

# Twist of Fate: From Life in Prison to Freedom



By A.C. Bushnell  
DKT Liberty Project Program Director

About three years ago, I came across an article in The Daily Beast about a man named Fate Winslow who was sentenced to life in prison at hard labor without parole for selling \$20 worth of marijuana to an undercover police officer in Shreveport, Louisiana. I recognized what a huge injustice this was. However, even though I wanted to help, I had no idea how to go about it, so I set it aside.

Six months later, I hadn't forgotten about Fate Winslow's case. It just wouldn't go away. Finally, I said aloud, "Ok, ok... I'll do whatever I can to get this guy out of jail. I just don't know how." So I poked around. A really good lawyer we work with, Jessie Amunson, suggested I call Nina Morrison of the Innocence Project in New York. After three meetings with her, she said, "I am going to call Jee Park of the **Innocence Project of New Orleans** about this prisoner." Nina phoned, Jee was interested, and started exploring the case. It turned out that the public defender appointed to Winslow's case in 2008 was terrible. Jee visited Winslow in Angola Prison, and she began

talking with the District Attorney in Shreveport.

In May of 2019, Jee arranged to have us visit Fate in Angola. It's a terrible place and, of course, there is no air conditioning in the Louisiana heat. Fate was such a nice man! I was doubly sure that this humble, friendly man should not be in jail.

It took Jee Park several months to obtain the records in Fate's case. She initiated discussions with the District Attorney in Shreveport, Caddo Parrish, made several phone calls, and had two in-person visits with him. The record shows that at trial, Fate's appointed counsel did not dispute what prosecutors said in court. He did not put on a case of any kind.

Eventually, the District Attorney agreed to have Fate re-sentenced from life to 12 years. Since he had already served more than that time, he was now eligible to be released right away.

On December 16th, 2020, Fate Winslow walked out of Angola Prison a free man.

[Click here to see local TV news coverage](#)

## One Episode in a Story that Traces Back Centuries

Prior to 2008, Fate Winslow had run afoul of the law three times. He was found guilty of non-violent offenses in 1984, 1994 and 2004. His fourth conviction -- for selling an undercover cop a bag of marijuana for \$20 -- spelled a life sentence under Louisiana's habitual offender law.

Angola Prison, now called "Angola State Penitentiary," was originally an 8,000-acre plantation, constructed by slaves who were captured in the West African country of Angola. After slavery's abolition, "Black Codes" were codified into law in former slave states to funnel newly-free Black people into prisons, for other forms of forced labor, at institutions like Angola.

This remote facility is now the largest maximum security prison in the United States. There are 4,596 prisoners at Angola. 16.3% of them are serving life without parole, which is the highest percentage of any prison in the country. 73.4% of these "lifers" are Black, and 26% are white. Only 32.1% of Louisiana's total population is Black.

These prisoners are worked at hard labor, and most of the food at Angola is produced on the site. Inmates are paid 2 pennies per hour. "There are still field lines that inmates have to follow as they work crops, Winslow said. "They are still working them. They still give them two pennies an hour."

Winslow was found guilty in 2008 by a non-unanimous jury, a practice the Supreme Court ruled last year was unconstitutional. While he is now free, roughly 1,700 others in Louisiana are still serving life sentences who were convicted the same way. The Bayou State has more prisoners serving life sentences than Alabama, Arkansas, Mississippi, Tennessee, and Texas *combined*.

"If it weren't for the DKT Liberty Project and Innocence Project of New Orleans, I would still be in there you know. We have this thing we say in Louisiana, 'No money. No justice.' I didn't have any money and there was no way I was going to get it. They stepped up and helped me."



Prisoners in 1980 sentenced to hard labor under punishing conditions in the Louisiana heat.

Photo Credit: Keith Calhoun

**See the TV ads that helped legalize marijuana on Page 3**

**Louisiana has more prisoners serving life sentences than Alabama, Arkansas, Mississippi, Tennessee, and Texas combined.**

# Innocence Project of New Orleans Launches New Initiative: The Unjust Punishment Project

Thanks to support from the DKT Liberty Project, the **Innocence Project of New Orleans (IPNO)** has launched the **Unjust Punishment Project**. This initiative will free people serving life or equivalent sentences for drug convictions. The war on drugs has ravaged Black communities, cost taxpayers billions of dollars, and thousands of men — never convicted of any violent crime — have been sentenced to decades in prison. This is unjust.

