

Coalition

FOR FEDERAL SENTENCING REFORM

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COALITION FOR FEDERAL SENTENCING REFORM

A project of the National Center on Institutions and Alternatives

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YEAR IN REVIEW ISSUE

Thank You Members for Your Efforts in 1999

We want to thank all of you who have contributed to the Coalition's efforts during the past year. Member contributions come in many forms and each is important and essential in our efforts to reform the federal sentencing guidelines system.

Monetary contributions, large and small, help defray the costs incurred by the Coalition. Two generous gifts this past Fall allowed us to print and distribute this expanded newsletter to you at no charge. Incarcerated members and their families have helped us gather information through institutional surveys and by forming a sister organization — *GAG — Grandparents Against Guidelines* (see page 6). Coalition members served as panelists during two Coalition-sponsored conferences on elderly inmates (see page 2); they helped pass an American Bar Association resolution calling for the release of elderly inmates (see page 4); and they worked with the media to get stories about the need for sentencing reform on radio, television and in print (see page 5).

Perhaps of greatest importance, Coalition members have led our membership drive. We have traditionally had a membership that included mainly inmates and defense attorneys. In 1999, the families and friends of inmates began to join the Coalition in larger numbers (see page 7). This was accomplished through the grassroots efforts of those in prison and their families, who understand firsthand the destructive nature of sentencing

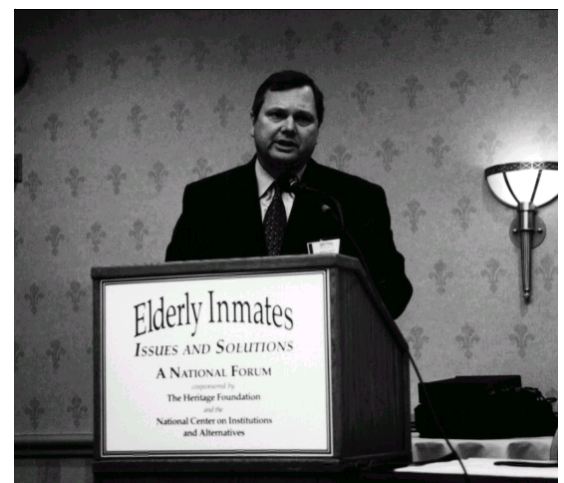
practices that turn a blind eye to the individual.

Through the Coalition's work with the media and other public policy groups, millions of Americans have learned about the effects of the sentencing guidelines on elderly inmates. Coalition members have written or contributed to dozens of articles and stories in newspapers, magazines, radio and television.

On the legislative front, the Coalition is working to educate lawmakers concerning the need for sentencing guideline reform and for the release of elderly nonviolent inmates to community corrections.

Congressional staff participated in our national conference on elderly inmates and we have met with key members of Congress this term. Our goal is for Congress to pass meaningful legislation that will move appropriate elderly inmates from federal prison into community corrections.

This common sense proposal will be difficult to transform into law. The present



Herbert J. Hoelter welcomes guests to the National Conference on Elderly Inmates.

Congress is decidedly “tough on crime,” a stance that too often inhibits being smart on crime. As this is also an election year, persuading legislators to consider any proposal that would remove inmates from prison immediately conjurs up visions of Willie Horton.

We have crafted a proposal that is both meaningful criminal justice reform and safe for politicians. This proposal is outlined below. It has not been introduced as a bill yet. When it is, we will inform you of the bill number and how to support this legislation’s passage.

Elderly Inmate Proposal

- Establish a three-year pilot project that will move to community corrections (house arrest) federal inmates who:
 - 1) Are 65 years of age or older;
 - 2) Have served one-third of their sentence;
 - 3) Were convicted of a nonviolent and non-”Drug Kingpin” offense; and
 - 4) Have no institutional infractions for violent behavior or drug use.

- This pilot project will be assessed by an outside evaluator to determine:
 - 1) Rate of recidivism;
 - 2) Cost savings to community; and
 - 3) Ability to successfully reintegrate inmates into the community.

