



RESEARCH AND ADVOCACY FOR REFORM



## **ANNUAL REPORT 2007**

**A Year of Historic Change**

## A YEAR OF HISTORIC CHANGE

In 2007 The Sentencing Project took full advantage of the newly emerging bipartisan movement for change occasioned by a renewed focus on evidence-based policies and concern about fiscal realities. Years of organizing by The Sentencing Project and our coalition partners created hope for reform of policies that had been challenged for years with little success. When opportunity knocked, The Sentencing Project was at the door.

Historic changes were made to the patently unjust and racially biased federal sentences for crack cocaine offenses, more than twenty years after their adoption. The Sentencing Project has challenged these unfair policies for years with research to highlight the racial disparities produced by the federal mandatory sentences for crack, and the tremendous burden that families from already economically disadvantaged communities experience as a result.

Change took place at nearly every point of the system. The U.S. Sentencing Commission lowered the guideline sentences for crack offenses, and subsequently made the change retroactive, making 19,500 people eligible to apply for sentence reductions that are expected to average about two years. The U.S. Supreme Court then ruled that federal judges were permitted to take into account the unfairness of the 100-to-1 quantity ratio for powder vs. crack cocaine when imposing sentences for crack offenses. Reform bills were introduced by Democrats and Republicans in both houses of Congress.

The Sentencing Project's efforts to remove barriers to voting by the more than 5 million people in the United States with felony convictions who are disenfranchised also moved forward. We provided communications support and media strategy to Maryland advocates in their successful effort to restore the vote to 55,000 individuals who have completed their sentences. In Florida, Governor Charlie Crist and the Board of Clemency voted to ease the rights restoration process for people with felony convictions, paving the way for several hundred thousand to become eligible to vote. Since we first helped to put the issue of voting rights on the front pages of America's newspapers in 1997, sixteen states have taken steps toward rights restoration and to improve the process for voting by people with convictions.

The critical advances that took place in 2007 were the result of the convergence of two vital elements – opportunity and preparation. This historic progress was the direct result of many

years of sustained, vigorous and concerted advocacy by The Sentencing Project and our coalition allies. Together we have produced the research to make the case that change was imperative, focused the attention of the media and the public to shape the debate and improve the climate for reform, and worked with policymakers to develop effective and fair responses for issues of crime and justice.

For more than two decades, we have helped to lead the charge for criminal justice reform, with the support of our generous individual contributors and loyal foundation partners. The Sentencing Project is dedicated to continuing our work on behalf of individuals, families and communities that are too often hidden, neglected or forgotten in public policy debates. We are grateful for your steadfast commitment to helping us shine the light on injustice and restore fairness to the criminal justice system.

While we're very proud of these accomplishments, we recognize that they represent only the beginning of a movement toward changing our criminal justice policies from ones that emphasize punishment to an approach that focuses on strengthening families and communities as a means of preventing crime.

In the wake of these important steps forward, and as we continue to advance our mission for fair and equal justice, we thank you for your support.

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

May 2008

## **MAJOR ACCOMPLISHMENTS 2007**

### **Advancing Crack Cocaine Sentencing Reform**

Federal crack cocaine sentences represent some of the most unfair and unjust policies contributing to racial disparity in the criminal justice system. The Sentencing Project continued to help lead a coalition effort to reform crack cocaine sentencing that achieved several important victories in 2007. We implemented a grassroots organizing and strategic media campaign targeting African Americans, worked closely with the U.S. Sentencing Commission, met with members of Congress, and submitted amicus briefs in two Supreme Court cases.

In April, the Sentencing Commission reduced the guideline sentences for crack offenses that led 19,500 people in prison to be eligible to apply for sentence reductions that will average 15 months, and reduce the number of people in federal prison by 3,800 over the next 15 years. In December, the Supreme Court ruled 7 to 2 that judges are permitted to consider the unfairness of the 100 to 1 quantity ratio between powder and crack cocaine as a rationale for sentencing below the guideline range.

### **Increasing Awareness of Racial Disparity in the Criminal Justice System and Promoting Racial Justice Reforms**

Unwarranted racial disparities in the criminal justice system are fundamentally unjust and weaken our democracy. The Sentencing Project released a study, *Uneven Justice: State Rates of Incarceration by Race and Ethnicity*, highlighting the variation in racial disparities between states, discussing the underlying causes, and recommending solutions for policymakers to alleviate these inequities. In Iowa, which had the nation's highest disparity rate, the report gained broad attention among media and decision makers. Town hall meetings were held across the state, Governor Chet Culver pledged to address the issue, and a key member of the legislature took up the challenge, inviting Executive Director Marc Mauer to address several legislative committees, meet with leadership and the Department of Corrections.

