



RESEARCH AND ADVOCACY FOR REFORM

ANNUAL REPORT 2006

BUILDING ON EXPERIENCE

The Sentencing Project spent 2006 doing what we do best: producing high quality research on the effects of criminal justice policy, getting it to the media and into the hands of activists, decision-makers and people with influence, and vigorously advocating for change.

We took on the tough issues: racial disparity in the system, decades-old crack cocaine sentencing policies that are unfair and unjust, voting rights for people with felony convictions, and the media's role in creating an environment that could easily foster an unwarranted response by the criminal justice system to address methamphetamine abuse.

The Sentencing Project has been working against the unjust and racially unbalanced federal crack cocaine sentences for more than 15 years. In 2006 we helped to build and lead a coalition to bring new energy, ideas and strength to push for reform again, in the 20th year of the adoption of these overly punitive policies. The public, the media, members of the Sentencing Commission and Congressional leaders began to take another look at this very old and very wrong policy.

Racial disparity continues in the criminal justice system. This injustice dilutes democracy and causes individuals and communities to lose confidence and faith in the ability of the government to dispense justice equally. That's why we continue to hold the justice system to the highest ideals of our democracy. All persons, no matter their race, ethnicity, gender or the economic situation they are born into or live within in, deserve fair and equal treatment under the law.

We published a groundbreaking report on the media hype that has surrounded methamphetamine abuse in certain communities around the country. *The Next Big Thing? Methamphetamine and the United States* took on an issue many other criminal justice advocates were hesitant to explore or to examine. At The Sentencing Project, we know that behind every knee-jerk policy response to a issue that concerns the public stand families and communities that will suffer lasting damage and irreparable harm for generations. We've seen responses before that overreach, and we are living with the legacies of those policies today. That's why we refuse to shy away from tough issues like methamphetamine.

In a critical election year, we fought hard to make the disenfranchisement of 5 million people from voting due to a previous felony conviction a national issue, and particularly in the states where change was on the horizon. We worked with advocates in the states to advance their hard work to restore voting rights to people who are eager to become active, relevant participants in the society to which they have returned and hope to succeed in. In Rhode Island, for the first

time in the country, the issue was taken directly to voters and gained majority support, and now 15,000 people on probation and parole will be able to vote in the next election.

We continued to seek support from the international community. Many U.S. criminal justice policies are in clear violation of human rights treaties to which the U.S. is a signatory. We urged the international community to bring the full force of their influence to charge the U.S. with violations of important human rights protections enshrined in those treaties.

The change in the majority in Congress near the end of the year brought renewed hope for the prospect of positive criminal justice reforms. However, after more than twenty years in the struggle for reform, we've learned that both major parties are reluctant to take on sentencing and crime policy reform. Thus, it's important to change the climate in which policymakers look at these issues.

We will not waver in our insistence that the government live up to its promise of fair and equal treatment for society's most vulnerable people. We will remain vigilant in calling for strategies that protect public safety by partnering with communities to identify solutions that invest in individuals and families rather than aimlessly warehouse generations of our nation's young people. Our goal is to work toward a system that is based on facts and evidence rather than emotion, fear or retribution, and that is fair, equitable and just.

The Sentencing Project made great strides in 2006, and we are deeply grateful and indebted to the generous individuals and foundations that continue to make our work possible with their strong support. On behalf of the Board of Directors, our dedicated staff, and all the families hoping for better policies and better outcomes for their sons and daughters, brothers and sisters, mothers and fathers, I thank you for your support of our work.

With your help, we will continue working for true and equal justice.

A handwritten signature in black 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 2007

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.

ISSUES AND ACCOMPLISHMENTS

INCARCERATION: Countering Myths about Prison with Evidence and Analysis

A major issue affecting public discussion on criminal justice policy is perception about the relationship between incarceration and crime. Was the prison buildup of the 1990s responsible for the ten year decline in crime? The Sentencing Project examined the issue in 2005 with a policy report, *Incarceration and Crime: A Complex Relationship*. Analyzing the available data, we reported that although incarceration has a modest effect on crime, it produces diminishing returns as a result of the increasing incarceration of drug offenders. The report also concluded that drug treatment and pre-school programming have been more effective in reducing crime than the expanding prison system.

In early 2006, just after its publication, we distributed *Incarceration and Crime* to federal policymakers and state policymakers in all fifty states. The report was also available on our website, and was downloaded by visitors 130,000 times during 2006.

DRUG POLICY: Examining Methamphetamine Hype in the Media, Cautioning against a Criminal Justice Response and Calling for Expanding Treatment Options

In response to growing media attention reporting a methamphetamine “epidemic” and concerns that overreaching legislative responses were sure to follow, The Sentencing Project produced *The Next Big Thing? Methamphetamine in the United States*. This report analyzed a broad range of governmental indicators measuring drug abuse and found that while methamphetamine is a serious problem in some jurisdictions, overall it represents one of the least-used illegal drugs. The report also examined a wide-range of drug treatment studies and found that methamphetamine users show positive rates of overcoming addiction.

The report, the first comprehensive presentation of information on methamphetamine use and the way that it is portrayed by the media, broadened the scope of the debate about how communities can respond to methamphetamine use, and provided advocates with a critical tool to challenge criminal justice responses that have emerged.

Response to the report from the treatment community was very positive. Following its release, The Sentencing Project was invited to be a keynote speaker at *The 2nd National Conference on Methamphetamine, HIV, and Hepatitis* in Utah in 2007.

SENTENCING LAW AND POLICY: Advocacy before the United States Sentencing Commission and the Supreme Court

In November, the **United States Sentencing Commission** convened national experts for a public hearing to determine if the differences between punishment for crack and powder cocaine offenses are justified. The Sentencing Project was invited to participate, and Policy Analyst Ryan King testified that judges should not be constrained by rigid laws that base the severity of punishment solely on drug weights, rather than a defendant's degree of involvement in a drug enterprise. We recommended the repeal of mandatory minimum sentences and urged a more thoughtful approach to addressing drug addiction. The hearing led the Commission to schedule further hearings and invite public comment in 2007.

In an amicus brief late in the year, The Sentencing Project and the American Civil Liberties Union weighed in with the **Supreme Court** calling for a reversal of a lower court decision in a crack cocaine sentencing case. At issue in *Claiborne v. United States*, was whether a defendant's sentence of 15 months was reasonable in light of recent jurisprudence regarding the advisory nature of the federal sentencing guidelines. Oral arguments were scheduled for February 2007.