While inmates at Angola languished on life sentences, ten states and the District of Columbia legalized the production, sale, and use of marijuana, and even more states legalized medical marijuana. Those states generate hundreds of millions of dollars of revenue for education and social services. Faced with a growing opioid epidemic, many states are seeking innovative, compassionate public health solutions, not imprisonment. Yet, many inmates in Angola are serving prison terms of 40 years or more for drug convictions. This is outrageous.

Louisiana's drug laws disproportionately devastate black families and communities. The failed war on drugs has contributed to a larger percentage of Black people being imprisoned in the United States than in South Africa at the height of apartheid. In Louisiana, 1 in 5 incarcerated people are imprisoned as a result of a drug offense.

The Unjust Punishment Project and IPNO will continue to fight for and free unjustly imprisoned individuals like Thomas Swinner and Mitchell Stevens:



**Thomas Swinner leaves The Louisiana State Penitentiary, better known as Angola Prison.**

### Case Study: Thomas Swinner

On July 30, 2020, Thomas Swinner was freed after 20 years, 11 months, and one week in prison. In 1999, Mr. Swinner was 28 when he and his friend walked into a second-hand store to sell some speakers. The men behind the counter offered to buy them if Mr. Swinner and his friend could also give them some marijuana. Mr. Swinner's friend had some marijuana, and he gave the men enough for one joint.

The men behind the counter were undercover police officers. Mr. Swinner and his friend were arrested for "distribution of marijuana." Mr. Swinner was tried, convicted and sentenced to life in prison. His nonviolent, prior involvement in the criminal legal system gave the prosecutor the discretion to enhance his sentence - without limit - under Louisiana's "habitual offender" law. He remained in prison for more than two decades until the Unjust Punishment Project worked with the St. Tammany District Attorney's office to secure his freedom. Next month he will celebrate his 50th birthday as a free man.



**After two decades behind bars, Mitchell Stevens embraces his family as a free man.**

### Case Study: Mitchell Stevens

Mitchell Stevens was released from Angola Prison after more than 23 years behind bars.

An attorney with IPNO, Meredith Angelson, worked with Stevens who had spotted a possible flaw in the law, although he had no legal training. She convinced the District Attorney that Steven's sentence was illegal in light of changes to the law, and a judge re-sentenced him to 20 years in prison with credit for all time served. He walked out of Angola Prison on November 16 a free man into the arms of his fiancé, Mary and his sister, Ann.

***The failed war on drugs has contributed to a larger percentage of Black people being imprisoned in the United States than in South Africa at the height of apartheid.***

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Mail to the address above if you would like to make a donation. Please make check payable to DKT International and write "Liberty Project" in the memo section..

# The Biggest Winner of the 2020 Election? Legalization

In an unusual outcome, all of the 2020 marijuana ballot initiatives were approved by the voters. Here are some highlights.

Pro-legalization television commercials played a major role in achieving victory at the polls. Click the picture below each of the following states to see examples of ads that ran where legalization moved forward.

**Montana:** Voters in Montana voted for recreational marijuana by 14 points.



**New Jersey:** With the support of Governor Murphy, the people of New Jersey passed marijuana legalization by a robust two to one margin.



**South Dakota:** Despite staunch opposition from Governor Kristi Noem and other public officials, the voters of South Dakota passed both medical and recreational marijuana for their state. This is the first time both medical and recreational marijuana have been passed at the same time.