Elderly Inmate Initiative

Your Challenge for Y2K

While thankful for all that you have done over the past year, we challenge you to do more this year. If you are a member of the Coalition, make it your goal to discuss the need for sentencing reform with at least ten people. We realize that most people don’t know much about the dire effects of current

sentencing practices until they or a loved one are affected. Let’s educate as many people as we can before it’s too late. If you are not a member, sign up! A membership packet will give you what you need to educate others.

We need to further increase our membership numbers and raise our voices so that legislators hear our message. This is particularly important as we attempt to gain the release of elderly nonviolent inmates from federal prisons. With two million Americans incarcerated, we need to remind politicians that while inmates can not vote, their families and friends can and will!

As long as the public remains silent, sentencing reform will come slowly, or worse, not at all. Enlist your family, your friends, your clergy and your neighbors to help bring about positive change. ■

Coalition and Heritage Foundation Team Up for Elderly Inmates

Making the case for sanity in sentencing is now truly a bipartisan undertaking. Over the course of the past year, more and more people of all political ideologies have come out in favor of sentencing reform and ending this nation’s overuse of prison as punishment.

Former Reagan-era Attorney General, Edwin Meese III, has become a staunch supporter of the need to examine the way elderly offenders are dealt with by the criminal justice system. Now of the Heritage Foundation, Mr. Meese was instrumental in bringing national leaders in corrections and public policy together for two meetings concerning the plight of elderly inmates.

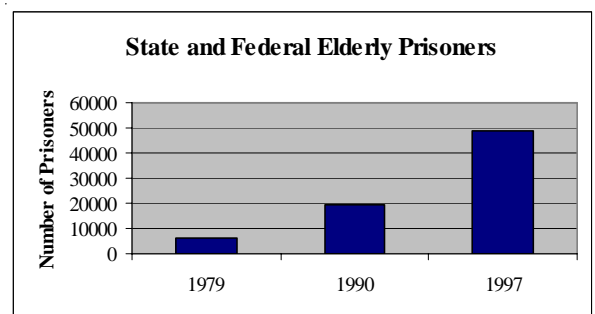
In October 1998, a small roundtable gathering of 30 researchers, policy makers

and advocates met at The Heritage Foundation in Washington, D.C. for an information exchange and planning session. Presentations were made by leading academic experts and current and former corrections administrators. The group discussed the growing number of elderly inmates, the costs associated with their confinement, appropriate institutional programming, the need for transition services upon release, potential alternatives to incarceration and the likelihood of creating a movement for change in a political environment that is decidedly anti-inmate.

There was unanimous support among the participants for two initiatives concerning elderly inmates: 1) educate a wider audience and 2) push for the legislated transfer of at least some elderly inmates into community corrections.

Highlights from our National Conference on Elderly Inmates

On April 28, 1999 more than 100 individuals attended a conference in Washington, D.C. entitled “Elderly Inmates: Issues and Solutions.” The conference was cosponsored by the National Center on Institutions and Alternatives and The Heritage Foundation. Edwin Meese of Heritage and Herbert Hoelster of NCIA welcomed



Source: Public Safety or Maximum Security Nursing Homes? Hoelster and Holman, 1998.

participants from Puerto Rico to California. Attendees included those from a broad spectrum of criminal justice professions, government agencies, advocacy and victim rights groups, and family members of elderly inmates. Deputy Attorney General, Eric Holder was the keynote lunch speaker.

Three panels were organized to explore the topic (see Agenda). Session One, entitled "Defining the Growing Number and Special Needs of Elderly Inmates," was moderated by Michael Quinlan, former Director of the Federal Bureau of Prisons. The panel consisted of academic researchers who have studied various aspect of the growing number of elderly inmates in state and federal prisons, their patterns of consumption of prison resources, and their general and specific needs that result from their advanced age. Two state corrections officials discussed their observations and experiences with elderly inmates. Recently retired after a distinguished career in the South Carolina Department of Corrections, James Harvey made an impassioned plea for the systematic evaluation of all older inmates for release to the community. Mr. Harvey noted that while it may be politically difficult to achieve, both those convicted of violent and nonviolent offenses are good candidates for release to community supervision. He also called for greater compassion within institutions for both the old and the sick.