COLLATERAL CONSEQUENCES OF THE JUSTICE SYSTEM: Advocating for Restoring Voting Rights to People with Felony Convictions and Fair Telephone Charges for People in Prison and their Families

As one of three national partners in the **Right To Vote Campaign**, in 2006 The Sentencing Project worked to educate the public and policymakers about felony disenfranchisement, provide support to local advocates, and build coalitions at the national and state levels.

Since The Sentencing Project began raising awareness about the inequities of felony disenfranchisement policies in 1997, 16 states have adopted reforms to their policies and practice. To highlight this considerable momentum for change, The Sentencing Project published *A Decade of Reform: Felony Disenfranchisement Policy in the United States*. The report found that these changes in policy have resulted in the restoration of voting rights to more than 620,000 persons. The report was widely distributed, and garnered significant media attention, including coverage in the Associated Press, *New York Times*, and *St. Paul Pioneer Press*.

In the states, we provided information, strategy and technical assistance to legislative staff and advocates in Alabama, Arizona, Kansas, Kentucky, Maryland, Nebraska, Rhode Island and Tennessee. The Sentencing Project hosted and maintained the primary resource for information on felony disenfranchisement, and produced and disseminated a weekly email update of news and developments on the issue to thousands of advocates, media contacts and policymakers.

Some of our state efforts included:

Rhode Island

In an unprecedented and successful effort to take disenfranchisement reform right to the voters, The Sentencing Project worked closely with the **Rhode Island Right To Vote Coalition**. In November, voters approved the restoration of voting rights to 15,000 persons on probation and parole. We helped identify and prepare spokespersons who were barred from voting due to state disenfranchisement policies, drafted profiles and op-ed pieces, and provided media strategy to the coalition.

Alabama

We analyzed felony disenfranchisement in Alabama in a briefing paper published with the **Alabama Alliance to Restore the Vote** in October. *Who is Not Voting in November?* reported that Alabama ranked third nationally in disenfranchising formerly incarcerated persons, barring more than 250,000 individuals from the polls. The report included recent legislative and legal developments, and recommendations to improve current voting standards. An Associated Press story about the report appeared in newspapers across the state.

Kentucky

In Kentucky, we produced a briefing paper for the **League of Women Voters** reporting that Kentucky has the highest disenfranchisement rate among African Americans and the sixth highest disenfranchisement rate in the country. The report was released by their League of Women Voters at a press conference with their recommendations for reform, and was followed by media coverage throughout the region.

Connecticut

At the request of the advocacy organization **DemocracyWorks**, we produced a briefing paper with an overview of disenfranchisement in Connecticut. The paper analyzed the effect of disenfranchisement policies with particular regard to people on parole. The paper was broadly disseminated to advocates and policymakers in the state, and will be used in conjunction with a future campaign to remove the ban on parolee voting.

International Advocacy

We worked with a broad coalition of civil rights organizations to submit a shadow report to the **United Nations Human Rights Committee** urging a review of U.S. compliance with the **International Covenant on Civil and Political Rights**. The Committee later issued a statement charging that U.S. felony disenfranchisement policies are discriminatory and violate international law, and called upon the government to take steps to restore the right to vote to all persons upon release from prison.

Fighting Excess State Surcharges on Prison Telephone Calls

In New York, The Sentencing Project spearheaded the submission of an amicus brief to the **Supreme Court** in a case challenging the state's exorbitant surcharge on phone calls made by persons in prison to family, friends and counsel. We organized sixteen national and state organizations to join us in the brief. On the day that oral arguments were held, following a supportive editorial in the *New York Times*, the governor repealed the tax.

RACIAL JUSTICE: Attacking Disparity in the System and Educating the Public, Policymakers and Advocates

To mark the 20th anniversary of the adoption of ineffective and racially skewed sentences for federal crack cocaine offenses, The Sentencing Project helped to lead a coalition of organizations advocating for reform. Working with the American Civil Liberties Union, the Criminal Justice Policy Foundation, Drug Policy Alliance and the Open Society Policy Center, The Sentencing Project increased awareness among the media, advocates and federal officials about the continued unfairness of the 100 to 1 quantity disparity in penalties for crack versus powder cocaine.

In February, the coalition launched its reform campaign by holding a briefing on **Capitol Hill** to educate Congressional staff about the unjustly harsh penalties for crack and devastating impact of the law on communities of color. On the same day, a letter endorsed by more than 50 organizations called on Congress to reduce the penalties for low-level crack offenses.

Momentum began to build through July, when Republican Senator Jeff Sessions of Alabama introduced legislation to reduce the sentencing disparity between crack and powder, and members of the House of Representatives were considering introducing a bill to equalize the penalties for both drugs. Media interest in the issue intensified and articles citing the inequity were published in *Congressional Quarterly*, *The Washington Post*, *Boston Globe*, *Chicago Tribune* and *Wall Street Journal*.

In another coalition effort we helped to lead, a petition for a hearing regarding U.S. sentencing policies that are in violation of international law was granted by the **Inter-American Commission on Human Rights**.

A new edition of Executive Director Marc Mauer's seminal book on race, class and the criminal justice system was published by The New Press in April. **Race to Incarcerate** was released in conjunction with a Capitol Hill briefing on Race and Justice, and thousands of copies were distributed to advocates, policymakers and academics around the country.

IN THE MEDIA AND IN THE COMMUNITY: Changing the National Debate about Crime and Punishment

The Sentencing Project worked with news reporters, editors and producers throughout the year to provide information, analysis and commentary on key criminal justice issues, and received wide, national news coverage and editorial support for reform. Our staff addressed nearly 40 conferences and workshops of policymakers, criminal justice practitioners, judges, academic audiences and faith-based, voting rights, public health, civil rights, advocacy organizations to promote policy and practice reform.

