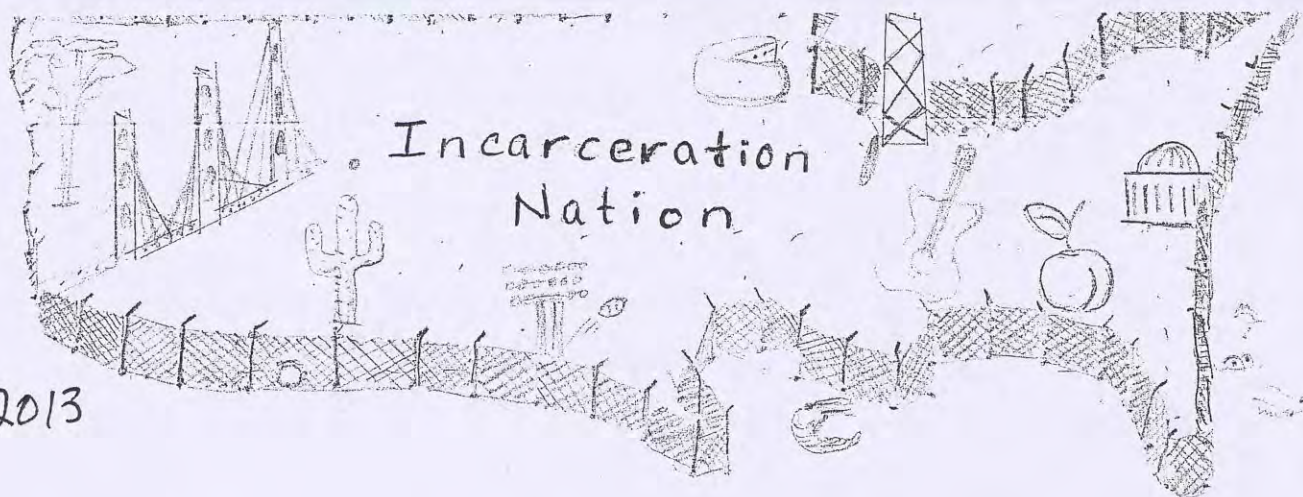


# Kevin's Update Letter

#19

December 2013



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INTRODUCTION- Welcome to the latest installment of Kevin's Update Letter. This is the a-little-over-a-month(ly) newsletter from Kevin F [redacted], an inmate at Elkton-FSL, a satellite low federal prison in Lisbon, OH. I try to shed light on what life is like in a federal prison. I've been here for a little over two-and-a-half years, and I have about that much time left to serve, so I have plenty of insight. In these letters, I also address the crime that sent me here (Internet child pornography), the body of laws around that crime, and the significantly difficult laws that will impact me upon my release. I touch on what I'm doing to pass the time here, and I reflect on crime and punishment broadly in America. At arrest I was a first-time offender and college professor. I faced a mandatory minimum of 5 years and was sentenced to serve 72 months.

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LEGISLATION TO BE AWARE OF- There are moves afoot to remove federal mandatory minimum sentences for crimes and also increase earned Good Time credit for prisoners who are doing things to rehabilitate themselves while they are in prison. Currently, prisoners receive Good Time of 15% of their sentence at the end of each year served. You really have to mess up to lose the Good Time. Both the House and Senate have versions of bills that would increase earned good time for rehabilitative programs (GED, drug and alcohol counseling) or just increase it across the board. The S.O management program that I'm enrolled in will hopefully be included as well. There are also bills that would reduce mandatory minimum sentencing and expand the Safety Valve Act. I will give you more information about these in my next letter. Each year that I'm here cost you, the taxpayer, \$30,000 (and the cost to house me here is "peanuts" compared to some of the old, sick, harmless guys here.) Call or write your congressmen and senators to support change.

JUDGE/CITY CLUB OF CHICAGO- This is less about me directly, but the judge in my case. Honorable Reuben Castillo in Chicago was elevated to Chief Justice of the Seventh District awhile back. Recently, he gave a speech at the Chicago City Club addressing issues of sentencing and bringing ex-cons back into the work force. Felons have A LOT of hurdles (many seemingly unnecessary) to being re-hired. The Seventh District has begun a transition program to put federal ex-felons back to work. My friend Bruce was able to attend the speech and was later able to go to a graduation ceremony for the small but important first group of graduates. So hopefully, this is evidence that my judge is on the right side of these issues and will be willing to do the things necessary to allow me to find a job when I get out (addressed in "I answer your questions")

KENT STATE ENTREPRENEURSHIP PROGRAM- Well, I finished the last class of the KSU- program in which I was enrolled. We had a 4 week Accounting class that met 5 days/week for 3 hrs/day. We had an exam every Friday. It was A LOT of work in a very short amount of time. Like drinking from a water hose. Well, the seven course program was very exhausting, but now it's over and I'm glad to say that it was a successful learning experience. Hopefully, they'll run it again here. It depends on the money, of course. The interest is huge. When I took the test for 1 of 15 slots in the class, there was a total of 70 folks who took the entrance exam.

GED- I still teach in the GED program here. My old boss went up the Hill because she lost her AM time slot to someone with more seniority. She's coming back to the FSL soon and will work the evening shift. Since she's my boss, I'll be moving to the PM shift to join her there. I'll be teaching/tutoring the inmates who work outside the compound during the day (the "cadre"/camp guys). I know most of them, and I know some are glad to see me coming to teach/tutor them. That group of guys is notoriously unmotivated though. We shall see. Should be fine for the winter and spring. Not sure what happens when the



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TRULINCS [REDACTED] - F [REDACTED], KEVIN - Unit: [REDACTED]

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summer rolls around, and I have a conflict with my softball schedule and the general desire to be outside during the nice evenings. I'll be working with a 12-2 class and then the 5:30-7:30 class.

WINTER TIME STUFF- Winter time means inside, bad air, sickness (middle of a cough and cold), drawing, and reading. Things on the reading list include a few books piled in the locker. Gems include the long You Can't Go Home Again (Wolfe) and Remembrances of Things Past (Proust) among others. Also looking to get and re-read, Remembering Denny (Trillin), A Heartbreaking Work of Staggering Genius (Eggars), and the Best American Essays/Short Stories/Science Writing Anthologies that come out at the end of every year.

INSPECTION/VISIT- We had a kitchen inspection by a group from the national office. I really hate the "dog and pony" shows that happen whenever an inspection rolls around. This one was especially maddening since after the staff cleaned things for the inspection, the CO's decided to not even use them from the time they were cleaned until the inspection was over. This meant for a long stretch, food wasn't prepared the right way just to prove to the inspectors that things were done in the correct way. e.g. French fries weren't fried or even baked, but kept overnight in a warming oven so they wouldn't have to use the fryer or oven. That's not cooking; that's thawing. And there were lots of other frustrating examples. But what can you do....?

YOUNG AND DARK- We've recently had an influx of VERY young, urban, loud, aggressive, dumb drug dealers and counterfeiters. I've learned that counterfeiting is the crime-of-choice for guys that are too lazy to even bother selling drugs. Not to stereotype but conjure up your worst vision of shuffle-footed, pants-sagging, mumble-rapping, know-nothing-yet-sure-of-everything, never-shuts-up, entitled, gonna-be-a-career-criminal HOMEBOY, and you have about 6 of the guys that have arrived in the last 6 months. You'll probably never have the privilege of meeting these guys unless you're identifying them in a police line-up. Man, I can't wait until they eventually fight/steal/gamble/fail-to-obey-an-order etc. their way to the HOLE and out of here. It will happen. It's just a matter of time.

