatment instead of prison, O'Malley is stubbornly clinging to the failed tough on crime policies of the past. The governor failed to show leadership and vision in this decision.

JASON ZIEDENBERG, EXECUTIVE DIRECTOR, JUSTICE POLICY INSTITUTE

drug offenders. The sentencing reform bill, H.B. 992, was one of the only bills vetoed by O'Malley, despite its support from the legislature, a broad coalition of supporters, including Famm, and support from the editorial pages of the Washington Post and Baltimore Sun.

Despite the outcome, the hard work that went into this bill to win victories in the Assembly and Senate was inspiring. Famm commends the legislators, families and advocates who shepherded the bill through the legislative process and got it to the governor's desk.

"The veto is a disappointing mistake," said Justice Policy Institute (JPI) executive director Jason Ziedenberg. "Instead of taking a baby step in the right direction towards treatment instead of prison, O'Malley is stubbornly clinging to the failed tough on crime policies of the past. The governor failed to show leadership and vision in this decision."

Under the comparatively modest Maryland reform, individuals convicted of a 10-year sentence for a second nonviolent drug offense would have been eligible for, but not guaranteed, parole.

"The fight for more effective and fair sentencing policies isn't over," said Delegate Curtis Anderson (D-Baltimore), a sponsor of the legislation. "Maryland voters want more fair and effective sentencing policies. We will keep working with the governor to implement those reforms."

Famm will continue to work with JPI and other advocates to further sentencing reform in Maryland.

kansas

Meth registry bill creates a de facto life sentence

Despite Famm's best efforts, the Kansas legislature passed S.B. 14, a bill that creates a lifetime public registry for people convicted of manufacturing or selling methamphetamine. The "meth registry" was amended to a popular sex offender bill, which assured swift Senate passage. The civil punishments required by the registry will make it almost impossible for a person

who is released after completing a lengthy sentence for methamphetamine to find a job or housing. Peter Ninemire, FAMM's Midwest organizer, and FAMM members in Kansas almost stopped the registry from becoming law by quickly mobilizing opposition in the House of Representatives.

Ninemire testified before the House Judiciary Committee which convinced lawmakers to remove the meth registry from the bill and substitute reforms originally introduced by Rep. Pat Colleton (R-Leawood) that would ease prison overcrowding and provide grants for community corrections and treatment programs that help reduce recidivism. For a short time, it appeared the meth offender registry was defeated.



Peter Ninemire

Unfortunately, the Senate revived the meth registry in a conference committee appointed to work out the differences between the House and Senate versions of S.B. 14. Thanks to Ninemire's work, conference committee members agreed to limit the registry to those convicted of manufacturing and selling methamphetamine and giving judges the authority to exempt some individuals. Ninemire will be talking to judges and defense attorneys about the overall impact of this legislation and hopes to work with other groups to reduce the number of individuals exposed to the registry requirement.

Parole eligibility bill gains support

Ninemire also continued FAMM's effort to win earlier parole eligibility for individuals convicted of drug use offenses before July 1, 2003, the effective date of S.B. 123 reforms (S.B. 123 was not made retroactive). Under S.B. 123, judges can sentence individuals convicted of drug-use offenses to drug treatment instead of prison. While the number of legislators willing to support the proposal increased, the proposal was ultimately not included in the House Judiciary Committee's reform package as hoped.

Ninemire will testify in favor of this measure at interim Judiciary Committee hearings this summer. FAMM hopes to win enough support next session

to advance a bill expanding the number eligible for earlier parole consideration. **FG**

Family members, treatment providers and advocates for drug treatment and sentencing reform measures should contact Peter Ninemire at pninemire@famm.org for additional information on this campaign.



Cooked: From the Streets to the Stove, from Cocaine to Foie Gras

By Jeff Henderson

(William Morrow, 2007) ISBN-10: 0061153907

\$24.95

This page turner illustrates the life of Jeff Henderson, or Chef Jeff as he is affectionately known, from the devastating poverty of his childhood to life on the streets as a cocaine dealer, his subsequent 20-year federal prison sentence and his rise to fame as the executive chef at Café Bellagio in Las Vegas after receiving early release from prison.