Moderated by Dr. Herbert Rosefield of the North Carolina Department of Corrections, "Exploring Best Practices for Supervision, Service and Release Programs" examined the experiences of elderly inmates from their transition into prison, elderly-specific programming in prison, elderly ex-offenders on parole and probation, and existing release programs for elderly inmates. Panelists stressed the need for increased training of probation and correctional officers and administrators in the physical, mental and emotional changes that occur as one ages. Dr. Julia Hall pointed out that while some older inmates loose connections to their family and community, it is possible to resurrect or create stable and safe placements for elderly people being released from prison.

In Session Three, "Exploring Possible Administrative and Legislative Solutions," moderator Donald Santarelli, Chair of the National Committee on Community Corrections, asked the panel to discuss ways in which the issues brought forth in the first two panels can or should be addressed through changes in practice and law. Panelists discussed the administrative and political difficulties in bringing about any meaningful change in criminal justice practices or policy. Victims' rights advocate Anne Seymour stressed that

while calling for the release of those whose incarceration seems to not improve public safety is laudable, it should be done in a manner that insures the rights of victims are protected. ■

Conference Agenda Elderly Inmates: Issues and Solutions

April 28, 1999

Introductory Remarks

Edwin Meese III, Ronald Reagan Distinguished Fellow in Public Policy, The Heritage Foundation
Herbert J. Hoelter, Director, National Center on Institutions and Alternatives

Panel I: Defining the Growing Number and Special Needs of Elderly Inmates

Michael Quinlan, Former Director, Federal Bureau of Prisons
Ronald Aday, Middle Tennessee State University
Felicia Cohn, Center to Improve Care of the Dying
Roderick Gottula, University of Colorado
James Harvey, Retired Warden, South Carolina Department of Corrections
Reginald Wilkinson, Director, Ohio Department of Rehabilitation and Corrections

Panel II: Exploring Best Practices for Supervision, Service and Release Programs

Herbert Rosefield, North Carolina Department of Corrections, Health Services
Elizabeth Craig, National Prison Hospice Association
Jack Cowley, InnerChange Freedom Initiative
Julia Hall, Pennsylvania Prison Society, Drexel University
Gerald Hinzman, American Probation and Parole Association
Anne Seymour, National Victim's Rights Advocate
Jonathan Turley, Project on Older Prisoners

Luncheon Keynote Speaker

Eric H. Holder, Jr., Deputy Attorney General of the United States

Panel III: Exploring Possible Administrative and Legislative Solutions

Donald Santarelli, Chair, National Committee on Community Corrections
Terrance Gainer, Executive Assistant Chief of Police, Washington, D.C.
Carmen Hernandez, Federal Defender Training Group
Morna Murray, Victims' Assistance Legal Organization
Pat Nolan, President, Justice Fellowship
Michael Thomas, Prosecuting Attorney, Saginaw County, Michigan
Phillip Wise, Federal Bureau of Prisons ■

Coalition to Produce Monograph on Elderly "Best Practices"

Session Two of the Elderly Inmates conference raised much interest in how to deal with older prisoners. Through a planning grant from the Open Society Institute, the National Center on Institutions and Alternatives is working to publish a "Best Practices" Monograph that will address the special needs of older inmates. This monograph will include a series of articles that address how various actors can improve the prison experience for the older offender. Articles will cover diverting elderly to community corrections; transitioning from the community to prison; medical needs of the elderly during incarceration; work, educational and recreational programming for the elderly inmate; preparing for parole or timing out; transitioning to the community upon release; and release programs currently in place. ■

ABA Resolution Supports Coalition Efforts to Aid Elderly Inmates

In August 1999 the American Bar Association (ABA) held its annual conference in Atlanta. Coalition member Mary Shilton introduced a resolution concerning the treatment of elderly inmates to the ABA's Criminal Justice Council. This resolution had been passed by the ABA Corrections, Sentencing and Guidelines Committee of which Ms. Shilton is Co-Chair. The measure was approved by the Criminal Justice Council and ratified at the ABA House of Delegates winter meetings. The resolution is now official ABA policy, and is a giant leap forward in our efforts to convince state and federal governments to formulate release policies and community corrections alternatives for elderly inmates.

