

IBW's Report Card on the **Obama Administration's Drug Reform Policies & Practices**

June 2013 - July 2014



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Overview

In a 'Day of Direct Action' on June 17, 2013, the Institute of the Black World 21st Century (IBW) led hundreds of demonstrators on a march through the DC streets followed by a rally in front of the White House which called on President Barack Obama to end the War on Drugs (WOD) and stop the mass incarceration of black people.

IBW declared that for black people, the WOD had become a "war on us", resulting in a racially biased policy/strategy, i.e. the "New Jim Crow," which has disrupted and devastated Black communities across the country. A year ago, protestors from New York, Boston, Pittsburgh, Baltimore and Washington DC came together in the nation's capital to proclaim that we have suffered long enough and that the time had come to bring an end to an ill-conceived and destructive policy/strategy.

But, ending the War on Drugs is not sufficient, IBW argued. For far too long, this nation has ignored the myriad crises in urban inner-city neighborhoods, choosing instead to substitute paramilitary policing tactics like stop-and-frisk, tougher sentencing, and mass incarceration for social, economic and racial justice.

The levels of joblessness, under-employment, inferior education, crime, violence and fratricide in America's "dark ghettos" is totally unacceptable; a moral and political crisis which cries out for presidential leadership to promote the development of wholesome, sustainable communities.

Black people marched on ballot boxes in overwhelming numbers to ensure the re-election of President Obama. Now it is time for the President to directly respond to the State of Emergency in America's dark ghettos by having the audacity to end the War on Drugs and to vigorously promote a program of investment in jobs, and in economic and social programs to heal Black families and communities.

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A year ago, IBW called on the Obama Administration to do the following:

- Intensify efforts to eliminate the disparity in sentencing between powdered and crack cocaine.
- Issue an **Executive Order** terminating the War on Drugs and replacing it with a national initiative that treats drugs and drug addiction as a public health issue.
- Issue an **Executive Order** ending the practice of using incarcerated persons as prison labor.
- Publicly support decriminalization of the possession of small quantities of Marijuana.
- Allocate more federal funds for drug education, counseling and treatment.
- Form a Presidential Commission to initiate a National Dialogue on the regulation and taxation of drugs.
- Mobilize moral and political support for direct public sector jobs and sustainable economic development programs with priority inclusion of formerly incarcerated persons targeted to transform distressed Black communities.

To date, most of IBW's 2013 demands remain unmet.....a year later.

Historical Background to the War on Drugs

Many people associate the mass imprisonment of a population with authoritarian regimes. Consequently, many Americans are surprised when they learn that the country that incarcerates more of its own citizens than any other is the United States. With 2.3 million prisoners, the “land of the free” has more people in prison than China, which has a population four times the size of the United States. A hugely disproportionate percentage of those incarcerated are African-Americans, as Washington’s war on drugs constitutes the latest incarnation of racist policies that have existed since the country’s founding.

The “war on drugs” as we know it today began in 1961 when Congress allotted President Richard Nixon what would amount to \$371 million to fight the rise of drug addiction in America—which he claimed had become a “national emergency.” Nixon used the money to launch several massive drug-fighting initiatives, one of which included significantly augmenting federal drug control agencies and passing new measures like mandatory sentencing and no-knock warrants (both of which are still used today). After signing the official piece of legislation in January 1962, Nixon officially declared war. “I am convinced that the only way to fight this menace is by attacking it on many fronts,” he said in a [letter](#) to Congress.

During the next two years, drug arrests and incarceration rates increased significantly, with a disproportionate number of those targeted being African-Americans.

In 1986, President Ronald Reagan intensified the war on drugs by declaring that illegal drugs constituted a threat to national security. That same year, Congress passed the Anti-Drug Abuse Act with very little debate, establishing harsher and mandatory prison sentences for crack and powder cocaine. The mandatory sentences for crack were much harsher than those for powder cocaine.

Consequently, a conviction for selling 500 grams of powder cocaine resulted in a five-year mandatory sentence, whereas only five grams of crack cocaine would trigger the same five-year sentence. In other words, a conviction for possession of crack resulted in a prison sentence 100 times longer than a conviction for the equivalent amount of powder cocaine. Essentially, Congress imposed disparate sentencing laws for basically the same drug, since both crack and powder cocaine are derived from the coca plant. Furthermore, crack became the only drug that carried a mandatory sentence for first offenders.

Today, the term applies to the residual effects of Nixon’s war—namely, the fierce pro-

While record numbers of low-level urban drug dealers and users are being sent to prison, most middle and upper class white suburban dealers and users remain free to indulge their habits with little police harassment.

hibition and criminalization of drugs in America. Beyond harsh sentencing and federal crackdowns, the war included placing many drugs on a “Schedule I Substance” list. The classification—which includes heroin, cocaine, and marijuana—represents the most restrictive class of illicit drugs in America, so-classified based on a perceived lack of medical benefit and high risk of addiction.

The War on Drugs is a race/class war on black people

A quarter of America's 2.3 million prisoners are in jail for non-violent drug offenses—more than the total number of prisoners in the European Union. In 1980, there were 41,000 imprisoned drug offenders but that number had skyrocketed to more than half a million by 2011, according to The Sentencing Project, a non-profit organization that analyzes the US criminal system. The race and class bias of the 1986 sentencing laws soon became apparent as the ratio of Blacks who were imprisoned compared to whites increased dramatically.

Because crack was much cheaper than powder cocaine it became popular in poor urban neighborhoods, many of which were Black. In contrast, most of the principal users of powder cocaine were middle- and upper- class whites living in relatively wealthy suburban neighborhoods. Black neighborhoods have also endured the militaristic presence of heavily armed police narcotics squads carrying out “zero tolerance” drug policies. And so, while record numbers of low-level urban drug dealers and users are being sent to prison, most middle and upper class white suburban dealers and users remain free to indulge their habits with little police harassment.

By the late 1990s, despite constituting only 13 percent of the nation's drug users, Blacks represented 58 percent of imprisoned drug offenders. Furthermore, the majority of these offenders were low-level dealers or users; in fact, statistics released by the United States Sentencing Commission showed that only 11 percent of federal drug offenders were high-level dealers. This rate of incarceration contributed to a social breakdown in many poor inner-city neighborhoods. The number of Black children growing up fatherless skyrocketed, with 70 percent living in single-parent homes without their biological father at the beginning of the 21st century compared to only 14 percent twenty years earlier.

In 2010, Congress finally addressed the 100:1 sentencing disparity between crack and powder cocaine by reducing it to an 18:1 ratio and eliminating mandatory prison terms for crack possession. While an improvement, the new sentencing laws still disproportionately impact Blacks and, because they are not retroactive, thousands of drug offenders convicted under the old laws remain incarcerated.

While the mass imprisonment of African-Americans has created a social crisis, particularly in poor urban neighborhoods, it has proven to be an economic boon for corporations and rural communities. Under neoliberalism, the prison system has been largely privatized, thereby turning it into a for-profit industry. And it is not only the corporations that operate the prisons that profit, but also companies that use prisoners as cheap labor to handle their customer service operations.

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Prisoners are paid as little as fifty cents an hour to work in prison call centers performing the customer service and marketing operations of some of America's largest and richest corporations. As Microsoft stated in a marketing document, such a set-up "can reduce the burden on corporate marketing."

Also, in the neoliberal era, rural communities have struggled to survive economically and one solution has been to host prisons. With an average of 35 jobs created for every 100 inmates, local elected officials began viewing prisons as an economic development tool. In the first two decades following Reagan's intensification of the war on drugs, 213 prisons were opened in rural areas, housing prisoners from distant cities and even other states. Furthermore, many of these prisons were operated by private corporations.

This process has had devastating consequences on poor black communities in America's cities. First, it has made it even more difficult for children to maintain a relationship with their imprisoned fathers because of the expense and time required to visit distant prisons. Second, it has undermined the democratic system by shifting federal dollars and elected representation away from urban neighborhoods to rural communities.

One of the incentives to entice rural communities to build these prisons in their backyards has been to allow them to include the prison population in their census count, which translates into more federal funding for the local community. *The Wall Street Journal* illustrated how this process works in the small Arizona town of Florence, which, according to the US Census Bureau's 2000 census, had an "official" population of 17,054. However, 11,830 of the town's residents were prisoners, whose presence translated into about \$4 million annually in federal funds for the small community. The town received this funding based on its total population, despite the fact that it bore no responsibility for the cost of housing the prisoners.