Cooked describes the all too familiar tale of a young person who succumbs to a life of crime in order to escape his impoverished reality. One of the most poignant segments of the book is when Henderson comes to the conclusion that he was not the victim of the environment his mother struggled to raise him in. During his final year of incarceration,

while participating in the Residential Drug Abuse Program (RDAP), he and other participants came to the realization that regardless of the influences in their lives, the individual makes the choice to do right or to do wrong. His counselor exclaimed, "Nobody pulled a gun on you to make you commit the crime; you made the choice."

Cooked provides a story of hope and inspiration that serves as potential lessons for those in the game, and those trying to get out of the game. Currently, Henderson lectures at-risk teenagers urging them to not make the same mistakes he has in the past.

Actor Will Smith has purchased the rights to *Cooked* for a future motion picture release.

is justice being served?

The following state and federal cases represent the “Faces of FAMM.” As you read, ask yourself if justice is being served by the sentences they received. If you or someone you know is in a similar situation, please use the case summary form on page 17 or request one from FAMM’s Washington, D.C. office.

Mandy Martinson



JURISDICTION: Federal

OFFENSE: Conspiracy to distribute methamphetamine and marijuana; possession with intent to distribute methamphetamine; possession of a firearm during a drug-trafficking crime

PRIORS: None

YEAR OF BIRTH: 1977

DATE OF SENTENCING: 2005

IN AUGUST 2003, Mandy became addicted to methamphetamine and slid into what she describes as a “self-destructive rampage.” She lost her job as a dental hygienist and started living with a man who was dealing methamphetamine. Though Mandy says she never sold drugs or carried a gun, she admits to traveling with her boyfriend when he went to pick up marijuana and methamphetamine from his supplier. She also helped him count and bundle money for the drug transactions. Unbeknownst to Mandy, her boyfriend was under investigation and officers discovered that he and several others were receiving drugs from out of state and selling them locally. After arresting the co-conspirators, police searched Mandy and her boyfriend’s home and found a duffle bag containing

10 one-pound packages of marijuana and two one-pound packages of methamphetamine. Officers also found drug paraphernalia and two handguns, one which was near Mandy’s purse. At trial, her boyfriend testified against her, claiming that she made him a more efficient drug dealer and that the gun found next to Mandy’s purse was a gift to her from him. She was convicted of the drug and gun charges.

Mandy grew up in a happy home in Mason City, Iowa. She went on to college, made the dean’s list several times, and graduated. She became a licensed dental hygienist and had a steady work history. Prior to trial, Mandy was released on her own recognizance and began obtaining drug treatment, which she eventually completed. She has remained drug-free since then.

What sentence do you think Mandy should have received?

At sentencing, the judge commented, “Ms. Martinson’s involvement in this offense became somewhat extensive, but the evidence demonstrated that she was involved due to her drug dependency and her relationship with [her boyfriend] and that she was largely subject to his direction and control . . . Even Ms. Martinson’s possession of the firearm was at the direction of [her boyfriend] . . . Under any possible sentence that the law would allow for Ms. Martinson, the sentence will exceed that of [her boyfriend] . . . Upon obtaining reasonable drug treatment and counseling and in the wake of what she is facing now, the Court does not have any particular concern that Ms. Martinson will commit crimes in the future.”

Nonetheless, the judge was required to give Mandy a mandatory minimum of 10 years each for the conspiracy and possession charges, to run concurrently, and a mandatory five-year consecutive sentence for the gun charge, for a total sentence of 15 years.

Sally Smith



JURISDICTION: Michigan

OFFENSE: Conspiracy to possess with intent to deliver over 650 grams of cocaine

PRIORS: Misdemeanor possession of marijuana 1976; in a park after hours

YEAR OF BIRTH: 1956

DATE OF SENTENCING: 1993

SALLY'S CONVICTION was based on two phone calls she allegedly made to collect funds for her boyfriend, a cocaine dealer, and two receipts she signed for a cash exchange. According to prosecutors, Sally received free cocaine and lived a "lavish" lifestyle with her boyfriend, making her complicit in the conspiracy. But extensive evidence shows that Sally was viciously and repeatedly abused during their 17-year relationship. Sally was beaten as often as five days out of seven, either with closed fists, frying pans, a baseball bat or other implements, until she was unconscious. Her boyfriend threatened to kill her or her family members if she left him.