OFF TO THE HOLE- There were a couple of large, mean, entitled, loud, career-criminal types (20+ years in prison each) that were just sent to the Hole for infractions. Didn't belong here anyway (Wait. They belonged here; I don't). So off they go. Much better without them. My rule would be that if this is your second (third, fourth...) trip to prison, then you don't get to work your way down to a low. If you're dumb enough or institutionalized enough to come back, then you don't get the luxury of coming to a low or a camp to create your recidivist mischief. Then again, I don't make the rules.

CO'S THIS QUARTER- This quarter, we're been fortunate to have some good C.O.'s. A good CO is sort of like Goldilocks. A CO can be too absent, and the mischief and the late-night decibel level can get too out of control. Then this place gets out of control, and I can't "do my time" peacefully. On the other hand, you can have CO's that are too intrusive and in your locker and your business ALL THE TIME when you don't have any contraband (And this snooping is to the exclusion of noticing the real problems). Then you can have those COs that are JUST RIGHT. This quarter the COs have been JUST RIGHT!! Hopefully, next quarter we get some more good COs.

DUKE/BRAVES- Well, it's been a weird and strange fall for my favorite sports teams. The Atlanta Braves decided that they would leave the city of Atlanta (technically, they keep an Atlanta address...) and move to the wealthier suburb of Cobb County. I'll be able to say "I was born in Marietta, Ga...you know, home of the Atlanta Braves?" Duke football, a perennial laughingstock in college football conversations, decided to reel off 8 straight wins to finish at 10-2 with a bowl game still left to play. Duke basketball, the team the alums always had to rely on, so far have laid a couple of eggs in the early going by playing uncharacteristically "non-team" basketball. I'm sure things will return to form eventually.

NBA SEASON- The worst day of the year might be the opening night of the NBA season because you can be assured that for the next 8 months, there will be noise, screaming, jumping around, and incessant LeBron worship. Ugghghhhh.....We even missed an MLB championship game because a pre-season NBA game was on. Are you kidding me? It's bad now. It only gets worse when the playoffs roll around. I was never so happy as last year when there was the lockout....I used to be a Chicago Bulls fan. Not sure that I can ever feel the same way about it.

TEAM PHOTO- I've mailed some folks copies of our most recent softball team photo. I hope everyone liked it. If you'd like to see what a championship, prison softball team looks like, let me know, and I'll send you a copy. Mom and Dad have them that they can send along to you as well, and it'll make the turnaround time faster.

THANKS FOR THE STAMPS- Thanks to H.S.'s wife, Scott F.'s Mom, and David G. in Pennsylvania for sending along stamps to help get the newsletter out. Very much appreciated.

VISITS- Thanks for the recent visitors. Mom and Dad came for a Saturday visit in early November, and then Bruce was here for Thanksgiving and the Friday following. Lee D. (college fraternity brother now living in Charlottesville, VA vicinity) was here *in early December for a two day visit.*



TRULINCS [REDACTED] - F [REDACTED], KEVIN - Unit: [REDACTED]

FROM: [REDACTED]

TO:

SUBJECT: KUL 19-Questions for Kevin

DATE: 12/08/2013 01:03:09 PM

#### KEVIN ANSWERS YOUR QUESTIONS

These questions come from readers of the KUL (mostly friends). I didn't put folks' names to them, but you know who you are. Ask me a question and I'll answer it for everyone in an upcoming letter.

- Will you be eligible for parole? Any other time off to get out sooner?

In the mid-1980's the federal government ended parole for federal prisoners. They also scaled back earned Good Time to 15%. It was a "tough-on-crime, truth-in-sentencing" idea. So, no parole. I guess I could ask for clemency or a pardon from the President, but those things almost never happen (Obama has granted one clemency request in his two terms; he prefers pardons for Thanksgiving turkeys than for inmates), and I doubt it would happen in my case. So at this point, my release date is mid-2016. If I can get the 6 months of Halfway House in Chicago that I'm eligible for, that would send me to the halfway house around January 2016. Once I get to the Halfway House and find a job, I can move out after 2 weeks, depending on what my probation officer decides.

- How many times have you been to the HOLE?

Other than the time after my initial arrest in Chicago when I spent 5 days in the segregated housing (SHU, pronounced "shoe")/protective custody/HOLE, I haven't spent any time in the HOLE/SHU, and I'm glad for that. And I don't plan to. I haven't had any incident reports ("shots"), and I'm not looking to earn any.

- Will you be able to vote when you get out?

Yes, I will. There's a long history of disenfranchisement after prison in the US. A lot of folks argue that it's always been racially motivated. If you think about it, there doesn't seem to be a reason that one shouldn't be able to vote after having served his time for his crime. And public policy and voting rights, left up to the states, is mostly going in the right way. Most states are returning the right to vote to felons (if it was ever taken away). In IL and other states that I've thought about living, voting rights aren't a problem.

- What's this about not being able to go to the park?

Based on S.O. registry laws in IL, I can't go to a park, a school, a school athletic event, a bike trail, a hiking trail...pretty much anywhere where you might find minors, no matter how few are there or regardless of the level of engagement. And, at the moment, that rule is in place for the rest of my life. Stipulations are similar in most of the other places where I have thought about living. Some states have similar rules but not for the rest of your life. The feds stipulate that each state must have a registry law, and then the states determine how to enforce the law. Depending on how much the state's A.G. and legislature want to penalize S.O.s as a distraction from other problems they can't solve determines how much that state goes over the "deep end" on this issue. IL, GA, and CA are some of the states that have gone over the "deep end". So, no parks. Almost all research shows that limits on where S.O.s can live, work, and the existence of a publicly available (Internet) database don't make much difference in terms of public safety.

- Will you be able to own a gun?

Nope. Can't own a gun with a felony conviction, and one must petition pretty hard to get this right back. I'm sure the NRA has their sights on getting this reversed, but I don't really care. I have never owned a gun, have rarely ever used one, and don't really need one. I'm not a hunter. Frankly, I don't think that a VIOLENT felon should be able to have a gun anyway and this is one of those areas where I'd see the government err on the side of more regulation for felons. As a citizen returning to Chicago, would I want most of the "non-violent" drug felons here the right to possess guns in their West Side or South Side homes? ABSOLUTELY NOT!!!

*to have*

- What are you going to do when you get out?

That's one of the \$64,000 questions right? I have a lot of very sophisticated training in genetics, cell biology, and disease research, so part of me thinks it would be a waste not to use those abilities. And I really like the subjects. On the other hand, I don't think I'll ever be allowed to teach in a classroom, and there are lots of research scientists in those disciplines competing for those jobs. These fields continue to advance while I'm in prison, so I'm dropping a bit back. On the other hand, this time away has given me some real perspective on some of the issues. So, while I'd like to get back into "the lab" if possible, I'm not sure if it'll happen. I've also thought out curriculum development particularly in the STEM subjects. Have also thought about adult education and science writing.