The flip side of this coin occurs in communities where prisoners are from, primarily poor inner-city neighborhoods. With increasing numbers of Blacks being sent to distant prisons as a result of mandatory drug sentencing, the census count shows a smaller population, resulting in less federal funding. Given that the census only occurs every ten years, many prisoners return home to live in under-funded urban neighborhoods while rural communities continue reaping the financial benefits from their incarceration.

The disproportionate incarceration of Blacks also has implications for democracy. All but two US states prohibit prisoners from voting while incarcerated and twelve states disenfranchise convicted felons for a specific period of time following their release or for life. As of 2010, disenfranchisement laws meant that six million Americans were prohibited from voting in elections with Blacks constituting a hugely disproportionate percentage of the disenfranchised. In fact, one out of every thirteen African-Americans are banned from voting.

The mandatory sentencing and disenfranchisement laws are not the only forms of leg-

isolation that have disproportionately affected minorities and lower economic classes. The Welfare Reform Act of 1996 contains a provision stating that anyone with a felony conviction for using or selling drugs is subject to a lifetime ban on receiving government financial assistance and food stamps. This provision only applies to drug offenders, not to violent felons. Consequently, someone who has served a sentence for murder or rape remains eligible for welfare benefits upon their release.

By 2002, according to The Sentencing Project, there were more than 92,000 women, and by extension 135,000 children, affected by the lifetime ban on receiving welfare and food stamps. While Black and Hispanic women constitute approximately 23 percent of the US female population, they represent 48 percent of women affected by the ban. By 2011, the number of women affected had doubled to more than 180,000. While in recent years some states have opted out of the ban on felons being eligible for food stamps and welfare, more than half still retain the lifetime ban or a modified version of it.

In 1998, Congress enacted a similar ban preventing drug offenders from receiving government grants or financial aid for college education. Tens of thousands of college-bound students have been denied federal aid because of prior drug convictions, often for past misdemeanors such as marijuana possession. As is the case with the lifetime welfare ban, the college aid ban only applies to drug offenders, while convicted murderers and rapists remain eligible for government grants and student loans. As a result of the war on drugs, Black males are almost seven times more likely to go to prison than whites, resulting in a disproportionate number of young Black men being declared ineligible for federal college aid.

Ultimately, US drug-war policies that have utilized mandatory sentencing laws, disenfranchisement and lifetime bans on receiving welfare benefits and student financial aid have disproportionately affected black and brown working class people. A black teenager convicted for a first offense of possessing five grams of crack cocaine could be sentenced to five years in prison, lose his or her right to vote for life, become ineligible to receive welfare benefits and food stamps, and not qualify for student financial aid should he or she want to get an education in order to obtain a decent job.

This dead-end approach generates almost unsurpassable barriers for individuals and families attempting to change their lives, thereby continuing the cycle of marginalization experienced by many Blacks from generation to generation. Furthermore, it could be argued, given that a hugely disproportionate percentage of prisoners are Black, that the exploitation of their labor in prison call centers constitutes modern-day slavery while disenfranchisement undermines the hard-won gains of the civil rights movement.

Ultimately, millions of Blacks continue to be segregated through imprisonment and the denial of their basic rights. Though the mechanisms of oppression have changed over time from segregation through slavery to segregation under Jim Crow laws to segregation by incarceration, many Blacks in the United States continue to be treated as second-class citizens in the 21st century.

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The War on Drugs and the War on Terror Have Merged

The war on terror and the war on drugs have merged to form a hydra-headed monster that rapaciously targets Americans, particularly African-Americans. Tactics and legislation used to fight terrorism in the U.S. have been turned on drug users, with disastrous consequences measured in lives, limbs and cash. And money initially used to combat drugs has been spent on the war on terror. From the Patriot Act to the use of informants to surveillance, the wars on drugs and terror have melted into one another over the past several years.

On Oct. 26, 2011, after remarkably little debate, President Bush signed the USA Patriot Act (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001) into law. Some elected officials admitted they hadn't read the entire legislation before voting on it. ***The Patriot Act was renewed in 2011 by President Barack Obama.***

The [purpose of the legislation](#) was "to deter and punish terrorist acts in the United States and around the world [and] to enhance law enforcement investigatory tools." Section 213 of the act, legitimizes what are known as "sneak and peek warrants." These warrants, approved by a judge, allow the police to enter into a home without notifying the suspect in that home [for at least 30 days](#)—90 days if a judge is convinced the police need it. The 90-day extensions can be repeatedly re-authorized. Authorities are able to enter a home or office, rifle through private property and take photographs all without the suspect knowing, which is contrary to how normal warrants work. While "sneak and peek" authority was allowed in limited cases before the 2001 legislation, the Patriot Act has dramatically expanded its use. And the vast majority of cases where it's used had nothing to do with terrorism, despite the FBI's claim that the warrants are an "invaluable tool to fight terrorism."

From October 2009 to September 2010, law enforcement agents executed sneak and peek warrants 3,970 times, [according to numbers obtained by the American Civil Liberties Union](#). Less than one percent of those cases had to do with terrorism. But 76 percent had to do with drugs. It was much the same story from 2006-2009, [according to data compiled by New York magazine](#). In that time period, 1,618 such warrants were issued for drugs. Only 15 were issued for terrorism-related cases, with 122 being issued for fraud.

In addition to the sneak and peek warrants, the full-scale militarization of police in the

U.S., accelerated by the war on terror has brought weapons used in war to the homes of suspected drug dealers as well as and innocent people. The [ACLU's recent report on police militarization](#) shines a big spotlight on how the intersection of the wars on terror and drugs have brought destruction to many Americans.

Today, the same type of weapons being used in Iraq and Afghanistan to battle militants are being used in the streets of America. These weapons include machine guns, armored personnel carriers, aircraft, drones, night-vision equipment and mine-resistant ambush protected vehicles. And in the vast majority of cases, these military weapons are being turned on drug suspects. Furthering the militarization of police are Department of Homeland Security grants given to local police agencies, which use the cash to buy military-style equipment. At least \$34 billion in such grants, given by an agency created because of 9/11, have been handed out to local police, [according to the Center for Investigative Reporting](#).

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Medical Marijuana Past, Present and Future

Studies have repeatedly shown that marijuana is beneficial for a variety of medical conditions. In what is considered a [seminal study](#) on the issue, conducted by researchers from the University of California Center for Medicinal Cannabis Research, marijuana was proven to be a “first line treatment” for neuropathic pain.

[Other](#) studies have concluded that cannabis can “exert palliative effects” on cancer patients, preventing nausea, vomiting, and pain, stimulating appetites, [and](#) that it can improve the quality of life for those living with HIV/AIDS.

According to the U.S. Census Bureau, an [estimated 2.5 million Americans](#) were registered with medical marijuana identification cards in 2011. Since then, the number of states where medical cannabis is legal has almost doubled. With a surge in medical marijuana use across the nation has come overwhelming public support—58 percent of Americans at the beginning of 2014 now favor legalization.

The momentum has even extended to Congress, where the first major medical marijuana reform bill [passed](#) just weeks ago.

Despite innumerable studies on the medical benefits of marijuana, it remains classified as a schedule I substance, a distinction which makes it nearly impossible to obtain for medical research (since its classification allegedly proves it to have no medical benefit). It’s a problem that, in turn, makes obtaining it for medical benefit, even in states where individual laws have been passed, extremely difficult. The criminalization of marijuana is a direct result of Nixon’s drug-fighting initiatives. The stigma surrounding its use is arguably one of the most harmful byproducts of the war on drugs.

Marijuana’s role in the war on drugs is considered by many to be the ultimate example of the drug war’s failure. In 1970, Nixon temporarily placed it on the schedule I list, pending a review from a congressional commission. Following a thorough examination of the drug’s effects in 1972, every single member of the commission voted in favor of decriminalizing the possession and distribution of marijuana for personal use. Nixon ignored the recommendation, solidifying marijuana’s classification as one of the deadliest drugs in America. Attempts by individual states to decriminalize it in the five years following were squandered as teen marijuana use began to rise.

For decades the ability to study the medicinal effects of marijuana have been obstructed

by the federal government. But in a sign that the marijuana landscape is changing, a bipartisan group of 30 members of Congress wrote a letter to Sylvia Matthews Burwell, the Secretary of Health and Human Services, asking her to remove barriers to obtaining the drug for research purposes. According to a press release by Rep. Earl Blumenauer (D-Oregon):

“Currently, scientists not funded by the NIH seeking to conduct research on marijuana are subject not only to the review process that applies to other Schedule I substances, but to an additional review process by the Department of Health and Human Services that allows for access to the only source of marijuana grown in the United States that can be legally used for research.”