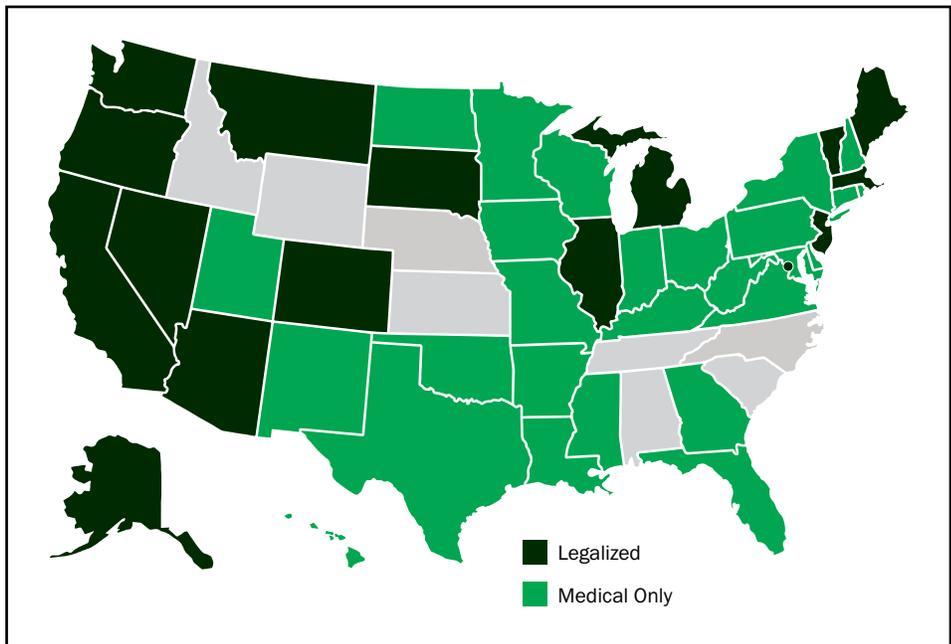
**Arizona:** After narrowly losing a ballot initiative four years ago, Arizona had a resounding win for legal marijuana.

## Medical Prevails in Mississippi

Mississippi made history by becoming the 35th state to establish a medical marijuana program. Voters overwhelmingly chose Initiative 65, despite the efforts of the Mississippi legislature which had created an alternative 65a in an attempt to confuse voters and destroy the program. Mississippi has now become the first state in the South to allow its citizens access to the benefits of medical marijuana.



STATE	LEGALIZATION EFFORT TYPE	VOTE %	
		YES	NO
Arizona	Full	60	40
Mississippi	Medical	74	26
Montana	Full	57	43
New Jersey	Full	67	33
South Dakota	Full	54	46



More than 91% of Americans now live in a state where marijuana has been decriminalized to some extent.

"I am so proud of Mississippi," said Angie Calhoun, whose son will qualify as a patient under Initiative 65. "Austin had an 'autonomic nervous system disorder' that caused seizures and severe nausea and vomiting. Initiative 65 is going to change the lives of thousands of qualified patients, just like my son. This victory is for those patients and their families."

## Other Legalization Highlights

Virginia is poised to become the 16th state to fully legalize marijuana for adult use. Three states — Illinois, Vermont, and now Virginia — approved their legal-

ization legislatively; the rest of the states used ballot initiatives. Governor Ralph Northam has pushed for legalization. A new Virginia Cannabis Control Authority is slated to convene in July to begin crafting implementation details.

Illinois Governor J.B. Pritzker said: "I'm proud to announce that nearly 500,000 low level cannabis-related records have been expunged in Illinois, four years ahead of schedule. We reached this milestone one year into what will be an ongoing effort to correct historic wrong-doing fueled by the war on drugs."

In 2019, 50,042 people died from opioid overdose. The same year zero people died from marijuana overdose.

## Unanimous Verdicts Now Required: Supreme Court Decision in *Ramos v. Louisiana*



**An unconstitutional trial practice dating back to the Jim Crow era has been struck down.**

In the 1890s, all-white delegates to the Louisiana Constitutional Convention sanctioned 10-to-2 jury verdicts with the explicit goal of “ensur[ing] that African-American jurors service would be meaningless.” This meant that only ten out of twelve jurors were needed to obtain a guilty verdict in criminal cases. After that, it was easy to simply put two black jurors on each jury and make sure the rest of the jurors were white. Thus, the black jurors had no power.