The audiences we reached through conference and forum presentations in 2006 include:

Academic and Research Institutions

- Bowling Green State University, Criminal Justice Forum
- Federalist Society Forum on Felony Disenfranchisement
- Harvard Law School, Criminal Justice Institute Conference
- New England Law School, Criminal Justice Conference
- Open Society Institute "What We Owe Each Other" Conference
- Sam Houston State University - George Beto Chair Lecture
- The New School, "Punishment: The U.S. Record" Conference
- University of Minnesota Law School

Policymakers and Practitioners

- American Correctional Association
- Association of Paroling Authorities International
- Congressional Black Caucus Crack Cocaine Roundtable
- Congressional Black Caucus Foundation Annual Conference
- Congressional Black Caucus Voting Rights Forum
- Congressional Hunger Center
- New York Judicial Commission on Minorities
- Philadelphia Bar Association
- Philadelphia Judges "Criminal Conversations"
- U.S. House of Representatives Judiciary Committee

Civil Rights Advocates, Faith-Based Groups and Community Organizations

- American Civil Liberties Union
- Delaware Center for Justice Annual Meeting
- Downsizing Prisons Strategy Conference
- Ebenezer AME Church (MD)
- Hemenway Memorial AME Church (MD)
- Lynchburg (VA) Coalition for Felony Disenfranchisement Reform
- National Association for the Advancement of Colored People
- National Council of Negro Women
- National Network of Grantmakers
- Society for Humanistic Judaism

International Policymakers, Treaty Monitors and Research Institutes

- Inter-American Commission on Human Rights
- Canadian House of Commons Standing Committee on Justice and Human Rights
- Open Society Foundation Conference, Sentencing in South Africa
- United Nations Human Rights Committee

Students and Youth Organizers

- American University
- Georgetown University Prison Awareness Program
- Illinois Youth Summit
- University of Dayton
- University of Maryland Eastern Shore

STATEMENT OF FINANCIAL POSITION

December 31, 2006

ASSETS

Current Assets

Cash and cash equivalents	\$	705,153
Accounts receivable		50
Grants receivable		437,500
Prepaid expenses and other assets		<u>3,500</u>

Total Current Assets 1,146,203

Furniture and equipment, net of accumulated depreciation of \$83,233 14,106

TOTAL ASSETS \$ 1,160,309

LIABILITIES AND NET ASSETS

Current Liabilities

Accounts payable \$ 16,299

Total Liabilities 16,299

Risks

Net Assets

Unrestricted 611,212

Temporarily restricted 532,798

TOTAL NET ASSETS 1,144,010

TOTAL LIABILITIES AND NET ASSETS \$ 1,160,309

STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2006

	Unrestricted	Temporarily Restricted	12/31/2006 Total
REVENUE AND SUPPORT			
Grants	\$ 337,500	\$ 612,500	\$ 950,000
Individual contributions	67,707	-	67,707
Speaker fees and honoraria	16,565	-	16,565
Publications and other revenue	6,830	-	6,830
Royalties	5,818	-	5,818
Interest income	13,617	-	13,617
Net assets released from restrictions:			
Satisfaction of program restrictions	490,947	(490,947)	-
 TOTAL REVENUE AND SUPPORT	 938,984	 121,553	 1,060,537
EXPENSES			
Program services	566,639	-	566,639
General and administrative	74,451	-	74,451
Fundraising	136,790	-	136,790
 TOTAL EXPENSES	 777,880	 -	 777,880
 Change in Net Assets	 161,103	 121,553	 282,657
 NET ASSETS, BEGINNING OF PERIOD	 450,109	 411,245	 861,354
 NET ASSETS, END OF PERIOD	 \$ 611,212	 \$ 532,798	 \$ 1,144,010

STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2006

	Felony		Public	Total	General		12/31/2006
	Disenfranchisement	Advocacy	Education	Program Services	and Administrative	Fundraising	Total
Salaries and benefits	\$138,409	\$72,353	\$170,692	\$381,453	\$ 38,756	\$81,994	\$502,203
Consultants	56,127	1,218	14,666	72,011	2,600	6,750	81,361
Meetings	139	422	971	1,532	155	83	1,770
Printing	1,204	553	3,504	5,262	1,182	14,126	20,570
Travel	7,622	1,100	5,920	14,643	1,240	1,626	17,509
Legal and accounting	4,007	2,244	4,941	11,192	4,472	2,374	18,038
Postage and delivery	1,517	752	2,603	4,872	1,619	15,666	22,157
Occupancy	14,439	7,548	17,807	39,793	16,116	8,554	64,463
Office supplies	1,364	871	2,004	4,239	1,522	809	6,570
Telephone and fax	2,185	1,826	2,694	6,705	2,439	1,294	10,438
Equipment and maintenance	1,361	711	1,678	3,750	1,519	1,481	6,751
Miscellaneous	13	897	17	927	15	8	950
Depreciation	1,602	837	1,975	4,414	1,788	949	7,150
Insurance	594	310	732	1,636	663	352	2,651
Bank service charge	147	77	181	405	164	87	656
Dues/Publications	91	47	11,866	12,004	101	585	12,690
Website	1,641	47	112	1,800	101	54	1,955
TOTAL EXPENSES	\$ 232,461	\$ 91,814	\$ 242,364	\$ 566,639	\$ 74,451	\$ 136,790	\$ 777,880

SELECTED PRESS CLIPPINGS 2006

THE WALL STREET JOURNAL

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Judges Show More Leniency On Crack Cocaine

By GARY FIELDS

WASHINGTON—In the wake of the Supreme Court's decision a year ago making sentencing guidelines advisory rather than requirements to be followed, some federal judges appear to be giving more lenient sentences in cases involving crack cocaine, according to an analysis released yesterday.

The study by the Sentencing Project, a Washington research and advocacy group for criminal-justice policy, may reinvigorate the debate about the racial disparity in sentences for crack-cocaine defendants, who are primarily minorities, and powder-cocaine defendants, who are more likely to be white and more affluent.

The study examined 24 crack-cocaine cases in which judges explicitly discussed the reasoning behind their sentencing decisions in the context of the 2005 Supreme Court ruling that allowed them to use the sentencing guidelines as advisory rather than as requirements.

In 21 of the 24 cases, the judges sentenced defendants to less time than they likely could have received under the sentencing guidelines. Under the guidelines, for instance, a person who possesses five grams of crack cocaine will get the same sentence as someone who sells 500 grams of powder cocaine—although there is little physiological difference in the two.

Sen. Jeff Sessions, an Alabama Republican, said he intended to introduce a bill this year that will propose changing the law to reduce the disparity between the amounts of crack cocaine and powder cocaine necessary to give a defendant the same sentence. He and Utah Republican Sen. Orrin Hatch co-authored a bill in 2003 that would have reduced the disparity to 20-to-1— from 100-to-1—but it got little support.