The Public Health Service (PHS) review protocol applies only to marijuana.

Currently, marijuana is a Schedule I drug, meaning it has “no currently accepted medical use and a high potential for abuse” according to the U.S. Drug Enforcement Administration. This is ludicrous and shows how out of touch both the DEA and the federal government are.

Sunil Aggarwal, a physician in the Department of Rehabilitation Medicine at New York University Medical Center, has conducted extensive research on marijuana and has confronted numerous government barriers.

“The PHS review is completely obstructionist and unnecessary, and it should be done away with, but the policy change we really need is de-scheduling,” Aggarwal said. “Marijuana is essentially treated like it is in schedule 0 — higher than schedule I. Congress made an inhumane and willfully ignorant move 44 years ago when they placed marijuana in Schedule I. Cannabis, a 38-million-year-old highly useful plant, belongs to the citizens of the world, not for monopolization by government drug abuse institutes.”

Researchers who are granted approval to study marijuana have only one legal source of obtaining it, a farm at the University of Mississippi that is contracted by the federal government and controlled by the DEA. Before the supply of marijuana is released to researchers, the DEA has to give its approval, which can take months or even years.

Scientists have complained that government supplies are limited and the quality of the marijuana is poor. In May, the DEA finally increased the amount of marijuana that can be grown at the farm from 21 kilograms to [650 kilograms](#).

The ability to conduct research on marijuana is essential because opponents of medical marijuana and of marijuana legalization claim they can't support the use of the drug because there aren't enough studies showing its safety and efficacy. The reason there are few U.S. studies is a result of onerous restrictions and rules that make it almost impossible to carry out the research, especially if it is designed to measure positive, medicinal effects.

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In recent weeks Congress has become increasingly skeptical of the regulatory and enforcement powers of the DEA. At the end of May, [the U.S. House of Representatives historically voted](#) in favor of a pro-medical marijuana amendment. The amendment, tacked onto the much larger criminal justice funding bill (H.R. 4660), would prohibit the Department of Justice from using federal taxpayer funds to interfere with medical marijuana laws in 22 states that have passed them. Currently, the DEA—part of the U.S. Department of Justice—continues to raid medical marijuana dispensaries and arrest patients despite the fact that several states have legalized medical marijuana.

The amendment still awaits approval by the Senate, and Rand Paul (R-KY) and Cory Booker (D-NJ) introduced it together in early July. If the Paul-Booker medical marijuana amendment passes in the Senate, it will be included in the House-Senate conference committee negotiations. The last stop is President Obama's desk. If both houses of Congress approve the amendment, it's likely he'll sign it.

Winds of Change are beginning to blow

Today, a growing majority of Americans now support the outright legalization of marijuana and oppose the war on drugs. The public has overcome decades of misinformation used by the ruling elites to justify the drug war.

In May of 2013, the [Green Shadow Cabinet recommended](#) the Obama administration allow state marijuana legalization to go forward and eight months later [Attorney General Holder did just that](#).

Now, the light is shining on former drug war assertions, and claims like the one that marijuana causes crime are being proven false. Since the legalization of marijuana in Colorado, [violent crime has fallen by 6.9 percent and property crime by 11.1 percent](#). A 2012 study, "[California Youth Crime Plunges to All-Time Low](#)," credits a state marijuana decriminalization for plummeting arrests for all crimes. Meanwhile, an [April 2014 study](#) shows that legalization does not lead to increased adolescent use.

In addition, substantial new revenues are coming into Colorado from marijuana taxes. [Colorado's Joint Budget Committee projects revenue](#) of \$610 million from retail and medical marijuana sales from January 1, 2014 to June 30, 2015, the end of the next fiscal year. And, the state is saving money on enforcement. [The Denver Post reported](#) "the number of cases filed in state court alleging at least one marijuana offense plunged 77 percent between 2012 and 2013."

The lessons from Colorado: decreased crime, no increased use, tremendous law enforcement savings and massive new revenues. Ending marijuana prohibition has been a success on many levels.

There is an awakening regarding other drugs as well. President Obama, who has pardoned fewer prisoners than any other president, has announced he may [pardon hundreds, if not thousands of drug offenders](#). This is occurring after the Department of Justice removed pardon attorney, Ronald Rodgers, a career drug enforcement official who [provided false information](#) in order to prevent pardons.

The New York Times editorial board made history on July 27th, 2014 by calling for an end to marijuana prohibition. The paper of record broke new ground by calling for the federal government to end the ban on marijuana.

Obama's "21st Century Approach to Drug Policy"

When the Obama administration released its new national drug control strategy in early 2013, drug czar Gil Kerlikowske called it a "21st century" approach to drug policy. "It should be a public health issue, not just a criminal justice issue," [he said](#).

The latest plan builds on Obama's [initial strategy](#) outlined in 2010. Obama said then the U.S. needed "a new direction in drug policy," and that "a well-crafted strategy is only as successful as its implementation."

By every measure the drug war has failed and has wrought incredible harm. The U.S. has spent \$1 trillion on it but illegal drugs are cheaper, addiction rates remain the same and overdose deaths are rising. One positive step is the "[Smarter Sentencing Act](#)" which removes mandatory sentencing for some offenders and reduces them for others. This bi-partisan bill will save money, improve public safety, reduce overcrowding in federal prisons, and begin to undo unproductive mandatory minimum sentences.

There continues to be resistance to reform from those whose careers and livelihoods depend on the failed drug war. Just as the Obama administration removed pardon attorney Ronald Rogers, the President needs to remove the current DEA Administrator Michelle Leonhart. She is [refusing to support](#) the Smarter Sentencing Act, supported by Obama. [She criticized the president](#) for saying marijuana is no more dangerous than alcohol and [opposed the Obama administration's decision](#) to let reform in Colorado and Washington go forward. She is out of step with the administration and [needs to be removed](#).



Editor's note: In reviewing the Obama Administration's actions a year after IBW's Day of Direct Action, the following highlights represent a chronicling of initiatives taken by the Obama Administration in response to the IBW's set of demands, as well as critical areas that still need urgent attention:

Notable Milestones in the Obama Administration's Drug War Policies Over the Past Year

IBW Commends America's Top Cop for his bold initiatives

In late April, 2014 Eric Holder became [the fourth longest serving attorney general](#) in U.S. history. While the Justice Department has confirmed that he plans to remain in office [at least through the midterm elections this fall](#), his precise plans beyond November are a mystery, apparently even to Holder himself.

Over the past year, Holder has engineered a number of positive changes in the DOJ's overall drug policies. He has begun to place emphasis on reform and rehabilitation rather than simply incarceration — the Justice Department's traditional approach to the drug war.

For decades, Holder has witnessed the negative effects of America's criminal justice system, particularly on the lives of young black men. As a young man himself, he saw childhood friends go down the wrong path and wind up incarcerated. As a judge in Washington, D.C., he saw lives destroyed by drug charges. As the No. 2 official at the Department of Justice in the late 1990s, he saw more and more of DOJ's budget eaten up by the cost of the booming federal prison system.

Today, even apart from the question of whether locking up drug offenders for many years is the best policy, the financial realities of the drug war are having a major impact on the Justice Department. The department's inspector general has warned that federal prison overcrowding presents an "[increasingly critical threat](#)" to DOJ's ability to fulfill its mission.

Bureau of Prisons costs make up one-third of the department's overall budget. Half of federal inmates are behind bars on drug charges, many of them low- or mid-level

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offenders locked up for decades as a result of mandatory minimum sentencing laws.

Holder called for “sweeping, systemic changes” to the “broken” federal justice system in a [speech](#) last August. One of the first big moves in his ‘Smart on Crime’ initiative was to implement a [new policy](#) that allows prosecutors to work around mandatory minimums for certain non-violent drug offenders, which Holder called “draconian.” Such cases, he suggested, might not belong in federal court at all.

According to DOJ, the overall goal of [Smart on Crime](#) is to enforce federal laws more fairly and efficiently, recognizing that the criminal justice system “may actually exacerbate ... rather than alleviate” the “vicious cycle of poverty, criminality and incarceration” that traps many Americans.

Holder recently endorsed changes by the U.S. Sentencing Commission that would lower the ranges for federal drug sentences and [told prosecutors not to object](#) if defendants ask to be sentenced under those pending guidelines. The Justice Department has [imposed](#) more requirements on halfway houses, mandating that they provide mental and substance abuse treatment, allow for cell phone access and offer transportation so inmates can find jobs. And last month, the department [announced](#) plans to collect data on police stops, searches and arrests in order to examine racial bias in the criminal justice system.