RESOLVED, that the American Bar Association recommends that state, federal and territorial correctional systems review sentencing and correctional policies and practices related to the growing population of elderly prisoners;

That the federal government, the states and territories adopt institutional classification health, and human services programs that address the special needs of the elderly;

That the federal government, the states, and territories adopt release procedures and community-based programs with treatment, and supervision for older inmates who are appropriate to be released to the community, consistent with public policy;

That bar associations, law schools and other organizations are urged to develop alternatives to provide humanitarian residential placements for elderly offenders.

By passing this resolution, members of the ABA can testify before legislatures, talk to the media and lobby policymakers concerning this issue in their official ABA capacities. ■

Coalition in the News

Education is one of the Coalition's key missions, and one of the most effective ways we can educate is through the media. Coalition members have been interviewed for pieces that appeared on television, radio and in magazines and newspapers. We have helped reporters and producers develop their stories. Two op-ed pieces by Coalition members follow.

Members Speak Out On...

Generations Lost

We received letters from three women: a grandmother, her daughter, and granddaughter, all of whom are serving time *together* at FCI Tallahassee in Florida. The grandmother is 75-years-old, having served five years on a 25-year sentence and she will be 94 years old upon release. She suffers from high blood pressure and is a diabetic with kidney and heart problems. Her daughter is 58-years-old. She has served 5 years on a 23-year sentence, she will be 76 upon release, and she experiences many of the same ailments. The nature of their crimes was not revealed, but one wonders whether they deserved a virtual death sentence.

Sentences of Immense Proportions for Nonviolent Offenders

Inmate at Three Rivers, Texas: "I am a federal prisoner currently being held . . . with a sentence of 108 months. My constitutional right to "due process"...has been run over much like a small animal in the path of an eighteen wheeler semi."

Wife of Federal Inmate: "My husband was sentenced to six years in prison on a marijuana smuggling charge. He was just a strong back . . . he had a completely clean record . . . This case involved no weapons or victims. I'm outraged and heartbroken . . ."

Inmate at FCI Phoenix: "I am currently serving a 189 year 8 month sentence for a first-time, nonviolent, victimless offense . . . the drug laws are illegal, but as long as they all stand together and can keep the drug war hysteria high they can keep putting people like me in prison."

Potential Trouble

Former Director of the Oregon Sentencing Guidelines Board: "The federal guidelines have done great damage, not only to individual defendants but the integrity of the courts themselves . . . And Congress' own misguided efforts in developing mandatory drug penalties . . . exacerbated tensions in courts, corrections crowding, and disparity."

Newly Concerned Citizen: "Recently a friend of mine was arrested on crack cocaine charges and it seems like they are trying to give him mandatory life. I had no idea the government would treat this charge as though he had killed or raped someone, seems it's better to rob and kill to make a living than to sell drugs at least you won't get a life sentence.

I'm having a hard time digesting this whole federal thing, if we don't have something done about this crisis I'm afraid that my people (African Americans) will take the law into their own hands. We will do what we have too (through any means necessary). It's just another way to keep us oppressed as I'm writing this letter I'm feeling a rage inside and I'm not anywhere violent so I know what others may be feeling..."

“Old Men Behind Bars”

by Barry Holman

Reprinted from *The Washington Post*
July 25, 1999

Earlier this month in Virginia, a few old and infirm men began moving into their new home, a prison constructed, outfitted and staffed to meet their “special needs.”

On first glance, the compassion shown by the state may seem laudable. But how appropriate is it to incarcerate thousands of elderly inmates in either regular prisons or prison nursing homes?

Virginia, like many other states, is being overwhelmed by a rapidly growing elderly inmate population that consumes a disproportionate amount of prison resources. In 1995, for example, Ohio projected that it would need 3,000 beds for elderly inmates by 2003. It exceeded that figure in 1997.

The National Center on Institutions and Alternatives recently conducted a national survey of correctional agencies. It found nearly 50,000 inmates age 55 and older in state and federal prisons, a 750 percent increase in the past 20 years. More than 50 percent of these prisoners are convicted of nonviolent offenses.

In the Federal Bureau of Prisons, non-violent offenders make up an astonishing 97.4 percent of elderly inmates.

