



RESEARCH AND ADVOCACY FOR REFORM

ANNUAL REPORT 2005

A YEAR OF TRANSITION

The Sentencing Project experienced much change and transformation in 2005. We re-examined our mission, reorganized our operations, added new staff positions and expanded our board of directors. Late in the year, Malcolm Young, who founded The Sentencing Project in 1986, stepped down as executive director when he was offered a new opportunity to be closer to his family in Chicago.

For a small organization that accomplishes much with a few talented people, this was a great deal of change in a short period of time. As the new executive director, I've had to incorporate working with the budget and performing administrative functions into the days I spend directing strategy, research, advocacy and communications efforts. But I'm pleased to say that despite all the transitions, we successfully continued to accomplish the work The Sentencing Project is known for: vigorously questioning overly punitive criminal justice policies, advocating for more fair and effective public safety solutions, and promoting equal justice for all under the law.

The Sentencing Project produced several new major policy reports in 2005. *The War on Marijuana: The Transformation of the War on Drugs in the 1990s* documented that the “war on drugs” has become a war on marijuana offenders, resulting in proportionally less focus on drug “kingpins.” To address an important issue that affects much of the public discussion on criminal justice policy, we conducted the research and produced a report for policymakers on the impact of incarceration on crime. *Incarceration and Crime: A Complex Relationship* documented that incarceration's effect on reducing crime has been overstated, and we experience diminishing returns when it is overused.

We continued our effort to reform the policies that disenfranchise people with felony convictions and to advocate for the restoration of voting rights. The Right To Vote campaign, which we helped to found three years ago, and which we

participate in alongside the American Civil Liberties Union and the Brennan Center for Justice, helped to encourage key policy changes in Nebraska and Iowa, and successfully worked with advocates in Maryland, New York, Kentucky and Alabama toward reform in those states. Our report examining the 14 states that permanently disenfranchise some former offenders, *Barred for Life*, documented that the clemency process is largely illusory, and not a real option for people seeking to restore their voting rights. *Barred for Life* and briefing papers we produced helped to inform debates across the country.

We finished the year with some new faces and new challenges, but also new ideas, renewed energy and new opportunities. As we enter our 20th year in the struggle for a more effective, humane criminal justice system, we are well prepared for the work ahead. We are also tremendously grateful for the strong, loyal support we have come to rely on from our friends, partners and supporters like you.

Thank you for joining The Sentencing Project in another year in the struggle for justice.

A handwritten signature in dark ink, appearing to read "Marc Mauer". The signature is fluid and cursive, with the first name "Marc" and last name "Mauer" clearly distinguishable.

Marc Mauer
Executive Director

June 2006

MISSION STATEMENT

The Sentencing Project works for a more fair and effective criminal justice system by promoting reforms in sentencing law and policy and alternatives to incarceration. To these ends, it seeks to recast the debate about crime and punishment.

Recasting the Debate about Crime and Punishment

Every day in the nation's capital, and in cities, counties and states across the country, political leaders are engaged in trying to find solutions to problems that affect society. Ensuring public safety and reducing crime are always near the top of the list of policymakers' concerns.

Although crime rates have been declining in the past decade, we've seen continued expansion of the prison system and an exponential rise in federal and state corrections budgets for more than three decades. Common responses to crime have been to increase penalties, to impose new mandatory minimum sentences, and to reduce the discretion of judges to evaluate circumstances in individual cases that can contribute to criminal behavior.

Debate on these issues matters. The criminal justice system is one of the most powerful institutions in our society, with the authority to arrest, charge, convict, impose sentences and incarcerate. It should be effective, humane, and provide fair and equal treatment to all.

The Sentencing Project's goal is to ensure that concerns about public safety are met with solutions that will effectively address crime. The criminal justice system should not be the only response to problems such as drug abuse, alcohol addiction or other mental health issues. More creative and constructive approaches can strengthen families and communities, and not cause more and lasting damage.

The Effort for Reform Begins with the Work to Inform

The Sentencing Project provides the public, the media and policymakers with research and analysis that contributes to a fully informed public debate, communicates critical issues that should be considered in those debates, and advocates for the development of sound, effective and fair criminal justice policies.

We work to recast the debate about crime and punishment by carefully monitoring criminal justice trends, conducting original research on the impact of crime policies, examining the assumptions that underpin the creation of policies, and educating the public, the media and policymakers about ineffective and misguided policy solutions. We issue reports and briefing papers on important criminal justice issues, provide expert testimony before legislative bodies, and give technical assistance to practitioners in the corrections, legal and policymaking communities.

We collaborate with researchers and academics in criminology, sociology, public affairs and law; daily answer phone calls, respond to emails and give interviews to news organizations, editors and producers to help them get the facts right and ask the right questions; we analyze complex issues for policymakers to use in evaluating new policy decisions. Working with advocates and allies across the country, we help develop strategies that encourage the development of more sound, evidence-based public policies.

MAJOR ACHIEVEMENTS 2005

Exposing the Failure of the War on Drugs: Major Policy Report

The War on Marijuana: The Transformation of the War on Drugs in the 1990s documented that the “war on drugs” has increasingly been waged largely on low level marijuana offenders, resulting in proportionally less focus on drug “kingpins.”

Debunking the Impact of Incarceration on Crime: Major Policy Report

Incarceration and Crime: A Complex Relationship documented that the impact of incarceration on reducing crime has been overstated, and that there is a strong effect of diminishing returns when incarceration is overused.

Restoring Voting Rights: Research, Advocacy and Communications in Key States

The Sentencing Project continued its work as a founding member of the Right to Vote Campaign, and significant victories were achieved in Nebraska and Iowa, as well as progress for reform in Maryland, New York, Connecticut and Rhode Island.

Examination and Analysis of an Historic Supreme Court Sentencing Decision

The Sentencing Project used the decisions in *Booker* and *Fanfan* rendering the federal sentencing guidelines “advisory” rather than mandatory to advocate for broader implications, including the reconsideration of policies that have contributed to the massive expansion of the prison system. Our analysis of sentencing for crack cocaine offenses after the ruling documented that federal judges were using their enhanced discretion in responsible ways to impose appropriate sentences.