After her boyfriend's initial arrest on drug charges, Sally fled and was arrested six months later. When she returned to Michigan, she and her boyfriend reunited after being released on bond. They fled together and were arrested six months later.

During trial, an expert on battered women's syndrome testified on Sally's behalf, but was prevented from telling the jury that Sally suffered from the syndrome and was incapable of exercising free will. Evidence of Sally's hospitalizations was suppressed and the prosecutor argued that Sally's beatings were not severe enough to take away her free will, as there was no evidence of hospitalization. Sally and her boyfriend were convicted.

From an early age, Sally's life was devastated by abandonment and abuse. At age 16, she began dating her abuser, a married man 10 years her senior and quit high school. At 17, Sally's mother abandoned her and her two siblings. Sally began caring for her younger brother and sister, returned to high school

and worked, but continued seeing the boyfriend who beat her. After a particularly brutal beating when she was 21, she drove herself to the hospital and received 50-60 stitches and treatment for a broken nose. As is typical in battered women's syndrome cases, Sally fabricated a story to explain the injuries and returned to her boyfriend. She began abusing alcohol and cocaine. Sally worked as a waitress and cared for her boyfriend's two young children but eventually her boyfriend refused to allow her to work.

Since her incarceration, Sally has taken numerous counseling, substance abuse, and educational courses. She has also obtained an Associate Degree in Business Administration.

What sentence do you think Sally should have received?

Sally was sentenced under Michigan's infamous "650 Lifer Law," which mandated life without parole for delivery or conspiracy to deliver 650 grams or more of cocaine or heroin. In 1998, FMM succeeded in reforming the "650 Lifer Law," making it a parolable offense after 15, 17.5, or 20 years. Sally's first parole eligibility date is in 2009, after serving 15 years. **FG**



Sign up for the FMM email list

Sign up on the FMM email list to receive the latest updates on sentencing reform campaigns and FMM. Log on to www.fmm.org, click "get connected" and enter your contact information and email address. It's that easy to stay up-to-date!

FAMM to participate in halfway house case in First Circuit

FAMM HAS WEIGHED IN on the latest halfway house case with a friend-of-the-court brief in the 1st Circuit Court of Appeals.

In *Muniz v. Sabol*, No. 06-2692, *pro se* litigants challenge the legality of the Bureau of Prisons' final rule regarding Community Corrections Center ("CCC") placements. In December 2002, BOP officials announced that CCC placements would be limited to the last 10 percent of a prisoner's good-time-adjusted sentence, breaking with 40 years of BOP policy allowing all prisoners to serve up to the last six months of their good-time-adjusted sentence in a halfway house. The BOP made the rule change formal in 2005, following a period of public comment in which FAMM participated. The BOP policy adversely affects prisoners serving less than a six-year sentence because they can be considered for end of sentence halfway house placement for no more than 10 percent of their sentence and not the six months for which they could previously have been considered.

FAMM's *Muniz* brief argues that the BOP failed to take into account facts and address the objections placed on record by the public when the 2005 rule was open for public comment in 2004. The Supreme Court has ruled that under the Administrative Procedure Act, which regulates how agencies including the BOP create and modify rules, a final rule is invalid if it is arbitrary and capricious. Our brief points out that the BOP did not adequately account for objections, facts, and comment put in the record during the comment period and the resulting rule is arbitrary and capricious and thus invalid.

The Massachusetts Federal Public Defenders and the Criminal Justice Act Board also filed briefs. The Courts of Appeals of the 2nd, 3rd, 8th and 10th Circuits have all found in favor of prisoners challenging the new restrictions on halfway house placement.

You can read the brief and that of the Federal Public Defenders in the litigation section of www.famm.org.

New case to determine Court's ruling on guideline reasonableness

THE SUDDEN DEATH of Mario Claiborne, a petitioner in one of two cases being considered by the U.S. Supreme Court on whether the now-advisory federal sentencing guidelines are "presumptively reasonable," has forced the U.S. Supreme Court to dismiss *Claiborne v. United States*. (See *FAMMGram*, Spring 2007, p. 17.)

FAMM filed amicus briefs in *Claiborne* and the companion case, *Rita v. United States*, No. 06-5618, in which a within-guideline sentence was affirmed by the appeals court after finding the guideline sentence "presumptively reasonable," despite a number of factors that supported a below-guideline sentence. It is unclear at press time whether *Rita* will be held over to the October term or decided by the end of June.