Evangelisto Ramos was convicted of a serious crime by a ten-to-two verdict. Ramos was sentenced to life without parole. He appealed, and the case wound up in the Supreme Court.

In April 2020, the Supreme Court ruled that a non-unanimous jury is a denial of the Sixth Amendment right to a trial by jury. The court ruled that a unanimous jury was required to convict a defendant.

*Ramos v. Louisiana* was a victory for defendants. (This ruling also applied in Oregon which allowed non-unanimous verdicts as well.) However, another question lingered: If the U.S. Supreme Court ruled that non-unanimous verdicts were unconstitutional, didn't those who had been previously convicted by

a non-unanimous jury deserve to retroactively get a new trial?

The Supreme Court decided to take the case *Edwards v. Vannoy* as the first test to determine whether or not those convicted by a non-unanimous jury should have the right to a new trial. The DKT Liberty Project wrote a “friend of the court” *amicus* brief along with others in support of these unfairly-convicted people. We wrote in part:

*Louisiana’s practice of allowing non-unanimous jury convictions was nothing more than a modern-day remnant of Jim Crow era policies designed to wield the criminal justice system as a weapon to oppress Black persons. Many individuals — especially Black people — continue to suffer from the harm imposed by this unconstitutional practice, and those individuals cannot seek relief unless this Court rules that its decision in Ramos is retroactively applicable.*

The Supreme Court took the case, and oral arguments were heard in December 2020. The decision will come by the end of June.

## Oregon Decriminalizes All Drugs

The Beaver State has become the first in the union to decriminalize all drugs. In an historic victory, Oregon voters approved Measure 110 by a 59% - 41% margin, the nation’s first all-drug decriminalization measure.

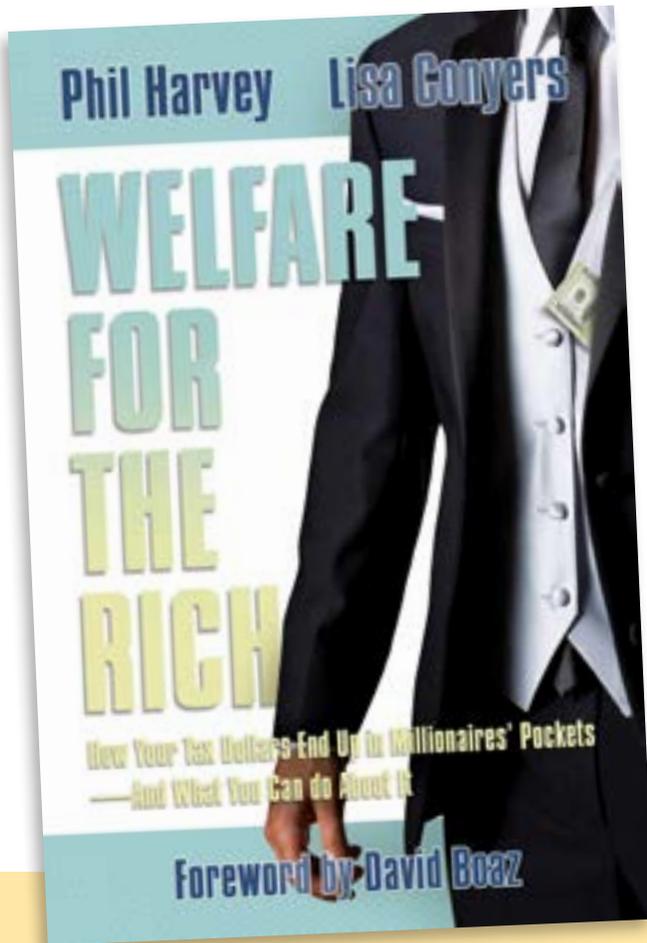
“Today’s victory is a landmark declaration that the time has come to stop criminalizing people for drug use,” said Cassandra Frederique, Executive Director of the Drug Policy Alliance. “This is the biggest blow yet to the War on Drugs. It shifts the focus to people and public health. It also removes justifications for law enforcement to harass, arrest, prosecute, incarcerate, and deport people.”