"I still believe the guidelines are not appropriate on crack and powder cocaine," said Sen. Sessions. "I think we need to make some improvements there based on the reality of what's going on in the courts of America. This study does seem to indicate that judges would tend more to the 20-to-one ratio rather than 100-to-one."

The Sentencing Commission, which declined to comment on the study, has long supported altering its guidelines on crack-cocaine crimes to bring the penalties and amounts more in line with powder cocaine. In 1995, the Sentencing Commission sent Congress an amendment which would have equalized the penalties on the two forms of cocaine, but Congress rejected the amendment. Similar recommendations from the commission in 1997 and 2002 were ignored by Congress.

At least two of the cases highlighted in the study have been overturned by appeals courts in the past week. In one case, Rhode Island Chief District Court Judge Ernest Torres sentenced a crack-cocaine defendant to just over five years in prison, although the sentencing guidelines called for him to be sentenced to between seven and 12 years.

In handing down the sentence, the judge wrote that the 100-to-1 ratio was "excessive" and "not reasonable." However, a three-judge panel on the First Circuit Court of Appeals in Boston ruled last week that Mr. Torres had erred in handing down the sentence.

"Laboring in uncharted waters, the lower court jettisoned the guidelines and constructed a new sentencing range," the appeals court wrote.

The New York Times

WEDNESDAY, MARCH 22, 2006

Black Men on the American Ladder

To the Editor:

A complex array of factors has come together to produce high rates of unemployment and incarceration for young black men, but one cannot help but conclude that the racial dimension of the problem skews the public policy response.

Consider the national response to Depression-era poverty, a social ill that crossed racial lines.

Major resources and political attention were devoted to W.P.A. job creation and construction of a safety net through Social Security. But as the image of poor people focuses on communities of color, the national response is one of wars on crime and drugs that emphasize harsh punishments over prevention and community-building.

One of every three black men born today can expect to go to prison if current trends continue. This is but one result of the crime policies of recent years that many political leaders tout as successful.

It is difficult to imagine such congratulatory messages being pronounced if we were talking about one in three white men.

MARC MAUER
Executive Director
The Sentencing Project
Washington, March 20, 2006

R.I. to revisit felons' voting rights

Could 'send message' to other states

By Charisse Jones
USA TODAY

Andres Idarraga is a sophomore at Brown University in Providence studying comparative literature and economics. He dreams of putting his education to good use and one day casting a ballot. But he will be 58 before he can legally vote in his home state for the first time.

That's because Idarraga, 28, spent about six years in prison for drug and gun possession. Under current Rhode Island law, convicted felons can't vote until they have completed parole and probation, a date 30 years away for Idarraga. So he is speaking out to support a ballot initiative in November that would let felons vote after they leave prison. Its passage would "send a message that we're willing to embrace you, to afford second chances, instead of every step along the way putting up roadblocks," he says.

Rhode Island is one of several states where lawmakers and advocacy groups are working to change laws that deny many felons the right to vote.

An estimated 5.3 million people cannot vote because of a felony conviction, says Ryan King, policy analyst for the Sentencing Project, a research group that favors changes in prison and sentencing rules. Thirty-six states deny that right to felons while they're on parole, and 31 of them also bar voting by felons on probation.

King and other advocates of changing those rules say the restrictions punish people who have served their time and disproportionately affect the poor and people of color.

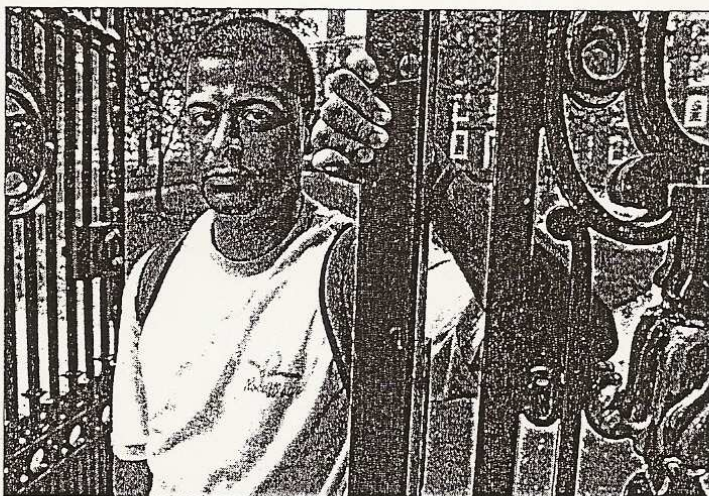
"In states where there's 20% to 30% of African-Americans who are prohibited from voting, that's a significant portion of the population not being represented by their state or federal legislators," King says.

Some prohibitions against felons voting are being eased:

► Nebraska passed a law in March automatically restoring voting rights to felons two years after they complete their sentences, including probation and parole. The state previously had a lifetime ban.

► Iowa Gov. Tom Vilsack last year signed an executive order automatically restoring voting rights to felons who have completed their sentences, including probation or parole, or received early release.

► Coalitions of former inmates, faith-based organizations and civil rights groups are registering voters and lobbying



By Josh T. Reynolds for USA TODAY

No voting: Andres Idarraga, who spent about six years in prison on drug and gun charges, is a student at Brown University in Rhode Island. State law bars those on probation or parole from voting.

Voting restrictions in each state

States that prevent felons from voting while in prison or on probation or parole. For felons who have completed probation and parole, some states revoke the right to vote permanently, and others revoke it for certain types of offenders or for a period of time.

