

## LIFE FOR POT – RELEASE NONVIOLENT DRUG OFFENDERS



100 Hale Rd. Zanesville, OH. 43701

<http://www.lifeforpot.com>

March 8, 2014

Honorable Patti B Saris  
Chairman  
United States Sentencing Commission  
One Columbus Circle, N.E.  
Suite 2-500, South Lobby  
Washington, D.C. 20002-8002

Re: Comments

Dear Judge Saris:

Life for Pot has the focused cause of advocating for sentencing for nonviolent drug offenders who have been sentenced to Life without Parole in the Federal System for nonviolent marijuana offenses. We expand our advocacy to all nonviolent drug offenders who have been sentenced to Life without Parole.

Life without parole for marijuana is a particularly inappropriate sentence in light of the changing attitude toward this drug. Many states have legalized the use of this plant by various degrees and two states have legalized recreational use. This situation precipitates a particularly ludicrous dilemma. If the Justice Department prosecutes individuals in these states that have some degree of legalization, it is defying the will of the residents of the state. If it does not prosecute individuals violating the Federal prohibition, it makes a mockery of Federal Law.

It is unfathomable that marijuana is on the Controlled Substance Act Schedule and even more unscientific that it is a Schedule I drug. It is inappropriate that nonviolent marijuana offenders are being sentenced to die in federal prison chained to a hospital bed for a nonviolent marijuana offense.

I would like to be able to talk about this sentencing relief in a theoretical and rational way describing how a tweak here and a nuance there will show the way toward solving the problem, but on a human level, that is not possible.

We have non-violent federal inmates serving these unconscionable sentences who are in their senior years. If these laws and sentences are simply parsed and slowly adjusted, it will not speak to a fair and just sentence for these inmates. Their time is running out and the runway is short.

The decisions for release should not be in the domain of the BOP. These nonviolent offenders are placed in high security facilities in the federal system on the basis of the length of their sentences. In spite of years of incarceration without an incident many remain at this security level. The BOP has no incentive to reduce the security level, and have not demonstrated that they have any interest in other circumstances that would make inmates eligible for relief.

History demonstrates that The Justice Department also needs the inmate population and mandatory sentencing to expand the scope of its authority. Perhaps attitudes are changing, but our senior inmates cannot wait.

The only way to restore our faith in mercy and justice is a grand, dramatic, bold suggestion. It is the right thing to do.

Thank you for your work and for taking time to read these comments. We trust that you will work toward the restoration of justice in sentencing reform

Yours,

A handwritten signature in cursive script that reads "Beth Curtis".

Beth Curtis  
Director Life for Pot

## Life for Pot - Release Nonviolent Drug Offenders



100 Hale Road, Zanesville, Ohio 43701 ph. # 740 452 2867

To: President Barack Obama  
Attorney General Eric Holder  
Deputy Attorney General James Cole

February 18, 2014

Dear President Obama,

This suggestion is in response to the speech given by Deputy Attorney James Cole at the New York State Bar Association Meeting on January 30, 2014.

**Grant a systemic or group Presidential Clemency to a unique category of nonviolent federal inmates. This group would be nonviolent drug offenders serving sentences of life without parole or de facto life without parole (attached is an example of such a group clemency).**

There is a crisis in the Criminal Justice System caused by harsh and outdated sentencing. The ACLU spotlighted the incarceration of non-violent offenders serving sentences of life without parole in their report of November 13 2013, *A Living Death: Life without Parole for Nonviolent Offenses*. Since its inception, FAMM has been cautioning about the consequences of harsh sentencing and mandatory minimum sentences

There is a common thread running through these nonviolent life without parole sentences.

1. It seems that a high percentage of these offenders exercised their sixth amendment right to trial and received a many fold sentencing enhancement for this decision,
2. Another frequent element in these life sentences for nonviolent drug offenders is that they were charged and prosecuted for conspiracy with only cooperating witnesses and informants giving testimony.
3. Most of these inmates were sentenced under mandatory minimums and they are aging in place having already served considerable time.