Racial disparities in the criminal justice system can be reduced by changes in policies and practice. In 2006, The Sentencing Project began promoting the use of racial/ethnic impact statements to assess the impact of new sentencing policies before they are adopted. In 2007, Oregon became the first state to introduce racial/ethnic impact legislation. Efforts were also underway in Iowa, Illinois, Wisconsin and Connecticut by the end of the year. In September, The Sentencing Project collaborated with the Delaware Supreme Court to facilitate a state-wide summit on increasing racial/ethnic fairness in that state.

### **Uncovering the Hidden Reality of Women in the Criminal Justice System**

The number of women in prison is increasing dramatically, and they are a particularly vulnerable population. More than half of women in state prison report having been physically or sexually abused, and women have higher rates of mental illness, drug use, unemployment and low rates of high school graduation.

With the publication of a series of briefing sheets, *Women in the Criminal Justice System*, The Sentencing Project brought new attention to the troubling increase in women incarcerated and under correctional supervision, with analysis of factors that are contributing to this increase, and the unique set of challenges facing women in the criminal justice system and their families. The briefing sheets were widely distributed and are available on The Sentencing Project's website.

### **Providing Solutions for More Fair and Effective Criminal Justice Policies**

Policymakers need real-world ideas and effective tools they can use to solve the problems they are trying to address. To provide solutions for making criminal justice policies more fair and effective, The Sentencing Project initiated a new publication series with a compilation of sentencing reform measures states have implemented to reduce their prison populations. *Changing Direction? State Sentencing Reforms 2004-2006* highlighted 22 changes states have made to their policies and was distributed to advocates and legislative committees in all 50 states and U.S. territories.

### **Exposing the Damage Caused to Communities by the War on Drugs**

The “war on drugs” has had a disastrous effect on American society, and is a primary contributor to the massive explosion of the prison population. To address this continuing failure, The Sentencing Project released a report examining the burden of the drug war on the criminal justice system and American communities. *A 25-Year Quagmire: The War on Drugs and Its Impact on American Society* assessed the strategy of combating drug abuse primarily with enhanced punishments at the expense of investments in treatment and prevention.

### **Advancing Opportunities for People Reentering their Communities after Prison**

In 2007, nearly 700,000 people returned to their communities from prison. As part of a coalition working to ease the burden of re-entry on individuals, their families and communities, The Sentencing Project continued to encourage policymakers to approve the Second Chance Act, which provides critical funding for job development, mentoring programs and drug treatment. In November, the House of Representatives passed the Second Chance Act, and the bill moved to the Senate, where it was also expected to pass.

### **Supporting Felony Disenfranchisement Reform**

People who are able to be actively engaged in their communities have the best chance of success. Voting in local, state and federal elections is an essential part of civic life. The Sentencing Project has been a national leader in the effort for voting rights restoration for people with previous felony convictions. In 2007, we provided communications and media support to advocates in Maryland for a successful effort that restored the right to vote to 55,000 individuals who have completed their sentences. We also continued to distribute our weekly *Disenfranchisement News* email update to nearly 2,000 subscribers. The disenfranchisement materials on our website continued to be among the most popular on our website, and were downloaded more than 60,000 times during the year.

## **INCARCERATION**

The Sentencing Project works in to increase public awareness of the growth in the use of incarceration, the financial and social costs of expanding the use of prison, and the limited value of incarceration to control crime. In 2007, our activities included:

### **Distribution of a Criminal Justice Primer to Key Federal Policymakers**

In January The Sentencing Project distributed research and analysis of federal criminal justice policy to all new and returning members of the U.S. House and Senate Judiciary Committees. The *Criminal Justice Primer* included data on prison populations and offenses, an analysis of the impact of incarceration on crime rates, information on the impact of felony disenfranchisement policies and the racial disparities that are exacerbated by federal crack cocaine sentencing policies. Members of Congress and their staff were invited to contact The Sentencing Project or visit our website for any further information or analysis of federal crime policies.

### **Distribution of *Incarceration and Crime* report and *Race to Incarcerate, 2<sup>nd</sup> Edition*, to Key State Policymakers**

To take advantage of the start of the state legislative sessions, The Sentencing Project distributed research, information and analysis to the chairs and co-chairs of judiciary and corrections committees of state legislatures in all 50 states via email and mail. The materials distributed included the revised edition of *Race to Incarcerate*; Executive Director Marc Mauer's widely-cited book on race, class and the criminal justice system, and *Incarceration and Crime: A Complex Relationship*, our 2005 report challenging the widely held misperception that the decline in crime rates since the 1990s was primarily a result of the increasing use of incarceration. Policymaker response to the materials was very encouraging, including a letter we received from the Chair of the Indiana House Committee on Courts and the Criminal Code, who wrote that the information would be very useful and "of great assistance in helping me make informed decisions on some very difficult issues this legislative session."