State	In prison	On probation	On parole	Ex-felons All	Ex-felons Partial	State	In prison	On probation	On parole	Ex-felons All	Ex-felons Partial
Ala.	X	X	X		X	Neb.	X	X	X		X
Alaska	X	X	X			Nev.	X	X	X		X
Ariz.	X	X	X		X	N.H.	X				
Ark.	X	X	X			N.J.	X	X	X		
Calif.	X		X			N.M.	X	X	X		
Colo.	X		X			N.Y.	X		X		
Conn.	X		X			N.C.	X	X	X		
Del.	X	X	X		X	N.D.	X				
D.C.	X					Ohio	X				
Fla.	X	X	X	X		Oklahoma	X	X	X		
Ga.	X	X	X			Ore.	X				
Hawaii	X					Pa.	X				
Idaho	X	X	X			R.I.	X	X	X		
Ill.	X					S.C.	X	X	X		
Ind.	X					S.D.	X		X		
Iowa	X	X	X			Tenn.	X	X	X		X
Kan.	X	X	X			Texas	X	X	X		
Ky.	X	X	X	X		Utah	X				
Lake	X	X	X			Vt.	X				
Maine	X					Va.	X	X	X	X	
Md.	X	X	X		X	Wash.	X	X	X		
Mass.	X					W.Va.	X	X	X		
Mich.	X					Wis.	X	X	X		
Minn.	X	X	X			Wyo.	X	X	X		X
Miss.	X	X	X	X		Total	49	31	36	3	9
Mo.	X	X	X								
Mont.	X										

Sources: The Sentencing Project and the Right to Vote Campaign

election officials and lawmakers in Rhode Island, Kentucky and other states.

Support not universal

Some lawmakers believe the restrictions should stay in place. "I don't believe we need to have a voting bloc that comes

out of prison angry at the sheriff's department ... and angry at the prosecutor's office," says Tennessee state Rep. Gerald McCormick, a Chattanooga Republican. "I don't think it's right to have them on the same level as people who've paid their taxes and played by the rules."

McCormick sponsored a bill

that would have barred anyone convicted of a felony on or after July 1 from voting. That legislation died while another measure, which makes it simpler for some felons to regain their voting rights, passed this year.

Christopher Uggen, a criminologist and sociology professor at the University of Minne-

sota, says that "once people start voting, they're quite a bit less likely to commit new crimes." He adds that while programs such as work release carry risk, "I think we can clearly say that there's no threat to public safety by permitting prisoners and felons to vote."

Concerns that some people were unfairly blocked from voting in Florida during the 2000 presidential election and other close races since then have fueled efforts to overturn laws that bar felons from voting, King says. The laws have led to 1.4 million black men, or 13%, being unable to vote, more than five times the national average, the Sentencing Project says.

"Particularly in the South, these laws were part of the old Jim Crow package," says Monifa Bandle, field director of the Right to Vote Campaign, a national coalition helping felons regain voting rights.

The Rhode Island Family Life Center, which helps former inmates and their families, is one of several groups distributing literature on college campuses and registering people to vote with the goal of getting the state referendum approved.

'Right thing to do'

In Kentucky, state Rep. Jesse Crenshaw says that an appeal by labor groups, the NAACP and others prompted him to introduce a bill this year that sought to amend the state constitution and allow felons to vote after serving their time and paying all fines. The bill failed, but he plans to reintroduce it next year. "I see it as the right thing to do," says Crenshaw, a Democrat from Lexington. "After they've paid their debt, they should ... have the rights everyone else has."

A 2005 survey of New York state's county election boards found that about half did not know that felons had the right to vote while on probation or were asking for documents that were not required, says Catherine Weiss, deputy director of the Democracy Program at the Brennan Center for Justice.

"We don't know how many people were turned away by these two problems," says Weiss, whose center helped conduct the survey. "But there were potentially thousands." In May, New York election officials held a session reiterating the rules, says Lee Daghlilan, spokesman for the New York State Board of Elections.

Idarraga admits that voting was not the first thing on his mind when he was released from prison in June 2004. "You have to establish yourself," he says. "Right after that, I knew education and voting and being responsible to the community were extremely pressing issues for myself."

THE ARIZONA REPUBLIC

VIEWPOINTS

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U.S. meth epidemic just media hype

Methamphetamines have become the drug of choice around the nation," reads the text of one recent newspaper story. While another proclaims, "This epidemic can only be arrested, not cured." These stories and scores more like them have created a climate in which many Americans believe that meth has become the "next big thing" in the realm of drug threats.



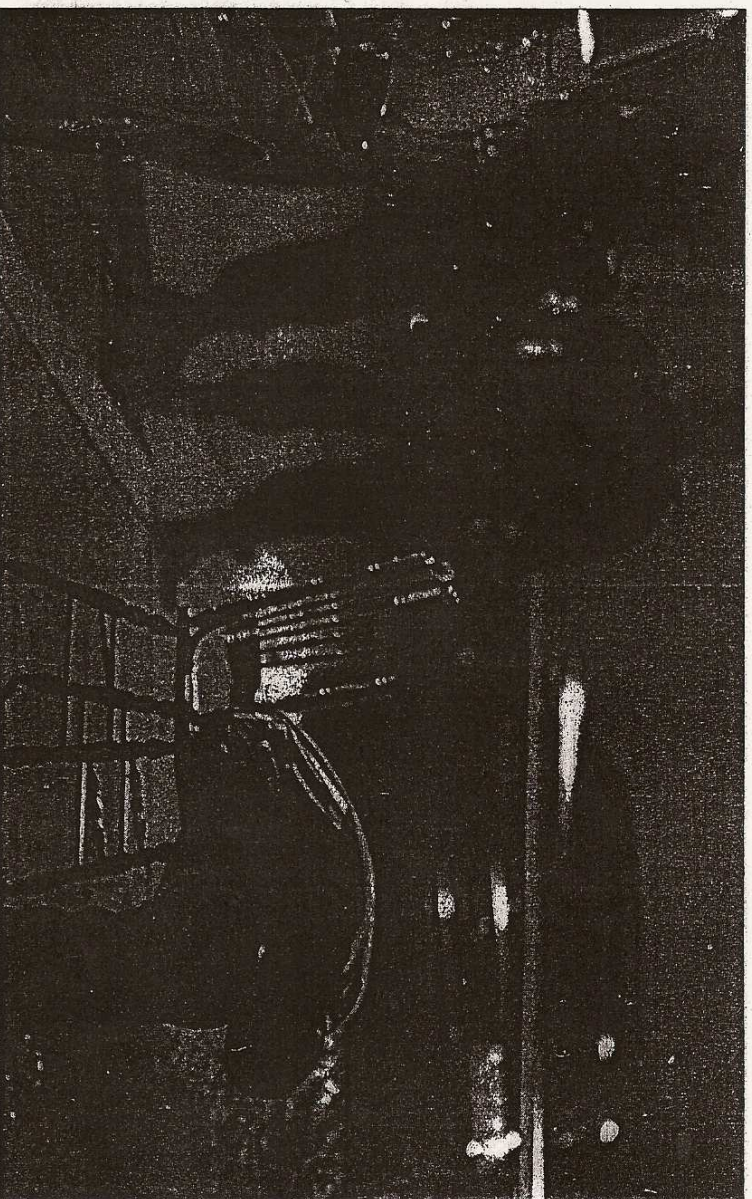
Ryan S. King
SENTENCING PROJECT

Media coverage of meth has distorted the scale of its use, hyping it as a national story while creating concern about problems in regions where none exist. This approach threatens both communities struggling with meth addiction as well as those addressing other types of substance abuse.

