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**From:** "Nora Callahan" <nora@november.org>  
**To:** "John Gilmore" <gnu@toad.com>  
**Cc:** <rickmaps@eff.org>; <sylvia@dancesafe.org>; <ah@well.com>; <enadelmann@sorosny.com>;  
 <owlswan@eff.org>; <rgb@cognitiveliberty.org>; "John Chase" <chaseng@mindspring.com>  
**Sent:** Friday, February 02, 2001 2:22 PM  
**Subject:** Re: Comments on MDMA sentencing - for the Commission  
 2 February 2001

U.S. Sentencing Commission  
 Michael Courlander, Public Affairs Officer  
 One Columbus Circle, N.E.  
 Washington, DC. 20002-8002

RE: Comments for the Sentencing Commission on Ecstasy emergency re-sentencing

Dear Mr. Courlander:

Congress has mandated an emergency review of Ecstasy sentencing provisions. The November Coalition is very concerned that the request of Congress, is yet another reactionary response to what congress perceives as an increase in dangerous drug use. Any increase of rates and length of incarceration on the federal level, will probably cause more harm to the enforcement targeted persons, Bureau of prisons staff morale and safety, and to society as a whole, than the use of these substances would ever effect.

We question the so-called emergency nature of this congressional request, there being little time for public comment, wherein physicians, chemists and other experts and professionals could have a true public discussion. Too many times since the war on drugs was declared over 30 years ago, we have seen the prison sentences increase with little input from the public and leaders alike.

In April 2000, Katherine Hawk, the director of the Federal Bureau of prisons testified before the Senate Subcommittee on Criminal Justice. We will include portions of her statement as our part of our comments on Ecstasy emergency re-sentencing:

"Overcrowding in BOP facilities is 34 percent over capacity system wide. At medium and high security facilities overcrowding levels are at even more dangerous proportions, 55 percent at medium security facilities and 51 percent at high security facilities. We must reduce overcrowding at those facilities for the security of staff, inmates, and the surrounding communities. With the resources Congress has already provided, we are making substantial progress with 22 new prisons funded. However, we need to do more . . . over the past 5 years we have had substantial decreases in both inmate suicides and inmate misconduct, including assaults. However, such successes cannot be expected to continue in the face of the dramatic population increases and record setting overcrowding we project will occur in the next several years. Without the resources we have requested to bring

additional bed space capacity on line, our record of service may be in jeopardy."

There are over 95 federal penal institutions and contract confinement facilities at present. Increased penalties will require an overburdened prison system to grow more and more unstable.

We urge the Sentencing Commission to return to Congress and share Katherine Hawk's recent comments once again. Bureau of Prison staff and prisoner safety "cannot be expected to continue in the face of the dramatic population increases and record setting overcrowding that is expect to occur in the next several years."

The November Coalition is an organization of thousands upon thousands of prisoners, their loved ones and other concerned citizens nationwide. We know firsthand of mounting tension in our prisons-due to overcrowding, only one of the problems prisoners and staff must endure. Add to that tension, sentences that last decades with no hope of earned release, little hope of good outcome as family units unravel under the strain of incarceration and separation from those we love. These are not laws that serve society well. This is not the opinion of our organization-this statement embodies the many conclusions of numerous studies, some which have been sponsored by the federal government.

To recommend harsher penalties when we know that public education is less expensive and holds more promise of resolution than a rush to incarceration, is questionable from the start. We are the world's leading jailer, certainly America can find better solutions to our social needs.

Prison cells built for one became two man cells last decade. Those one man cells are now being converted to house three men or women. Rooms previously used for education, recreation and rehabilitation are converted into "dorms", temporary "units" and still the rush to imprison does not abate. Our leaders must find a better path in our society for our citizens-a better path than the dead end of prison. We know that these laws will target young people primarily. The emergency we see, is an overburdened federal prison system, not the use of a particular substance by a particular group of our society's citizens.

The war on drugs is a failure, and to continue to wage it unchecked as this "emergency review" suggests, is immoral. This is not a time to rush to more imprisonment, but a time to re-examine every aspect of the war on drugs, and that includes the penalties for club drugs. De-incarceration should be our goal, and would serve justice-not the reverse.

Thank you for considering our hurried comments. Had there been more time, an appropriate time given citizens to respond, I am sure that you would have far more comments to consider.

Sincerely,

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Nora Callahan  
Executive Director

The November Coalition  
795 South Cedar  
Colville, WA 99114

509 684-1550

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2/4/2001