Racial Justice: Building a National Clearinghouse on Racial Disparity

To address the unwarranted and unconscionable racial disparity in the criminal justice system, The Sentencing Project “broke ground” on the first national, internet-based clearinghouse on racial disparity.

Reforming Crack Cocaine Sentencing Disparity: Policy Advocacy

In anticipation of the 20th anniversary of the adoption of the ineffective and racially skewed federal crack/cocaine sentencing laws, The Sentencing Project formed a partnership with other key advocacy organizations to develop a strategy for a bipartisan approach to reducing the disparity.

Influencing the Debate: Serving as a Resource for the Public, Policymakers and the Press

The Sentencing Project worked with reporters and editors throughout the year to provide information, analysis and commentary on key criminal justice issues, resulting in news coverage and editorial support for reform nationwide. Our staff addressed more than 30 conferences and workshops of policymakers, academic audiences and advocacy organizations to promote reforms in policy and practice.

ISSUES AND ACCOMPLISHMENTS

Drug Policy: Exposing the Failure of the War on Drug

In 2005 The Sentencing Project released a major policy report which demonstrated that the “war on drugs” has failed. *The War on Marijuana: The Transformation of the War on Drugs in the 1990s*, documented that 82% of the increase in drug arrests nationally from 1990-2002 were for marijuana offenses. Overall, nearly half of the 1.5 million drug arrests are now for marijuana, and the vast majority of these for possession cases. These trends result in skewed priorities for the use of law enforcement resources, diverting attention from more serious offenses.

The War on Marijuana received major nationwide attention that included a front page story in the *Washington Post*, a feature story in *Rolling Stone* magazine, an editorial in *USA Today* – “War on Drugs Gone to Pot” -- and radio coverage from NPR’s *Marketplace* and the BBC World Service.

Incarceration: Countering Myths about Prison

A major issue affecting public discussion on criminal justice policy concerns the relationship between incarceration and crime. Most recently, the key question is whether the prison buildup of the 1990s was responsible for the past decade’s decline in crime. To examine this issue in 2005, The Sentencing Project produced *Incarceration and Crime: A Complex Relationship*, a policy report that analyzed available data and concluded that:

- there is a relationship between incarceration and crime, but it is much more modest than many policymakers suggest
- as a result of increasing incarceration of drug offenders, there is a strong effect of diminishing returns in this relationship; and,
- social interventions such as treatment and pre-school programming have been demonstrated to be more effective than expanding the prison system in reducing crime.

The “war on drugs” has been the single greatest factor in the dramatic rise in the U.S. prison population, since the 1980s.

The United States is the world’s leader in incarceration, with 2.1 million people currently in the nation’s prisons and jails.

Incarceration and Crime: A Complex Relationship was disseminated to key state and federal policymakers nationwide and received an enthusiastic response. For example, shortly after its release, The Sentencing Project received a call from the office of a California state senator requesting an additional 50 copies to distribute to legislators and staff prior to a critical hearing on state prison expansion. The publication was also promoted and made available on our website and rapidly became our most featured publication, with more than 100,000 “hits.”

Despite the fact that rates of drug abuse are similar among racial and ethnic groups, three-fourths of all drug offenders in prison are African American or Latino.

Racial Justice: Attacking Racial Disparity in the System

The Sentencing Project continues to highlight and challenge the profound racial disparities within the criminal justice system. During 2005 we began developing the first national, internet-based clearinghouse on racial disparity to serve the growing community of practitioners and researchers working on issues of race and justice. It will include a broad range of materials focused on each stage of the justice system.

The clearinghouse will be widely promoted to a range of audiences working to reduce racial disparity, and will contribute to broader understanding of these dynamics and the development of a network of advocates and practitioners concerned with the issue.

Sentencing Law and Policy: Promoting more Effective Policies

The Sentencing Project works to change public policies in ways that can more effectively address issues of crime and justice.

Advocacy for Reform of Crack/Cocaine Sentencing Disparity

In 2006, we will mark the 20th anniversary of the adoption of the federal crack/cocaine sentencing laws, policies that have been widely denounced as being ineffective in reducing drug abuse while seriously exacerbating racial disparities in incarceration. In preparation for that, The Sentencing Project formed a partnership with key advocacy organizations in Washington to explore developing a bipartisan approach on Capitol Hill to reduce these disparities.

Most of the five-fold increase in the national prison population since 1970 has not been due to increases in crime rates, but rather, from changes in sentencing law and policy.

In January 2005, the U.S. Supreme Court issued a historic ruling in regard to federal sentencing in the *Booker* and *Fanfan* cases. The Court declared the federal sentencing guidelines unconstitutional as a result of a challenge to sentencing practices regarding issues of proof before a jury, and fashioned a remedy that permitted the guidelines to stand as long as they were only advisory, and not mandatory. In coalition with other organizations, The Sentencing Project issued analyses of the decision and its impact, hosted a briefing for advocates, and participated in strategy sessions to assess legislative options and the political environment regarding sentencing in the wake of the decision.

Recommendations to the United States Sentencing Commission

In response to the United States Sentencing Commission's request for input in establishing its priority issues for its 2005 amendment cycle, The Sentencing Project submitted a set of recommendations to reduce racial disparity. The recommendations called on the Commission to conduct an analysis building on its recent 15-year report, which concluded that sentencing factors outside the federal guidelines "have a greater adverse impact on Black offenders than did the factors taken into account by judges in the discretionary system...prior to guidelines implementation."

Our recommendations to the Commission included:

- Revisit the impact of mandatory minimums, an issue which has not been assessed since the Commission's 1991 study
- Analyze the effects of plea bargaining by race, including the connection between factors of criminal history and mandatory minimums
- Assess the use of substantial assistance departures by race
- Analyze the effects of criminal history on sentencing severity, including any possible effects of racially biased law enforcement practices
- Establish a procedure for developing Racial/Ethnic Impact Statements to accompany proposed sentencing modifications in order to project the effects of sentencing policy on racial disparity.

More than 5 million Americans are denied the right to vote due to felony convictions.