Another avenue would be to pursue some of the things that I did after my arrest dealing with food and hospitality. I have friends



and family that own and manage restaurants, bars, and other food places, and I think I would really enjoy something in that direction. Food services, restaurant management, artisanal food marketing, value-added food production, goat/sheep dairy and artisanal cheeses. Also, someone at the wine and cheese shop where I worked told me that I had really good "food intuition" when I developed one of the new sandwiches for their menu (Blue Fig and Pig: fig jam, blue cheese, French mustard, Serrano ham, mixed baby greens on baguette). Yeah, it's as good as it sounds. Also, I'm a bit of a foodie and love to eat.

Another angle would be to go into something totally new like real estate (green/sustainable makeovers or infill housing), something else in retail, something in the non-profit sector, or combine the food and research interests with some sort of agricultural services direction. Landscaping? I think that eventually I would like to start my own business, but only after a few years working in a business where I get some experience and am able to get off supervised release/probation ("paper"). Probation could create some logistical barriers to work travel, etc.

As a felon, there are certain professions that require licensing that I cannot do (these are usually handled at the state level), but there are also substantial tax savings to hiring a felon (me!!!), and I'll be providing free Internet/computer surveillance for myself. I can't vouch for the other guys in the office, but I definitely WON'T be looking at porn on the office computer...I go back to jail if I do.

So are you convinced that you should hire me yet (grin....)???

- Are you going back to Chicago? or Georgia? Fresh start somewhere else?

When you leave federal prison, you have to return to the state and district from which you came. You enter probation in that district, and your probation officer allows you to leave the district at his/her discretion. In order to change your residence from one district to another (within the state or from state-to-state), you must obtain permission of the district into which you want to move (They have to accept you onto their caseload.) That's true for anyone on post-release supervision, for as long as he's on supervision. It always helps to have a job and/or friends or family in the district where one wants to relocate. That covers the "Can you move part?"

So, of course, the plan is to return to Chicago and pick up life there. I do have lots of interests, family, and friends that would allow me and Bruce to pick up and move somewhere else in the future, but for now it's Chicago. Chicago's a great city when blizzards and November tornadoes (??) aren't moving through. The house in Oak Park was sold (tough to cover a mortgage payment when half the payment is in prison for 6 years). But frankly, after a pre-dawn raid by a dozen officers pointing guns at you, the place was a bit toxic, and everyone involved wanted to get out of the house and away from the "scene of the crime". Unfortunate as it was, just moving "across town" in a city the size of Chicago and into a new neighborhood is a bit of a new start in itself.

- What's the first thing you want to do when you leave?

I've addressed this elsewhere, but one of the first plans is to drive somewhere (I want to hold a steering wheel) and get a good meal in a restaurant where I'm not rushed, I'm able to talk to an actual server (who doesn't bark at me when I wonder why there's no butter with the baked potato), and choose from the steak or seafood section of the menu. Yes, I'd like a glass of wine. And maybe a second. And, yes, I would like to see the dessert cart now that you mention it.

Then I'd like to go into a bookstore (if Bezos hasn't killed the last one), a florist (just to stop and smell the roses), and then go somewhere and buy a knit shirt and a good pair of blue jeans (just any pair of pants with a zipper and front pockets). I'd like to go watch a good first run movie without wearing headphones in order to hear it.

Then I'd like to go into the bedroom, turn out the lights (hey what a concept, sleeping with the lights off), climb into a big soft bed, and get a good night sleep.

Next morning get up and have a breakfast of orange juice\*, a hunk of cheese\*, bacon\*, yogurt\*, bagels\*, cream cheese\*, onion, tomato, lox\*, and capers\* (\*= I will never have these for breakfast in the five years that I'll have been here.)

- Do you find yourself getting lazy in the winter?

Yes, we don't have a gymnasium here and the outdoor track is dirty gray gravel, so there aren't a lot of physical activities when the weather "goes south." I hate walking in circles looking at the razor wire, so I spend too much time inside. I have a class for this winter that will take up a few days of the week, and maybe I can gin up the energy to get outside and run some laps or sprints.

I also suffer from a bit of winter blues, and Eastern Ohio has some pretty bleak winters without any sunshine. I wish we could get some Vitamin D from the commissary or medical services, but we can't. I generally think that helps because I'm guessing my levels are too low. I supplemented in Chicago and found it to be helpful.

- Do they give you a winter coat? What about other clothes?

They give us a canvas coat that is reasonably well lined. We also get a knit cap and winter gloves. Like our uniform, all of these items are green. From commissary, we can buy wool mittens and a nice gray acrylic scarf. I have both of these. A



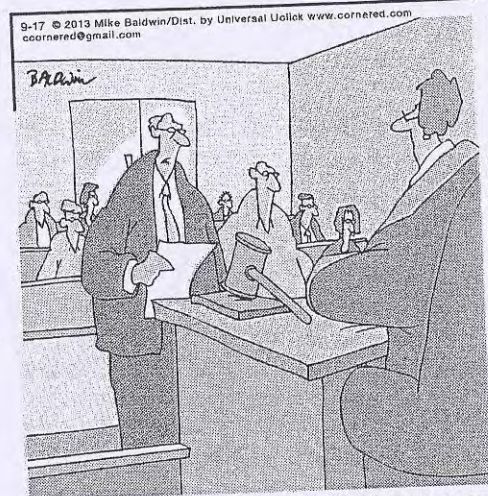
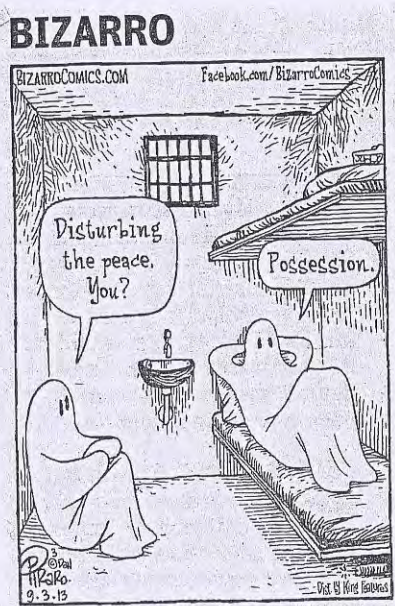
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warm, attractive ensemble if I must say so myself (and I'll have to since you'll never get a chance to see it). I would actually buy the mittens and the scarf on the street. In fact, I'll probably send them home and keep them. I also have long underwear tops and bottoms. I wear the thermal tops ALL the time (under my softball T-shirt) and almost never the long underwear bottoms.

- I know that you have plenty of books, is there anything else that I can send you right now? We're limited as to what we can receive, so at the moment there's nothing that I really need right now. Personal letters and cards are great, and I try to return them without repeating this letter. Don't really need any money contributed to my account. Just hold that sentiment, and then when I get out, you can buy the first drink or cheap meal. Getting out and getting back to work and just getting back on my feet is a challenge that I worry a little about. And I'll get the second meal when I have some money in the bank and my feet under me a bit. But I really appreciate the offers.