Holder has also highlighted innovative local programs that aim to [clean up high-crime neighborhoods](#) without resorting to mass arrests and others that [help felons transition](#) back into society after serving their time behind bars.

Before he started rolling out criminal justice reforms, Holder’s tenure had been defined mostly by crises, scandals and criticism. He inherited a Justice Department still reeling from the Bush administration’s politicized hiring of career lawyers and its firing of several U.S. attorneys for partisan and improper reasons. He spent much of his early years on the job dealing with major national security issues: new policies on interrogation and detention, terrorist attacks, and the failed effort to close the Guantanamo prison camp and move the trial of alleged [9/11](#) mastermind Khalid Sheikh Mohammed to federal court in New York.

Criminal justice reform has the potential to be his major accomplishment at DOJ — bigger even than his decision not to defend the Defense of Marriage Act and his aggressive pursuit of civil and voting rights cases.

It’s an endeavor for which he has found widespread support. Since 2000, 29 states have rolled back mandatory minimum sentences, mostly focusing on lowering penalties for nonviolent drug offenses. Fiscal concerns and religious beliefs about second chances have led congressional Republicans to [support reforms](#) as well.

Holder has also endorsed the proposed Smarter Sentencing Act, a bipartisan bill backed by Republican Sens. Mike Lee of Utah, Ted Cruz of Texas and Jeff Flake of Arizona that would lower the length of mandatory minimums. It cleared the Senate Judiciary Committee in January.

Holder's theory, however, is that the amount of time they might spend behind bars isn't the key motivation for low-level defendants who inform on their higher-ups.

While Holder has been encouraging about federal drug courts, for example, he hasn't forced all the semi-autonomous U.S. attorneys to implement them. He believes the programs should be tailored to the "specific needs of the community,"

"This is what this administration is trying to do, new things, evidence-based things," Holder said after watching the drug court in action. "It doesn't mean that everything we try will be successful, but we're willing to take some chances."

Despite the criticism from some corners of the law enforcement community, Holder's initiatives also have the support of a number of federal prosecutors.

The reforms Holder has put in place so far are not the end of his Smart on Crime push. When the attorney general sat down with the Huffington Post in mid-April, one of the major lingering concerns for criminal justice reform advocates was the seemingly broken process for commuting sentences and the troubled leadership of the Justice Department's Office of the Pardon Attorney, which makes clemency recommendations to the president. The administration's record on pardons has been meager, with President Barack Obama granting clemency [less frequently](#) than any other president in modern history.

The Obama Administration's New National Drug Control Strategy:

The White House Office of National Drug Control Policy (ONDCP) released its [2014 National Drug Control Strategy](#) on July 9, 2014. The strategy has shifted somewhat from previous years in that it more clearly focuses on reducing the harms associated with substance misuse, such as overdose and the transmission of HIV/AIDS, hepatitis C, and other infectious diseases, while also reducing the harms associated with punitive drug policies, such as reducing the use of mandatory minimum sentencing.

The Administration's rhetoric has evolved over the last couple of years – reflecting the fact that three-quarters of Americans consider the drug war a failure – emphasizing the need to treat drug misuse as a health issue and stop relying on the criminal justice system to deal with the problem.

The strategy, however, calls for the expansion of drug courts, which continue to treat

The Administration's rhetoric has evolved over the last couple of years – reflecting the fact that three-quarters of Americans consider the drug war a failure – emphasizing the need to treat drug misuse as a health issue and stop relying on the criminal justice system to deal with the problem.

drug users in the criminal justice system, where punishment is often the response to addiction-related behaviors such as positive urine screens or missed appointments. It discourages the use of words like “addict” and “substance abuser,” noting that such stigmatizing words may make people less willing to seek treatment, but [continues to embrace arresting and criminalizing people who use drugs](#) despite evidence that fear of arrest is a major reason why people with substance misuse disorders don’t seek help. It also ignores the fact that most people who use marijuana or other drugs don’t have a problem and don’t need treatment.

There are a number of areas, however, where the strategy takes important steps in the right direction including advocating for greater access to naloxone, a low-cost opiate antidote that reverses the effects of an opiate overdose; endorsing state 911 Good Samaritan laws which provide immunity from arrests to people who call 911 to help someone who is overdosing; strongly supporting the expansion of syringe exchange programs to reduce the spread of HIV/AIDS, hepatitis C and other infectious diseases; and acknowledging that the U.S. has the largest per capita prison population in the world, which is costly in both money and societal impact. In particular, the strategy notes that the agency will be setting 5-year goals for reducing overdose fatalities, a goal that drug policy reformers had been seeking.

Obama commutes sentences for eight crack cocaine convictions

In December 2013 President Obama [commuted the sentences of eight people](#). He said they were serving unduly harsh sentences for drug crimes in the most expansive use yet of his presidential power to free inmates. Obama made the commutations because the prisoners were sentenced under a system that treated convictions for crack cocaine offenses harsher than powder cocaine. Obama also pardoned 13 others for various crimes. The president signed the [Fair Sentencing Act in 2010](#) to reduce penalties for crack-cocaine offenses in order to reduce the disparity with powder-cocaine penalties. But the act only addressed new cases, not old ones. Drug policy reform advocates hope that Obama will soon grant clemency to many more than eight.

But even granting clemency to thousands is not enough. The DOJ guidelines for pardons are extremely stringent (e.g. a person must have served at least 10 years to be considered); many tens of thousands who should be released will not be. More systemic change is needed, the country needs to change its sentencing laws and continue to dismantle the drug war.

Since the ‘Just Say No’ era of the 1980s, both parties outdid themselves to see who could be tougher on drugs. Vice President Biden, for example, chaired the Judiciary Committee when harsh mandatory minimum sentencing became law. Eric Holder has recently highlighted, “since 1980, the federal prison population has grown at an astonishing rate — by almost 800 percent.” The United States needs to face up to the

injustice that with just 5 percent of the world's population, the U.S. has 25 percent of the world's prisoners. That's right, one in four of the world's prisoners live behind bars in the "land of the free."

It's become increasingly clear that America is more focused on locking people up than actually rehabilitating them.

Attorney General Eric Holder Announces Major Shift On U.S. Marijuana Policy

In January 2014 Attorney General Holder said U.S. treasury and law enforcement agencies will soon issue regulations opening banking services to state-sanctioned marijuana businesses even though cannabis remains classified as an illegal narcotic under federal law. Holder said the new rules would address problems faced by newly licensed recreational pot retailers in Colorado, and medical marijuana dispensaries in other states, in operating on a cash-only basis, without access to banking services or credit.

Attorney General Holder Announces President Obama's Budget Proposes \$173 Million for Criminal Justice Reform

Attorney General Eric Holder announced in May 2014 that President Obama's FY 2015 Budget proposal for the Department of Justice calls for \$173 million in targeted investments for criminal justice reform efforts. These investments—such as increased funding for state and local prisoner reentry initiatives—are among the key highlights in the president's overall \$27.4 billion budget request for the Justice Department. The FY 2015 request, which represents a \$122 million increase over the FY 2014 enacted level, supports a range of federal law enforcement priorities, as well as the criminal justice priorities of state, local and tribal law enforcement partners.

New Clemency Initiative Details Broad New Criteria for Applicants

In April, 2014 the U.S. Justice Department added guidelines to Obama's drug clemency initiative. Deputy Attorney General James M. Cole introduced new criteria for applicants for commuted sentences. Inmates must meet the initiatives criteria for clemency.

As part of the Justice Department's new clemency initiative, Deputy Attorney General James M. Cole announced six criteria the department will consider when reviewing and expediting clemency applications from federal inmates. Under the new initiative, the department will prioritize clemency applications from inmates who meet all of the following factors:

- They are currently serving a federal sentence in prison and, by operation of law, likely would have received a substantially lower sentence if convicted of the same offense(s) today;
- They are non-violent, low-level offenders without significant ties to large scale

criminal organizations, gangs or cartels;

- They have served at least 10 years of their prison sentence;
- They do not have a significant criminal history;
- They have demonstrated good conduct in prison; and
- They have no history of violence prior to or during their current term of imprisonment.

“For our criminal justice system to be effective, it needs to not only be fair; but it also must be perceived as being fair,” said Deputy Attorney General Cole. “Older, stringent punishments that are out of line with sentences imposed under today’s laws erode people’s confidence in our criminal justice system, and I am confident that this initiative will go far to promote the most fundamental of American ideals – equal justice under law.”