New cases to clarify reasonableness issue

On June 11, the Court granted review to *Gall v. United States*, No. 06-7949. Also from the 8th Circuit, *Gall* raises the same legal issue that *Claiborne* raised. Claiborne received a below-guideline sentence and the 8th Circuit Court of Appeals ruled against him, stating that "the farther the district court varies from the presumptively reasonable guideline range, the more compelling the justification...must be." Similarly, *Gall* received

a lower sentence which was vacated by the 8th Circuit. *Gall* will be argued before the Supreme Court in October, so the issue it raised will not be resolved until nearly the end of 2007.

Crack cocaine sentencing will be addressed in another case granted on June 11, *Kimbrough v. United States*, No. 06-6330, from the 4th Circuit. According to the 4th Circuit's opinion, which vacated the below-guideline sentence, Kimbrough pleaded guilty to distributing cocaine, conspiring to distribute and distributing 50 or more grams of crack cocaine, and possessing a firearm in connection with a drug trafficking offense. Because the district court disagreed with the sentencing disparity between crack and powder cocaine, it reduced Kimbrough's sentence for the crack offenses from 168 – 210 months to 120 months. The 8th Circuit reversed the below-guideline sentence because "a sentence that is outside the guideline range is per se unreasonable when it is based on a disagreement with the sentencing disparity for crack and powder cocaine offenses." **FG**

FAMM expects to file amicus briefs in *Gall* and *Kimrough* and will post them and on our website, www.famm.org.

FAMM needs case summaries to make the case for change

FAMM'S NEED FOR CASES is as urgent as ever. Case profiles are one of the most effective ways to convey the injustice of mandatory sentences. We often get questions about how we select cases for our profiles and how we use them. Here are some answers to our more frequently asked questions.

What happens when I send my case summary form to FAMM?

After we carefully read it and enter your information into our database, we add you to our mailing list and send you the *FAMMGram*. We may ask for more information, including key court documents like a Pre-Sentence investigation Report (PSR) and sentencing transcript, if available, to write a case profile. We prioritize cases that illustrate specific reform issues.

How long is the case screening process?

Because we receive hundreds of cases each year, it could take up to a year. So please be patient if you have not heard from us.

Can I retain a FAMM attorney by submitting a case summary form?

No, FAMM does not have lawyers to represent individual cases. Our Litigation Project works through the courts by finding lawyers to litigate select mandatory sentencing cases that can set important legal precedents.

How many cases do you normally profile?

The unfortunate reality is that we are a very small organization and can only devote our limited resources to a select few cases that we feel could generate the most public and legislative support. Although your sentence may be excessive, we simply can't profile everyone. But this does not mean we haven't valued your participation and correspondence. So please don't be discouraged if we don't accept your case now. Even if we cannot profile your case right away, we keep



all the information and routinely use cases as examples when testifying in Congress, in state legislatures or before sentencing commissions and with the media.

Do I need to be innocent of the charges to be selected?

This is not about guilt or innocence. FAMM's mission is to challenge inflexible and excessive sentences, not to advocate for the wrongly accused. In fact we value honesty more than innocence because FAMM's reputation relies on our ability to accurately present the "human faces" behind mandatory minimum sentences. So please be honest and upfront about the facts of your case.

What if I'm unhappy with my profile or corrections or needed?

FAMM sends you a copy of the completed profile, along with a form authorizing its release. If you find incorrect information or are unhappy with the profile, send FAMM your corrections and we will work to integrate your changes.

How do you use the profiles?

FAMM uses case profiles in our work with legislators, in public presentations and in public education materials, including FAMM brochures, pamphlets, posters and other informational materials we distribute. We publish a few cases in the *FAMMGram* and on our website, www.famm.org. An even smaller number of cases are used in newspapers and magazines and

on radio and television as we promote FAMM's goals through the media. Please note, though, that FAMM cannot guarantee media coverage for any case.

Which cases make the best media profiles?

The best media cases are those where sentencing injustice is obvious: excessive sentences for minor involvement in drug cases with a strong judge's statement decrying the sentence. But even if you fit these criteria, FAMM cannot guarantee media coverage for any case because we have very little control over which profile is publicized. Although we wish we could profile every case in the press, in the end reporters have the final say, not FAMM.