Felony Disenfranchisement Reform: Restoring Voting Rights

The Sentencing Project continues to play a leading national role in advocating for removing barriers to voting for people with felony convictions. In 2003 we helped to found the Right to Vote Campaign collaborating with colleagues at the national and state level to broaden the movement for reform and support advocates working for change.

Highlights of our 2005 work on felony disenfranchisement included release of the report *Barred for Life: Voting Rights Restoration in Permanent Disenfranchisement States in February*. The report documented that in 11 of the states that permanently disenfranchise people with felony convictions, less than 3% of ex-felons have been successful in recent years in using the gubernatorial clemency process to regain the right to vote. The report received major press attention, including coverage in *The New York Times*, *Boston Globe*, *Los Angeles Times*, and National Public Radio. The findings of the report have been used by advocates in the affected states to demonstrate the need for policy reform.

Later in the year, The Sentencing Project published a report by political scientist Alec Ewald through our stipend program that fosters expanded policy research on disenfranchisement from diverse academic perspectives. In *A Crazy-Quilt of Tiny Pieces: State and Local Administration of American Criminal Disenfranchisement Law*, Ewald found broad misunderstanding in the interpretation and enforcement of voting laws among election officials, which often leads to the exclusion of legal voters and the inclusion of illegal voters. The report was used by advocates around the country to support their efforts for reform.

As a leading member of the Right To Vote Campaign, The Sentencing Project provides technical assistance support for reform in targeted states. Important progress was made during 2005 in the following key states:

Nebraska

Working with a member of a gubernatorial task force studying voting rights issues, we provided information and analysis regarding the overly restrictive nature of the

state's permanent voting ban for people with felony convictions. This contributed to a recommendation to the legislature to repeal the ban. This was subsequently approved in a bipartisan vote, then vetoed by the governor, but overridden by the legislature and has now become law.

Iowa

Outside of the South, Iowa has maintained the nation's most restrictive disenfranchisement law. To address that problem, a behind the scenes campaign was launched to encourage Governor Vilsack to restore voting rights to ex-felons through executive order. Working with our partners in the Right To Vote Campaign we produced a briefing paper assessing the effects of the state's policy, then distributed that to state media, legislative leaders, and others. On the eve of the governor's announcement that he would issue the executive order, his legal counsel contacted The Sentencing Project. We alerted reporters and editors at *The New York Times*, resulting in major stories and editorials just after the policy change.

Maryland

Executive Director Marc Mauer was invited to testify before the House Ways and Means Committee in regard to a bill to eliminate the three-year post-sentence waiting period for some convicted felons before having their rights restored. The bill did not pass in 2005, but was expected to be reintroduced in 2006.

New York

The Sentencing Project was a party to an amicus brief in the case of *Muntaqim v. Pataki*, challenging New York State's disenfranchisement provisions. In addition, staff provided research and technical assistance to litigation teams in major lawsuits.

Building a National Climate for Reform

The Sentencing Project is a leader in the effort to highlight disenfranchisement reform nationally to help building a climate for reform. In support of this effort, during 2005, The Sentencing Project:

- Disseminated a weekly e-mail newsletter featuring developments in legislation, litigation, and research to a network of 1,600 advocates and policymakers nationally
- Hosted the premier website on felony disenfranchisement. Our felony disenfranchisement materials received nearly 100,000 “hits” during 2005
- Served as a key resource for media on disenfranchisement, including working with the conservative *Washington Times* newspaper to achieve front-page coverage of reform activities in Virginia, and regular contact with *The New York Times* for a series of editorials promoting policy reform.
- Delivered ten conference and community presentations on the issue.

Influencing the Debate: Reaching Diverse Audiences

As a core part of our mission to change public debate about issues of crime and punishment, The Sentencing Project engages in an active outreach program to bring information, analysis and ideas to broad audiences. We occupy a unique role in bridging the gap that often exists among policymakers, practitioners and advocates, and have developed relationships and trust with each of these groups that permits us to communicate effectively. Our target audiences and objectives include:

Policymakers, to bring information and analysis that will inform public policy

Practitioners, to blend research and practice to produce more constructive outcomes

Advocates, to provide technical assistance and analysis in support of policy change

Academics, to build links to the world of public policy

Media, to encourage coverage of significant trends and issues

Some of the audiences we reached in 2005 include:**Academic and Research Institutions**

- American Association for Correctional and Forensic Psychology
- Columbia University, Revson Fellows
- Harvard Law School Criminal Justice Institute
- New York University Law School Drug Policy Forum
- Open Society Institute, racial justice forum
- Rutgers Law School Sentencing Symposium
- University of Pennsylvania Law School
- University of Wisconsin

Policymakers and Practitioners

- California Judicial Education Council
- Congressional Black Caucus, annual legislative conference
- Commission on Safety and Abuse in America's Prisons
- District of Columbia Bar Association, International Section
- International Leadership Conference on Human Rights and the Death Penalty (Tokyo)
- North Carolina Policy Forum
- U.S. Conference of Mayors

Community Groups and Faith-Based Advocates

- Atlanta Racial Reconciliation Council
- Commonwealth Forum on Criminal Justice Reform
- Metropolitan AME Church, Washington, DC
- Quality Education for Minorities
- Sandy Springs Friends Meeting
- Southern Center for Studies in Public Policy
- "Teaching American History" conference

Students and Youth Organizers

- American University
- Cornell University
- Eastern Mennonite University
- George Washington University
- Georgetown Law School
- National Coalition on Black Civic Participation
- Union College

Influencing the Debate: A Resource for National and Local Media

Major media outlets have come to rely on The Sentencing Project as a leading source of information and analysis on criminal justice policy issues. Reporters, producers and editors regularly call on staff for interviews, data analysis and commentary. The results of this engagement show up in a variety of ways:

- Major news articles feature data and commentary from The Sentencing Project
- Editorial opinion is shaped by input from our staff. For example, we maintain frequent contact with the editorial board of *The New York Times*, which has contributed to a series of supportive editorials on felony disenfranchisement over the past two years
- Reporters and producers have come to rely on The Sentencing Project to help generate story ideas, along with identifying experts and case histories.

