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Honorable Commissioners:

You have an opportunity to save thousands of lives with the proposed amendments now before you. My own life would have been one of them if I had not slipped out through the narrowest of cracks, which the Third Circuit Court of Appeals has since sealed shut. As a result of my good fortune, I carry with me each day the great weight of responsibility to serve as a model of second chance success, and to advocate for others who are equally as deserving as I, yet who may never take another breath beyond the prison walls without your assistance. My simple request is that you provide them, and their loved ones, with a glimmer of hope. I pray you preserve for them the possibility that they too might one day be able to restore their families and regain their rightful places in our community, just as I have done.

The journey which led me to where I am today began back in 2005 when the United States Supreme Court denied my certiorari. Along with the finality of my sentence came a nearly overwhelming sense of despair. I struggled mightily to hold on to hope in the face of seemingly insurmountable odds. Fortunately, I found strength within myself, from high above and from some unlikely sources around me that helped to carry me through those dark days.

At that time there appeared to be only two potential options for relief. My first option was to somehow convince Congress to amend the 924(c) firearm statute responsible for my draconian 213 year mandatory minimum sentence. My second, and only other option, was to somehow convince a sitting U.S. President to grant me clemency. Neither option seemed even remotely possible during a time when our country still widely supported “tough on crime” policies, which had resulted in a nationwide prison population explosion.

Honestly, there was little reason for me to hold onto hope during that period. However, I somehow, miraculously, managed to find peace within myself, and therein discovered a sense of purpose while serving others. I learned how to not only survive those dire conditions, but I learned how to thrive in spite of any external circumstances. I had to accomplish a multitude of things in order to earn my second chance, but ultimately I attribute my grant of compassionate release to these six specific factors:

1. **My resilient spirit and ability to persevere:** Thanks to my privileged scholastic experience at a college preparatory, and my hyper competitive early athletic career, I was far better equipped to deal with the seemingly insurmountable challenge of a 213 year mandatory minimum sentence. Conversely, most of my incarcerated peers were plagued by transgenerational trauma and learned helplessness, although I did not fully understand either of those concepts at the time. Furthermore, my private school education had provided me with the pedagogical foundation I needed to become an autodidact capable of learning whatever I needed to know, including the law, to maintain my sense of personal agency. Additionally, competitive athletics had taught me to keep fighting until the final buzzer sounds. Even when you are down twenty points going into the fourth quarter, there is always a chance you will be able to make a run down the final stretch and put one up to win at the buzzer. Few of my peers possessed this same knowledge or experience, and as a result, they were ill equipped to handle the gravity of a multi-century term of imprisonment. Instead of becoming more resolved as I had, they often crumbled under the pressure and gave into various self-defeating behaviors. I chose to never give up hope regardless of the circumstances that I faced throughout my twenty plus years incarcerated.
2. **An incredible faith in myself and in my Higher Power:** The list of “extraordinary and compelling achievements” I compiled while incarcerated was composed of many things never previously offered in federal prison, and which unfortunately no longer exist. For my part I could not have achieved any of those things without an unwavering belief in my own abilities, along with the support of my trusted peers, various prison staff members and administrators, and my higher power. All of the stars had to perfectly align, multiple times, for me to ultimately make it through those dark days unscathed and to be here where I am today. However, I also had to put in an incredible amount of work every single day, year after year, until I was finally granted relief. That same faith and daily efforts persist to this day.
3. **The uncommon support of my peers, staff members and various community partners:** Warden Monica Recktenwald, on the verge of retirement,

had the courage and the audacity to create a safe physical space for myself and my peers to work on becoming better versions of ourselves. Without that space and without those supports I would not have become the person I am today. Unfortunately, I am not aware of any other facility in the United States where similar spaces exist and where incarcerated persons are afforded the same opportunities for personal growth and development. Additionally, Warden Recktenwald wrote me a lengthy letter of support for clemency and also for compassionate release, and then encouraged her staff who knew me personally to do the same. Most of those letters were sent directly to the court, instead of being placed in my central file, due to a fear of reprisal from non-supportive staff members and future administrators who would never authorize such support for an inmate. That fear speaks to the culture which exists inside our prisons that often prohibits incarcerated persons from ever having the opportunity to improve themselves while on the inside.

4. **The best attorney, friend and advocate a petitioner could ever dream of:** My dear friend Shon Hopwood understands 3582(c)(1)(A) better than any other legal scholar on the planet. He has been my trusted legal counsel, personal advocate and dear friend since long before criminal justice reform even became a serious topic of conversation. Few litigants have an attorney who is able to devote the time and attention Mr. Hopwood invested into building the relationships needed to ultimately secure my release. Thankfully, he took on my case pro bono because I never would have been able to pay him for the hours he invested. I will undoubtedly feel deeply indebted to him until the day that I die.
  