Studies on criminal behavior and age show that the older we are, the less likely we are to commit crimes. Only 1.4 percent of those on probation or parole who return to prison are older than 55.

Yet instead of looking for alternative means of punishing, supervising and caring for elderly offenders, many states and the federal government spend huge amounts of taxpayer money to keep elderly and infirm inmates locked up long after they pose much risk to the community.

The cost of incarcerating an elderly inmate averages \$69,000 per year — two to three times the cost of other prisoners. Virginia spends more than \$61 million annually on only 891 inmates, who represent 3 percent of the inmate population. Virginia’s special facility for infirm and elderly patients will have room for only 200 prisoners — about one-fourth of its population of elderly inmates.

Instead of \$69,000 for a nursing home prison cell, we could spend \$32,000 (the national average) on non-secure nursing homes for those who are infirm. If necessary, nursing home care can be coupled with intensive probation supervision, which costs about \$6,500 annually. Additionally, many elderly inmates are veterans of the armed services and could have their medical needs met at VA hospitals. For those who do not need 24-hour care, other noninstitutional options are viable. House arrest, electronic monitoring, day reporting, day treatment or regular probation all cost tens of thousands less for each inmate and are well suited to nonviolent elderly offenders.

Last year the Heritage Foundation and the National Center on Institutions and Alternatives cosponsored two summits on elderly

inmates. We convened a group of national leaders, criminal justice professionals and concerned citizens that included former U.S. Attorney General Edwin Meese III and former Federal Bureau of Prisons director Michael Quinlan.

The group agreed that we must more wisely use our custodial resources. Specifically, we must devise appropriate facilities and activities for elderly inmates who will grow old and die in prison. But most important, we must devise alternative means of supervision for those elderly inmates who pose a limited threat to the community and for whom prison is not an appropriate means of punishment, supervision or care.

As a result of these meetings, legislation soon should be introduced in the Senate to end the senseless incarceration of nonviolent elderly federal inmates. If adopted, this legislation will save taxpayers millions of dollars each year without sacrificing public safety. Virginia and other states should be encouraged to pursue similar solutions. From both a fiscal and humanitarian perspective, our nation can do better.

Perspective on Poverty:

Listen to the Voices Behind Bars

by Herbert J. Hoelter and Barry Holman

Reprinted from *The Los Angeles Times*
July 28, 1999

All Americans should salute President Clinton’s recent journey into the poorest areas of this country. As a nation, we share a responsibility to take care of all our citizens. The president’s commitment to increasing job training, education and economic empowerment is welcome news.

President Clinton went to deliver a message to folks in need and to listen and learn from those who reside in our most economically disadvantaged neighborhoods. During his visits to our urban denizens, however, there was a large population in need of hearing his message — and in need of being heard — that was noticeably absent. Whether in Watts, Memphis, South Phoenix or East St. Louis, a significant proportion of young men of color were not available to meet the president or hear his words of encouragement and promise of a better future. They weren’t there because they were incarcerated.

By visiting jails and prisons, the president might have learned more about urban problems and solutions than at his luncheon with Magic Johnson. He certainly would have had a more readily available audience of young men in the 21,000-bed Los Angeles County Jail, or the state’s 43 penal institutions than in the community centers of Watts or the campus at USC. Perhaps such a visit would spur him to question both the conditions in society and the political policies that seem destined to lead young men of color into jail cells more reliably than across the commencement stage.

The incarceration of minorities is an issue worthy of a president’s consideration for a number of reasons. From an economic perspective, every citizen removed from a community and sent to prison for a year costs the taxpayers \$25,000. Every 100

young men sent from Watts to a California state prison represent a \$2.5 million “investment” for that community in that year. Jobs may be created in rural communities where prisons are located, but that is no help to the communities these young men return to when released.

The second reason worth addressing is that of the unintended consequences of locking up such a large segment of our population. Single-parent families, educational failures, lack of employment and employability, pervasive pessimism among youth about their futures and a general distrust of government agencies and authorities all feed into and result from the choice to incarcerate so many Americans of color. A president who has visited prisons and the home neighborhoods of most inmates might ask himself if a society that relies heavily on incarceration and an economy that is increasingly dependent on prison as an industry can sustain a democracy.