**Publication of a Series on Women in the Criminal Justice System**

In May, The Sentencing Project published a series of five briefing sheets on women in the criminal justice system. The series, *Women in the Criminal Justice System*, documents the implications for women of changes that have occurred over the last 20 years within the criminal justice system, including expansive law enforcement, stiffer drug sentencing laws and re-entry barriers. The series reports that the number of women in prison has increased at almost double the rate of men since 1985, and concludes that the “war on drugs,” economic disadvantage and the criminal justice system’s failure to carefully consider women’s involvement in crimes have fueled the increase. The particular family, socioeconomic, physical and mental health issues that women and their families face as a result of being incarcerated are detailed in the five-part series, which was posted on The Sentencing Project’s website and widely disseminated to advocates, policymakers and the media via email.

**Responding to Bureau of Justice Statistics and other reports**

In response to a report by the Police Executive Research Forum announcing an increase in violent crime that was reported on in the national media, Marc Mauer produced an op-ed analyzing the flaws in the report’s argument, and outlining the dangers of a knee-jerk policy response to the report. The op-ed was published by *The American Prospect* online, and subsequently featured in a news story by the *Wall Street Journal*.

The Bureau of Justice Statistics biannual reports on the U.S. prison population were released in June and December. In response, The Sentencing Project provided analysis and commentary to the media in conjunction with the release of the reports. In June we called attention to the sharp rise in state prison populations, and cited factors such as parole revocations on technical violations and to racial disparities in sentencing policies. In December, we provided analysis showing that more than 500,000 individuals are now incarcerated for drug offenses (an increase of 1200% since 1980) and that women are one of the fastest growing groups of prisoners.



## RACIAL DISPARITY

Racial disparities are widespread in the criminal justice system. This problem exerts powerful negative effects on low-income communities and communities in which there are high concentrations of people of color. A criminal justice system that treats all individual equally is a fundamental human right, and essential to democracy. The Sentencing Project's activities to reduce racial disparities in 2007 included:

### **Advocacy on Capitol Hill, to the Supreme Court and U.S. Sentencing Commission for changing the sentencing disparity for crack vs. powder cocaine offenses**

The Sentencing Project is a leading partner in a coalition encouraging policymakers to end the sentencing disparity for powder vs. crack cocaine offenses. Although it is chemically identical, the amount of powder cocaine that triggers a five-year, mandatory prison sentence is 100 times greater than that of crack cocaine. Crack is sold in smaller, cheaper quantities in inner-cities, while powder cocaine is more likely to be found in affluent suburbs. Consequently, this sentencing disparity disproportionately affects people from low-income communities of color, further exacerbating racial disparities in the criminal justice system.

### **Capitol Hill**

In 2007, The Sentencing Project was extremely active in communicating the urgent need for reforming the harsh federal penalties for low-level crack cocaine offenses to a bi-partisan group of policymakers. We met with representatives of the new Democratic leadership on the issue, including House Speaker Nancy Pelosi and House Majority Whip James Clyburn. We also regularly met and worked with the staff of Senate and House Judiciary Committee leaders and members, along with other lawmakers. In addition, The Sentencing Project developed and distributed materials that highlight the devastating impact of the crack cocaine sentencing law, sponsored two briefings for policymakers and staff in the U.S. House and Senate, and Executive Director Marc Mauer provided testimony in a hearing before the House Subcommittee on Crime, Terrorism and Homeland Security.

In June, two crack cocaine sentencing reform bills were introduced in the Senate for the first time. One was a bi-partisan bill to raise the quantity trigger for the five year mandatory minimum from 5 grams to 25 grams, with no change to the current penalties for powder cocaine. Sen. Joseph Biden later introduced the *Drug Sentencing Reform and Kingpin Trafficking*

*Act*, a bill that would equalize the penalties for crack and powder cocaine, a position The Sentencing Project has long advocated. Late in the year, Representative Sheila Jackson Lee introduced the companion to Senator Biden's bill in the House of Representatives, co-sponsored by 23 members of the House. The Sentencing Project's Executive Director spoke at a press conference hosted by Rep. Jackson Lee the day after her bill was introduced.

### **Supreme Court**

The Sentencing Project submitted an amicus curiae brief (with *pro bono* help from the law firm O'Melveny and Myers) in two Supreme Court cases. The amicus brief in *Kimbrough* addressed the issue of whether judges should be able to consider the racially disparate impact of crack cocaine law or recommendations by the United States Sentencing Commission when determining a sentence for a defendant in a crack cocaine case.

Oral arguments in *Kimbrough* were heard in October. In December, the Court ruled 7 to 2 that a federal district judge's below-guideline sentencing decision based on the unfairness of the 100 to 1 quantity disparity between powder and crack cocaine was permissible.