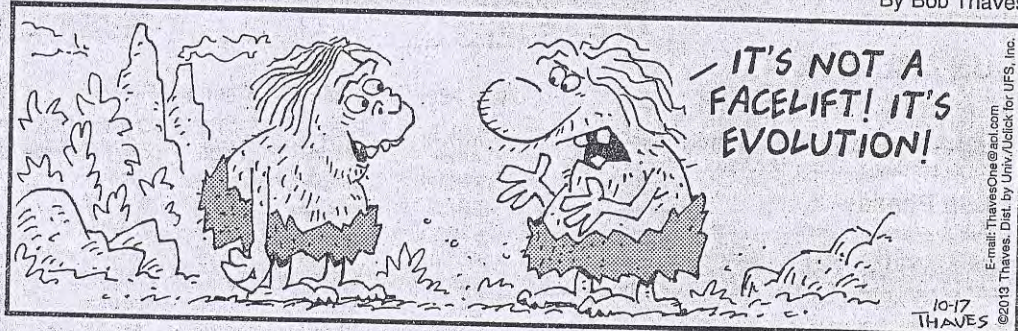
"My kid took his first perp walk last week!"



"My client pleads not guilty, by reason that everyone else is doing it."

Frank and Ernest

By Bob Thaves



By Art and Chio Sansom



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TRULINCS [REDACTED] - F [REDACTED], KEVIN - Unit: [REDACTED]

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FROM: [REDACTED]

TO:

SUBJECT: KUL 19- prohibition, families, and prison

DATE: 12/08/2013 01:06:34 PM

Prohibition, Families and Prison

Several weeks ago, I was reading an Atlantic article written by a dad asking whether we give our kids too much homework. As an experiment, he did the same homework as his child for several weeks. His conclusion, today's teachers give our kids a lot of homework. One of the assignments was to read Frank McCourt's Angela's Ashes (Note: If you haven't, read it). I haven't read the book in years, but as I was thinking about the book, I recall McCourt's retelling of his childhood. His father and co-workers would leave work every week and stop by the local saloon on the way home. They'd start drinking and before the night was over, they would have spent their entire paychecks. Yes, there is an Irish stereotype in there somewhere... Leaving the tavern and arriving home, the husbands would look drunkenly and sheepishly at their angry wives who realized that, once again, there would be no money for food, kids' clothes, or the family's bills. Little Liam, Frank, and Malachi would go without yet again. And this story was writ large across continents and communities. These type of urban pathologies, whether drinking, drugs, or gambling, have always been with us.

These problems and their attempted solutions go back at least as far as Biblical times. Before Kosher dietary law became a moral code, it was good public health. Shellfish can contain neurotoxins--don't eat them. Ditto shrimp that can carry cholera-causing bacteria. Torah-era pork carried parasites--don't eat it. When one mixes meat and dairy, he introduces the possibility of cross-contamination that can spoil the milk and sicken you. Kosher law says not to mix meat and milk. Social codes and public health measures established across a culture eventually became moral codes. They carried the strongest endorsement of the society--religion. Likewise, religious invocations against alcohol, gambling, premarital sex, and other vices were driven as much by the resulting social costs and personal consequences as they were about the acts themselves. The physical act of throwing a dice isn't an awful thing. Gambling becomes a problem because of its consequences--loss of money, obsessive behavior, and violence.

And the tugs of these behaviors are so strong that these problems and their consequences are still with us. It's no surprise that the rise of the temperance movement which resulted in Prohibition was championed by women. Women, who at the time couldn't go out and get jobs, and the families that they were primarily responsible for were the primary victims of rampant alcoholism in America at the turn-of-the-century. This alcoholism was manifest as domestic violence, diminished productivity, unemployment, and, as in McCourt's Ireland, irresponsible spending at the bar.

But we have to be careful about our solutions. Prohibition, for all of its good intentions, didn't end problems with alcohol in America. To the degree that it did clean up some trouble spots, it also spawned another entirely new set of problems, including the rise of a violent, Mafia-controlled black market. Prohibition, at its root, wasn't about keeping citizens from choosing an activity that might hurt them, as much as it was about trying to solve broader social ills. Eventually, America decided that the problems that Prohibition spawned were worse than the ills it was meant to cure. Prohibition was repealed. We would be wise to remember history.

So as I sit in prison with my cellie, Ted, a black man from Chattanooga serving a 10-year sentence for a drug offense and with children back in Tennessee, I think about Frank McCourt and his brothers and their mother in their pre-immigration Irish village and later New York City.

I'm reminded of their father and men like him whose actions would collectively spawn "solutions" like Prohibition. Yes, sometimes, these men would come home after having spent that week's paycheck on beer and whiskey, and their families would suffer. And the narrative of the harms of alcohol would continue to be written. But maybe in some weeks, they wouldn't blow all of the money because they knew that, after all, they were still the sole bread winners, and that their families needed the money. And even if Frank's father was an alcoholic, at least in the periods when he was sober, he could still be doing his best to be a father and a husband. He wasn't totally absent. At least he was still in the home. The father still did his job at the factory and provided needed labor to the economy. In hopeful moments, we can imagine that Frank stayed away from alcohol, cleaned up, and became a better father and husband (Today, with a better understanding of addiction and intervention, we can imagine it happening even more.)

However, in America today, we've made perversely worse choices when it comes to urban pathologies that arise from vice and addiction, especially when it comes to low-level, non-violent drug offending. It's as if we didn't learn from Prohibition or are blinded to its parallels. In the urban American story, Frank and Malachi of Angela's Ashes have been replaced by Sean, Keisha, Deon, and Byron. The fathers of today's children don't come home from work drunk. Many of them don't come home



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at all. They don't have the opportunity to be less-than-perfect, hoping-for-a-break-and-a-comeback husbands and fathers. In the American narrative, we take the fathers who have sold drugs, often to support their own habits, and sentence them to 10 to 20 years, sometimes even life without parole, in federal prisons. Often these sentences are triggered by mandatory minimum sentencing schemes that tie the judges hands in sentencing men who have often only sold modest amounts of drugs.

From Koshier law to present day sentencing schemes, the goal was always to prevent harms that comes to individuals, their families, and their communities through crime, bad choices, and vice. It seems strange and unsettling that our solutions to problems that largely hurt families would be ones that hurt families even more. Our "solutions" substantially involve taking men from their families where they can't be fathers to their children. Scarce economic resources are diverted from the most fragile, at-risk communities and used to incarcerate the men who are taken out of these communities. Consequently, families then slide into poverty or go on public welfare.

Boys need fathers in their lives. When fathers (and uncles, older brothers, and neighbors) aren't there, gangs fill the void in the lives of these boys. When large numbers of men from the same community are incarcerated for decades, entire communities and generations are absent and destroyed; the cycle is perpetuated as the next generation is sucked into the same criminal behaviors.