Despite the media's dogmatic adherence to the narrative of a national meth epidemic, an examination of key governmental indicators on drug use reveals a very different picture. Nationally, only 0.2 percent of Americans are regular users of methamphetamine. This is a rate four times less than that of cocaine use.

And just last week, two reports were released showing a decline in the number of lab seizures in 2005 and a decline in the number of workplace drug screens testing positive for meth. These figures suggest that although meth does carry a high price tag for those who use it, the nation is making strides in addressing the addiction.

But if meth is indeed such a dangerous drug, why does it matter if the media have been misrepresenting the story? If these stories, however embellished, succeed in keeping just



A man rests his head on his knees after being detained during a meth-lab bust in El Mirage. Nationally, 0.2 percent of Americans are regular users of methamphetamine, a rate four times less than that of cocaine use.

a small number of people from trying the drug, hasn't society benefited? The truth is that sound policy of any type is never forged from rhetoric or misinformation, and the misrepresentation of meth use has resulted in a number of worrisome consequences.

First, if history is any guide, relying upon exaggerated claims about the consequences of using certain drugs has exhibited little impact on public perceptions. In fact, studies have shown that people exposed to certain types of anti-drug advertising have actually demonstrated a "boomerang effect" in which their attitudes about the drug become less negative.

Second, the media's perpetu-

ation of the message that methamphetamine does not respond to treatment and results in irreversible physical and mental damage is incorrect, irresponsible and dangerous. Studies in 15 states have demonstrated positive results in abstinence from drug use, reduced arrests

and increased employment. At a time when many communities are struggling with the challenge of addressing substance abuse, this "nothing works" reporting fosters an environment of animosity toward treatment.

Why would federal or state governments invest in expanding treatment options if they are constantly bombarded with the message that such an effort would merely be throwing good money after bad? Such reporting is a disservice to the individuals and communities suffering and increases the likelihood that future responses to methamphetamine will eschew prevention and treatment in favor of tougher prison terms but no sustainable reduction in substance abuse.

But, although methamphetamine is a serious problem in some local communities, in fact in most parts of the country its use remains rare. Media coverage of meth has distorted the scale of its use, hyping it as a national story while creating concern about problems in regions where none exist.

Finally, if the discourse on drug abuse and prevention is disproportionately dominated by meth, then communities struggling with other types of substance-abuse problems are likely to have greater difficulty obtaining necessary resources.

We can see how this plays out in different communities around the country. In San Diego and Portland, Ore., rates of methamphetamine abuse among arrestees have increased in recent years. Clearly, local officials need to be concerned about the sources of the drug, the reasons why people are using it, and the need to develop treatment programs aimed at this particular drug.

But in Philadelphia and New York, meth is barely a blip on the radar screen. Instead, those cities are grappling with the problems brought about by cocaine and heroin abuse.

If national funds and public attention are increasingly directed toward addressing meth, that leaves some cities even more vulnerable to the problems caused by these other dangerous drugs. This is the problem caused by a "one size fits all" drug strategy, one that has been shaped in large measure by sensationalist media accounts.

Sadly, our national drug control policy has been woefully misguided for more than 20 years, placing far too heavy an emphasis on law enforcement and incarceration, while neglecting opportunities to invest in prevention and treatment.

We now have an opportunity to address the problem of methamphetamine in a rational manner. That should involve defining the communities in which it is a significant problem, addressing the sources and factors contributing to its use through evidence-based policy and investing in proven treatment approaches.

The media can be a vital partner in educating the public and facilitating a national discussion in which we define these problems and craft solutions. But the first step needs to be a turn away from sensationalism and toward responsible journalism.

Ryan S. King is a policy analyst with the Sentencing Project, a non-profit organization in Washington, D.C., that promotes reduced reliance on incarceration and humane alternatives to deal with crime.

The Boston Globe

W E D N E S D A Y , J U L Y 5 , 2 0 0 6

MARC MAUER

The disparity on crack-cocaine sentencing

THE RECENT conclusion of the NBA Finals coincided with a tragic anniversary of particular relevance for basketball fans. Twenty years ago University of Maryland basketball star Len Bias died of a drug overdose just hours after being selected second in the NBA draft by the Boston Celtics. His death sparked a national whirlwind of media attention and public scrutiny largely focused on the drug, crack cocaine, that was suspected of killing him.

We can only speculate what type of professional career Bias might have had, but all bets were that it was going to be a stellar one. Unfortunately, the legacy that remains with us is not a result of his professional sports career, but as a key stimulus for the notorious federal crack-cocaine mandatory sentencing laws. Shortly after Bias's death, the Senate's Permanent Subcommittee on

Investigations held a hearing on crack cocaine. During the hearing's debate, senators cited Bias's death 11 times.

By the fall, Congress had adopted the Anti-Drug Abuse Act, which included harsh new mandatory sentences for low-level crack offenses. Defendants convicted with just 5 grams of crack cocaine, the weight of 5 sugar packets, were subject to a five-year mandatory minimum sentence. The same penalty was triggered for powder cocaine only when an offense involved at least 500 grams.

Twenty years later, the aftermath of these laws is sobering. More than 80 percent of the defendants prosecuted for a crack offense are African-American, despite the fact that more than two-thirds of crack users are white or Hispanic. By and large, these defendants are not the kingpins of the drug trade. Data from the US Sentencing Commission document that 73 percent of crack defendants had only low-level involvement in drug activity,

such as street-level dealers, couriers, or lookouts. The commission also has found that crack cocaine sentences are the single most significant factor contributing to racial disparity in federal sentencing.

The legacy of Len Bias goes beyond just crack-sentencing policies, though, incorporating two decades of declining social and economic prospects for African-American males in particular. As a result of the drug war and a host of harsh sentencing policies such as mandatory minimums and "three strikes" laws, imprisonment has increasingly become almost the norm in many low-income communities. If current trends continue, 1 in 3 black

males born today will spend time in a state or federal prison in his lifetime. These trends are exacerbated by the cruel intersection of socioeconomic policy and criminal justice policy. For young black men in the most disadvantaged schools, high dropout rates become a pathway to prison, with more than half of black male dropouts having been incarcerated by their mid-30s.