### **United States Sentencing Commission**

The Sentencing Project worked closely with the U.S. Sentencing Commission as it prepared its fourth report and recommendations to Congress for reducing crack cocaine sentences. In April, the Commission proposed an amendment to decrease the guideline sentences for crack cocaine offenses. It was estimated by the Commission that the amendment would reduce crack sentences by 15 months on average and reduce the size of the federal prison population by 3,800 in 15 years. The amendment went unchallenged by Congress and took effect November 1.

One month later, after holding a hearing and receiving public comment from over 30,000 individuals and organizations, including The Sentencing Project, the Commission voted to make its guideline reduction retroactive. The decision, effective March 3, 2008, makes an estimated 19,500 persons in prison eligible to apply for a sentence reduction expected to average just over two years. The releases are subject to judicial review and will be staggered over 30 years. In advance of the Commission's decision, The Sentencing Project prepared a letter to the members of the Commission urging a retroactive application of the amendment and arguing that all persons who have been impacted by unjust crack cocaine sentencing guidelines should be afforded the benefit of this critical remedy. Executive Director Marc Mauer also testified before the Commission on the topic in November.

While the 2007 sentencing guideline adjustments provided relief to crack cocaine offenders, the Commission noted that the changes were “only a partial step in mitigating the unwarranted sentencing disparity that exists between Federal powder and crack cocaine defendants...Only Congress can provide a comprehensive solution to a fundamental unfairness in Federal sentencing policy.”

Throughout 2007 The Sentencing Project’s met regularly with members of the Commission and its staff. We submitted several statements endorsing reform during the open periods of public comment, recruited other organizations and members of Congress to submit comments to the Commission, recruited witnesses to testify before the Commission in March, and attended numerous Commission hearings and public meetings.

### **Grassroots outreach and media campaign**

In June, The Sentencing Project and coalition partners, the American Civil Liberties Union, Open Society Institute and Drug Policy Alliance, began coordinating a grassroots outreach and media campaign to educate the public about the crack and powder cocaine sentencing disparity. A media firm was engaged to target African American reporters and media outlets around the country and to influence media coverage in specific geographic regions. An organizer was hired to manage outreach to grassroots constituencies and to mobilize people and communities affected by crack cocaine sentences.

The Sentencing Project launched its public education campaign, *It's Not Fair. It's Not Working*, in August at the annual convention of the National Association of Black Journalists in Las Vegas. Kemba Smith, who was formerly incarcerated in federal prison for a crack cocaine offense, joined us to describe her experience of being sentenced under the mandatory minimum laws and to answer questions from reporters. The convention also featured two candidates for the Democratic nomination for president, Senators Hillary Clinton and Barack Obama, who separately spoke about racial disparity in sentencing during their speeches. Press coverage during the convention included two columns in the *Boston Globe* that called on the candidates to support equalization of the 100-to-1 crack cocaine sentencing disparity.

**Publication of *Uneven Justice: State Rates of Incarceration by Race and Ethnicity***

The Sentencing Project updated and expanded a study documenting the racial and ethnic disparity in state rates of incarceration, which was released in July. The report highlights the variation in disparity between states, discusses the underlying causes, and suggests steps that policymakers can take to alleviate these inequities. *Uneven Justice* received national media coverage in the Associated Press and *USA Today*. Editorials calling for reform and citing the report appeared in the *Des Moines Register*, *Rochester Democrat and Chronicle*, *Daily Nonpareil* (VT) and *Roanoke Times*. Policy analyst and report co-author Ryan King subsequently had op-eds published in response to invitations from the *Modesto Bee* (CA) and *Rochester Democrat and Chronicle*.

In Iowa, which had the highest racial disparity in incarceration, response to the report sparked a series of town hall meetings in Des Moines and Waterloo and led to a pledge from Governor Chet Culver that the state would take steps to address the problem. The Sentencing Project was also contacted by state Representative Wayne Ford, the longest serving African American in the state legislature, and a founder of the Brown and Black Presidential Forum, an influential event held in each presidential election year to encourage presidential candidates to address issues of concern to minority communities.

Representative Ford successfully added criminal justice issues to the Forum in December 2007, and came to Washington to meet with Executive Director Marc Mauer to develop ideas about how to further advance criminal justice reform with Iowa policymakers. Marc Mauer was invited to travel to Iowa in January 2008 for two days to address the legislature on racial disparity in the criminal justice system, meet with the House leadership and the Judiciary Committee, speak at a press conference at the Iowa Statehouse, and meet with the Overrepresentation of Blacks in Prison Committee at the Department of Corrections.

Policy Analyst Ryan King was also invited by the University of Northern Iowa and the Waterloo/Cedar Falls Disproportionate Minority Contact (DMC) Task Force to travel to Iowa in April 2008 for a series of events focusing on race and the criminal justice system.

**Promoting Racial/Ethnic Impact Statements**

In an effort to eliminate policies and practices that result in the disproportionate confinement of people of color, The Sentencing Project has been promoting the use of racial/ethnic impact investigations and statements prior to the implementation of any new sentencing policies. Marc Mauer prepared a journal article making the case for such a policy, "The Hidden Problem of Time Served in Prison," which was published in the *Ohio State Journal of Criminal Law* in fall 2007.