What information is contained in a profile?

A profile is typically a one- or two-page summary of the underlying offense, any prior offenses, how the sentence is calculated, and the prisoner biographical information. Often a photo of the prisoner with his or her family is included.

Are there any specific aspects about a case you are currently looking for?

Yes. At the federal level, we are currently searching for cases where the defendant received a mandatory minimum sentence of five or 10 years or the safety valve, or a mandatory minimum for sales of small amounts of crack or powder cocaine. At the state level, we are looking for drug cases in New Jersey, particularly for school zone violations; sentences with gang enhancements in any state; drug trafficking cases in North

Carolina; state methamphetamine cases; and state and federal cases of female defendants.

Which cases do you consider for commutations?

Commutations are extraordinary and very rarely granted. Due to FAMM's limited resources, we do not provide legal representation for prisoners filing commutation petitions. The non-legal help FAMM does provide on commutation petitions is limited to only a very small number of extremely compelling cases each year, and FAMM cannot guarantee that any commutation petition filed will be granted. We are currently looking for state cases from Oklahoma, Ohio, Massachusetts, Colorado, Georgia, and Arkansas, and federal cases. To be considered, prisoners *must* meet all of the following criteria: (1) admit guilt for his/her offense (we will *not* consider claims of innocence or purely legal arguments); (2) be a nonviolent drug, § 924(c), or ACCA offender with few or no other prior convictions; (3) have shown extraordinary rehabilitation; (4) have a sentence of at least 10 years; (5) have served at least five to 10 years of his/her sentence; (6) have at least five years of his/her sentence left to serve; (7) have not been denied a commutation within the last two years, and (8) have already been denied relief on his/her appeals and habeas motions. **FG**

If you have additional questions or concerns, write or call Molly Gill at the FAMM office in Washington, D.C. If you have a case to share, please use the case summary form on page 17 and send it to us. Without your involvement, there would be no FAMM. But with your cases, we can make an even stronger argument for changing mandatory minimum sentences.



Families Against Mandatory Minimums

1612 K Street NW, Suite 700, Washington, DC 20006 • (202) 822-6700 • fax (202) 822-6704 • www.famm.org

CASE SUMMARY

Name _____	<input type="checkbox"/> Federal Charge	<input type="checkbox"/> State Charge
ID# _____	Education _____	
Prison _____	Prisoner's Date of Birth _____	
Address _____	Ethnicity _____ Race _____	
City _____	US Citizen? <input type="checkbox"/> yes <input type="checkbox"/> no If not, what country? _____	
State _____ Zip _____		

OFFENSE

Year and state in which offense occurred _____

Type(s) of drug(s) _____

Weight _____

If not drugs, other charge _____

Were weapons involved in the offense? yes no

If yes, what type(s)? _____

Were you convicted for a weapons offense? yes no

Judge's name _____

Court _____ Date of sentencing _____

County _____

Estimated release date _____

Have you filed a direct appeal? yes no Date _____

Have you filed any post-conviction motions? yes no

Date _____

Was your sentence increased for weapons? yes no

Were you convicted/charged with conspiracy? yes no

Was a confidential informant involved? yes no

Did the informant get a shorter sentence? yes no

Were any drugs seized? yes no

Do you have any prior offense(s)? yes no

If yes, list offense(s) and year(s): _____

Did the judge depart from the mandatory sentence or guidelines?

yes no

Explain: _____

SENTENCE

Length of sentence: years _____ months _____

Was the prisoner sentenced to a mandatory minimum sentence? yes no

Habitual offender/3 Strikes? yes no

a. Original Guideline Level _____

b. Adjusted Guideline Level _____

c. Did you benefit from the safety valve? yes no

d. Did you receive a mitigating role adjustment? yes no

Was there a plea bargain? yes no

Trial? yes no

Forfeiture? yes no

If yes, what kind? criminal civil

FEDERAL ONLY

SYMPATHETIC FACTORS

At sentencing, did the judge say he/she wished he/she didn't have to give you such a long sentence? yes no

Please include summary of statement. _____

List any health problems: _____

Do you have substance abuse problems? yes no

If yes, any treatment received? _____

DOCUMENTATION

Are any of the following available for reference, if necessary? (Please do not send unless requested.)