Half a century ago, the great sociologist C. Wright Mills stressed that when a critical mass of people experience something, we have to look at the “something” as a public issue itself. With the majority of young minority males in many cities enmeshed in the criminal justice system, we are at that point. We must look not only at their behavior but at the implications of our social policies as well. It is at the juncture of our nation’s history and these young men’s biographies where the president will find clues to unraveling this conundrum.

The challenge to Clinton, then, is to make another trip, this time including the jails and prisons where 2 million individuals now reside. In passing them by on his last trip, the president missed an important piece of the puzzle. ■

Overwhelming Response to Elderly Initiative

In the Fall of 1998 the Coalition announced the results of a national survey which revealed that the number of elderly in prison had risen 290 percent in the last ten years. The Coalition called for

the early release of elderly inmates sentenced for nonviolent offenses. The response was overwhelming. Two incarcerated Coalition members have been particularly helpful as we investigate the plight of elderly inmates and agitate for their release.

One inmate created an addendum to the survey, asking specific questions about certain medical problems experienced by elderly inmates. Although anecdotal, the results were interesting, highlighting the severe condition of many of our elderly prisoners. Here are some of the statements from that survey.

Inmate at Waymart Institution, PA: “I just wanted to let you know that elderly prisoners are falling like flies in these PA prisons. I am 61-years-old fighting cancer...I have had 6 surgeries and 35 radiation treatments...I doubt I will ever see my family again.”

Inmate at Tallahassee FCI, FL: “Just to let you know we are doing all we can for the Coalition . . . There are about 850 women in here. A lot of older ladies just like me. Never been in any trouble in their life. I am 69 years of age and was suffering from Bi Polar Manic Depression when I was arrested. . . . This June will be 3 years. There is not good medical treatment in here. I have always been a good Christian...I needed help not prison.”

Inmate at Parnall Correctional Trustee Division, MI: “I am wheelchair bound, with arthritis, high blood pressure, back problems, and have developed an ulcer. I am 63 years of age...”

Inmate at the Federal Medical Center in Fort Worth, TX: “I am appalled at the large number of inmates in this facility that are well over the age of 65. Recently we had a (man) who is age 85 sent to this facility for a period of six months. He does not know why he was sent here, and does not realize that he may have done something illegal...(He) is also confined to a wheelchair.

“We have older men here who are just being confined until their death...Most of the inmates here call that section of the Medical Center the “Pine Box Medical Center” because of the numerous deaths.” ■

“GAG” Formed to Fight Guidelines

As the nation’s population ages, older Americans are a potent political force. Research by the Coalition has shown the dramatic increase in older inmates and brought the issue to the attention of the public. Many of these older inmates are grandparents and conversely, many grandparents now have children and grandchildren incarcerated. Recognizing these facts, Coalition member **Adie Lipton**, an inmate at Alderson FPC, is working with others on the outside to bring these groups together. They’ve formed a new group called *Grandparents Against Guidelines* or “GAG”.

GAG has started two campaigns, one to get letters out to the newly appointed sentencing commission on the need to amend the guidelines, and a second called “Operation Hookup.” Aimed at creating a network of friends and relatives of inmates throughout the country linked via the Internet, Operation Hookup will use email to distribute letters to members then target the letters to legislators or appointed officials such as the sentencing commission. GAG’s ultimate goal is to put together a one million person march on Washington that would include a day of lobbying members of Congress “to get them to take notice, listen and respond to the needs of the American people whose families are being incarcerated for undue lengths of time.” To become a member of Operation Hookup, send in your email address to *Grandparents Against Guidelines* Box 1682 Boca Raton, FL 33429-1682 or call (561) 347-9927. ■

“Richard”: War Hero, Doctor, Elderly Inmate by Richard’s Cellmate in Federal Prison

One of my fellow inmates, I’ll call him Richard, is one of the elderly inmates. You see, Richard was a genuine war hero. Now in his seventies, he is one of the most decorated air force pilots from the Korean War, having won the Bronze Star and the Silver Star and the Purple Heart. He flew

fighter sorties in a P-41B into North Korea. On his last return trip to his South Korean base, he was seriously wounded in the jaw by fire from a Chinese MIG. He was 22-years-old at the time.