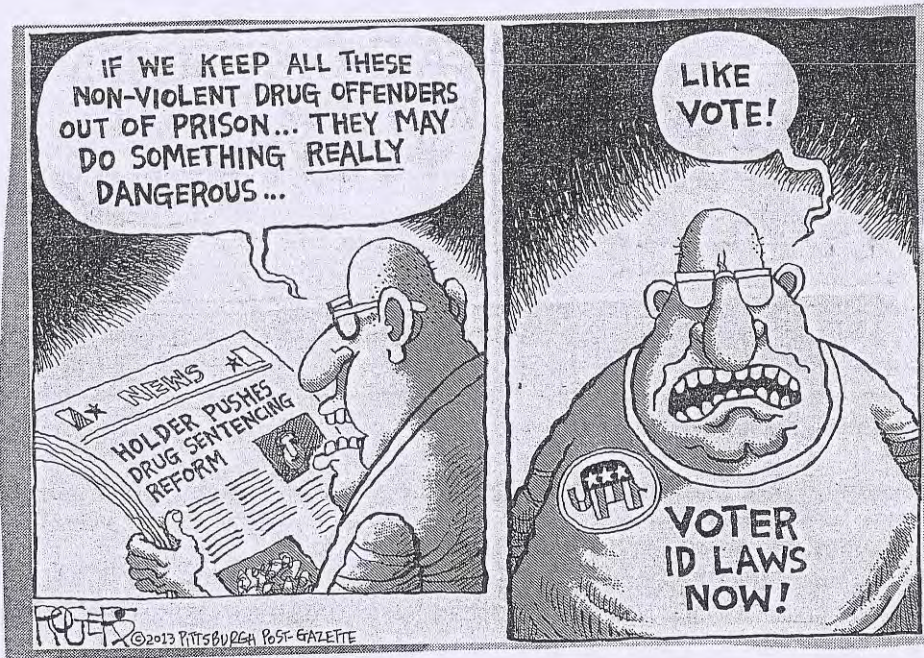
Ireland of the 1800s and early 1900's would never have thought to incarcerate men like Frank McCourt's father and his co-workers. The village leaders in Angela's Ashes would have created mechanisms to make those men MORE present in the lives of their wives and their children.

Not less.

Our solutions do exactly the opposite of what we need them to do. Instead of locking men away for decades for non-violent, low-level drug offending, we need creative solutions (Yes, it's more work than warehousing these men.) that keeps families intact, build stronger families, and help end the vertical, generational cycle of poverty and incarceration.

-Kevin

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# BLOTTER: A ROUND-UP OF CRAZY CASES AROUND AMERICA, (and usually), THOSE DOING WORSE AND SERVING LESS

LOS ANGELES- Ever heard of the rapper Rick Ross? Well, he's not the real Rick Ross. The rapper Rick Ross is just a former college athlete and corrections officer [read: no street credibility without assuming an alter ego] who took his nom de plume from the legendary drug dealer from 1980s LA. Just a little about the REAL Rick Ross. (Quote from Rolling Stone magazine) "Between 1982 and 1989, federal prosecutors estimated Ross bought and resold three tons of cocaine ("tons" italicized in article; yes, 3 TONS). In 1980 dollars, his gross earnings were said to be in excess of \$900 million--with a profit of nearly \$300 million. Converted roughly to present-day dollars: \$2.5 billion and \$850 million, respectively. As his distribution empire grew to include forty-two cities, the price he paid per kilo of powder cocaine dropped from as much as \$60,000 to as low as \$10,000. This was partially due to his exponentially increasing network of distributors, as Crips and Bloods struck out across the country to franchise the trade, spreading their gang culture with it..." [There's more but I'll stop there. Rick Ross already had a rap sheet before the his cocaine empire took off. For all of this, you think the REAL Rick Ross would have been arrested and be looking at serious jail time for his coke dealing, right? Nope. His deal initially called for 10 years in federal prison. He provided evidence to the government to put away some even worse people than him--if that's imaginable--, and he served only 4.5 years. Mind-boggling. And yes, of course, he was arrested after his release for drug dealing, did some time, and is out again...shopping his story to Hollywood. One studio official asked the right question when he asked, "Why am I shaking hands with a drug dealer?"

CHICAGO- I was worried the the Illinois sex offender registry won't allow me to visit public parks. Turns out it might be a blessing in disguise. Keeping me from visiting parks provides an of illusion of safety for children since I've never threatened a child, but it might REALLY protect me. As reported by the Columbia College Chronicle, "In Chicago's most dangerous neighborhoods, parks once considered safe for children have become grounds for crime and gang activity." They report that the city has launched a "Play Safe, Stay Safe " parks initiative after a period of summertime violence, including a Sept. 19th shooting at Cornell Square Park that left 13 people injured. My sex crime involved a computer in an office--not outdoors and not involving anyone else. The shooters that shot up this playground, if they're ever caught, will be free to return to the scene of their crimes. Chicago Police are so busy keeping tabs on sex offenders who don't have direct victims in the community that they don't have time to catch and keep track of those who actually do.

ROSSVILLE, GA- Authorities are searching for 20-year old Marcus Eugene Sutton. He's wanted on 5 felony counts in the murder of 23-year old Anderson Watts. Sutton was released from the state penitentiary on August 14 after serving one year of a 20-year sentence. He's considered armed and dangerous. [I'm guessing he was also considered dangerous when he was released after that one year in the penitentiary where he did 5% of his sentence. You could consider this laughable if a man wasn't dead because of it]

EVERYWHERE, USA- This year while police were running around rounding up men on sex offender registries, making sure they weren't handing out candy, and generally making their lives unnecessarily miserable, 5 children were killed in traffic accidents directly resulting from their trick-or-treating. Sympathies go out to their families. Without making their deaths overly political, those deaths might have been prevented if those same officers were involved in something as simple as traffic control.

PORT ANGELES, WASHINGTON- Gary Blanton was 17 when he had voluntary sexual relations with another teenager. He was convicted for this "Romeo and Juliet" offense and placed on the state Sex Offender Registry. That was years ago. Since then, he married and created a family. That all came to an end when a man saw Blanton's picture on the public sex offender website and decided that he needed to kill Blanton. The man, who had 47 prior convictions for a variety of drugs, assault, and robbery offenses, was hailed as a hero after he killed Blanton and orphaned his children. [Whose the criminal and whose the victim here? Still think sex offender registries help?]

ARLINGTON, TX-At 7:30 am on Aug. 2, a SWAT team of armed police agents, code enforcement officers, and narcotics detectives suddenly exploded all over Shelie Smith's little farm. They burst through the gate, handcuffed the terrified residents, and held them at gunpoint while the agents executed the raid's mission.

Which was what exactly? A City of Arlington spokesman explained, "The purpose was to improve the quality of life and resolve life safety issues within neighborhoods." It seems there had been complaints about marijuana being grown and about the place being unkempt.

So what did the derring-do raiders achieve? They capture 17 blackberry bushes, 15 okra plants, 14 tomatillo plants, some



native grasses, and sunflowers. Then they whacked down Shelie's sweet potato patch and seized the farm's compost, along with some wooden pallets, old tires, and furniture. Notice what they did not find? marijuana plants. Nor any other illegal products. To learn more about the militarization of local police forces visit [www.aclulorg/militarization](http://www.aclulorg/militarization) [This is obviously someone doing "less than I did (read: nothing) and NOT getting away with it."]

