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**By Marlene Lang**

### **2.3 million forgotten on the campaign trail**

I thought I was the only one to notice.

A presidential election is coming and the candidates have nearly forgotten the 2.3 million Americans in prison. OK, many of those Americans won't be voting in Nov. 2008, but that should not prevent a national discussion of a criminal justice system obese with mandatory sentences and a war on drugs gone darkly awry.

News reports in recent weeks announced the United States had passed all opponent evil empires in its per capita incarceration rate, locking up one in 100 of its citizens at any given time. China has a reported 1.6 million people in its prisons, but it has four times our population. It's embarrassing.

Both Sen. Hillary Clinton (D-NY) and Sen. Barack Obama (D-Ill.) have checked in on criminal justice issues, agreeing that we are sending too many non-violent, first-time drug offenders to prison for too long.

Yes, we are, and it's not cheap. And it's not helping those non-violent offenders, or their families, or their communities. Even Sen. John McCain (R-AZ), in a town hall meeting last November, said the words: "We have too many first-time drug offenders in prison." That said, the senator from Arizona has pretty much clammed up on the incarceration-craze issue.

It's so politically messy. Talking about drugs and mandatory sentences can easily lead one into the slough of softness on crime – a place no good Republican wants to be, and where even Dems fear to tread.

And with all the talk of race in this race, little has been said about the racial disparities glaring from our criminal justice system. I found another voice crying in the pundit wilderness, Arianna Huffington, whose op-ed was published in the Los Angeles Times in January. Said Huffington: "There is a subject being forgotten in the 2008 Democratic race for the White House. While ... the candidates are vying for the black and Latino vote, they are completely ignoring one of the most pressing issues affecting those constituencies: the failed 'war on drugs' – a war that has morphed into a war on people of color."

Do I need to mention that a gapingly disproportionate number of those serving prison time are black and Hispanic men? Some call it the new battlefield to which the civil rights movement has migrated, with the assistance of tough-on-crime legislation.

Both Clinton and Obama advocate reform of the mandatory minimum sentencing laws that have nourished the corrections industry while binding the hands of the judges who hear the details of individual cases, stealing their discretion. It smells like another case of dismantlement of checks and balances.

Specifically, both Dem candidates advocate eliminating the federal mandatory five-year sentence for any crack cocaine violation. This outrageous law sent any possessor of 5 grams of crack cocaine to federal prison for five years; but an offender would need to have his grubby hands on 500 grams of powder cocaine to get the same five-year-sentence. Clinton rightly called it "unconscionable."

But is it really a war on people of color? Only if people of color cop more rock, while white druggies blow more snow. You decide.

The two Democratic contenders for their party's nomination disagreed on whether to make the law retroactive for the crackhead stiffs still serving out those five-year sentences. Obama favored

allowing retroactive application of reforms for those incarcerated under the crackhead crackdown. Clinton “had problems” with retroactivity.

And though Clinton and Obama both support alternatives to incarceration, like using special drug courts to divert low-level offenders into treatment, Obama particularly noted that focusing on unemployment among minorities could go a long way in reducing the number of minorities serving time. He relates poverty to the crack problem. This is the kind of soft talk that some fear, and of which most steer clear on campaign trail.