Earlier in the year, The Sentencing Project worked with an Oregon criminal defense attorney to help develop the case for racial/ethnic impact investigations. The attorney subsequently authored an op-ed on the subject for the *Oregon Statesman*, and collaborated with Representative Chip Shields to introduce legislation to require the assessment of the impact of new prison related laws on the racial and ethnic makeup of the prison population. In addition, The Sentencing Project met with Iowa Representative Wayne Ford on his plans to introduce racial/ethnic impact legislation in his state.

## SENTENCING POLICY

The Sentencing Project provides key policymakers, opinion leaders and advocates with viable options for reforming sentencing and promoting greater use of alternatives to incarceration.

### **Publication of Report on State Sentencing Reforms 2004 - 2006**

The Sentencing Project published a new study reporting growing momentum for sentencing reform designed to limit prison population growth and reduce ballooning corrections budgets. *Changing Direction? State Sentencing Reforms 2004-2006* found that at least 22 states had enacted sentencing reforms in the previous three years. The report identified that the most popular approach for reducing prison crowding -- implemented by 13 states -- was the diversion of low-level drug offenders from prison to drug treatment programs. It described additional policy changes that included expansion of alternatives to incarceration for non-violent offenders; parole and probation reforms designed either to reduce time served in prison or to provide supervision options to reduce the number of revocations to prison; and broader sentencing reform, such as modifying controversial mandatory minimum sentencing laws.

*Changing Direction? State Sentencing Reforms 2004-2006* encouraged lawmakers to build on these positive legislative developments by continuing to enact evidence-based criminal justice policies. The report included recommendations that policymakers expand the use of drug treatment as a sentencing option; utilize intermediate sanctions for technical violations of parole and probation; repeal mandatory minimum sentences; and reconsider sentence lengths.

### **Collaborating with State Advocates to Advance Criminal Justice Reform**

In addition to our efforts to assist with the development of racial impact statements in Oregon, The Sentencing Project worked with advocates in Connecticut in the late fall, when the legislature was attempting to enact harsh new sentencing policies in the wake of a high-profile incident in that state. The Sentencing Project staff, in conjunction with the Connecticut American Civil Liberties Union, drafted text in advance of a public hearing before the Connecticut Joint Committee on the Judiciary regarding a number of legislative proposals. The testimony, delivered by a board member of the Connecticut ACLU, opposed the creation of new mandatory minimum sentences and called upon the legislature to use caution in weighing

the potential legislative responses. Staff were also contacted by the chair of the House Judiciary Committee and a key African American legislator for analysis and input into policy deliberations.

### **Publication of A 25-Year Quagmire: The War on Drugs and Its Impact on American Society**

To highlight the continuing failure of the war on drugs, and examine its burden on the criminal justice system, and American communities, The Sentencing Project published *A 25-Year Quagmire: The War on Drugs and Its Impact on American Society* in September. The report assessed the strategy to combat drug abuse primarily with enhanced punishments at the expense of investments in treatment and prevention. Our analysis found that since 1980, the number of people in the nation's prisons and jails for drug offenses has swelled by 1100% to a record half million persons. Drug arrests have tripled since 1980, to a record 1.8 million by 2005, although they have largely bypassed the "kingpins" of the drug trade. Four of five (81.7%) drug arrests in 2005 were for possession offenses, and 42% were for marijuana charges.

### **Advancing opportunities for people leaving prison and their communities**

The Sentencing Project works with a broad coalition of law enforcement, religious, state and local government, and civil rights organizations that seek to ease the re-entry process for people leaving prison. Our advocacy efforts are focused on passage of the Second Chance Act of 2007, a bill that would increase funding for prisoner mentoring programs, substance abuse treatment and job training for people leaving prison. Along with coalition partners, The Sentencing Project meets with policymakers to discuss the importance of these programs in the lives of people returning to communities often lacking adequate social services. In May, we co-sponsored a briefing with the International Community Corrections Association for House staffers and policymakers to highlight the importance of coordinating such services and programs with parole and probation supervision.

In a letter, The Sentencing Project also urged Senate leaders and Judiciary Committee members to hold hearings on the Second Chance Act. Mark-up sessions were later held in both chambers. In November, the House of Representatives passed the Second Chance Act, and there was hope for the Senate to act early in 2008.