CHICAGO- Judge Diane Cannon of the Cook County Circuit Court responded "You got me." when it was pointed out that she had contravened policy in sentencing violent felons to "boot camp" instead of prison. One of those, a then-19-year-old first time felon was sent to boot camp and is now facing murder in the killing of college student, Kermit Delashment II in a botched Chicago robbery. The 21 year-old victim had a community college degree in computer science and was set to attend Southern Illinois University. He excelled at basketball and had attended an NBA tryout. [I'm beginning to think we have it backwards. Instead of treating juveniles and young offenders less harshly because they don't know any better, maybe we should treat their "early and often" criminality as the harbinger of much worse things to come. After all, if they're capable of doing such depraved things at such a young age, what might they do a year, 5 years, or 10 years down the road? The 40 year old facing his first arrest in an otherwise unblemished, upstanding life might ought to be given that same ( or some) latitude instead since his life has proven that an single criminal event is indeed, a "red herring" and uncharacteristic.]

MOUNT VERNON, OH- Back-to-back story in the local paper note these two recently sentenced men doing worse than men at Elkton and getting less time. Leo L. Jones, 42 was sentenced to a 30-month prison sentence for disseminating matter harmful to juveniles (porn). He sent a message to a "12 year of boy" (it was the police) asking him to have sex. He also sent photos of his genitals to this same "boy." Second story: Tyler B. Smith, 27, was convicted of child pornography and illegal use of a minor in nudity-oriented material or performance [production of child pornography]. He was sentenced to a three-year term of community control supervision. If he violates, he will serve a four year prison term. [So here we have a man who solicits and sends naked photos of himself to a 12 year-old sentenced to less than half my 72-month sentence and a man producing child pornography who gets probation. Odd, you would have thought that the Feds would have been interested in these since they involved the Internet. And that one involved solicitation of a child. And that the other involved production of child pornography. You know, the deterrent effect of my sentence only kinda makes sense of those doing MORE serious things than me get more time than my I did. Otherwise, no one ever would believe that you get 6 years in prison for looking at pictures on the computer and probation for making those same types of photos. Of course, I've given up on hoping that it'll eventually make sense.]

CINCINNATI- In USA Today's "Does the NFL Have a Broken Families Problem" it's noted that in the 2013 offseason, NFL players were arrested 37 times. Since the 2010-2011 season, 35 players have been charged with violent crimes. In particular is Adam "Pacman" Jones. The story notes "In his seven years in the NFL, Jones has been arrested for disorderly conduct, vandalism, drug possession, obstruction of justice, coercion, battery, threat to life and more. This June, he was arrested and jailed on an assault charge after police said he hit a woman at a Cincinnati nightclub." [Now the question I ask is not only why he's still on the Bengals' roster. You'd think he'd be a public image nightmare, but more to the point, why in the world isn't he already in jail or prison? I'm sure the woman he assaulted and the folks he's threatened and beaten lately wonder this, too. This is just further evidence of what I wrote in a previous update letter. Some folks (cops, athletes, Pentagon employees, Lindsey Lohan, politicians) have one set of rules, and and the rest of us have another set of rules.

BATON ROUGE- So when you have stories like PacMan Jones, you can hardly blame college athletes for getting into trouble. They know they won't face any consequences. I know a lot of my family enjoys college football, particularly SEC football (UGA, Bama, and Auburn). LSU has a great running back this year named Hill. It's a bit of a surprise that he's suiting up this year though. Or in school at all. He was in court awhile back facing charges that he sucker punched another LSU student outside a bar in Baton Rouge. Nothing came of that charge--it was just made to go away. I say "back in court" because that assault came while Hill was on probation. Seems that just a year earlier he was convicted of having "carnal knowledge" of a 13 year-old girl. For that crime [a sex offense?], he received probation. Just to be clear, Hill didn't miss on-the-field time for these assaults because LSU has a national title to win (oops, they lost). Sounds a lot like the Aaron Hernandez story during his time at University of Florida. He caused all sorts of mayhem that went unpunished. Thinking that he could pull off a murder and get away with it, it appears that once he entered the NFL that's exactly what Hernandez attempted.

SHOREWOOD, MINNESOTA- 58 year-old Eddie Soles was found dead in a freezer. His live-in girlfriend, Jetaun Wheeler, 29, was charged with second degree murder in the killing. She's accused of beating him with a closet rod, wrapping him in plastic and duct tape, then hiding him in a freezer in the garage because he was trying to break up with her. [When my time comes, I only pray that I die a more dignified death than this. Also, I've always found that the best way to keep someone in a relationship is...drum roll please....NOT to kill him/her. As is it, he never left her, but then again I suppose this way he couldn't date anyone else either. She clearly didn't think this one through all the way, but she'll have plenty of time to think about it now since she'll spend a few years on prison (USA Today, Sept. 4).]



# No Justice: Sex Offenses, No Matter How Minor or Understandable, Can Ruin You for Life

## Why do we treat the most predatory and dangerous criminals the same as those who are not?

by Charlotte Silver

THE COLLECTION OF LAWS AND RESTRICTIONS that regulate people categorized as “sex offenders” has been punctuated by names such as Megan, Jessica and Adam. These are the names of children, all victims of heinous crimes that sparked high-profile campaigns aimed at creating “get tough on crime” legislation. Today you can go online to your state’s Megan’s Law website, where all convicted sex offenders are required to register, and probably find clusters of red dots on the map of your neighborhood, each dot representing an individual convicted of a sex crime. In California, approximately one of every 375 adults is a registered sex offender.

While some states have considered adopting public registries for other crimes – domestic violence, drug dealing, murder – so far sex offenders comprise the only class of criminals who are deemed to warrant this special treatment, despite scant evidence that it is effective at reducing sexual assault. [Ed. note: There are in fact some registries for other types of offenders, including people convicted of certain violent and drug-related crimes. See: PLN, April 2012, p.30; Oct. 2008, p.32; May 2007, p.30]. Registries are designed to protect children from “stranger danger,” a largely mythical threat belied by the fact that only three percent of sexual abuse and six percent of child murders are committed by strangers.

Far below the public’s radar is a constant stream of new legislation affecting sex offenders. In 2013 alone, at least nine new laws were proposed in the California legislature to tighten or expand sex offender laws; if passed, these new laws would be applied indiscriminately to the entire registry, a list which includes persons convicted of public urination and teens having consensual sex, as well as serial rapists and violent pedophiles.

In California, registration is for life – a defining feature that is both revealing and confounding. Why do we treat those criminals considered the most predatory and dangerous the same as those who are

not? Why do we view all as unworthy of redemption? And, can advocates working to redress a criminal justice system that has failed so many – people of color, women, poor people – find a place in their movement for those working for the rights of sex offenders?

### “Emily”

EMILY, 46, SLIPS INTO A CHAIR IN THE cafeteria on the top floor of the State Capitol building in Sacramento, California. Her hair, light and bright as a streak of lightning, is collected into a small ponytail and her right hand holds a plastic cup of red soda. She speaks in a muted voice: “I am on the 290 registry, I have been for 14 years. Before that, I had never been in trouble, not even a traffic ticket.”

Emily tells her story rapidly and repentantly: one night when she was 32 years old, she was drinking heavily and blacked out. She woke up to a chaotic and confusing scene: her 12-year-old neighbor straddling and fondling her body, as his father stood there shouting before he grabbed the phone to call the cops.

But the day I meet Emily that once-enraged father, Wayne, has accompanied her on her first trip to the legislative halls of Sacramento. “I didn’t know what to do at the time; I just called the authorities,” Wayne says. “I had no idea what would happen to her,” Wayne says regretfully, sitting next to Emily.