Head Of DEA Refuses To Support Bill Modifying Minimum Sentences For Drugs

The head of the Drug Enforcement Administration Michele Leonheart refused to support a bill backed by the Obama administration that would modify mandatory minimum sentences for federal drug crimes, putting her at odds with her boss, Attorney General Holder. He hopes to make the bill, the “Smarter Sentencing Act” a centerpiece of his legacy.

As DEA Administrator Michele Leonhart explained, “Having been in law enforcement as an agent for 33 years, [and] a Baltimore City police officer before that, I can tell you that for me and for the agents that work for DEA, mandatory minimums have been very important to our investigations. We depend on those as a way to ensure that the right sentences are going to the... level of violator we are going after.”

DOJ Backs Proposal To Make Drug Sentences Shorter Retroactively

On June 10, 2014, The Justice Department formally backed a [proposal](#) being considered by the U.S. Sentencing Commission that would shorten the amount of time that federal drug offenders currently behind bars would have to spend in prison. The proposal would apply only to nonviolent drug offenders and would be [expected to save taxpayers \\$2.4 billion](#). The U.S. Sentencing Commission, which already approved a proposal to lower certain drug sentencing guidelines, will vote next month on whether to make those changes retroactive.

“Under the department’s proposal, if your offense was nonviolent, did not involve a weapon, and you do not have a significant criminal history, then you would be eligible to apply for a reduced sentence in accordance with the new rules approved by the Commission in April,” Attorney General Eric Holder, who has [made criminal justice reform a priority](#) in the second term of the Obama administration, said in a statement.



Editor's Note: Despite the progress made over the past year, the following trends continue to be of serious concern to IBW. We call on the Obama Administration and the Justice Department, in particular, to address these issues with urgency and consistency.

Big corporations are making a killing off the prison system.

As prison populations grew over time, much of that growth directly fed into privately run, for-profit prisons owned by corporations like the CCA or GEO Group. Between 1999 and 2010, the [number of inmates in private prisons grew by 80 percent](#), while during the same period of time, overall prison populations only grew by 18 percent. As [Matt Taibbi wrote](#) in his book, "[The Divide](#),"

"The big influx of cash impressed investors on Wall Street. Overall, the corrections industry is one of the soundest stock/equity bets in the world, with soaring revenues -- the industry as a whole pulled in more than \$5 billion in America in 2011."

This creates financial incentive to put people behind bars... and keep them there. Most private prison contracts mandate that the state or federal government [keep 80 percent to 100 percent of prison beds](#) occupied and institute fines for unused beds. These quotas create financial incentive to keep prisons filled; failure to do so means [taxpayers pay the fine](#).

Private prisons also give lawmakers an easy way out. As Nicole Porter of The Sentencing Project told The Huffington Post, "Private prisons provide a safety valve to state and federal lawmakers dealing with prison overcrowding and prison population issues."

Prison provides a living for a lot of people - for-profit prison corporations, guards, lawyers, judges, the arresting police officers and a whole slew of professional consultants and workers. One thing that it doesn't do is provide economic options for those incarcerated for gun possession charges (or for a myriad of other non-violent technical crimes including drugs) when they are released.

The cost to the taxpayer of keeping an individual in prison is high. The New York Times (NYT) [wrote about a 2012 study](#) that found that the average cost for incarceration in the state prisons was \$31,286 in the 40 states studied - and federal prisons are even more costly. The NYT reported that New York City spent a whopping \$167,731 per prisoner in city jail, the majority probably in jail for nonviolent charges:

Incarcerated women have unique health and safety issues, which prisons are often unprepared to address appropriately, according to Families for Justice as Healing. Women swept into the prison system disproportionately suffer from abuse and sexual violence.

- The city paid a whopping \$167,731 to feed, house and guard *each* inmate last year, [according to a study](#) the Independent Budget Office released this week.
- “It is troubling in both human terms and financial terms,” Doug Turetsky, the chief of staff for the budget office, said on Friday. With 12,287 inmates shuffling through city jails last year, he said, “it is a significant cost to the city.”

These prison industrial complex companies have also discovered another goldmine: building facilities for the mass incarceration of undocumented immigrant detainees.

In recent years, the federal government’s “Operation Streamline” policy offers “zero-tolerance” for undocumented immigrants. Under it, the number of non-citizens locked up in the U.S. has skyrocketed. Over 75 percent of those imprisoned have [no criminal record](#).

In 2009, more prisoners [entered federal prisons for immigration violations](#) than for violent offenses, weapon offenses and property offenses *combined*. Over [half of non-citizen detainees](#), approximately 25,000 people, are living in privately owned facilities.

In private detention centers, [detainees face physical abuse and mistreatment](#), including inadequate health care, threats of physical violence, overcrowding and conditions of squalor. There are sometimes arbitrary quotas for the solitary confinement units which are “reportedly kept so full that some people must sleep on the floor of a small cell they share with two strangers for 23 hours,” according to the [ACLU report](#). These facilities are geographically isolated, often far away from their families.

Many detainees lack the money to hire a lawyer and remain trapped in a seemingly endless legal process. As one detainee told the ACLU, “You lose your memory in this place. You keep counting days until you give up.”

The owners of the for-profit corporate prison system and their lobbyists have more power than all the human rights forces combined. Overcoming the pro-incarceration, anti-immigrant lobby that thrives on government enforcement of the racially motivated U.S. immigration system is key to stopping the mass arrests, incarcerations, and deportations of hardworking immigrants. To overcome that lobby, pro-human rights, pro-immigrants forces need to convince the local, public institutions that finance for-profit corporate prisons to divest from the prison industrial complex and invest their (and the public’s) money in something else.

The Power Structure Behind the Anti-Immigrant Movement

Corrections Corporation of America (CCA) and the GEO Group (GEO) waged a sophisticated lobbying effort that helped kill the path to legal status for over 11 million undocumented people in 2013. They also succeeded in securing increased congressional funding to incarcerate those same people in for-profit prisons. Together, these two corporations, whose core business is incarcerating an ever-expanding number of people of color, con-

control nearly 80% of the private prison beds in the U.S. through government contracts. This arrangement costs taxpayers over \$3 billion a year. Public funding=private profit.

Meanwhile, private prison corporations found another way to profit off these people living in purgatory: They use [detainees as cheap labor](#) employing thousands to cook and clean the facilities. Some earn \$1 a day; some earn candy bars, and some earn nothing. Last year, at least 60,000 detainees labored at these detention centers.

Private prisons try to cut costs by employing less-experienced staff and slashing prisoner resources. Private prisons make cuts that compromise public safety, ranging from lower rates of pay, to not investing resources toward training, to reducing programs and rehabilitation efforts for prisoners. As a result, private prisons can have an [assault rate double that of what is seen at publicly run prisons](#). And these facilities disproportionately hold young Americans: Nearly [40 percent of incarcerated juveniles](#) will serve their time in private facilities, which have been [plagued by physical and sexual abuse](#).

The Stigma Lasts a Lifetime:

America's prison system perpetuates a cycle of crime: More than two-thirds of people released from prison will be arrested again within three years.

That's according to a study by the [Bureau of Justice Statistics](#). Among juveniles released, 70 to 80 percent will be arrested again within two to three years, according to a [number of state studies](#). Contrary to what ["tough on crime" politicians](#) of the 80s and 90s once told voters, prison does not reduce crime and may [actually produce future criminals](#).

While crime rates have declined over the past decades, don't thank our prison obsession. When [Harvard Professor Bruce Western](#) studied the decline in crime from 1993-2001, he found that just one-tenth of the decline was due to rising prison populations. The rest, he says, stemmed from factors like increased local police force presence. It's become increasingly clear that America is more focused on locking people up than actually rehabilitating them.

As the Women's Prison Association President Georgia Lerner told [the Guardian](#), this stigma lasts a lifetime. "We lock people up, strip them of all authority over themselves, disempower them in a very real way -- and then expect them to be able to function in the community after they are released," she said. "It simply doesn't work. Prisons were designed to confine people and keep them alive, and not much else."

Indeed, while more Americans are spending more time in prison, many lack access to [drug education programs](#) and [mental health programs](#), both of which could help address the problems that got them locked up in the first place. And while a [U.S. Department of Justice/RAND corporation joint study](#) found that inmates given educational opportunities are 43 percent less likely to commit a future crime, only six percent of

Those held in US prisons describe inhumane conditions including extended isolation often lasting years, use of torture devices, sexual harassment, brutality, cold, filth, callous medical care, and more.

inmates were actually [enrolled in such programs](#). Inmates with inadequate education face a daunting challenge of finding employment upon release, a challenge substantially magnified by the stigma of having a criminal record. It's not surprising, then, that former inmates face [rampant unemployment and lower wages](#).