STATEMENT OF FINANCIAL POSITION

December 31, 2005

ASSETS

Current Assets

Cash and cash equivalents	\$ 393,323
Accounts receivable	6030
Grants receivable	450,000
Prepaid expenses and other assets	3523

Total Current Assets	852,876
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Furniture and equipment, net of accumulated depreciation of	\$76,083	20,571
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TOTAL ASSETS	\$ 873,447
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LIABILITIES AND NET ASSETS

Current Liabilities

Accounts payable	\$ 12,093
Total Liabilities	12,093

Risks

Net Assets

Unrestricted	450,109
Temporarily restricted	411,245

TOTAL NET ASSETS	861,354
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TOTAL LIABILITIES AND NET ASSETS	\$ 873,447
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STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2005

	<u>Unrestricted</u>	Temporarily <u>Restricted</u>	12/31/2005 <u>Total</u>
REVENUE AND SUPPORT			
Grants	\$ 70,485	\$ 371,007	\$ 441,492
Individual contributions	60,083	-	60,083
Speaker fees and honoraria	33,536	-	33,536
Membership dues	12,665	-	12,665
Publications and other revenue	10,730	-	10,730
Royalties	4,303	-	4,303
Interest income	3,359	-	3,359
Net assets released from restrictions:			
Satisfaction of program restrictions	841,967	(841,967)	-
	<hr/>	<hr/>	<hr/>
TOTAL REVENUE AND SUPPORT	1,037,128	(470,960)	566,168
	<hr/>	<hr/>	<hr/>
EXPENSES			
Program services	463,064	-	463,064
General and administrative	211,527	-	211,527
Fundraising	119,045	-	119,045
	<hr/>	<hr/>	<hr/>
TOTAL EXPENSES	793,636	-	793,636
	<hr/>	<hr/>	<hr/>
Change in Net Assets	243,492	(470,960)	(227,468)
	<hr/>	<hr/>	<hr/>
NET ASSETS, BEGINNING OF PERIOD	206,617	882,205	1,088,822
	<hr/>	<hr/>	<hr/>
NET ASSETS, END OF PERIOD	\$ 450,109	\$ 411,245	\$ 861,354
	<hr/>	<hr/>	<hr/>

STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2005

	Felony Disenfran- chisement	Advocacy	Public Education	Total Program Services	General & Administrative	Fundraising	12/31/2005 Total
Salaries & benefits	\$60,583	\$88,210	\$110,070	\$258,863	\$148,328	\$73,145	\$480,336
Consultants	54,235	16,300	5,000	75,535	3,030	5,050	83,615
Meetings	-	-	-	-	3,408	-	3,408
Printing	415	4,004	721	5,140	1,869	473	7,482
Travel	3,770	5,147	4,150	13,067	5,277	1,609	19,953
Legal/acctg	2,489	11,126	-	13,615	11,383	2,872	27,870
Postage & delivery	610	2,011	941	3,562	3,786	13,753	21,101
Occupancy	8,282	23,879	8,919	41,080	13,066	9,556	63,702
Office supplies	217	543	148	908	3,549	92	4,549
Telephone/fax	1,035	2,535	820	4,390	3,293	919	8,602
Office equipment	-	209	-	209	690	1,350	2,249
Grants	-	28,445	-	28,445	-	-	28,445
Miscellaneous	-	10,016	-	10,016	-	9,461	19,477
Depreciation	-	-	-	-	5,735	-	5,735
Insurance	-	-	-	-	2,546	-	2,546
Bank service charge	-	-	-	-	774	-	774
Newsletter	-	-	-	-	3,675	-	3,675
Dues/Publications	-	81	1,255	1,336	348	304	1,988
Website	2,798	1,280	2,820	6,898	770	461	8,129
TOTAL EXPENSES	\$134,434	\$193,786	\$134,844	\$463,064	\$211,527	\$119,045	\$793,636

2005 SELECTED PRESS CLIPPINGS

The San Diego
Union-Tribune.

Tuesday, January 18, 2005

Too much focus on incarceration

By Marc Maurer

Last week the U.S. Supreme Court struck down portions of the federal sentencing guidelines that have been in effect since 1987. The court's decision followed on a challenge to Washington state's guidelines system last June, focusing on the requirement that sentences can only be enhanced based on facts proved before a jury. In the words of Justice Stephen Breyer, "The ball now lies in Congress's court" to consider the future of federal sentencing.

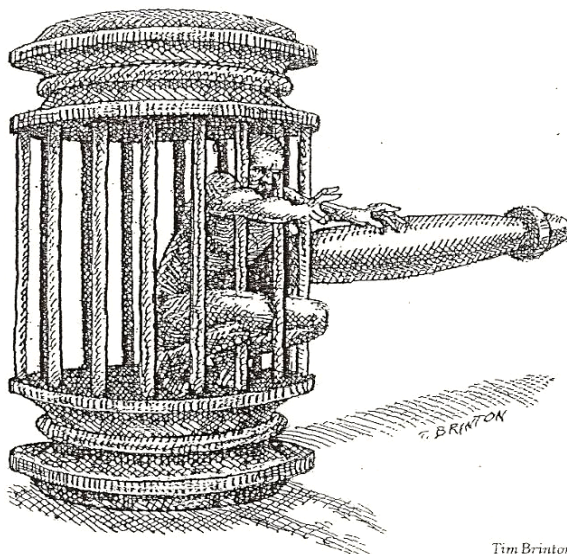
Significant as this decision is, the attention to it has focused on just one aspect of the sentencing process, which potentially obscures the more fundamental policy question that needs to be addressed by Congress: the unprecedented harshness of the policies adopted over the past 20 years, which have combined to produce a prison population unimaginable until recently.

Consider the contours of these developments. In 1987, Congress implemented a new guidelines structure that placed a premium on incarceration for convicted persons. In sharp contrast to long-standing sentencing policy, the guidelines specifically discouraged judges from considering a range of factors that had previously been considered relevant, including a defendant's history of substance abuse or the impact of prison on the children of a single mother. None of these factors ever precluded a prison term, but they all had been regarded as worthy of consideration in a judge's deliberations.