I trust that this suggestion will be given thoughtful consideration. It is heartfelt and comes from one who has become familiar with many of these nonviolent citizens.

Yours truly,

Beth Curtis  
Life for Pot

## **Life for Pot - Release Nonviolent Drug Offenders**



100 Hale Road, Zanesville, Ohio 43701 ph. # 740 452 2867

<http://www.lifeforpot.com>

To: President Barack Obama  
Attorney General Eric Holder  
Deputy Attorney General James Cole

### **A SUGGESTION FOR ADDRESSING OUR PROPENSITY FOR OVERINCARCERATION: CLEMENCY AND THE WAR ON DRUGS**

**Grant a systemic or group Presidential Clemency to a unique category of nonviolent federal inmates. This group would be nonviolent drug offenders serving sentences of life without parole or de facto life without parole.**

**Model this clemency on the clemency granted by President Gerald Ford and President Jimmy Carter who gave clemency to those who had violated the Selective Service Act during the War in Viet Nam. The War on Drugs has been an equally divisive war imprisoning a generation of men and women.**

Our prolonged War on Drugs has left this country with a legacy of thousands of nonviolent offenders serving sentences that may very well mean death behind prison walls. There are children, wives, husbands, parents and siblings who long to have their loved ones home again. Moreover this War continues to cost billions of tax dollars to support a policy that is at best suspect and losing the support of citizens it is designed to keep safe.

The public is no longer complacent about the sentencing disparity between crack cocaine and cocaine. This disparity has exposed a highly discriminatory distinction that has led to egregious sentencing for some of the country's most vulnerable citizens.

At the present time, the legal status of marijuana is being challenged state by state. The cruel irony is that every year there are 700,000 to 800,000 local, state and

federal arrests for marijuana that most of the population sees as no more harmful than alcohol. This is evidenced by the fact that marijuana is now being legalized across the country state by state at a staggering rate.

If the covenant between those who govern and the citizens who are governed is to be maintained, the costly experiment of the War on Drugs needs to be seriously addressed.

This suggestion is modeled on a solution that resolved the legal status of offenders in an equally divisive war, The War in Viet Nam. Using the power of the president for systemic pardoning is nothing new. It's been done frequently since our country's first president - George Washington.

We urge the president to use the model of President Gerald Ford and Jimmy Carter. After President Ford pardoned Richard Nixon, on September 16, 1970 he initiated a Clemency Program for those who violated the Selective Act. Ford granted 1,731 pardons to civilians, those who evaded the draft and 11,872 to military personnel, those who went AWOL. President Jimmy Carter expanded the clemency healing many wounds and bringing thousands of young men back into the fold of citizenship.

Our criminal justice system needs a cleansing to restore faith in the integrity and justness of our law. Non Violent marijuana offenders who have received life without parole or de facto life sentences for marijuana only offenses could be granted a group commutation after a significant number of years served – be it ten years or some other designation. It could be commutation for those who had served 10 years and or reached the age of 60.

We are warehousing non-violent old men and women whose offense was selling a substance that is being reevaluated and legalized.

Nonviolent crack offenders could be addressed in the same manner. Commute crack sentences when time served equals the time of incarceration for same weight cocaine offenses.

Systemic clemency has been used frequently throughout the history of our country. This is a Presidential tool and responsibility that is usually used to restore justice

when retribution has caused a rift in the social fabric. The war on drugs is our contemporary example of this excess.

Alexander Hamilton (Federalist #74)-Presidential Power

“Humanity and good policy conspire to dictate that the benign prerogative of pardoning should be as little possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity, that without an easy access to exceptions in favor of unfortunate guilt, justice would wear a countenance too sanguinary and cruel.”

Gift for Pat  
Beth Curtis  
100 Hale Rd.  
Zanesville  
OH 43701

COLUMBUS OH 431

11 MAR 2014 PM 2 L



CLEARED

MAR 11

TMEJB S&S

Honorable Patti B Saris  
Chairman  
United States Sentencing Commission  
One Columbus Circle N.E.  
Suite 2-5000, South Lobby  
Washington D.C. 20002-8002

20002468701