But released inmates face more than just the new financial burdens of the real world: Many leave prison with [overwhelming debt](#) due to legal fees. Though rules vary depending on the state, inmates can be charged for everything from court costs to public defender reimbursements, in-prison electricity bills, in-prison [telephone bills](#), drug testing and parole supervision. In Texas, the [average cost of being released on parole](#) ranges from \$500 to \$2,000. Sometimes, the "crime" of not being able to pay off that debt [lands former inmates back behind bars](#).

But Alabama, Georgia, and other Southern states have found a disturbing way to expedite that process: They allow former inmates to literally pay off their debt by [spending more time in prison](#).

The Mass Incarceration of Black Women Continues:

Hundreds of concerned citizens and dozens of national organizations from across the country converged on the National Mall in Washington, D.C. on Saturday, June 21st to demand an end to the mass incarceration of women. The FREE HER Rally assembled at the Sylvan Theater on the National Mall.

The Institute of the Black World 21st Century (IBW), a leading research, policy and advocacy organization, along with its sister grouping, The Black Family Summit and their 24 national organizational affiliates strongly supported the “Free Her” rally. (<http://ibw21.org/promotion/free-her-rally/>)

“This protest in the nation’s capital served to shine a light on the alarming growth rates in the incarceration of women of color, most for minor offenses related to the so-called War on Drugs,” said Dr. Ron Daniels, president of the Institute. “This mass incarceration of our sisters and mothers is tearing apart the fabric of family life in black and brown communities across the country. We call on the Obama Administration to immediately intervene and put an end to this horrible situation.”

The objectives of the rally were:

1. To raise awareness of the alarming increase in the rate of incarceration of women in the United States and its impact on our children and communities.
2. To demand an end to voter disenfranchisement for people with felony convictions and to encourage the passing of the Smarter Sentencing Act.
3. To ask President Obama to commute the sentences of women and men in the federal system who have applied for commutations.

“On April 23, 2014, the Justice Department announced President Obama’s intention to commute the sentences of eligible people serving federal non-violent sentences,” says Andrea James, founder and director of Families for Justice as Healing, the principal organizer of the rally. “Now is more important than ever to stand together and join our voices as one to encourage the President to commute the sentences of women serving non-violent sentences. Allow them to return to their children and communities.”

Between 1980 and 2010, the number of women in prison increased by 646% overall, with a disproportionate impact on women of color. Less than 13,000 women were in prison in 1980. By the end of 2012, that number had risen to over 108,000 (not includ-

A close look at the broader political coalition lobbying against marijuana-law reform revealed a familiar confederation of anti-pot interests, many of whom have a financial stake in the status quo, including law enforcement agencies, pharmaceutical firms, and nonprofits funded by federal drug-prevention grants.

ing the 102,000 women in local jails). Women of color are disproportionately impacted: the [Bureau of Justice Statistics found that](#) black women had an imprisonment rate of nearly three times that of white women. The incarceration rate for Latinas is nearly twice that of white women.

Most incarcerated women are imprisoned for non-violent drug and property crimes, with many women charged and convicted of conspiracy and other related counts, even though they had minimal or no involvement in the offenses that led to their arrests.

Incarcerated women have unique health and safety issues, which prisons are often unprepared to address appropriately, according to Families for Justice as Healing. Women swept into the prison system disproportionately suffer from abuse and sexual violence. They are particularly vulnerable to being re-traumatized by strip searches, solitary confinement, and staff sexual misconduct. Prisons and jails also often fail to handle reproductive needs appropriately, providing inadequate prenatal and abortion care. Pregnant women are often subjected to dangerous, demeaning, and unnecessary shackling during labor and delivery.

No one understands the impact of the drastic surge of women's imprisonment better than those who have spent time behind bars. At the Free Her rally, they drew on their own experiences to call for an end to the policies and practices that lock so many women behind bars.

Beatrice Codianni spent 15 years in Danbury. She remembers how women were treated by the legal system and in the prison system. "The war on drugs did so much damage to men and to women, but we never hear about the women," she told *Truthout*. "We wanted to focus on women because they get the short end of the stick. Prisons are designed for men; health care is designed for men; programs are designed for men. Women deserve to be recognized."

Codianni, who is now managing editor for the information site [Reentry Central](#), adds that reentry programs are also primarily focused on men. "You don't see a lot of programs with childcare so that women can attend. Job training programs and drug treatment are also geared towards men."

"Women are the backbone of families and communities," Gaines told *Truthout*. "There are too many women serving time." Reflecting on her own case, she added, "We [women] don't have any information to give the government [in exchange for a lesser sentence]. We get the bulk of the time . . . We need to bring awareness that women need to be released. We don't need to wait 10, 15, 20 years to let them go."

[Sixty-two percent of women](#) in prison are mothers, many to children under the age of 18. Lashonia Etheridge's children were ten months old and three years old when she went to prison. They were twenty-one and twenty-three years old when she was

released. (Photo: Victoria Law) been converted to a women's prison. "I was fortunate that my youngest child was 16 when I went to prison," she said. "But other women had babies or young children."

Etheridge, the rally's mistress of ceremonies, was one of those mothers. Her children were 10 months old and three years old when she went to prison. They were 21 and 23 years old when she was released. "You can imagine the challenges we face when we reunite with our children." Andrea James had a six-month-old son when she arrived at Danbury. "She handed him to her husband in the lobby of the prison," James' mother, Dolores Alleyne Goode, told *Truthout*.

But even older - and grown - children are affected by parental incarceration. Ariel Goode, James' oldest daughter, was in her mid-20s when her mother was sent to prison. "When she went away, that was traumatic," she said "Going through my twenties without her was so hard. I couldn't pick up the phone when I needed her."

Karla Bowyer, who works with Amachi, a Pittsburgh organization supporting youth with incarcerated parents, also remembers the effects of her mother's incarceration. Her mother, struggling with addiction, was in and out of jail during Bowyer's childhood. "I know what it's like to be suddenly separated from your mother," she [told the crowd](#). But, she acknowledges, unlike the women that FreeHer is focusing on, her mother did not serve one long prison sentence. "She was gone often, but she wasn't gone for years at a time, so I could consider myself fortunate that my mother returned home after a short time."

Once inside the prison, women did not give up hope for an early release. Many not only hoped, but actively worked toward making that hope a reality. In an interview with *Truthout* before the rally, Codianni remembered how women went through what she described as a "grueling process" to request clemency. "They'd put in the paperwork and wait and wait and wait. And pray. And they'd hear nothing. Or they'd be denied. Then they'd try again the next year. They got the same thing ad nauseam."

To watch photos and videos of the Free Her Rally, [click here](#)

<http://ibw21.org/promotion/free-her-rally/>

The U.S. Is Still The Only Country Where Youth Are Sentenced To Die In Prison

Two years ago, the U.S. Supreme Court ordered states to stop sending youth offenders to prison for the rest of their lives without the possibility of parole. Until then, the U.S. held the distinction of being the [only country in the world](#) where people were sentenced to die in prison for crimes committed before they were 18.

The drug war's colossal failure and near-global reach is inspiring an equally global movement pushing for reform. Protests, demonstrations, teach-outs and other actions were carried out across the world in over 100 cities at the end of June 2014 to protest senseless and harmful drug policies.

Not much has changed since then, according to a [report](#) published Tuesday by The Sentencing Project, a Washington group that advocates for sentencing reforms. The report takes a critical look at what it calls the country's "decidedly mixed" record of complying with the Supreme Court ruling.

Of the 28 states ordered to change their policies for punishing juveniles, most have yet to do so. Others have passed new laws that are "nearly as narrow minded" as the old ones, the report contends. Florida, Pennsylvania and Louisiana have replaced old laws with statutes that require some young offenders to spend a minimum of 35 years in prison. In Nebraska, juvenile offenders can now serve 40-year mandatory minimum sentences for crimes that used to result in life without parole.

Ashley Nellis, senior research analyst at The Sentencing Project, noted that teenagers often mature as they reach early adulthood. "If legislators or the courts limit review until a 17-year-old is 52 years old, they violate both the spirit and the letter of the ruling," she said.

The 2012 Supreme Court ruling stemmed from two cases, both centered on 14-year old boys. In one, three youths planned to rob a video store, and one shot the store clerk to death. In the other, two boys set fire to a trailer, where they had bought drugs from a neighbor. The neighbor died in the blaze.

Justice Elena Kagan, writing [the majority opinion](#), argued that life without parole for minors violated the Eighth Amendment's ban on "cruel and unusual punishment."