These outcomes contribute to a vicious cycle whereby incarceration reduces future job prospects and earnings power. In addition, there is an increasing spillover effect on families and communities. In the nation's capital, neighborhoods most heavily affected by imprisonment have only 62 adult men for every 100 women. Some of these missing men are in the military or have suffered an early death, but many are behind bars. Needless to say, women's prospects for finding marriage and parenting

partners are affected by these dynamics. In cities around the country, we find the same disturbing story.

While efforts to reform the crack-cocaine sentencing disparity have previously been rebuffed by the administrations of both Bill Clinton and George W. Bush, there may now be an opening for reconsideration on Capitol Hill. Increasingly, there is a bipartisan recognition that not only have the crack laws exacerbated racial disparity, they also represent an inappropriate federal usurpation of state law-enforcement priorities. To the extent that crack offenses are prosecuted in court, it makes little sense to utilize federal resources for a primarily low-level offender group. In addition, there is increasing skepticism about whether these mandatory sentencing policies have been effective in controlling the supply of drugs. Certainly, given trends in the price or availability of crack cocaine, there is little evidence of this. Given these dynamics, not only are liberal Democrats such as Representative Charles Rangel introducing reform legislation, but Republican Senator Jeff Sessions has now indicated his interest in addressing the disparity as well.

Perhaps the ultimate irony in the Bias case is that he did not in fact die of a crack overdose, but rather from snorting powder cocaine. Both drugs are dangerous, of course, but the tragic loss of a talented young man on the brink of a limitless future has been callously used to severely curtail opportunity for thousands of other promising young people. This year is an appropriate time to change public policy to better serve the next generation of black men.

Marc Mauer is executive director of *The Sentencing Project* and author of *"Race to Incarcerate."*

More than 80 percent of the defendants prosecuted for a crack offense are black.

Seattle Post-Intelligencer

FRIDAY, JULY 14, 2006

Ex-felons denied basic right to vote

GUEST COLUMNIST

MARC MAUER

A federal court rejection last week of a decade-long challenge to Washington state's felon disenfranchisement policy highlights the complex dynamics of race and the criminal justice system and raises fundamental questions about fairness and democracy. In the case of *Farrakhan v. Gregoire*, minority plaintiffs questioned whether discrimination in the justice system contributed to the state's high rates of disenfranchisement among people of color.

The *Farrakhan* case centers on the state's disenfranchisement policy, which denies voting rights to anyone convicted of a felony and serving a sentence in prison or on probation or parole. The right to vote is restored only after completing a sentence, including payment of fines and costs. This latter requirement is currently being challenged as a modern day "poll tax" on low-income people.

Because Washington's provisions are more restrictive than many other states, it's not surprising that the number of people affected by those policies is higher, as well. One of every 28 adults in the state is ineligible to vote, a rate 50 percent higher than the national average. Although African Americans make up only 3 percent of state population, an astounding one in six is disenfranchised.

For some people, those statistics are interpreted as unfortunate but merely a reflection of greater involve-

ment in crime. That is, if African Americans or other groups are more likely to commit crimes, they will also be more likely to lose their right to vote. But that contention gets to the heart of the *Farrakhan* challenge. Looking at the long history of racial discrimination in the justice system, the plaintiffs argued that the high minority rate of disenfranchisement was not just a result of involvement in crime but rather reflected disproportionate processing by the criminal justice system. Substantial documentation was presented to the court of biased decision-making in policy and practice, particularly in regard to drug law enforcement whereby drug crimes committed by blacks and Latinos had been more likely to be subject to prosecution.

The federal court agreed with the plaintiffs that they had submitted reports with "compelling evidence of racial discrimination and bias in Washington's criminal justice system" but found that under a "totality of the circumstances" legal doctrine, they failed to constitute a violation of the Voting Rights Act.

It remains to be seen whether the decision will be appealed, but the case raises fundamental questions for policy-makers and the public. As we approach a national election this fall, an estimated 5.3 million Americans will be locked out of the ballot box, not because they are uninterested in voting, but because of the consequences of a felony conviction. Given the broad sweep of those laws, three-fourths of those people are not even in prison, but are living in the com-

munity under probation or parole supervision, or have completed their sentences but are disenfranchised under the "ex-felon" provisions of a dozen states.

Those men and women are working and paying taxes in the community, but are denied one of the country's most basic rights. In addition, the interests of public safety argue for having them engaged in the political process. Given high rates of recidivism for people leaving prison, the broader community needs to find ways to encourage them to take on the obligations and responsibilities of other citizens. People who feel a connection to the community will be less likely to victimize others.

When this nation was founded as an "experiment" in democracy, it was in fact a very limited experiment. White male property holders granted themselves the right to vote, thereby excluding women, African Americans, illiterates, poor people and felons.

Today, after 200 years of struggle for democracy, all of the previously excluded groups have been granted the right to vote except people with a felony conviction. We now look back on those former restrictions with a great deal of national embarrassment. Court decisions can determine whether particular laws are constitutional, but policy-makers must determine whether they are wise or necessary.

Marc Mauer is the executive director of The Sentencing Project and the author of "Race to Incarcerate."

The Anniston Star

Page 8A Thursday, September 28, 2006

EDITORIAL

'Moral turpitude'

With November's elections nearing, Alabama is dragging its feet when it comes to restoring voting rights to people with felony records.

A recent ruling by a Jefferson County circuit court judge would have allowed people with felony records to register to vote, pending a review by the Justice Department. This ruling would have cut through some of the bureaucracy surrounding the restoration of voting rights to felons, especially that whole ambiguous business about "moral turpitude." But Attorney General Troy King, a Republican, says, "Not so fast."

King, who is up for re-election this year, plans to appeal this ruling. In the meantime, he sent a letter to registrars throughout the state, instructing them to continue denying some felons the right to vote. It doesn't matter that these people might have served their required time, adhered to all probationary or parole requirements and paid their fines. They likely won't get to vote in this year's elections.

Some argue that felons lose other privileges for life besides the right to vote. For instance, felons lose their right to bear arms, so what's the big deal?