What did happen to Emily? A lawyer who charged her \$25,000 to represent her told her to accept a plea bargain. Thinking she was avoiding prison time, she accepted a deal that would place her on the California Sex Offender Registry. So Emily became another red dot on the map along with approximately 90,000 others in the state and 750,000 around the country. Her crime is described as “lewd and lascivious acts with a child under 14.”

“At the time, I had no idea how being on the Registry would change my life and my children’s lives,” Emily says.

In 2003 the Supreme Court determined that sex offender registration is not a punitive measure but one intended to provide protection for potential victims and “regulate” released offenders. Therefore, constant changes in requirements for registrants are permitted without being seen as violating the constitutional prohibition against ex post facto. Thus, as new restrictions governing registrants are continuously adapted into the penal code they are applied retroactively to the entirety of the registry. Current prohibitions against registrants in California vary slightly from city to city, but include not being permitted to live within 2,000 feet of a school, park, nursery or church; obtain a contractor’s license; practice medicine or law; foster a child. Sex offenders are ineligible for some federal and state grants and cannot live in federal public housing.

Jeff Stein has served as a defense attorney for sex offenders since the 1970s. He likens the Supreme Court ruling to the fig leaf donned by Michelangelo’s David, “making the nude statue appropriate to the small town in Italy.”

“The government – the legislature and the judiciary – wanted to be able to make retroactive changes so as to create registration impacts that hadn’t existed previously. So, they came up with a rationale: registration is not a penalty or punishment.”

When California voters enacted Proposition 83 (known as Jessica’s Law in other states) in 2006, they toughened existing penalties on registrants and bestowed the right to municipalities to adopt their own additional rules for sex offenders – thus accelerating the rate at which the vise tightens around the lives of registrants.

“The cute little trick that localities are doing now is they will put a bench and watering hole on a corner and call it a ‘pocket park,’ forcing registrants to move,” Stein says.

J.J. Prescott, law professor at the University of Michigan, has written extensively about the social and behavioral impacts



of sex offender laws. Prescott's research indicates that current notification and registration laws may actually increase the likelihood of reoffense by imposing financial, social and psychological barriers on released sex offenders. Prescott explained why he was initially attracted to researching this area of law:

"For the most part, criminal law has been stable for a long time. There are only a few areas where criminal law is changing rapidly and as a result affecting hundreds of thousands of lives.

"Sex offender law is one of those areas of incredible change. Every year legislators are changing and adding laws; it's dynamic."

And for the last 14 years Emily has lived through these changing laws. "Every couple of years there would be a new law affecting me.

"Before, with my sons – who are now 16 and 13 – I went to back-to-school night, soccer games, baseball games, everything. But as the laws progressed, now I can't go to Little League games anymore, I can't go to parks, and I can't go to school events without obtaining special permission."

Perhaps the single most potent torment for registrants is being made a public, humiliating spectacle.

Prescott says, "Notification and registration privatizes punishment: we won't put you in jail but we will make it so no one will hire you, date you, and your family will become very uncomfortable."

Emily says, "I tried to commit suicide twice, just the shame of the label itself. Right now everyone is thrown into one category. It doesn't matter what you did. There's a lot of ignorance about it. I would keep my blinds shut, I didn't answer my door. Anytime somebody drove really slow on my street my heart would freeze."

Emily has worked hard to find sources of support in her community. "For a good 10 years, I didn't have a life," she says.

While the laws continued to batter Emily into further seclusion, an advocacy group approached her. Janice Bellucci, the president of California Reform Sex Offender Laws (CARSOL), contacted Emily after ordinances prohibiting registrants from being present in arcades, movie theaters, beaches, museums, libraries and a host of other public places swept through Orange

County and other cities in the southern part of the state.

California RSOL is a small group that was largely dormant until Bellucci took the reins in September 2011. Once in charge, Bellucci, a lawyer, established the group as a 501(c)(4) and set about to use targeted litigation in order to fend off the avalanche of legislation aimed at piling on restrictions to registrants.

Now, the group resembles a genuine civil rights organization. In the fall of 2012, Bellucci and California RSOL successfully fought off pending ordinances that would have imposed excessive restrictions on registrants, including one that would have prohibited registrants from decorating their houses for Halloween and required them to place a sign in their front yards that stated: "No candy or treats at this residence."

In a precious instance of coalition building, California RSOL teamed up with the Electronic Frontier Foundation and the ACLU of Northern California to file a suit against a provision within last November's California State Proposition 35 that required registrants to submit all of their Internet identities (email addresses,

## HERMAN



"Don't laugh, my wife thinks I'm in South America with two million bucks."

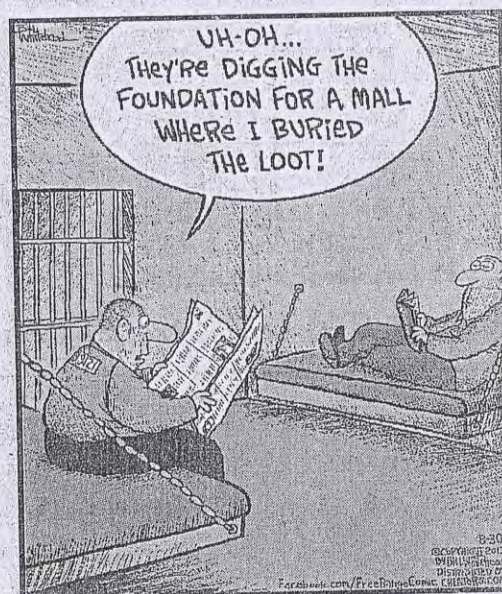
## Cornered

by Mike Baldwin



"Think of it as a legal loophole."

## Free Range | Bill Whitehead



What does it say about how we view prison when all these cartoons feature older, white, fat men and not the young, black, and the increasingly mentally ill that are disproportionately incarcerated. Does it help us ignore who's really there and make it easier for the reader to think that prison is full of people like him?



## No Justice for Sex Offenses (cont.)

handles, usernames for accounts on Amazon, Yelp, political and personal forums, and so on) to the public registry and to continue to register any new online identity with the local police within 24 hours. As a result of their suit, a federal court issued an injunction against the provision.

Last winter, Bellucci reached out to Emily because she wanted to sue the cities that had adopted the draconian "presence restrictions" and thought Emily might want to be a plaintiff in the case. After years spent trying to hide her shameful label, Emily was at first reluctant to participate in something that would highlight it.

"But it came to the point that if I didn't do anything, nothing would change," she says. "It took me a couple of weeks but I eventually got back to Janice."

Having experienced a few, but significant, successes at the local level, California RSOL convened in the State's Capitol this May with the intention of lending support to the fight against lifetime registration for all. San Francisco Assemblyman Tom Ammiano had made his second attempt to introduce legislation that would implement a tiered registry. Under his proposal, a convicted sex offender would be required to register for periods of 10 or 20 years, or for some a lifetime, depending on the severity of the offense.

The bill, AB 702, was conservative by any measure: it would have brought California in line with 46 other states, by CARSOL's calculations saved the state around \$15 million annually by paring down the bulky directory, and still placed even mild 290 offenders like Emily in the second tier.

Emily travelled from the central valley of California to join Bellucci and other advocates, as well as a handful of other registrants and their families, to encourage legislators and their staffers to support Ammiano's bill.

