

# Spring 2022: The Final Newsletter



Fighting for Justice in Louisiana **3**



Advocating for Pregnant Women **8**



Legalization: 7 States to Watch **12**



Reuniting Refugee Families **16**



Remembering Phil Harvey **2**



From Poverty to Prosperity **9**



Holding Police Accountable **19**



A 50-Year Failed Drug War **20**



Incarceration & Human Rights **22**

See Back Page to Support Initiatives that Advance Freedom & Justice for All



# Remembering Phil Harvey: A Quiet Warrior For Freedom



**“If you’re not passionate about something I think there’s a big element missing from your life. I think it’s an ingredient of a healthy human being to really care about something or some things. It has never occurred to me that there is a choice about that.”**

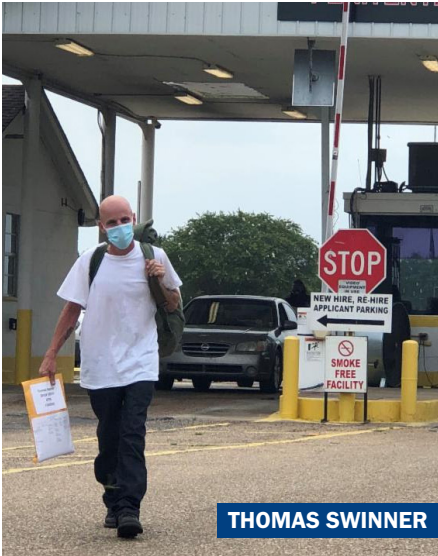
PHIL HARVEY

On December 2, 2021, DKT Liberty Project founder and patron Phil Harvey left this life too soon. He was 83. Learn more about Phil Harvey's inspiring life in this tribute video shown at his memorial service.



His altruism will live on through the many humanitarian organizations and just causes he supported. If you would like to honor Phil and his life's work, see back page for initiatives and keep alive the Liberty Project's goal to further freedom and justice for all.

# Unjust Punishment Project Frees 10 People in Louisiana

**THOMAS SWINNER**

*By Jee Park, Executive Director of the Innocence Project of New Orleans*

In the summer of 2020 with support from the DKT Liberty Project (DKTLP), the Innocence Project New Orleans (IPNO) formally launched The Unjust Punishment Project (UPP) to free people in Louisiana serving life or equivalent sentences for drug and other convictions. Because of Louisiana's draconian sentencing structure and multiple offender law, more than 100 people in Louisiana's prisons are serving sentences of 40 years or longer for drug-related crimes, including for possessing or selling small quantities of drugs. Even as sentencing reforms and decriminalization in many states across the country have led to fewer people receiving harsh sentences for non-violent crimes, these changes to the law have often not helped people already sentenced to spend the rest of their lives in prison.

IPNO is one of the only organizations in Louisiana singularly dedicated to helping to free life-sentenced and unfairly imprisoned

people who otherwise wouldn't have lawyers to represent them. Through our work, we also highlight the most troubling feature of life sentences — racial disparity. Nearly three-quarters of incarcerated individuals serving a life sentence in Louisiana are Black. Such disproportionate impact is unjust and is the result of systemic racism. At IPNO, we not only seek justice for our clients who were sentenced to die in prison for crimes they didn't do, but also through UPP, we seek justice for people who were sentenced to die in prison for non-violent crimes that are often symptoms of poverty, addiction, and mental illness.

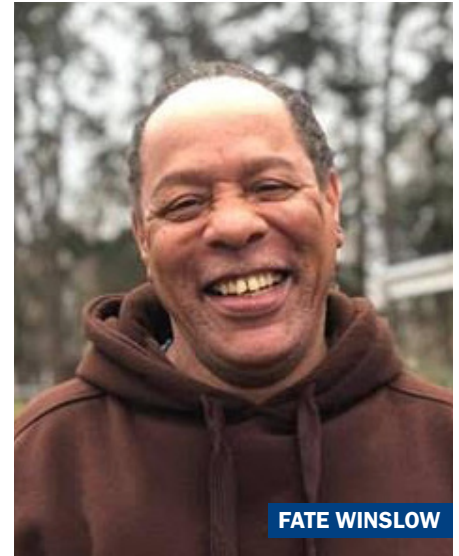
Through strategic litigation and advocacy, IPNO's UPP staff has worked to free the following individuals since July 2020:

**Thomas Swinner:** Mr. Swinner was 28 years old in 1999, 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 marijuana. Mr. Swinner's friend had some marijuana and 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 sentenced to a life in prison for selling a small amount of cocaine. His nonviolent prior involvement in the criminal legal system gave the prosecutor the discretion to enhance his sentence under Louisiana's "habitual offender" law. In March 2021, UPP secured his freedom when the judge agreed to vacate Mr. Swinner's sentence. He left prison after 20 years, 11 months, and 7 days.

**SEE IPNO ON PAGE 4**

# Fate Winslow in Memoriam

**FATE WINSLOW**

*By AC Bushnell, DKTLP Program Director*

In 2015, I came across an article in The Daily Beast about a man named Fate Winslow. Fate had been sentenced to life in prison without parole at a maximum-security facility for selling \$20-worth of marijuana to an undercover police officer; harsh sentencing due to Louisiana's racially biased and draconian habitual offender law.

According to court documents, Winslow was houseless in 2008 when he was approached by an undercover police officer in Shreveport, asking him to find a sex worker or marijuana. Fate borrowed someone's bicycle and went to a known drug-dealer's house where he obtained two bags of marijuana, valued at \$20.

"The white drug-dealer who had the marked bills was not apprehended. But Fate, a Black man who had recently become homeless was arrested," said Cat Forrester with the Innocence Project of New Orleans.