Let's get a mental image. In scenario A, we have a felon wielding a

firearm. In scenario B, the felon is wielding a voter registration card. One image implies that the person is going back to a life of crime, suggesting that prison and rehabilitation aren't synonymous. The other implies that sometimes people leave prison better than when they enter.

With all of the challenges felons face, why would King step on a ruling that would make the issue moot?

Former Alabama Republican Party Chairman Marty Connors may have said it best when he said, "... because felons don't tend to vote for Republicans."

According to a 2000 study conducted by The Sentencing Project, 210,000 prisoners, felons and parolees in Alabama cannot vote. More than half of them are black, representing 14 percent of the state's black voting-age population. Traditionally, blacks in Alabama vote Democrat.

Instead of going after this group of potential new voters, the Republican Party has in effect said it doesn't want them. And the Republicans certainly don't want the Democrats to have them either.

Continuing to disenfranchise a whole segment of our state's population for political reasons seems to be the very definition of an act of moral turpitude.

The New York Times

THURSDAY, OCTOBER 12, 2006

States Are Growing More Lenient in Allowing Felons to Vote

By ERIK ECKHOLM

Legislatures in 16 states have loosened voting restrictions on felons over the last decade, according to a new report, a trend hailed by some rights advocates as a step toward democratic principles and fairness, especially for black Americans.

Because of their high incarceration rate, blacks are most affected by the voting bans that vary widely among the states, with many barring current inmates and parolees from voting until they have fulfilled their sentences, and some barring felons for life.

In recent years, Iowa, Nebraska and New Mexico have repealed their lifetime bans on voting by people who have been convicted of felonies, and several other states made it easier for freed prisoners or those on probation to vote, according to the report, issued yesterday by the Sentencing Project, a liberal advocacy group in Washington.

The recent changes have restored voting rights to more than 600,000 individuals, the report said. But because the country's prison population has continued to rise, a record number of Americans, 5.3 million, are still denied the vote because of

criminal records, it concluded.

"It's good news that many people who'd been disqualified from voting are being re-engaged as citizens," said Jeremy Travis, president of the John Jay College of Criminal Justice in New York and a leader of the movement to smooth the re-entry of prisoners to society.

"I think people are realizing that the country had gone too far in marginalizing a large group of people who have been convicted of felonies," Mr. Travis said. "This has had profound consequences for our democracy and the participation of minorities."

But some conservatives remain philosophically opposed to any wholesale loosening of voting restrictions. "If you're not willing to follow the law, then you shouldn't claim the right to make the law for someone else," said Roger Clegg, president of the Center for Equal Opportunity, a conservative advocacy group in Washington.

Mr. Clegg, who was a senior Justice Department official in the Reagan and first Bush administrations, said that those convicted of felonies should be given the vote only case by case, when they have proved to be

constructive members of society.

Some restrictions on voting date to the early years of the country or to the post-Civil-War period, while others were tightened during the "get tough on crime" era of the 1980's.

By federal law, voter rules are mainly set by the states. As a result, even in presidential elections, former prisoners can vote in some states but not others.

Only two states, Maine and Vermont, have no restrictions, even permitting inmates to vote. At the other extreme, three states, Florida, Kentucky and Virginia, still have lifetime bans on voting by felons. Nine others bar selected groups of offenders for life.

New York, Connecticut and New Jersey, like most states, do not allow current inmates or parolees to vote.

In a ballot initiative in Rhode Island this November, voters will decide whether to restore voting rights to prisoners on parole or probation, who far outnumber inmates. Early polls show public support for the measure.

Advocates of change emphasize broad arguments about democratic process, but the racial disparities give the issue a special resonance

and raise questions about the representation of minorities in politics.

In 2004, one in eight black men were unable to vote because of a felony conviction, the report said, a rate many times higher than that for other groups.

Felony convictions have left one in four black men barred from voting in five states: Alabama, Florida, Mississippi, Virginia and Wyoming, said Ryan S. King, author of the report and a policy analyst at the Sentencing Project.

But Mr. Clegg argued that the voting restrictions were applied evenhandedly, and that just because they had a disproportionate impact on one group, that did not make them racially discriminatory.

Though data on felon voting patterns are murky, a large majority of former prisoners are believed to lean Democratic. Even with a low turnout rate, their participation could make a difference in close races, experts say. Florida's rules, for example, might have been a factor in the 2000 presidential election.

In Texas in 1997, Gov. George W. Bush signed a law eliminating a two-year wait before prisoners ending their parole could vote.

Los Angeles Times

A24 FRIDAY, DECEMBER 1, 2006

LOS ANGELES TIMES

U.S. prison numbers up 35% in 10 years

By MIMA MOHAMMED
Times Staff Writer

WASHINGTON — About 7 million adults — accounting for 3% of the U.S. population — were incarcerated, on probation or on parole at the end of 2005, the Justice Department said Thursday.

Of that total, 2.2 million individuals were in federal and state prisons or local jails, 4.1 million were on probation and more than 784,000 were on parole.

"These numbers are not worthy of celebration. We are becoming more punitive," said James Alan Fox, a criminal justice professor at Northeastern University in Boston. "We put so many more people into prison — the question is what happens to them when they get out."

California, the most populous state, held the largest number of inmates (170,676). Only the federal system housed more, according to the annual survey by the department's Bureau of Justice Statistics.

The total number of inmates rose 35% from 1995 to 2005, but their racial composition was little changed. In 2005, blacks made up 40% of inmates, whites 35% and Latinos 20% — small

changes from a decade earlier.

Although men were far more likely than women to be jailed or imprisoned, the number of women behind bars increased at a faster rate last year — up 2.6%, compared with a 1.9% increase for men. California had the third highest number of female inmates (11,667), after Texas — the second most populous state — and the federal system. As of the end of 2005, women made up 7% of all federal and state prisoners, up from 6.1% a decade earlier.

The Sentencing Project, an advocacy group that supports alternatives to incarceration, blamed the larger number of women behind bars on harsh sentences handed down for non-violent drug offenses. Drug crimes — up 64.8% from 1996 to 2003 — accounted for the largest increase in the number of inmates in the federal system.

"What is our prison system accomplishing? They are not reducing crime because people are not being rehabilitated," said Kara Gotsch of the Sentencing Project. She cited "a lack of rehabilitative services in programs, especially with limited access to drug rehabilitation."

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