In the cramped rooms of legislators' staffers, each person provided a different perspective on why a tiered registry is sensible law.

Janice, an experienced lobbyist, presented an unsentimental assessment and maintained focus on the practicality of the proposed legislation.

Emily told her story to each staffer

just as she had to me. The other registrants who came to Sacramento to tell their stories appeared less shamed than Emily, who is relatively new to advocating for herself. One young man, "Mitch," was placed on the registry at the age of 20, seven years after he and his cousin touched each other's developing bodies in a moment of curious and consensual exploration. All those years after the incident, his aunt, who had suddenly come to believe that this single past action made Mitch a current menace, turned him over to the police. The Adam Walsh Act of 2006 required states to place "offenders" as young as 14 years old on state registries.

"Frank" told his story as though he was talking about someone else. Frank was cleared of his conviction in 1984 after serving out his sentence in a county jail. In the following 12 years he started his own business and was appointed president of the local Chamber of Commerce. But in 1997 California's penal code changed and forced Frank to publicly register. Overnight, the life he had created was no longer possible: he lost his contracting license and the lease to his business, and was plunged into poverty.

Also in attendance to urge support for the bill were Charlene Steen, a retired psychologist who has treated sex offenders since the 1980s, as well as a current parole officer.

But in early June 2013, the chair of the House Appropriations Committee, Mike Gatto, did not permit the bill to go forward and so it will remain in suspense until next year.

Tom Ammiano was disappointed his bill failed to go to public session and said, "You'll find a lot of support for it behind the scenes, but not up front. People are just too timid."

Indeed, legislators had repeatedly referred to the bill as "radioactive."

Beyond the reality that legislators fear looking soft on crimes of any kind, sex crimes are shrouded in myths and lies that have generated a legal logic that supports their unique treatment – making a bill that merely attempts to restore some semblance of civil rights to convicted criminals like Emily to be considered "radioactive." Despite study after study indicating that crimes of a sexual nature have one of the lowest rates of recidivism, popular perception continues to be that those who commit sex crimes are stricken with a disease and are incurable and irredeemable.

## Who Does the Registry Save?

EVERY YEAR, ON THEIR BIRTHDAY registrants are required to go to the police department and re-register. They must update their picture and residential information that will appear on the registry website and address any other concern. Throughout the year, Emily keeps a folder documenting all the places she goes and the permission she obtained to go there: to her weekly Bible study group, parent-teacher meetings and so on. When she makes her birthday trip to the police department, she must take this folder with her.

Eugene Porter, a therapist who has worked with convicted sex offenders and male child victims of sexual abuse since 1984, describes this annual ritual as a "powerful shaming structure."

And what about the shamers? Criminologist and professor Chrysanthi Leon remarked that the public spectacle of these hyper-restrictive laws is a "crucial way of signaling that we're doing something about sexual violence, when in reality we're doing very little."

Tom Tobin, a psychologist by training and currently serving as the vice-chair of the California Sex Offender Management Board, carefully acknowledges the unique trauma experienced by a victim of a sexual crime, but questions whether concern for this lasting emotional damage is what fuels our current handling of such crimes.

"I think there's something more primitive," he says. "There's something about human sexuality that engages some part of everyone so that if we can identify this group who can be the 'bad ones' around human sexuality, or the exercise of it, than maybe it lets the rest of us off the hook. We can be sexist, anti-woman; we can make our own behaviors acceptable because it's the sex offenders who are violating peoples' rights. I think there's something deeper and more profound going on that makes it difficult for people to respond in a thoughtful way."

When Eugene Porter reflects on the experiences he has witnessed and treated over the course of his three-decade career, he conveys an authority over and insight into a subject of which he nevertheless insists we must "acknowledge the level of our own ignorance."

"Being a sex offender is the worst stigma – maybe after 9/11, being a terrorist



is as bad," Porter asserts.

It is not uncommon to hear people who work in this field employ the metaphor of terrorist to describe how the criminal justice system has come to treat and portray sex offenders. Both specters have been ascribed a set of behaviors and placed on a continuum of threat to a vulnerable society. Wherever one falls on that continuum, there is an assumption that forward pro-

gression on it is inevitable.

With the logic of a continuum, on which offenders are interminably placed, a justification emerges for a permanent registry that treats all offenders of crimes involving sexual arousal or genitalia as essentially the same. Our attachment to a powerful system that confines and separates thousands of individuals, making pariahs of them all, reveals for whom these shaming

rituals and spectacles provide a soothing salve: it's for those of us not on the list.

*Charlotte Silver is an independent journalist currently based in San Francisco. She writes for Al Jazeera English, Inter Press Service, Truthout, The Electronic Intifada and other publications. This article was originally published by Alternet (www.alternet.org) on July 23, 2013, and is reprinted with permission.*

## Quotes

"You have to educate yourself. You have to be vigilant. It really makes the world more interesting. It's called living an informed, awake life, and it's way more interesting than sleepwalking through it." --Mary Berry, daughter of Wendell berry and director of the Berry Center

"Control what you can control. For those things that you can't control, control how you respond to them." --Kevin F

"They fought not for love of civil rights but for the civil right to love." -- plaque in Bowling Green, VA commemorating Mildred and Richard Loving, plaintiffs in the case Loving v. Virginia, the US Supreme Court case and ruling that struck down interracial marriage.

"As I've gotten older, I've come to realize that all of life is re-invention. Sometimes past and future can can the same time period. New just shows up sometimes. In show business it's easy to understand. You can't keep coming back with the same show. Unless you get offstage, you can't make another entrance." --Lorne Michaels on the TV business in the 1970s as told to Vanity Fair.

"I write often about human rights abuses abroad. But when we take young, non-violent offenders, some of them never arrested before, and sentence them to die in prison, it's time for Americans who care about injustice to gaze in the mirror." --Nicholas Kristoff, New York Times reporter, in his essay, "Serving Time for This?"

"Don't speak if you can't improve on the silence" --author misplaced, quote posted outside the FSL-Elkton dining hall. If only more folks would read and heed.

"Ultimately, police have their role and responsibility, and that's policing. That can only take us so far. What the communities have to ask is, 'How do we create safety in our community?' Because ultimately, the police can't do it. Ultimately, it's go to happen within the communities...and I haven't really seen that much." David Kelly, Catholic priest and executive director of the Precious Blood Ministry of Reconciliation, a South Side organization that works with at-risk-youth commenting on community calls for more police.

"Hunger is the best sauce." --Cervantes

"We see what they say about all the different scenarios. In our mind, there is no scenario. The only scenario is that Duke wins. That's it. That's what we did today." -- Duke cornerback Ross Cockrell, following the football team's 27-25 win over UNC. A loss by Duke would have resulted in a 4-way tie atop the Coastal Division of the ACC.

"After you've eliminated everything that's impossible, what's left, no matter how improbable, is the truth." --Arthur Conan Doyle

## RECENT READING (BOOKS)

Art Beyond the -isms  
Little Big Man  
Cold Paradise, Shoot Him If He Runs, The Run, Deep Lie- Stuart Woods  
Zealot: Jesus of Nazareth  
Signal and the Noise- Nate Silver

*That's all for this edition!  
Best and Peace,  
Kevin*