Richard worked in third world countries as a medical doctor for 45 years for an international foundation. His practice areas included Ecuador (10 years), Libya and Ghana (5 years). Because of a snafu on his W-2 from the foundation, his social security taxes were not paid from 1984-89. As he related to me, the investigators attempted two times in 1989 and 1993 and failed to fine him, but in 1996 made it stick (36 months).

His confinement was not destined to be peaceful. For the past several years he has been having bouts of depression and now is afflicted with dementia. The symptoms are typical: inability to sleep, dramatic changes in mood, inability to recognize his current problems. Last week he told me he started having bad dreams in which he relived the blood and gore of the air battles he fought.

Unfortunately for Richard, he imagines that heaven was sent to intercede for him

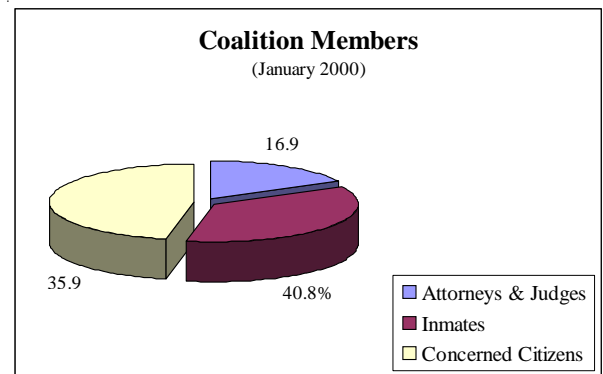
in Congress to stay his 36-month sentence. Because of his wartime experiences, he visualizes he is more suited than anyone else to know of and tell of war's death and destruction and Africa's genocide. He tells me almost daily that Congress will not forget him and he will be free to return home to his failing wife.

Focus on Coalition Membership

If there is a group that knows the banality of sentencing guidelines and the consequences that result, it is this country's nearly two million inmates. Being an inmate is by design an isolating existence. Yet the voice and actions of inmates can be far-reaching.

Since the Coalition was launched in March 1997, we have received thousands of letters, e-mails and countless phone

calls in support of the Coalition's mission. The endorsements have come from inmates and their families, judges, prosecutors and defense attorneys. We have heard of young lives ruined with sentences of immense proportions, and old men and women with ailing bodies wasting away in our penal institutions. We have heard stories of generations of families lost to the War on Drugs. A common thread existed as Coalition members discussed their anger and dismay at the current system. So many lives wasted.



SUPPORT SENTENCING REFORM—JOIN THE COALITION FOR FEDERAL SENTENCING REFORM TODAY!

The Coalition for Federal Sentencing Reform examines a variety of issues relating to the operation of the Federal Sentencing Guidelines and makes recommendations for reform. Our Congressional Symposium brought together judges, attorneys and sentencing experts to discuss the negative effects of the guidelines with members of Congress. Recently, we have begun working to effect the release of elderly nonviolent offenders from federal prison through a legislative initiative.

PLEASE JOIN AND HELP US REFORM FEDERAL SENTENCING LAWS
RETURN THIS FORM OR JOIN VIA OUR WEBSITE: WWW.SENTENCING.ORG

YES, I want to help. Sign me up as a member of the Coalition and send me newsletters and updates on sentencing reform!

Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Membership is free. Your donations help us fight to bring sanity to sentencing.

\$25 \$50 \$100 \$150 Other _____

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**JUSTICE BREYER ON WHO BEARS THE BRUNT
OF THE FEDERAL SENTENCING GUIDELINES**

Dissenting Opinion

United States v. Armstrong, et. al, 517 U.S. 456 687 (1996)

“Finally, it is undisputed that the brunt of the elevated federal penalties falls heavily on blacks. While 65% of the persons who have used crack are white, in 1993 they represented only 4% of the federal offenders convicted of trafficking in crack. Eighty-eight percent of such defendants were black. During the first 18 months of full guideline implementation, the sentencing disparity between black and white defendants grew from preguideline levels: blacks on average received sentences over 40% longer than whites. Those figures represent a major threat to the integrity of federal sentencing reform, whose main purpose was the elimination of disparity (especially racial) in sentencing.”