Congress then proceeded to make an already rigid sentencing structure even more restrictive by passing a slew of mandatory sentencing laws that superseded much of the guidelines structure. Applied largely to drug offenses, these policies have contributed to the rise in the drug offender population in federal prison from 25 percent in 1980 to 55 percent today. Under these policies, judges have no discretion in considering the particular circumstances of an offense, such as the distinction between a major player in the drug trade and a woman serving as a "mule" for a boyfriend drug dealer. The weight of the drugs seized, regardless of the circumstances, is the key factor at sentencing.

Most recently, in 2003 Congress

Maurer is assistant director of The Sentencing Project in Washington, D.C., and the author of "Race to Incarcerate" (The New Press).



Tim Brinton

adopted the Feeney Amendment, designed to constrain what little discretion was still left to federal judges. Under this policy, "departures" from the sentencing guidelines, even for legally sanctioned reasons, were required to be reported to the Department of Justice for review. This chilling effect represented a major shift in the long-standing tradition of judicial independence.

Some observers contend that "activist" judges are exactly the problem that needs to be corrected. While it is true that some judges have abused the discretion afforded to them, the current system is far more problematic due to its focus on imprisonment. Policies such as mandatory sentencing apply a "one size fits all" approach to complicated questions such as the seriousness of the crime, culpability of the offender and the sentence that will most effectively provide a just response for all concerned.

Further, the world record prison population that has been created in the United States — more than 2 million Americans behind bars — has proved enormously costly both in fiscal terms and in human lives. The nation spends about \$25,000 a year to house a person in prison. Spending these funds on low-level drug offenders diverts attention and resources from drug prevention, treatment and education. Overall, half the nation's

prison population is serving time for a nonviolent property or drug offense, and three-quarters have a history of substance abuse.

Not surprisingly, federal judges — both Republican and Democratic appointees — have been virtually unanimous in expressing their opposition to these overly restrictive policies. But they have been joined by a chorus of other opinion, including most notably the American Bar Association, with its recent call for a repeal of mandatory sentencing and greater use of alternatives to prison. Intriguingly, the ABA's resolution was inspired by a speech by Supreme Court Justice Anthony Kennedy, who stated that "Our resources are misspent, our punishments too severe, our sentences too long."

Members of Congress now have an opportunity to review the experience of the past two decades of crime and punishment policies. There will be a temptation by some to formulate a "quick fix" to the court's decision that will be constitutionally sound but that would perpetuate, or even aggravate, the long-standing problems of an overly punitive system. Let us hope that we will see instead a bipartisan examination of past experience that leads to a renewed emphasis on individualizing the sentencing process and reversing the national race to incarcerate.

Los Angeles Times

WEDNESDAY, FEBRUARY 16, 2005

States Limit Ex-Cons' Voting Rights, Report Says

By ELISE CASTELLI
Times Staff Writer

WASHINGTON — About 1.5 million convicted felons who have completed their sentences are still denied the right to vote, according to a report released today.

Unlike the District of Columbia and 34 states, including California, where voting rights are automatically restored to convicted felons who have completed their sentences, 14 states severely restrict — or even prohibit — onetime prisoners from casting ballots.

Former prisoners in those states can apply to have their voting rights restored, but few have the means to navigate the cumbersome and confusing processes to do so, says the report by the Sentencing Project, a nonprofit group that studies criminal justice issues.

Alabama, Florida, Iowa, Kentucky, Nebraska and Virginia disenfranchise individuals with a felony conviction; eight states — Arizona, Delaware, Maryland, Mississippi, Nevada, Tennessee, Washington and Wyoming — prohibit voting based on specific criteria, such as the type or number of convictions.

The felons' inability to have voting rights restored is "a combination of a lack of information, poor technology and limited assistance," said Marc Mauer, the group's assistant director and coauthor of the report.

"In most states, relatively few people even know about the process or get any kind of assistance in navigating that process — and that tells us something about the lack of priority some of these states place on this topic."

In some states, the process requires former prisoners to seek a pardon. Others have waiting

periods as long as a decade before felons can apply to have their rights restored.

To remedy these perceived wrongs, the report suggests that states repeal bans on voting for individuals who have completed their sentences, eliminate waiting periods for restoration, help eligible people through the process and report annually on the number of restorations applied for and granted.

The group also suggests imposing alternative sentences, such as treatment programs for substance abuse cases, to prevent the consequence of a felony conviction.

Restoring felons' voting rights can help them stay out of trouble, Mauer said.

"Good job, family and community connections are critical, and voting is one more factor that gives a positive connection to the community — and any

time you can increase the positive connections, that contributes to reducing crime," he said.

Todd Gaziano, director of the Center for Legal and Judicial Studies at the conservative Heritage Foundation, disagreed. "I don't think you help in a rehabilitation process to give something to someone automatically," he said. "It helps in the rehabilitation process if you have to demonstrate worthiness."

Gaziano said that more states should adopt review processes like the 14 that the Sentencing Project criticizes.

"The reform that is really needed is for more states to actually require some demonstration that the felon is deserving to join the body politic again," he said. "Do we trust felons to automatically have guns back when they serve their time?"

Two states — Maine and Vermont — allow prisoners to vote.

The Boston Globe

WEDNESDAY, FEBRUARY 16, 2005

Confusing rules keep felons off voting list

By Elizabeth Wolfe

ASSOCIATED PRESS

WASHINGTON — Every state has some means for restoring voting rights to felons who have completed their sentences, but in 14 states the process is so cumbersome few ever are able to cast ballots, according to an advocacy group.

The Sentencing Project, which favors alternatives to prison, estimates 1.5 million felons nationwide have been denied voting rights. About three-quarters of them live in the South.

Difficult or confusing procedures and lengthy waiting periods keep many off voter rolls, the group said.

For example, felons in Nebraska can't vote until they receive a pardon, often a 10-year wait. The Board of Pardons and the state Legislature are considering measures to shorten the time.

Restoration of rights in Tennessee depends on the date of conviction and type of crime; people convicted after June 1996 go through a different process.

"The promise that ex-felons can regain their voting rights in these states is generally illusory," said Marc Mauer, assistant director of the Sentencing Project and an author of the report.