- Presentence report (PSR) Sentencing transcripts
- Media clippings Photo of prisoner/family

FAMILY

Number of children _____ ages _____

Family's distance from prisoner, in miles _____

Who supports family? _____

Who cares for children? _____

OUTSIDE CONTACTS

Name of lawyer(s)/public defender _____

Lawyer's telephone () _____

Contact on the outside authorized to provide additional facts about the case:

Name _____

Relation to prisoner _____

Address _____

City _____

State _____ Zip _____

Telephone (day) _____

Telephone (evening) _____

Fax _____

Email _____

On a separate sheet, please write a brief personal account of what happened (1-2 pages) and list any additional factors you believe may assist us in understanding your case.

RELEASE FORM

FAMM works to repeal mandatory minimum sentences by publicizing cases that dramatize the unfairness of these laws. FAMM does not employ attorneys to represent individual cases. It is essential that the facts represented by FAMM and reported in this summary be accurate. If you do not know an answer, write "don't know." There may be a risk that publicized cases might draw a critical reaction. If you do not want your case publicized, do not put your signature at the bottom of this form.



Families Against Mandatory Minimums

1612 K Street NW, Suite 700 • Washington, DC 20006
(202) 822-6700 • fax (202) 822-6704 • www.famm.org

I hereby release Families Against Mandatory Minimums, Families Against Mandatory Minimums Foundation, and any news organization from any liability whatsoever from any cause and for any reason, in connection with the release, dissemination, and publication of statements and information about me and the crimes for which I have been charged or convicted.

Prisoner's signature _____

Date _____

- photo enclosed

COMMENTARY

By Angelyn Frazer

Legislative process: The only way out of this mess

IN LATE MARCH, I was a guest on Mark Thompson's call-in radio show on Power XM Satellite Radio. The show was examining how the presidential candidates have failed to address the drug war and the mandatory minimum sentencing laws responsible for the huge increase in the number of black men and women serving egregious prison terms.

One caller was supportive of FAMM, but skeptical of our ability to change laws through the legislative process. I also heard this argument the previous weekend, when I attended a FAMM meeting in Prince George's County. All of the participants had loved ones serving time in federal prison. They expressed frustration and doubt that federal lawmakers will actually do something to address the injustice of mandatory minimums.

Both encounters had a common theme: that the legislative process is incapable – and unwilling – to reform mandatory minimums. My response on the radio show and at the meeting was the same: the legislative process, albeit frustrating, slow to change and unpredictable, remains the only way out of this mess.

Before joining FAMM, I worked for a state representative and a member of Congress, and cannot stress enough the importance of the everyday citizens' involvement in turning the wheels of justice. I have witnessed constituents make the long journey to state capitols to lobby their legislator and how their visits affected his or her stance on an issue.

Now, as FAMM's organizing director, it is my job to ensure that people are educated about the legislative process and understand its role in changing mandatory sentencing laws. Writing letters to lawmakers, visiting their offices locally and in Washington, D.C., and showing up for lobby days may not seem exciting, but it is the best way to advocate for fairer laws and for the individuals who are affected by draconian mandatory minimums. When lawmakers know that their constituents care about this issue, they are more likely to support reform. Many of our members persevere in educating them, even when they know the reforms

implemented may not help their loved ones.

Reform of mandatory minimum laws is not easy, but nothing worth fighting for ever is. If we give up, please realize that there are others determined in their quest to ensure these laws remain in place. My challenge to all of us is to choose to fight another day, rather than give up our power to change the system.

Postcards a hit on tax day

"THIS YEAR, I want more of my taxes spent on ... prisons?"

Last-minute taxpayers were asking themselves this question as FAMM volunteers handed them a card comparing the cost of incarceration, education and healthcare as part of FAMM's annual Tax Day education project on April 17.



Lydia Wall, Annie Howard and Bessie Morgan from the Prince George's County chapter distribute Tax Day cards at the post office.

Volunteers distributed 10,000 color postcards at post offices, tax preparation locations, churches, libraries, barber shops, grocery stores and other gathering places in the community. The goal was to draw attention to the huge cost of incarcerating nonviolent individuals under harsh mandatory sentencing laws. The card pointed out that locking up nonviolent, low-level offenders is more expensive (\$23,000 per prisoner) than educating children (\$8,554 per child) or providing healthcare to the sick (\$5,711 per patient).