"Mandatory life without parole for a juvenile precludes consideration of his chronological age and its hallmark features -- among them, immaturity, impetuosity, and failure to appreciate risks and consequences," Kagan wrote. "It prevents taking into account the family and home environment that surrounds him -- and from which he cannot usually extricate himself -- no matter how brutal or dysfunctional."

Of the 11 states that have passed new legislation, only three allow juveniles sentenced under the old laws to seek a revised sentence. Although the Supreme Court didn't specify whether states had to apply the ruling retroactively, Nellis argued that the approximately 2,000 people sentenced to mandatory life without parole as minors before June 25, 2012 -- the date of the Supreme Court ruling -- as are as deserving of a second chance as those sentenced later.

Widespread Prison Abuse Continues

The Netflix show “Orange Is the New Black” makes jail look horrible. In reality, it’s much worse.

Those held in US prisons describe inhumane conditions including extended isolation often lasting years, use of torture devices, sexual harassment, brutality, cold, filth, callous medical care, and more. We are haunted by the stories from prisons, such as this one from [a young girl in New Jersey](#):

Tragically, on any given day, more than 80,000 men and women are locked in solitary in US prisons - alone for 23 hours a day. And even more are held in isolation in immigrant detention centers and juvenile facilities.

Last month, Attorney General Eric Holder [recorded a video message](#) condemning the “excessive” use of solitary confinement in juvenile facilities. He made no mention, however, of the children held in isolation in adult jails and state prisons.

These young people, thought to number in the thousands across the country, are trapped in a kind of purgatory—facing charges in adult court and held in adult facilities, but kept in involuntary lockdown for “their own protection” from the adult prisoners who surround them.

During the 1990s, amidst a national rise in the juvenile crime rate and an emerging paranoia about child “super predators,” states across the country made it easier for kids to be charged as adults. In Maryland, children 14 years or older automatically enter the adult system if they commit the most serious crimes, including first-degree murder or rape, as do sixteen and seventeen-year-olds charged with one of 33 crimes ranging from firearm offenses, to robbery, to manslaughter.

According to a [2012 report](#) by Human Rights Watch and the American Civil Liberties Union, young people are particularly vulnerable to the stressors of “the box,” in part because they haven’t acquired the same coping mechanisms as adults. Moreover, the author notes, “because they are still developing, traumatic experiences like solitary confinement may have a profound effect on [kids’] chance to rehabilitate and grow.” In 2007, the Campaign for Youth Justice, a Washington-based nonprofit that advocates for children to be kept in the juvenile justice system, found that kids held in adult prisons and jails are [36 times more likely](#) to commit suicide than young people held in

*“The President should issue an **Executive Order** terminating the War on Drugs and replacing it with a national initiative that treats drugs and drug addiction as a public health issue”*

— Dr. Ron Daniels, President, Institute of the Black World 21st Century.

juvenile facilities.

In fact, although the decades-old federal Juvenile Justice and Delinquency Prevention Act (JJDPA) requires “sight and sound” separation between children and adults, these protections do not currently apply to young people charged as adults.

The 2003 Regulations on the Prison Rape Elimination Act (PREA) [mandates separation](#), but there are no accountability mechanisms to enforce the standards in county facilities.

For many advocates, where kids are held pending trial is just one small part of the problem.

In the meantime, however, General Eric Holder’s recent comments may simply be too little too late for the many young people across the country held in solitary confinement in adult facilities – trapped by a patchwork of local, state and federal laws that recognize their vulnerability as children while simultaneously prosecuting them as adults.

Long-term isolation has no rehabilitative benefit - but it does have serious negative psychological effects. In fact, [solitary confinement](#) is considered a form of “no touch” torture by human rights experts and under international law.

The continued expansion of the US penal system, and the continued expansion of solitary confinement in the system, is a profound spiritual and moral crisis for the nation.

These statistics are even more disheartening when we consider that for many, the motivation for putting so many people behind bars is cold, hard cash.

You might ask, how is it that a 14-year-old boy in a poor neighborhood, who has little hope of getting a decent job or affording college, can suddenly generate up to \$30,000 a year once he’s trapped in the criminal justice system?

It’s because the prisons are a boon to everyone from private prison operators to food vendors to medical services companies, all with one thing in common: a pay check earned by keeping human beings in cages.

We must transform our prison system from one of violence, torture and isolation to one that embraces true restorative justice and healing.

The Real Reason Marijuana Remains Illegal

In a recent ground-breaking investigative report by the Nation Institute, a close look at the broader political coalition lobbying against marijuana-law reform revealed a familiar confederation of anti-pot interests, many of whom have a financial stake in the status quo, including law enforcement agencies, pharmaceutical firms, and nonprofits funded by federal drug-prevention grants.

The anti-pot lobby's efforts run counter to a nationwide tide of liberalization when it comes to marijuana law. In 2012, voters legalized pot in Colorado and Washington State; this year, voters in Alaska appear poised to do likewise. Since 1996, twenty-two states and the District of Columbia have legalized medical marijuana or effectively decriminalized it, and a contentious ballot initiative in Florida may result in the South's first medical marijuana law. Meanwhile, legislatures across the country are debating a variety of bills that would continue to ease marijuana restrictions or penalties. On the federal level, a bipartisan coalition of lawmakers has challenged the Drug Enforcement Administration in testy hearings, and many have called for removing marijuana as a Schedule I drug under the Controlled Substances Act, which puts it in the same class as heroin and LSD.

The opponents of marijuana-law reform argue that such measures pose significant dangers, from increased crime and juvenile delinquency to addiction and death. But legalization's biggest threat is to the bottom line of these same special interests, which reap significant monetary advantages from pot prohibition that are rarely acknowledged in the public debate.

The Nation's report notes ironically, that both the Community Ant-Drug Coalition of America (CADCA) and the Partnership for Drug-Free Kids are heavily reliant on a combination of federal drug-prevention education grants and funding from pharmaceutical companies. Founded in 1992, CADCA has lobbied aggressively for a range of federal grants for groups dedicated to the "war on drugs." The Drug-Free Communities Act of 1997, a program directed by the White House Office of National Drug Control Policy, was created through CADCA's advocacy. That law now allocates over \$90 million a year to community organizations dedicated to reducing drug abuse. Records show that CADCA has received more than \$2.5 million in annual federal funding in recent years. The former Partnership for a Drug-Free America, founded in 1985 and best known for its dramatic "This is your brain on drugs" public service announcements, has received similarly hefty taxpayer support while advocating for increased anti-drug grant programs.

Recent International Developments in the Global War on Drugs



Editor's Note: As an institute with an international portfolio, IBW is pleased to note a number of recent progressive developments in global drug policy reform, particularly those in the Africa and Caribbean regions:

- On May 5, 2014, George Soros, President of the Open Society Foundations wrote a much-heralded piece in Britain's Financial Times newspaper entitled "**A futile war on drugs that wastes money and wrecks lives**"
- Soros said that the [war on drugs](#) has been a \$1 trillion failure. "For more than four decades, governments around the world have pumped huge sums of money into ineffective and repressive anti-drug efforts. These have come at the expense of programs that actually work such as needle exchanges and substitution therapy. This is not just a waste of money, it is counterproductive".
- The [London School of Economics](#) has just completed perhaps the most thorough account of the war on drugs done to date. The conclusion, backed by five Nobel Prize-winning economists: it has done more harm than good." h
- The drug policy reform movement received a global push on June 12th, 2014 with the release of the West Africa Commission on Drugs statement calling for decriminalization of low-level non-violent drug offenses and broader drug policy reform. Initiated by former United Nations Secretary General Kofi Annan, the Commission is chaired by former Nigerian President Olusegun Obasango and includes other former heads of state as well as a distinguished group of West Africans from the worlds of politics, civil society, health, security and the judiciary. The report, [Not Just in Transit: Drugs, the State and Society in West Africa](#), concludes that drug use must be regarded primarily as a public health issue; highlights the need for treatment rather than punishment for drug use; states that the consumption and possession of drugs for personal use should not be criminalized; and that West Africa must not become a new front line in the failed "war on drugs".
- On Friday June 13, Jamaican Minister of Justice Mark Golding released a [statement](#) announcing his government's support for a proposal to decriminalize the possession of up to two ounces of marijuana and the decriminalization of marijuana use for religious, scientific and medical purposes. "The objective is to provide a more enlightened approach to dealing with possession of small quantities and smoking, while still meeting the ends of justice," Minister Golding said. "The

proposed changes represent an approach which will ensure to the benefit of the persons concerned and the society as a whole, and reduce the burdens on the court system.”