This measure also expands access to drug treatment, peer support, housing, and harm reduction services, without raising taxes. Services will be funded through excess marijuana tax revenue (over \$45,000,000) and savings from no longer arresting, incarcerating, and prosecuting people for drug possession.

The fundamental elements of this measure are based on successful models used in other parts of the United States and around the world - - including Portugal and Switzerland - - but tailored specifically to meet the needs of Oregonians.

### Still More from Oregon: Psychedelic Mushrooms

In a first, 56% of Oregon voters approved Measure 109, the Psilocybin Services Act. This ballot initiative authorizes the Oregon Health Authority to start “a program to permit licensed service providers to administer psilocybin-producing mushrooms and fungi products to adults 25 years of age and older.”



## Exposing a System Designed by the Rich to Benefit the Rich

In today's ultra-polarized and highly partisan political environment, Welfare for the Rich is one of the rare books written to appeal to engaged and open-minded citizens from across the political spectrum.

Phil Harvey and Lisa Conyers have unearthed a vast trove of research on government programs that benefit people who already have lots of money. You will be astonished – and perhaps angry – about what you discover in this revealing book.

Welfare for the Rich describes and analyzes the many ways that federal and state governments provide handouts – subsidies, grants, tax credits, loan guarantees, price supports, and many other payouts – to millionaires, billionaires, and the companies they own and run. Many journalists, scholars, and activists have focused on one or more of these dysfunctional programs. A few of the most egregious examples have even become famous. But Welfare for the Rich is the first attempt to paint a comprehensive, easily accessible picture of a system largely designed by the richest Americans – through lobbyists, lawyers, political action committees, special interest groups, and other powerful influencers – with the specific goal of making sure the government keeps wealth and power flowing from the many to the few.

Available now on Amazon, at Barnes & Noble and selected bookstores

## Comments on Welfare for the Rich

"Welfare for the Rich masterfully documents how governments violate free market principles by passing laws that bestow special favors, subsidies, and power to the wealthy. Readers will share the righteous indignation of authors Phil Harvey and Lisa Conyers when they discover how their tax dollars are being wasted on pet projects and programs for the rich."

*Scott G. Bullock  
President and General Counsel  
Institute for Justice*

"Harvey and Conyers offer concrete, feasible, fair solutions to end the thousands of government programs that are taking from the poor to give to the rich. Welfare for the Rich is based on thorough research that will make any normal person's blood boil, as one ripoff after another is brought to light. Get angry. And then get real. Kudos to Harvey and Conyers for offering a realistic path to an equitable and just society."

*Dr. Tom G. Palmer, Chair for Advancing  
Liberty, Atlas Network & George M.  
Yeager, Senior Fellow, Cato Institute*

"As governor of New Mexico, I became all too familiar with government programs and policies that favored the wealthy and well-connected at taxpayer expense. Today, citizens of all political persuasions can surely agree that taxpayer money should not be channeled to those who need it least. Thanks to Phil Harvey and Lisa Conyers for demonstrating the scope of this waste."

*Gary Johnson  
2016 Presidential Candidate  
Former Governor of New Mexico*

# Program Seeks to Unite Central American Children with Their Families



**Ana Garcia (left) and her daughter Genesis Amaya of Valley Stream, N.Y., were reunited through the Central American Minors program in 2016 before President Trump terminated the program.**

Photo credit: Claudia Torrens/AP

In 2014, the **Central American Minors Program** was started in order to reunify 2,700 children waiting in El Salvador, Guatemala, and Honduras to be united with their parents who were lawfully present in the United States. 1,335 minors were reunited with their families.

Upon taking office in 2017, the Trump administration blocked this effort. The international **Refugee Assistance Program** sued and forced the administration to resume the program in 2019. A hotline was established that helped answer thousands of calls from families struggling to navigate the process to get their children back. The program also facilitated and coordinated air travel from Central America to the United States for 338 children.

When COVID-19 struck, everything shut down includ-

ing air travel, and 653 more children who had already been cleared for travel remained stuck in Central America. Funding for the hotline ran out.