## FELONY DISENFRANCHISEMENT

The Sentencing Project is one of the leading national organizations working to end the disenfranchisement of people with felony convictions and toward voting rights restoration. In 2007, we continued to work with our Right To Vote Campaign partner organizations, the American Civil Liberties Union and the Brennan Center at New York University Law School, to expand the national debate about felony disenfranchisement. We maintained The Sentencing Project's disenfranchisement website, a primary resource of information and analysis on the issue, and our publications were downloaded 60,000 times during the year. We continued to distribute a weekly e-mail news update to 1,900 subscribers throughout the year, highlighting policy developments, research, organizing activities, and news and editorial coverage of disenfranchisement. The Sentencing Project was in regular contact with national and regional media to provide information, analysis and commentary on disenfranchisement issues, including the editorial board of the *New York Times*, and other leading publications.

The Sentencing Project supports state advocates in their campaigns for disenfranchisement reform by advising on communications, providing strategic communications and media outreach, and producing targeted research reports. In 2007, The Sentencing Project provided significant assistance to advocates in Alabama and Maryland.

### Alabama

In March, The Sentencing Project staff worked with Alabama advocates to take advantage of the commemoration in Selma of the 42<sup>nd</sup> anniversary of "Bloody Sunday," a historic voting rights demonstration. There was much media attention on the events because two front-running candidates for the Democratic nomination for president, Senators Hillary Clinton and Barack Obama, were scheduled to attend. In an effort to insert discussion of felony disenfranchisement into the Voting Rights Act commemoration activities, The Sentencing Project provided strategy, wrote press releases and conducted outreach to the Alabama press on behalf of Reverend Kenny Glasgow, director of The Ordinary People Society.

Reverend Glasgow succeeded in meeting with Senator Clinton and Senator Obama to discuss felony disenfranchisement, as well as with the Reverend Al Sharpton, and participated in many of the weekend events. Reverend Sharpton spoke publicly about the issue during several of the



events. The Sentencing Project staff also ghost-wrote an op-ed for Reverend Glasgow that was published in the *Montgomery Advertiser* over the weekend.

### **Maryland**

In Maryland, Executive Director Marc Mauer and Policy Analyst Ryan King provided legislative testimony at committee hearings on bills to restore voting rights for people with felony convictions of both the Senate and General Assembly. After passing both chambers, the bill became law at the end of the session with the Governor's signature. Staff drafted and disseminated a press release when the governor signed the bill into law, which resulted in front-page coverage in the *Baltimore Sun*.

In July, The Sentencing Project helped organize media outreach and a press conference in Baltimore to educate the public about the change in the law and to encourage newly re-enfranchised people to register to vote. Support activities included drafting statements for the press conference, preparing materials for the press packet, developing spokesperson biographies, drafting a media advisory, drafting an op-ed for Justice Maryland Executive Director Kimberly Haven that was published the day of the press conference, and making pitch calls to the media. Television, radio and print reporters gathered to witness about a dozen men and women with felony convictions submit applications to register at the Baltimore City Board of Elections. With preparation provided by The Sentencing Project, several participants presented statements at the event and answered questions from reporters.

### **Florida**

In April, after long-term engagement and advocacy by our coalition partners, Republican Governor Charlie Crist and the Florida Board of Executive Clemency restored voting rights for most formerly incarcerated persons in a 3-1 vote. This change is particularly significant because it has the potential to impact several hundred thousand individuals.

## **INTERNATIONAL HUMAN RIGHTS**

The Sentencing Project aims to frame the national debate about crime and justice in international human rights terms by holding U.S. criminal justice policies accountable to international human rights norms. In 2007, we advocated to two international rights and rule-making bodies toward this end.

### **Petition to the Inter-American Commission on Human Rights to hold a hearing on U.S. disenfranchisement policies and practices**

The Sentencing Project collaborated with the International Human Rights Law Clinic at American University's Washington College of Law to produce a report on felony disenfranchisement in support of a petition for a formal hearing on the issue before the Inter-American Commission on Human Rights. The report, *Barriers to Democracy*, was issued in May, and examines the practice of felony disenfranchisement in the United States and the other nations of the Americas, and finds that the U.S. is far out of line with evolving international norms in this regard. The report concludes that the time is long overdue for the United States to follow the lead of its neighbors and the broader international community, to uphold treaties to which the United States is obligated, and to take steps toward universal suffrage by reforming its criminal disenfranchisement policies. The request for a hearing was endorsed by a broad range of civil rights and human rights organizations and leaders, including NAACP Chair Julian Bond, American Bar Association, Lawyers' Committee for Civil Rights Under Law, Global Rights, and many others.

### **Petition to the United Nations' CERD to recommend that the U.S. take immediate steps to address racial discrimination in criminal sentencing**

The Sentencing Project partnered with a broad coalition of domestic civil and human rights organizations to prepare and publicize a "shadow report" in advance of the United States' hearings before the United Nations Committee on the Elimination of Racial Discrimination (CERD). This report highlighted the discriminatory impact of sentencing and post-conviction policies on the basic rights of racial and ethnic minorities. The Sentencing Project helped plan a two-day convening of nationally-renowned experts and advocates to discuss critical issues in race and criminal justice policy that should be addressed in the report, and coordinated and helped draft the criminal court case processing section for the report, which was submitted in December, 2007.