- Commenting on these two significant international developments in drug policy reform Ethan Nadelmann, founder and executive director of the Drug Policy Alliance (DPA) said, “First Europe, then the Americas, now Africa. Drug policy reform is truly becoming a global movement, with Kofi Annan and Olusegun Obasango providing the sort of bold leadership that we’ve also seen in Latin America”.
- “The comprehensive cannabis law reform proposed by Jamaica’s government, with bipartisan support, represents a major breakthrough not just for Jamaica but for the Caribbean and the world at large. What made this possible was not just bold political leadership but also the dawning recognition that Jamaica and other Caribbean nations no longer need fear a harsh response from the U.S. government when they change their marijuana policies.”
- CARICOM regional leaders at their annual summit in Antigua (July 1-4, 2014) announced the establishment of a Marijuana Commission as they continue to discuss ways and means of decriminalizing marijuana for medicinal purposes. The Commission will “conduct a rigorous enquiry into the social, economic, health and legal issues surrounding marijuana use in the region and to advise whether there should be a change in the current drug classification of marijuana, thereby making the drug more accessible for a range of users,” according to the communiqué issued at the end of the summit.
- “It’s great that governments in the Caribbean are finally pushing forward with this dialogue,” said Ethan Nadelmann, executive director of the Drug Policy Alliance (DPA), which claims that it is America’s leading organization that promotes drug policies that are “grounded in science, compassion, health and human rights”.
- “With so much momentum for reform in both North and South America, it is crucially important that the Caribbean not be left on the sidelines,” Nadelmann told the Caribbean Media Corporation (CMC). He said the DPA is actively involved in the legislative process and seeks to roll back the excesses of the drug war, block new, harmful initiatives, and promote sensible drug policy reforms.
- “We at the Institute of the Black World also pledge our support to this CARICOM initiative, recognizing that it is a logical and enlightened move towards decriminalizing the possession and use of small amounts of marijuana and an important step towards researching the economic potential of a regulated medical marijuana industry in the Caribbean,” said Don Rojas, IBW’s Director of Communications.

On June 26, people in over 100 cities in at least 46 countries spoke out against the war on drugs.

It is difficult to overstate how much of a failure the global war on drugs has been. By any reasonable standard it has done much more harm than good. Drug trafficking-related violence has soared, prisons are stuffed with drug offenders (many of them non-vio-

lent), with black and brown people disproportionately represented. It is a [costly, global economic disaster](#) with economic gains from cannabis and other drugs restricted to the black market.

Scientists are kept from studying cannabis, a plant that has proven to ease the suffering of countless medical patients—and those patients are forced to break federal law if they want to obtain their medicine. Even by the drug war's own misguided metrics, the project has failed. The US alone has invested [\\$51 billion annually](#) but drug use and availability have not decreased. Drug potency has steeply risen over the last several decades and the public is not safer for the drug war's efforts.

Other countries, while not spending this absurd amount, have seen similar self-inflicted harm from their repressive drug policies. Criminalization has not done anything to stem the demand for mind-altering substances. Rather, it has created an ecosystem that fosters gang activity on a neighborhood level, and violent, politically connected cartels on a countrywide scale.

The final, and in a way, most tragic piece of this picture is that the drug war's failures are common knowledge, yet politicians in the U.S. and worldwide (with parts of Latin America emerging as notable exceptions) seem almost entirely impotent when it comes to obvious reforms, namely ending cannabis prohibition.

The drug war's colossal failure and near-global reach is inspiring an equally global movement pushing for reform. Protests, demonstrations, teach-outs and other actions were carried out across the world in [over 100 cities](#) at the end of June 2014 to protest senseless and harmful drug policies.

[Support Don't Punish](#) the campaign that unites these cities, seeks to change the narrative around drug users from criminals to people who may need social and medical assistance. The global day of action was timed to match the U.N. International Day Against Drug Abuse and Illicit Trafficking. Political leaders have often used this day as a time for cruel demonstrations against drug users and the drug trade. Now, organizers across the world are working to reframe the debate on this internationally recognized drug day.

Different countries are tailoring their message and actions to fit their specific situations. England, the U.S. and many other countries in the Americas are focused on pressuring legislators to consider alternatives to drug criminalization. Other countries are calling attention to the spread of HIV and other diseases through dirty needles.

France and Australia are campaigning around "drug consumption rooms"—safe spaces where people may go to use drugs with clean equipment and receive social support. The French campaign notes that use of these rooms tends to lessen drug use and save public money through reduced crime and healthcare costs.

Conclusion

Over the past year we've witnessed unprecedented steps taken by the Obama Administration to wind down the "War on Drugs" but there are still several crucial aspects of this costly and destructive campaign that require the Administration's urgent attention in the year ahead. To cite a few:

- Drug addiction is still being treated by the DEA as a crime and not as a public health crisis that requires intervention and prevention as distinct from incarceration.
- Swift and decisive action must be taken to end the criminalization of small amounts of marijuana.
- 'Stop and frisk' practices by police forces in big cities like New York which negatively impact young black men and women in disproportionate numbers, must end.
- The Administration must reform its overly stringent criteria for commutation of long sentences on persons imprisoned for petty, non-violent drug-related crimes.
- The Administrator of the Drug Enforcement Agency (DEA), Michelle Leonhart, who has been a consistent obstructionist against real drug policy reform, should be replaced immediately by Attorney General Holder.
- The FDA must remove the official classification of marijuana as a Schedule 1 substance and more Federal resources should be targeted to medical marijuana research.
- The Obama Administration should put its full support behind the bi-partisan Smarter Sentencing Act (<http://1.usa.gov/1d3IDTt>) introduced by Senators Durbin and Lee as a measure to reform and modernize drug sentencing policies.
- The Justice Dept. should intensify efforts to eliminate the disparity in sentencing between powdered and crack cocaine.
- The President should issue an **Executive Order** terminating the War on Drugs and replacing it with a national initiative that treats drugs and drug addiction as a public health issue.
- He should also issue an **Executive Order** ending the practice of using incarcerated persons as prison labor.
- He should publicly support decriminalization of the possession of small quantities of Marijuana.
- The Administration should allocate more federal funds for drug education, counseling and treatment.
- President Obama should establish a Presidential Commission to initiate a National Dialogue on the regulation and taxation of drugs.

- The President should mobilize moral and political support for direct public sector jobs and sustainable economic development programs with priority inclusion of formerly incarcerated persons targeted to transform distressed Black communities.

While we applaud the spirit of the Obama Administration's New National Drug Control Strategy, simply expanding public health interventions is not enough given that the Administration's drug policies remain focused on [punitive approaches](#) – including arresting more than 750,000 Americans annually for low-level marijuana possession and refusing to recognize the medical value of marijuana.

Every independent commission to examine marijuana policy has concluded that its harms have been greatly exaggerated – including the 1944 LaGuardia Report, President Nixon's 1972 Schaffer Commission report, and the 1999 Institute of Medicine report commissioned by the Office of National Drug Control Policy.

So far, 23 states and the District of Columbia have [legalized marijuana for medical use](#). And 17 states have decriminalized marijuana, and voters in two states – Washington and Colorado – regulate marijuana like alcohol. Polling shows that a majority of Americans support legalization of marijuana and believe the federal government should not enforce federal laws in states where it is legal.

Unfortunately, the Obama Administration continues to keep its head in the sand when it comes to the massive number of arrests each year for marijuana and other drugs. Hundreds of thousands of Americans are being arrested each year for nothing more than possession. Once arrested they can be discriminated against in employment and housing for life. The Administration can't ignore the destructive impact of mass arrests forever.

The Institute of the Black World 21st Century (IBW) is proud to be part and parcel of a growing drug policy reform movement in the United States and around the world. In the year ahead, we will increase our work in this area by consolidating and expanding our justice collaboratives (coalitions of black grass roots organizations working to end the War on Drugs and reform the criminal justice system) in Washington DC, Baltimore, Philadelphia and Pittsburgh.

Working with and through these justice collaboratives, IBW will also seek to replicate [Seattle's Law Enforcement Assisted Diversion](#) (LEAD) program in the cities of Washington DC, Pittsburgh and Philadelphia.

And, in conjunction with our sister organization, the Black Family Summit (a grouping of 23 professional black organizations across the country) IBW will organize "healing circles" where black families that have been adversely affected by the War on Drugs can engage with professional black service providers such as social workers, psychologists, and psychiatrists in an on-going process of healing, re-habilitation and rejuvenation.