Many thanks to the following FAMM members who participated in FAMM's Tax Day educational effort this year, and to anyone we may have forgotten:

Diann Johnson, Rhonda Smith, Ellis Lambertson, Rosemary Timlin, Sally Meyers, Mary LeChene, James Rogers, Benita Powell, Mary Quigley, Lori Brydon, Belinda Rinehart, Trish Sproston, Robin Roelf, Deb Breedon, Ruth Reighard, Sandy Blackforth, Bernie Leusman, Jackie Curran, Gary Hugen, Valerie Denny, Rhonda Tang, Mary Houston, Barbara Presley, Larry Welp, Lacey Schnvelle, Dennis Fisher, Lynda Schachtner, Deb Salazar, Pearl Deleu, Joann Jordan, Eileen Sottile, Bob Batey, Ruth Kelley, Bessie Morgan, Lydia Wall, Annie Howard, Rita Wilbourn, Barbara Wilder and Sandi Marion.

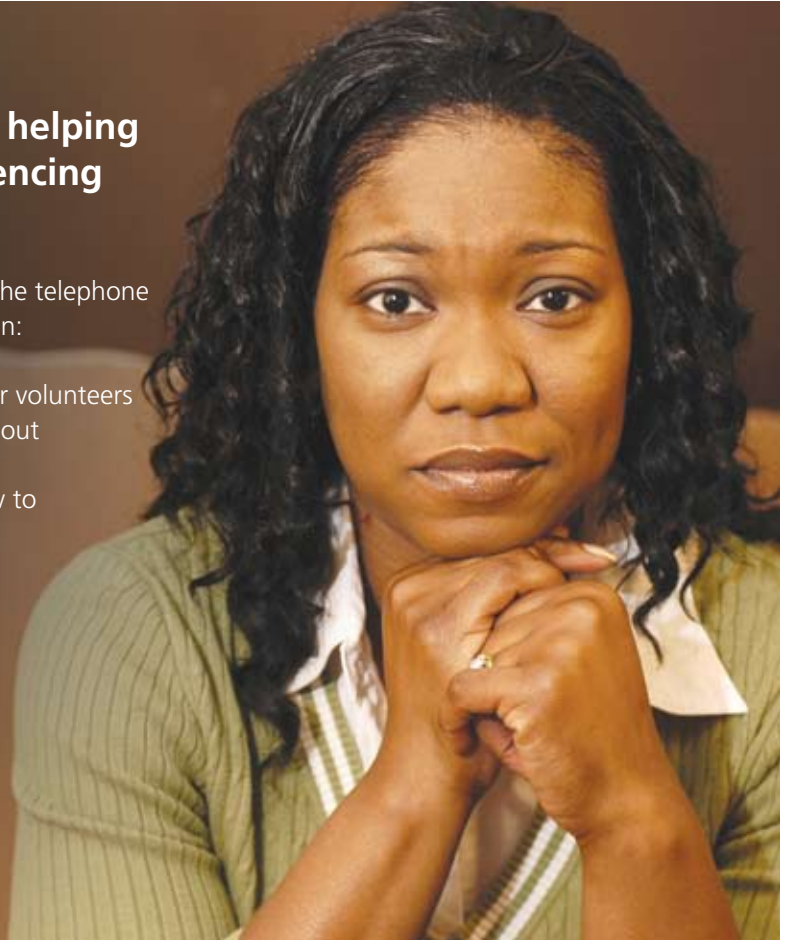
I want to help my loved one by helping FAMM change mandatory sentencing laws. How do I get involved?

Volunteering for FAMM is as easy as picking up the telephone and calling our member services director, who can:

- Connect you with FAMM campaigns and other volunteers
- Give you tips on educating your lawmakers about mandatory sentencing reform
- Answer basic questions about FAMM and how to cope when a loved one is in prison.

Numbers count and we need your help to build the movement for sentencing reform. Please call Andrea Strong at (859) 586-6863 or email famm@famm.org.

Working together, we can change mandatory sentencing laws.



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Working for fair and proportionate sentencing laws