At that point, the DKT Liberty Project stepped in to help continue the program, funding the hotline staffing for an additional year. As soon as travel becomes more regular, hopefully all 1,400 remaining children will be able to travel from Central America and reach their families in the US.

Additionally, as we know, many refugee children have been taken from their families at the US border in the past four years, so there will undoubtedly be a continuing need to facilitate family reunifications for some time to come.

## The Right to Protest During the Pandemic

On April 14, 2020, the police department in Raleigh, North Carolina, tweeted, "Protesting is a non-essential activity," as an explanation for breaking up a protest. As an organization dedicated to protecting civil liberties and the First Amendment, the DKT Liberty Project was disturbed by the remarks and actions by public officials suggesting that peaceful protest can be outlawed during a national crisis. The ongoing Covid-19 pandemic cannot be used to justify the suspension of First Amendment rights. People must be free to express disagreement with government decisions, even when it involves criticism of essential public health measures.

Upholding First Amendment rights need not be at odds with the government's authority and obligation to protect public health and safety.

Most protesters have been exercising their constitutional rights without threatening the health of their fellow citizens: wearing masks and standing six-feet apart outside hospitals and other places of business to protest inadequate safety precautions; participating in car demonstrations in Arizona, California and Michigan, and launching digital campaigns.

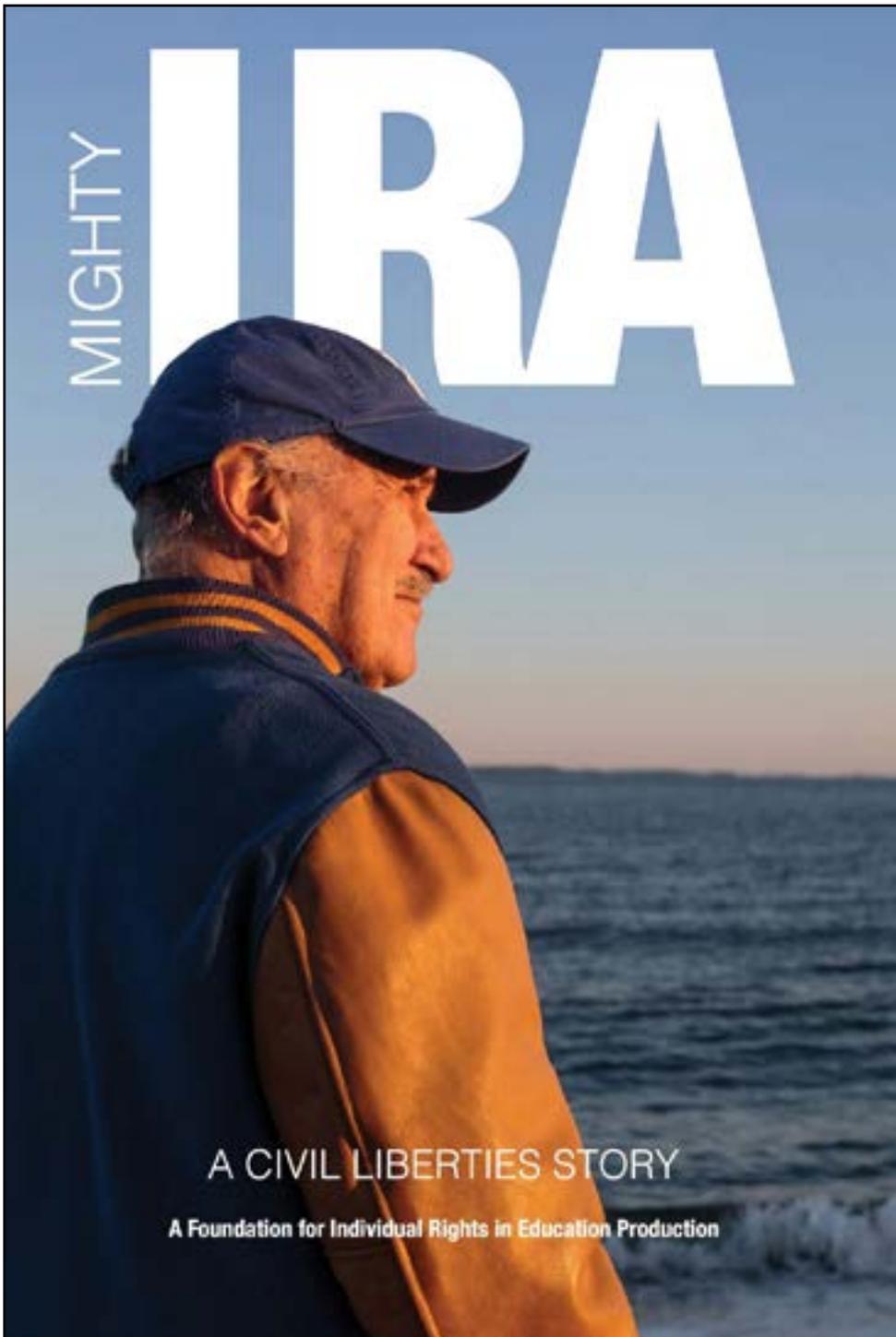
Public officials in Ohio and Michigan have included explicit protections for First Amendment rights in their emergency decrees. Some states have also acknowledged information-gathering and reporting as "essential services."

