



Citizens United for Rehabilitation of Errants



Federal Prison Chapter

*A National Effort to Reduce Crime
Through Federal Criminal Justice Reform*

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FedCURE NEWSLETTER – June 2007

The CURE: America's Ailing Federal Criminal Justice System

FedCURE is the world's leading advocate for America's, ever growing, federal inmate population. We are working to reinstate parole; increase good time allowances; provide for compassionate releases; restore PELL grants; and opportunities for successful reentry into the community, for all federal offenders; and promote a system that incarcerates fewer people and provides humane conditions for those who are incarcerated or under post-incarceration supervision via parole or supervised release. Over 45,000 people were released from federal prison last year.

FedCURE's lifetime member and PBS film producer and Soros Justice Media Fellowship candidate, Allan Mason and BNNreports.com (Broadcast News Network), are documenting FedCURE's activities for inclusion in the production of a one-hour special news documentary film titled, *The CURE: America's Ailing Federal Criminal Justice System* (suitable for Frontline, NOW, or an independent special report for the Public Broadcasting System and their affiliates). The film would examine the ailing federal criminal justice system in the United States and the impact of two pieces of proposed federal legislation that would reduce federal prisons sentences and provide for tax payer relief by enacting smart legislation that would revive the system of parole for federal prisoners; and reduce run-a-way recidivism rates by enacting smart legislation such as "The Second Chance Act," reauthorizing the grant program of the Department of Justice for re-entry of offenders into the community, to establish a task force on Federal programs and activities relating to the re-entry of offenders into the community, and for other purposes. See [H.R. 3072](#), [H.R. 1593](#) and [S. 1060](#), respectively. We are seeking partners and funding for this film and to produce short VNR's for our upcoming legislative campaigns. Contact information below.

Federal Parole:

FedCURE co-authored the last two [federal parole bills](#) in the 108th and 109th Congress with Rep. Danny Davis (D-ILL). This year FedCURE drafted a new parole bill for Rep. Davis and to float around to other members of Congress who may want introduce the bill in this Congress. The bill is titled as "The Criminal Justice Tax Relief Act of 2007" (CJTRA). The CJTRA, would, inter alia, reinstate the old parole statutes and would amend certain sections thereof; making

all offenders eligible for parole and giving jurisdiction to the United States Parole Commission to set release dates in accordance with applicable parole guidelines or the U.S. Sentencing Guidelines, whichever is lowest. The amendments would also increase good time allowances, provide for reduction in term of imprisonment of elderly offenders and clarify parole procedures. Unresolved at the time of the draft and at this time are issues that deal with inmates serving life without parole (LWOP) and the system of supervision, i.e., parole, or supervised release, or a hybrid. The legislation would be prospective and retroactive. Finally, the life of the Parole Commission would be extended for twenty years.

To gain congressional support for this legislation we have identified four main selling points that would provide safe harbor for politicians to publicly support the bill. First, "It's about the money!" and to famously paraphrase the obvious, "It's the economy stupid!" FedCURE's draft bill suggests a preamble, right up front, emphasizing that the bill is estimated to save the taxpayer 4 to 7 billion dollars annually and 80 to 140 billion dollars over a twenty-year period. Second, it is about restoring the constitutional checks and balances in federal criminal sentencing, which has been one-sided post 1987. Third, it's about fixing a broken federal criminal justice system-- letting people out of prison who do not need to be incarcerated. Fourth, it's about everyone keeping their jobs in the executive, judiciary and the legislative branches--the courts continue sentencing, the USSC and the USPC stay in business, the USPO expands and the FBOP reduces prison population to safe, manageable levels concentrating on rehabilitation and re-entry vs. incapacitation and warehousing.

The magnitude of competing interests in the business of federal criminal justice is awesomely huge and complex. Finding compromise to satisfy these interests is paramount. The release of a "Willie Horton" or a "Terrorist" and the "Lin Bias" factors will always be at issue. Regardless. And there is no way to totally guarantee an erroneous release, or to fully predict human behavior, albeit, state-of-the-art technology such as GPS monitoring and tracking systems provide for 24x7 supervision of certain offenders and go a long way towards satisfying public safety needs. That said, any scheme to reduce prison sentences other than an all-or-none approach is troubling for a myriad of reasons. And it would be unwise to create more than one class of post incarceration supervision, i.e., parole and supervised release, albeit, personally, we favor a system of supervised release over parole, in as much as a supervised release violation is a contempt of court proceeding, heard by a federal district court judge vs. a parole violation that processes as a revocation hearing by the USPC. We would work towards developing a sort of hybrid system of supervision. The CJTRA does not mandate that the United States Parole Commission will have to set 200,000 release dates all at once. The Act, as drafted, would require a release date to be established early enough to allow for an appeal. Moreover, the setting of release dates will kick the whole system in gear, including re-entry, to get ready to process releases and supervision. Whatever the initial number of releases, be it 50,000 more or less, the number should be portrayed in the most positive light--as a CURE to an ailing federal criminal justice system.