5. **A compassionate Assistant United States Attorney:** Mr. Bob Zauzmer is a no nonsense prosecutor with a formidable reputation who exhibited an incredible amount of care and compassion during the final resolution of my petition. Mr. Zauzmer first agreed not to oppose my attorney's request for time served, which was admittedly surprising. Furthermore, he then informed the Court that the U.S. Attorney's Office would not appeal whatever sentence Judge Pappert ultimately decided to impose. This freed Judge Pappert to impose whatever term he felt was truly equitable and just without fear of his ruling being scrutinized and overturned by the Third Circuit Court of Appeals. If Mr. Zauzmer had not made such a statement, Judge Pappert may not have been inclined to grant me time served. Furthermore, if Mr. Zauzmer had in fact filed an appeal, I would now be back in prison, even after the birth of my son, due to the fact that the Third Circuit has barred the very relief I received.

6. **A Judge with unfettered discretion and fear of recourse from the Appellate Court:** Rarely does a Judge find himself these days in the position where he or she has the latitude to impose a term of punishment they believe squarely fits the crime without fear of another Judge, or appellate court questioning their ruling. In a situation such as mine, where I had already served over two decades and compiled a lengthy list of extraordinary and compelling achievements, most Judges would *still* be reluctant to grant me an “immediate release” due to the severity of my crimes and the optics of my case. Without question, I was, and still am, viewed as a political liability. There was no reason for anyone to put themselves on the line for me, especially when they did not know me personally. However, both Judge Pappert and Bob Zauzmer decided to take a chance on me, and I commend them both for doing what was right instead of simply doing what would have been easiest.

Rarely have I seen such courage exhibited throughout my twenty plus years incarcerated within the federal system. I am eternally grateful to both Judge Pappert and AUSA Zauzmer, and I look forward to thanking them both in person a few months from now when my term of federal supervision expires. Hopefully their courageous action in my case, along with my subsequent success outside of prison, will inspire other prosecutors and Judges to exhibit similar strength of character.

You, the Commissioners, have the authority to define what constitutes “extraordinary and compelling” circumstances, and in doing so, you get to set the goal posts for both future petitioners and judges alike and ultimately level the playing field. Furthermore, you can ensure that Judges feel like they have both the discretion *and* the support they need to make life altering decisions that will impact countless individuals, family members and sometimes entire communities. I do ask that if you decide to use my case as a reference point, that it only serves as a ceiling when setting the standard. My concern is that some court will point to my personal list of achievements while in prison and decide to use it as a standard for others similarly situated. No one should be expected to do the seemingly impossible, nor should they have to endure what I did to attain a just and equitable result.

Webster's Dictionary defines “extraordinary” as going beyond what is usual, regular or customary. Within the context of a carceral setting this means (a person) having the courage to take rehabilitative programs and/or vocational training as a means of personal growth and development. Unfortunately, incarcerated persons who participate in “programming” are often looked down upon, *unless* there is the potential for “earned good time credit.” It takes great courage to go against prevailing social norms in an environment where you are forced to live, work and play with the same individuals every

day. Maybe not surprisingly, programming only becomes socially acceptable in prison when it serves as a means for early release. If you, the Commission, can provide a mechanism which allows for even the remote *possibility* of relief at some point in the distant future, you will inspire that glimmer of hope even amongst the most difficult to reach.

My most notable achievements while incarcerated were the result of programs that did not previously exist and which unfortunately no longer do exist. The people who supported me and made it possible for me to achieve those things were rarely recognized and generally felt greatly under appreciated for their work. Most of them retired from the Federal Bureau Of Prisons years ago, so the counter-culture which once existed that allowed me to become the person I needed to “be” in order to achieve all of those extraordinary and compelling achievements no longer exists. Without those human resources it is unrealistic to hold any incarcerated person to the standard I may have unintentionally set with regard to what constitutes “extraordinary and compelling.” No other incarcerated person should be expected to create such opportunities out of thin air in order to justify their consideration for compassionate release. Creating such an inconsistent and unattainable standard would certainly not speak to the interests of justice. I ask that you set a high standard for incarcerated persons to aspire to, but that you make sure it’s well within each and every person’s reach. At the same I hope you will ensure the standard provides the clarity, and support, Judges need to base their favorable compassionate release rulings on without fear of unnecessary scrutiny.

In closing, the guidance you provide as Commissioners will inevitably upset some courts, but I ask that you simply demonstrate the same level of courage each person responsible for my compassionate release had to exhibit in order for me to be present here today.

Thank You.