## **PUBLIC EDUCATION**

The Sentencing Project provides broad-scale public education on criminal justice issues to the public, advocates, policymakers and the media to build support for reform. Staff make presentations on criminal justice issues at conferences and other events, provide testimony to legislative bodies, produce commentary in the media and journal articles for academic and other publications, and are widely sought after by news producers, editors and reporters for comment and background on a wide range of criminal justice issues. Below is a detailed list of our 2007 activities:

### **Speaking Engagements/Public Education events**

The Sentencing Project's staff and leadership made presentations on criminal justice reform issues to the following audiences:

#### **Conferences, Workshops and Seminars**

ACLU Florida

ACLU Tennessee Disenfranchisement Conference

AME Conference on Disenfranchisement, Annapolis, MD

American Society of Public Administrators

American University

American University Washington College of Law

Brennan Center New York University Law School

Cedar Lane Unitarian Church

Coro Institute Public Affairs Fellows

Delaware Criminal Justice Council Racial Fairness Summit

Detention Watch Network

Edgewood College Forum on Wisconsin's Correctional Future

Franklin & Marshall College

Georgetown University Law School

George Washington University

Global Rights Convention on the Elimination of all forms of Racial Discrimination

Indiana Correctional Association

International Association for Re-Entry

Midwest Methamphetamine Conference, Lincoln, NE

Ohio State University, Kirwan Institute for the Study of Race and Ethnicity  
Sandy Springs Friends School  
2nd National Conference on Methamphetamine, HIV and Hepatitis  
Society for Humanistic Judaism  
Stanford Law School  
United Nations High Commissioner for Human Rights and U.S. Civil Society Leaders  
University of Georgia School of Law  
University of Virginia Law School, Black Law Students Association  
Urban Leadership Institute, Baltimore, MD  
Wisconsin ACLU and NAACP Community Summit on Fair Elections

### **Legislative Testimony and Briefings**

The Sentencing Project was invited to submit testimony and consult with legislative staff on briefings for policies under consideration by state and federal policymakers.

#### **Testimony and briefings were provided to the following bodies/committees:**

Congressional Briefing: Impact of Incarceration on Crime, with Vera Institute for Justice  
Maryland General Assembly: Testimony on Felony Disenfranchisement  
Maryland Senate Judiciary Committee: Testimony on Felony Disenfranchisement  
U.S. House Judiciary Committee: State of American Freedom Forum  
U.S. House Judiciary Subcommittee on Crime, Terrorism and Homeland Security:  
    Testimony on Mandatory Minimums  
U.S. Senate Briefing: Crack Cocaine Sentencing  
U.S. House Judiciary Subcommittee on Crime, Terrorism and Homeland Security: Crime  
    Policy Summit

## **MEDIA**

The Sentencing Project promotes rational criminal justice policies, serves as a resource for the media, and conducts outreach to the media on criminal justice policy issues. Staff have daily contact with national and regional media for interviews, data analysis, story ideas and developing op-eds and letters-to-editors. Selected media coverage during 2007 included:

### **Op-Ed and Commentary by The Sentencing Project**

American Prospect – Marc Mauer, “What Crime Wave?”

Clarion Ledger – Marc Mauer, “A Balanced Policy Needed” (with Ron Welch)

Issues in Science and Technology – Marc Mauer, “A Better War on Drugs”

Modesto Bee – Ryan King, “Too many Latino men are living in prison” (with Angela Arboleda)

Philadelphia Inquirer – Marc Mauer, “The Selective and Unfair Penalty for Crack”

Rochester Democrat and Chronicle – Ryan King, “Balance the Scales of Justice for People of Color Serving Jail Time”

TomPaine.com – Marc Mauer and Kara Gotsch, “Seeking Justice in the Drug War”

Washington Post – Kara Gotsch, “It’s Right to Grant Former Felons the Right to Vote”

### **Academic Journals and Book Chapters**

Social Research – The New School, Marc Mauer, “The Hidden Problem of Time Served in Prison”

Ohio State Journal of Criminal Law – Marc Mauer, “Racial Impact Statements as a Means of Reducing Unwanted Disparities”

Marc Mauer, “Race, Class and the Development of Criminal Justice Policy,” in Jonathan Rothchild, Matthew Myer Boulton, and Kevin Jung, eds., *Doing Justice to Mercy: Religion, Law and Criminal Justice*

Marc Mauer, “Reducing Incarceration to Expand Opportunity,” in Brian D. Smedley and Alan Jenkins, eds., *All Things Being Equal*