Mauer's group wants to see the 14 states join 34 others and the District of Columbia that automatically restore voting rights to felons who complete their sentences. Maine and Vermont allow prisoners to vote.

But Todd Gaziano of the conservative-leaning Heritage Foundation in Washington asked why any state would automatically restore voting privileges when other rights, such as bearing arms or serving on a jury, can be denied felons.

"There are consequences for serious crime that go beyond a prison term, and true rehabilitation has to be proved and shown," said Gaziano, director of the foundation's Center for Legal and Judicial Studies.

According to the Sentencing Project's examination of available data from 11 of the 14 states that don't automatically restore voting rights, less than 3 percent of felons who have served their time in those states have rejoined voter rolls.

Laws in six states — Alabama, Florida, Iowa, Kentucky, Nebraska, and Virginia — apply to all felons. Eight states — Arizona, Delaware, Maryland, Mississippi, Nevada, Tennessee, Washington, and Wyoming — sometimes prevent voting according to the offense or for certain time periods.

The Washington Post

WEDNESDAY, MAY 4, 2005

M4

Marijuana Becomes Focus of Drug War

Less Emphasis on Heroin and Cocaine

By DAN EGGEN
Washington Post Staff Writer

The focus of the drug war in the United States has shifted significantly over the past decade from hard drugs to marijuana, which now accounts for nearly half of all drug arrests nationwide, according to an analysis of federal crime statistics released yesterday.

The study of FBI data by a Washington-based think tank, the Sentencing Project, found that the proportion of heroin and cocaine cases plummeted from 55 percent of all drug arrests in 1992 to less than 30 percent 10 years

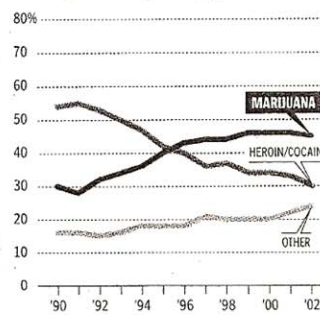
later. During the same period, marijuana arrests rose from 28 percent of the total to 45 percent.

Coming in the wake of the focus on crack cocaine in the late 1980s, the increasing emphasis on marijuana enforcement was accompanied by a dramatic rise in overall drug arrests, from fewer than 1.1 million in 1990 to more than 1.5 million a decade later. Eighty percent of that increase came from marijuana arrests, the study found.

The rapid increase has not had a significant impact on prisons, however, because just 6 percent of the ar-

See DRUGS, A8, Col. 4

Percentage of all drug arrests, by substance



SOURCE: Sentencing Project analysis of Justice Department statistics
THE WASHINGTON POST

Anti-Drug Efforts Stress Marijuana

DRUGS, From A1

rests resulted in felony convictions, the study found. The most widely quoted household survey on the topic has shown relatively little change in the overall rate of marijuana use over the same time period, experts said.

"In reality, the war on drugs as pursued in the 1990s was to a large degree a war on marijuana," said Ryan S. King, the study's co-author and a research associate at the Sentencing Project. "Marijuana is the most widely used illegal substance, but that doesn't explain this level of growth over time. ... The question is, is this really where we want to be spending all our money?"

The think tank is a left-leaning group that advocates alternatives to traditional imprisonment. Criminologists and government officials confirmed the trend, which in some ways marks a return to a previous era. In 1982, marijuana arrests accounted for 72 percent of all drug arrests, according to the study.

Bush administration officials attribute the rise in

marijuana arrests to a variety of factors: increased use among teenagers during parts of the 1990s; efforts by local police departments to focus more on street-level offenses; and growing concerns over the danger posed by modern, more potent versions of marijuana. The White House Office of National Drug Control Policy released a study yesterday showing that youth who use marijuana are more likely to develop serious mental health problems, including depression and schizophrenia.

"This is not Cheech and Chong marijuana," said David Murray, a policy analyst for the anti-drug office. "It's a qualitatively different drug, and that's reflected in the numbers."

The new statistics come amid signs of a renewed debate in political circles over the efficacy of U.S. drug policies, which have received less attention recently amid historically low crime rates and a focus on terrorism since the Sept. 11, 2001, attacks. Attorney General Alberto R. Gonzales, for example, has formed a national committee to oversee prosecution of violent drug gangs and has vowed to focus more resources on the fight against methamphetamine manufacturers and other drug traffickers.

But increasingly, some experts have begun to argue that the U.S. drug war, which costs an estimated \$35 billion a year, has had a minimal impact on consumption of illicit substances. The conservative American Enterprise Institute published a report in March titled "Are We Losing the War on Drugs?" Its authors argue that, among other things, "criminal punishment of marijuana use does not appear to be justified."

The study released yesterday by the Sentencing Project found that arrests for marijuana account

for nearly all of the increase in drug arrests seen during the 1990s. The report also found that one in four people in state prisons for marijuana offenses can be classified as a "low-level offender," and it estimated that \$4 billion a year is spent on arresting and prosecuting marijuana crimes.

In addition, the study showed that although African Americans make up 14 percent of marijuana users generally, they account for nearly a third of all marijuana arrests.

Among the most striking findings was the researchers' examination of arrest trends in New York City, which focused intently on "zero tolerance" policies during Rudolph W. Giuliani's mayoral administration. Marijuana arrests in the city increased tenfold from 1990 to 2002, from 5,100 to more than 50,000, the report said. Nine of 10 of arrests in 2002 were for possession rather than dealing.

The study also found a wide disparity in the growth of marijuana arrests in some of the United States' largest counties, from a 20 percent increase in San Diego to a 418 percent spike in King County, Wash. (The only decrease in the sample came in Northern Virginia's Fairfax County, where marijuana arrests declined by 37 percent.)

"There's been a major change in what's going on in drug enforcement, but it clearly isn't something that someone set out to do," said Jonathan Caulkins, a criminology professor at Carnegie Mellon University in Pittsburgh. "It's not like anyone said, 'We don't care about cocaine and heroin anymore.' ... The simple answer may be that police are now taking opportunities to make more marijuana arrests than they were when they were focused on crack cocaine in the 1980s."