We urge all public officials to recognize their obligation to defend First Amendment rights while they protect public safety. These rights are critically important during uncertain times like these.

The DKT Liberty Project was proud to join 30 other organizations in opposing the Raleigh police department's unconstitutional actions that violate First Amendment rights of free speech.

More great news: The Virginia Legislature has abolished capital punishment.

# 'Mighty Ira' Documentary: Portrait of a Champion for Free Speech, Civil Liberties, and Civil Rights



Ira Glasser is one of America's unsung champions of civil rights and liberties. As the leader of the American Civil Liberties Union for 23 years, he transformed the organization from a small, "mom-and-pop" operation on the verge of bankruptcy into a civil liberties juggernaut with offices in every state and a \$30 million endowment. As his generation retires from the barricades, Ira reminisces on his life at the forefront of defending the rights of all Americans, from civil rights leaders to neo-Nazis.

His story takes us to his hometown of Brooklyn, New York, where in 1947 Jackie Robinson and the Dodgers broke the color barrier in baseball and inspired a generation of civil rights activists; to the offices of Robert Kennedy, where the U.S. Senator spoke with a young Ira and convinced him to take his first job with the ACLU; and to California, where a 96-year-old Holocaust survivor explains to Ira why he thinks the ACLU was wrong to defend the right of neo-Nazis to demonstrate near his home in Skokie, Illinois, over 40 years ago — and how recent events in Charlottesville, Virginia, evoke painful memories.

Amid high-profile controversies surrounding free speech, racial equality, and antisemitism — and on the occasion of the ACLU's centennial — Ira Glasser's story is as timely and provocative as ever.

[Click here to see the movie trailer](#)

*Mighty Ira is available to stream on Amazon (Prime), iTunes, Google Play, and YouTube Movies. It's also available on DVD and Blu-ray via Amazon, MovieZyng, and other retailers.*

The DKT Liberty Project contributed to the production of this film.

## SPECIAL REPORT: GOLDEN RICE

# The ‘Safety’ Regulation That Sparks Death and Despair

It's one of the world's most preventable tragedies. Every year, as many as 500,000 children go blind because their diet contains an insufficient amount of vitamin A. Half of these children will die prematurely, typically from diarrhea and measles. Many more will have stunted growth.

A simple, safe, low-cost solution exists to combat vitamin A deficiency (VAD), in the form of a new breed of rice. But it has been held hostage for years by government regulators throughout the world, many of whom have been cowed by militant, anti-science forces who oppose the rice simply because it's genetically modified. The episode is a tragic illustration of regulations blocking proven, life-altering remedies

under the guise of “safety” and “precaution.”

Vitamin A deficiency is one of the great public health challenges of our time. It affects one third of the world's under-five population — more than 140 million children — making them vulnerable to a range of other childhood diseases.