**Print and Online**

Al Día  
All Headline News  
Afro American Newspapers  
America Magazine  
American Prospect  
Associated Press  
Atlanta Journal Constitution  
Baltimore Sun  
Baltimore Times  
Black News Weekly  
Boston Globe  
Capital Times (Madison, WI)  
Chicago Tribune  
Christian Science Monitor  
Chronicle of Philanthropy  
Clarion Ledger  
Concord Monitor (NH)  
Congressional Quarterly  
Corrections Professional  
CQ Today  
Dallas Morning News  
Delaware News-Journal  
Des Moines Register  
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National Journal  
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**Print and Online International**

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Air America with Rachel Maddow

Afro American Radio

Al Franken Show

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CNN

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WVON Chicago Cliff Kelly Show

XM Satellite American Urban Radio

XM Satellite "The Power" with George Wilson

XM Satellite Urban Journal

**International Broadcast**

Australian Broadcasting Network

Islam Radio

## STATEMENT OF FINANCIAL POSITION

December 31, 2007

### ASSETS

#### Current Assets

Cash and cash equivalents		\$ 1,773,338
Accounts receivable		52
Grants receivable		165,000
Prepaid expenses and other assets		3,500

Total Current Assets		1,941,890
----------------------	--	-----------

Furniture and equipment, net of accumulated depreciation of	\$90,002	20,432
---	----------	--------

TOTAL ASSETS		\$ 1,962,322
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### LIABILITIES AND NET ASSETS

#### Current Liabilities

Accounts payable		\$ 29,715
Accrued expenses		10,659
Total Liabilities		40,374

#### Net Assets

Unrestricted		1,716,676
Temporarily restricted		205,272

TOTAL NET ASSETS		1,921,948
------------------	--	-----------

TOTAL LIABILITIES AND NET ASSETS		\$ 1,962,322
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## STATEMENT OF ACTIVITIES

For the Year Ended December 31, 2007

	Unrestricted	Temporarily Restricted	12/31/2007 Total
	<u>                    </u>	<u>                    </u>	<u>                    </u>
REVENUE AND SUPPORT			
Grants	\$ 1,098,000	\$ 240,000	\$ 1,338,000
Individual contributions	193,535	-	193,535
Consulting/training fees	25,390	-	25,390
Speaker fees and honoraria	10,267	-	10,267
Publications and other revenue	1,351	-	1,351
Royalties	3,937	-	3,937
Interest income	36,941	-	36,941
Net assets released from restrictions:			
Satisfaction of program restrictions	567,526	(567,526)	-
TOTAL REVENUE AND SUPPORT	<u>1,936,947</u>	<u>(327,526)</u>	<u>1,609,421</u>
EXPENSES			
Program services	581,468	-	581,468
General and administrative	73,211	-	73,211
Fundraising	176,804	-	176,804
TOTAL EXPENSES	<u>831,483</u>	<u>-</u>	<u>831,483</u>
Change in Net Assets	1,105,464	(327,526)	777,938
NET ASSETS, BEGINNING OF PERIOD	611,212	532,798	1,144,010
NET ASSETS, END OF PERIOD	<u>\$ 1,716,676</u>	<u>\$ 205,272</u>	<u>\$ 1,921,948</u>

## STATEMENT OF FUNCTIONAL EXPENSES

For the Year Ended December 31, 2007

	Felony Disenfranchisement	Advocacy	Public Education	Total Program	General and Administrative	Fundraising	12/31/2007 Total
Salaries and benefits	\$42,287	\$ 45,375	\$ 289,188	\$ 376,851	\$ 32,407	\$ 96,311	\$ 505,569
Consultants	3,602	1,516	85,312	90,430	5,270	10,618	106,318
Meetings	490	258	3,720	4,469	895	2,585	7,948
Printing	612	657	5,686	6,956	2,283	21,403	30,642
Travel	2,022	712	9,130	11,864	1,035	1,627	14,526
Legal and accounting	1,416	1,519	9,680	12,615	5,279	3,458	21,352
Postage and delivery	391	412	6,106	6,909	1,432	24,482	32,823
Occupancy	4,782	5,131	32,699	42,611	17,834	10,890	71,336
Office supplies	251	270	3,173	3,694	938	673	5,305
Telephone and fax	593	636	4,056	5,285	2,211	1,351	8,846
Equipment and maintenance	54	272	1,736	2,262	946	1,219	4,427
Miscellaneous	5	5	34	44	19	11	74
Depreciation	454	487	3,102	4,043	1,693	1,033	6,769
Insurance	128	137	874	1,139	476	291	1,906
Bank service charge	54	58	390	502	203	123	828
Dues/Publications	43	67	1,370	11,479	158	648	12,286
Website	36	38	243	317	131	81	529
<b>TOTAL EXPENSES</b>	<b>\$ 57,419</b>	<b>\$ 57,550</b>	<b>\$ 466,499</b>	<b>\$ 581,468</b>	<b>\$ 73,211</b>	<b>\$ 176,804</b>	<b>\$ 831,483</b>

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