Coming at this from a purely academic prospective is disastrous. That school of thought is responsible for supporting the enactment of The Comprehensive Crime Control Act of 1984 (CCRA), Chapter II, Sentencing Reform Act of 1984 (SRA) (sentencing guidelines and no parole), which academia now readily admit, what we all know, is a dismal failure. Still, the academia protest that it can be fixed without returning to a system of parole and a system of second guessing sentence and release between the judiciary and the executive that was abandon almost thirty years ago. This is based on the mistaken belief that it is best that the judicial branch has exclusive release authority over the sentences of criminal defendants. They believe the Congress failed to build a fix into the SRA, to make corrections, if necessary; and that is why we have the sentencing issues we face today, so they want create a "relief valve" by tinkering with the statutes in such a way as to spill forth piece meal sentence reductions. They want to do this prospectively, not retroactively. They are of the mind set that the moment you mention the word "parole", your dead in the water.

As prison populations swell with non-violent offenders trapped by minimum mandatory and long non parole sentences, including life, we are bemused by all of this thought and by the lack of knowledge of sentencing law. We would point out here that it was a Democratic Congress that enacted Public Law 98-473. Title II, The Comprehensive Crime Control Act of 1984 (CCCA), Chapter II, The Sentencing Reform Act of 1984. FYI, President Reagan opposed the CCCA and stated that it was a bad bill, but that he had to sign it in order to get continued appropriations for 1985. We would suggest that now is the time for the Democratic Congress to make amends to the people and to the system.

In April 2007 FedCURE met with the point persons for Rep. Danny Davis, in DC, the main sponsor of last year's federal parole bill - H.R. 3072. FedCURE also spent about one half hour with Rep. Davis. We are working on the new parole bill to introduce in the 110th. Davis's people want to take on a different focus then that of which we propose in the CJTRA. The main focus would be on significantly increased good time, which will affect about 70% of all inmates. The other focus will be United States Parole Commission (USPC) review. We do not want to go into details at this time because the bill is still in a state of flux. Davis had planned to be ready for legislative counsel by now and hopes to see introduction before summer recess. However, we suspect that his staff have found the issue much more complex then they had anticipated. There have been a maze of amendments to P.L. 98-473 and other statutory enactments since 1984 that impact sentencing. A minefield to the unlearned. FedCURE's assets cover more then two decades of research, study and experience in this area of law. Having been through the parole process, we know the ins and outs, the pitfalls and what works and what does not. Moreover, what needs to be fixed. FedCURE feels strongly that the CJTRA is the way to go and is strongly urging the Congressman to sponsor the bill and we are floating the proposal to other members of Congress. Any help you can render to get sponsors for the CJTRA would be greatly appreciated.

The Second Chance Act of 2007:

Introduced in the 110th Congress on 20 March 2007 as [H.R. 1593](#). Just a week after the re-introduction of the bill, 28 March 2007, members of the House Judiciary Committee passed [H.R. 1593](#) out of committee. The bill will now be sent to the House floor for consideration, which sponsors say will take place before the summer session ends. During the mark-up of the bill, members voted down several amendments that would have jeopardized the bipartisan support for the bill. Sen. Bidden introduced [S. 1060](#), an identical bill, in the Senate on 29 March 2007. Gene Guerrero, Director of The Open Society Institute/Open Society Policy Center (SOROS) is the lead lobbying effort behind this legislation.

If you would like to support these FedCURE' legislative initiatives, please do not hesitate to contact us.

Best Regards:

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Links to Bills:

H.R. 3072: <http://www.fedcure.org/information/HR3072-IH-FullText-FedCURE.shtml>
H.R. 1593: <http://www.fedcure.org/information/HR1593.shtml>
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*Serving Federal Prisoners and Their Families
Working to Reinstate Parole and to Increase Good Time Allowances*

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