WEDNESDAY, MAY 18, 2005

War on drugs gone to pot

Our view:

Massive arrests just smoke screen hiding impotency of crackdown.

Marijuana is the most widely used illegal substance. About 15 million Americans smoke it, and police make nearly 700,000 pot-related arrests each year, accounting for nearly half of all drug arrests.

The \$35 billion-a-year war on drugs has turned largely into a war on marijuana, and a losing war at that. Pot isn't harmless, but shouldn't law enforcement focus more of its resources on hard drugs — cocaine, heroin and methamphetamines — that are associated with violence and devastated lives?

According to a new study by The Sentencing Project, a liberal research group that favors alternatives to incarceration:

- Marijuana arrests increased 113% from 1990 through 2002, while arrests for all other drugs rose just 10%.

- Four of five marijuana arrests are for possession, not dealing.

The theory behind the war on drugs is that enough arrests will curtail both supply and demand. But the impact of increased marijuana arrests appears negligible. According to private and government studies, overall marijuana use is the same as it was in 1990, while daily use by high school seniors has nearly tripled, from 2.2% to 6%. Since 1992, the inflation-adjusted price of pot has fallen about 16% while potency has doubled, the studies show.

So the intensified crackdown has coincided with cheaper, stronger pot that's readily available. Law enforcement's efforts to arrest

marijuana smokers are diverting resources from combating other crimes and those who traffic in hard drugs.

Few people arrested for possessing marijuana serve jail time, but the consequences they face are severe. They may not qualify for federal student loans or entry to public housing, may lose the right to vote, and face a job market with criminal records they must report to potential employers.

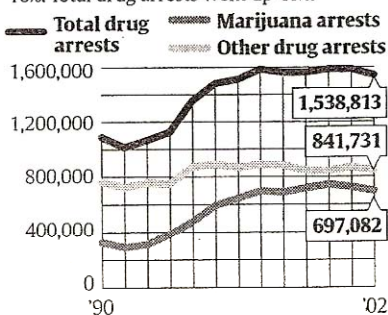
The drug war against low-level users also sparks resentment against police, particularly in the minority community. African-Americans represent 14% of marijuana users but account for 30% of arrests, The Sentencing Project study found.

The get-tough approach is showing cracks both at home and abroad. Twelve states have some form of decriminalization or reduced sentences. Great Britain, Canada and Russia have decriminalized possession of small amounts of the drug.

Today's more potent marijuana carries substantial health and social risks. It can lead to depression, thoughts of suicide and schizophrenia, especially among teens, according to government research. Its use should be discouraged. But it's a smoke screen to suggest that rising arrest numbers show the war on drugs is working. It's time for a serious debate on whether massive arrests of low-level users are worth the cost or having any benefit.

Marijuana arrests soar

Over a dozen years, marijuana arrests increased 113% while other drug arrests rose 10%. Total drug arrests went up 41%.



Source: The Sentencing Project; most recent data available

By Marcy E. Mullins, USA TODAY

Rolling Stone

★ NATIONAL AFFAIRS ★

BUSH'S WAR ON POT

Forget meth and other hard-core drugs – the administration would rather waste taxpayer dollars in an all-out assault on marijuana



AMERICA'S LONG-RUNNING WAR ON DRUGS HAS, literally, gone to pot. More than two decades after it was launched in response to the spread of crack cocaine – and in the midst of a brand-new wave of methamphetamine use sweeping the country – the government crackdown has shifted from hard drugs to marijuana. Pot now accounts for nearly half of drug arrests nationwide – up from barely a quarter of all busts a decade ago. Spurred by a Supreme Court decision in June affirming the right of federal agents to crack down on medical marijuana,

— ★ By Robert Dreyfuss ★ —

the Drug Enforcement Administration has launched a series of high-profile raids against pot clinics in California, and police in New York, Memphis and Philadelphia have been waging major offensives against pot smokers that are racking up thousands of arrests.

By almost any measure, however, the war has been as monumental a failure as the invasion of Iraq. All told, the government sinks an estimated \$35 billion a year into the War on Drugs. Yet illegal drugs remain cheap and plentiful, and coca cultivation in the Andes – where the Bush administration has spent \$5.4 billion to eradicate cocaine – rose twenty-nine percent last year. "Drug prices are at an all-time low, drug purity is at an all-time high, and polls show

that drugs are more available than ever," says Bill Piper, national affairs director for the Drug Policy Alliance, a drug-reform organization in Washington, D.C. Drug smugglers and South American cocaine growers, he adds, are fast developing new ways to evade U.S. eradication efforts. "All they have to do is double their efforts," he says. "They can adapt more quickly than the government can."

Given the government's failure to halt the flow of drugs, many soldiers who eagerly enlisted in the war are beginning to desert the cause. In March, the archconservative American Enterprise Institute published a report – titled "Are We Losing the War on Drugs?" – that concluded "criminal punish

The Washington Post

MONDAY, OCTOBER 24, 2005

Study Notes Upswing In Arrests of Women

Rate Linked to Drug Crimes and Fraud

Associated Press

Women made up 7 percent of all inmates in state and federal prisons last year and accounted for nearly one in four arrests, the government reported yesterday.

A co-author of a Bureau of Justice Statistics report, Paige M. Harrison, linked an upswing in the rate of arrest for women to their increased participation in drug crimes, violent crimes and fraud.

The number of women incarcerated in state and federal prisons in 2004 was up 4 percent, compared with 2003, more than double the 1.8 percent increase among men, the study said. In 1995, women made up 6.1 percent of all inmates in those facilities.

"The number of incarcerated women has been growing at a rate nearly double that of men, due in large part to sentencing policies in the war in drugs," the Sentencing Project, a group promoting alternatives to prison, said in a statement.

The group said the number of drug offenders in prisons and jails has risen from 40,000 in 1980 to more than 450,000 today. According to FBI figures, law officers in 2004 made more arrests for drug violations than for any other offense — about 1.7 million arrests, or 12.5 percent of all arrests.

Those sentenced for drug offenses made up 55 percent of federal inmates in 2003, the report said.