Addressing vitamin A deficiency should be easy. It's available through consumption of some fruits (such as cantaloupes) and vegetables (such as carrots and leafy greens). But there is limited access to such foods for families in developing countries. And while the vitamin can be distributed in other forms, such as capsules, doing so is costly and brings logistical

challenges, which have been magnified in the current environment.

These obstacles, and the morbidity that comes with failing to overcome them, motivated scientists to look for other solutions. In the late 1990s, German plant scientists began developing a revolutionary form of rice. It is identical to conventional rice except for the addition of two genes that allow the plant to naturally produce beta-carotene, which in turn is converted into vitamin A. The tweak, along with natural yellow pigments known as xanthophylls, gives the kernels a golden tint.

**Continued next page**



AC Bushnell, Program Director of the DKT Liberty Project (left), reviews the test fields at the International Rice Research Institute (IRRI) in Los Banyos, Philippines. The two rice plots shown here are identical; the only difference between the two is that the seed of golden rice is, in fact, a golden yellow.



Rice planting time in Southeast Asia. The DKT Liberty Project helps support and promote Golden Rice.

It can produce as much as 100 percent of the vitamin A needs of preschool children. Multiple independent studies show that it is better at transmitting vitamin A than many vegetables that are typically inaccessible to the poor.

But because Golden Rice is designated a “genetically modified organism” (GMO), its development and dis-

tribution have been hampered by regulatory hurdles that reach back nearly 20 years. Those hurdles are largely a product of a United Nations agreement adopted by 170 nations over the past two decades.

**With rice a low-cost dietary staple in most developing countries, especially in Asia, “Golden Rice” is an ideal delivery vehicle for vitamin A.**

tribution have been hampered by regulatory hurdles that reach back nearly 20 years. Those hurdles are largely a product of a United Nations agreement adopted by 170 nations over the past two decades.

The agreement’s seemingly harmless goal was to ensure that any GM crop would not pose health or environmental risks. The effect, however, has been much more draconian than originally envisioned. Its implementation, writes Ed Regis in an excellent book about Golden Rice published last year, “has persistently erred on the side of caution, overregulation, restriction, and prohibition.”

That’s the primary reason why a product with the potential to improve lives – and save them – has never been sold to consumers, despite overwhelming evidence that Golden Rice is every bit as safe as conventional rice. Golden Rice has been approved by regulators in the United States, Canada, and Australia, having passed all the safety requirements imposed by those countries.

But regulators throughout the world have faced pressure, stirred by emotionally-biased advocacy groups, to resist approving Golden Rice. These groups, such as Greenpeace, have never wavered in their opposition, even amid overwhelming evidence of the safety of Golden Rice and other GMOs. Indeed, activists have vandalized hundreds of GMO research projects, which includes the uprooting of Golden Rice that had been planted as part of field trials in 2013 in the Philippines.

The effect has been to create a climate of fear around Golden Rice and other demonstrably safe and useful products. More than 150 Nobel laureates have signed a letter condemning the anti-GMO scare campaign and calling for Golden Rice to be approved.

Amid the fearmongering and hostility to science there has been some encouraging news. In December 2019, the Philippines declared the rice “as safe as conventional” varieties and issued a biosafety permit. The rigorous approval processes there could be a model for regulators in other developing countries

to move forward with Golden Rice being approved for cultivation and human consumption.

But Golden Rice remains in limbo. Before the rice can be grown, the Philippines must issue “an approval to cultivate,” which requires trials from the field. Those trials have been suspended because of Covid-19. The result is continued uncertainty about the future of

**There is overwhelming evidence that Golden Rice is as safe as conventional rice.**

Golden Rice. The head of the Philippines Rice Research Institute estimates that it will be 2023 before the rice will be available to Asian farmers.

These delays mean millions of families will continue to be deprived of a product that could prevent needless suffering – all in the name of trying to protect them from a threat that doesn’t exist.

*Mr. Harvey is the founder of the DKT Liberty Project, a non-profit organization that has provided financial support for the development of Golden Rice. Mr. Rees is a writer on international affairs.*