The total number of people incarcerated grew 1.9 percent in 2004 to 2,267,787 people. That figure includes federal and state prisoners, as well as 713,990 inmates held in local jails, 15,757

prisoners in U.S. territorial prisons, 9,788 in immigration and customs facilities, 2,177 in military facilities, 1,826 in Indian Country jails and 102,338 in juvenile facilities.

The country's state and federal prison population — 1,421,911, excluding state and federal prisoners in local jails — grew 2.6 percent in 2004, compared with an average growth of 3.4 percent a year since 1995.

Growth last year in federal prison populations was 5.5 percent, outpacing overall prisoner growth but slipping from the 7.4 average annual growth in federal prison populations since 1995. The number of inmates in state prisons rose 1.8 percent, with about half that growth in Georgia, Florida and California.

Harrison attributed some of the prison population rise to tougher sentencing policies implemented in the late 1990s. She said the average time served by prisoners today is seven months longer than it was in 1995.

The Sentencing Project said the continued rise in prisoners despite falling crime rates raises questions about the country's imprisonment system. The group said the incarceration rate — 724 per 100,000 — is 25 percent higher than that of any other nation.

About 8.4 percent of the country's black males between the ages of 25 and 29 were in state or federal prison, compared with 2.5 percent of Hispanic males and 1.2 percent of white males in the same age group, the report said.

Blacks made up an estimated 41 percent of inmates with a sentence of more than one year, the report said.



MONDAY, OCTOBER 24, 2005

Growth of U.S. prison population slows

The Associated Press

WASHINGTON — The nation's prison population grew 2.6% in 2004, compared with an average growth of 3.4% a year since 1995, the Justice Department's Bureau of Justice Statistics reported Sunday.

The total number of people incarcerated grew 1.9% to nearly 2.3 million people. That figure includes 1.4 million in federal and state prisons; 713,990 inmates in local jails; 15,757 in

U.S. territorial prisons; 9,788 in immigration and customs facilities; 2,177 in military facilities; 1,826 in Indian country jails; and 102,338 in juvenile units.

Growth last year in federal prison populations was 5.5%, outpacing overall prisoner growth but slipping from the 7.4% average annual growth in federal prison populations since 1995. State prisons rose 1.8%, with about half that growth in Georgia, Florida and California.

Paige Harrison, a co-author

of the report, attributed some of the prison population rise to tougher sentencing policies imposed in the late 1990s. "You bring more people in, you keep them longer — inevitably you're going to have growth," she said.

The Sentencing Project, a Washington, D.C., group that lobbies for alternatives to prison, said the incarceration rate — 724 per 100,000 — is 25% higher than that of any other nation.

The group said the number of drug offenders in prisons and

jails has risen from 40,000 in 1980 to more than 450,000 today. According to FBI figures, more arrests were made in 2004 for drug violations than for any other offense — about 1.7 million arrests, or 12.5% of all arrests. Drug offenders made up 55% of federal inmates in 2003, the report said.

"Policy-makers would be wise to reconsider the wisdom of current sentencing and drug policies, both to avoid expensive incarceration costs and to

invest in more productive prevention and treatment approaches to crime," Marc Mauer, the group's executive director, said in a statement.

About 8.4% of the country's black men ages 25 to 29 were in state or federal prison, compared to 2.5% of Hispanic men and 1.2% of white men in the same age group, the report said. Blacks constituted about 41% of inmates with a sentence of more than a year, the report said.

B6 ☆☆☆☆

THURSDAY, DECEMBER 29, 2005

San Francisco Chronicle

THE VOICE OF THE WEST

EDITORIALS

Marijuana madness

AMERICAN LAW enforcement has a proud tradition of courageous souls standing up against corrupt and dangerous criminal elements. Think Eliot Ness, the federal agent who prosecuted Al Capone, or Frank Serpico, the New York cop who at great personal risk exposed dirty cops within his department.

Then think about the new focus of American law enforcement — marijuana — and ask yourself if the expense of arresting, prosecuting and jailing offenders makes sense.

The Marijuana Policy Project crunched U.S. Justice Department statistics for arrests in 2004 and found that there were more arrests for marijuana possession — 684,319 — than for all violent crimes combined. The Washington Post reported in May that the Sentencing Project, another think tank, “found that the proportion of heroin and cocaine cases plummeted from 55 percent of all drug arrests in 1992 to less than 30 percent 10 years later.” While Americans might think law enforcement has mobilized to fight dangerous drugs that can lead to fatal overdoses and kill users, the study found that marijuana arrests rose to 45 percent of drug arrests.

Here in California, federal agents have raided a string of medical-marijuana clubs, including a South of Market club in San Francisco, and seized plants grown to supply the clubs. No doubt some of the raided clubs have catered to users who just want to get high. They also serve sick people.

Members of the Santa Cruz Women’s Alliance for Medical Marijuana — raided by the feds in 2003 —

have argued that marijuana enables them to use fewer high-powered narcotics like Oxycontin. California voters approved a medical-marijuana initiative in 1996 precisely because Californians don’t want their tax dollars to pay for the arrest and prosecution of people who use marijuana to control their pain, increase their appetite or address other symptoms.

Estimates as to the cost of the war on drugs vary, with the Washington Post figuring the cost to be some \$35 billion a year. Are taxpayers getting their money’s worth? No.

In a report commissioned by Taxpayers for Common Sense, Boston University economist Jeffrey A. Miron estimated that

the federal government spent a cumulative total of \$257 billion (in 2003 dollars) over three decades on anti-drug efforts, and some \$3.67 billion in 2004 on programs designed to reduce marijuana use. Still, Miron wrote, “Marijuana-use rates are little different now than in 1975.”

Republicans in Congress have been scrambling to cut federal spending to reduce a record deficit. Their 2006 Deficit Reduction Act would cut a paltry \$40 billion over five years. If they want to find more savings, they should look to dubious spending on the dubious war on drugs — to the high cost of incarcerating first-time nonviolent drug offenders, of mandating longer sentences for crack cocaine than powder cocaine and of using federal clout to raid medical-marijuana clubs, prosecute offenders and house them in prison. Cut these programs and Washington could move this country closer to what President H. W. Bush announced as his goal, “a kinder, gentler” America.

The war
on drugs is
a misuse
of taxpayer
money.

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