**SEE FATE ON PAGE 6**



## IPNO, CONTINUED FROM PG 3

**Mitchell Stevens:** Mr. Stevens spent 23 years in prison for selling \$20 worth of cocaine to an undercover police officer in St. Tammany Parish. When the officer asked Mr. Stevens about buying cocaine, he went to a person he knew had drugs and brought back one rock to the officer's car. He was convicted of distribution of cocaine. Without a history of drug convictions, and only two non-violent prior offenses, Mr. Stevens was sentenced to spend the rest of his life in prison.



In 2020, UPP litigated to show how due to changes to the law, Mr. Stevens' sentence had become illegal and that he should be eligible for re-sentencing and be released. Mr. Stevens was re-sentenced to time served and was freed on November 16, 2020 after 23 years, 9 months and 6 days in prison. He now lives happily with his longtime partner, Mary, and their grandchildren.

**Fate Winslow:** Mr. Winslow was convicted of distribution of marijuana for passing \$20 worth of marijuana between a drug dealer and a plain clothed police officer and keeping \$5 for himself. He had no convictions for violent crimes, and yet he received a life sentence in 2008. Through UPP, he was resentenced to 12 years with credit for time served and walked out of the Louisiana State Penitentiary at Angola in December 2020. Sadly, Mr. Winslow was killed in a triple shooting in Shreveport on Tuesday, May 4, 2021. His kindness, sense of humor, and passion for life all live on in those who were lucky enough to know him.

**Eric Isaac:** In 1996 Mr. Isaac sold one rock of cocaine to an undercover police officer. He was convicted by a non-unanimous jury and, because of two non-violent prior convictions, given a life sentence without parole. The UPP filed a motion alleging that



Mr. Isaac's sentence had become illegal, and Mr. Isaac walked out of prison in February of 2021 after 24 years, 4 months, and 23 days. On May 19, 2021, Mr. Isaac passed away unexpectedly at his home of natural causes. In the short three months he was home, he met his grandson, spent time with his kids, ate in restaurants, worked at a job, bought a car, and rented an apartment.

**Andrew Skinner:** In January 2000, Mr. Skinner was sentenced to a life sentence for selling a small amount of cocaine. He only had two prior convictions, neither violent, but the law still allowed him to be sentenced to life in prison, and his lawyer at sentencing did not offer any argument or evidence for why he should not receive the harshest punishment.



In March 2021, UPP secured his when the judge agreed to vacate Mr. Skinner's sentence and re-sentence him to time served. Six of his siblings welcomed him as he walked out of the prison gates after 21 years, 11 months,

and 2 days in prison. Since being released he has completed a re-entry job placement program, earned a permanent job working for the City of New Orleans, moved into his own apartment, and will soon start classes to get his commercial drivers license.

**Guy Frank:** Mr. Frank was sentenced to 23 years in prison for attempting to steal two shirts from Saks Fifth Avenue in New Orleans.



Under today's laws Mr. Frank's crime would have been a misdemeanor, but in 2000 he was eligible to be sentenced to decades as a multiple offender because he had prior convictions for petty theft and drug possession. Sadly, he served 20 years of that sentence before UPP learned of his case and managed to secure his freedom in a matter of weeks. Mr. Frank has been reunited with his family and lives in New Orleans with his sister and brother.



**Emanuel Randall:** In 2006, a New Orleans Police Department proactive patrol task force stopped Mr. Randall for a municipal violation and searched his clothing, finding 0.12 grams of cocaine in his pocket. He was given a life sentence under Louisiana's multiple offender law. Despite the injustice of his sentence, Mr. Randall maintained hope that he would one day be free. He enrolled in rehabilitative programming, substance abuse treatment, and worked towards earning his GED. He

**SEE IPNO ON PAGE 5**



## IPNO, CONTINUED FROM PG 4

served nearly 15 years before UPP secured his release in April 2021.

**Alonzo Allen:** When Mr. Allen was given a 40-year sentence for drugs, he was 48 years old. He believed he would die in prison. Although people serving drug-related sentences in Louisiana are entitled to a chance at parole, the judge who sentenced Mr. Allen illegally denied him parole eligibility.



Mr. Allen spent nearly a decade in prison thinking he had no hope of release. When UPP learned about Mr. Allen's sentence, our staff worked to correct the parole restriction and then represented him before the parole board. The board members praised Mr. Allen for his commitment to rehabilitative programming, his good conduct record, his thoughtful reflection on the addiction that led him to prison, and his sound re-entry plan. They voted unanimously to release him. After 10 years, Mr. Allen left prison and relocated to Texas to start his new life. He lives there with his sister Barbara.



**CLARENCE SIMMONS**

**Clarence Simmons:** In 1990, Mr. Simmons was arrested for being in possession of a stolen camera and tripod. Even though he was not accused of stealing the equipment, and

even though it was returned to its owners, he was convicted and given a life sentence under Louisiana's habitual offender law. UPP secured his release in December 2021, advocating to a judge that his trial lawyer was ineffective in representing him and in allowing a life sentence to be imposed for such a petty crime. Mr. Simmons was released after serving more than 31 years in prison. He was 88 years old. He resides in a nursing home in Shreveport where his daughters visit him regularly.



**TYRONE MITCHELL**

**Tyrone Mitchell:** In 2012, Tyrone Mitchell was arrested, tried, and convicted of distribution of cocaine. Despite glaring holes in law enforcement's narrative of what happened, the fact that he had never committed a crime of violence, and the fact that he was 40 years old, employed, and supported by his church and family, Mr. Mitchell was sentenced to life in prison. His lawyer did nothing to deter the judge from imposing a life sentence. She did not object, file motions, or offer any evidence to demonstrate that Mr. Mitchell did not deserve to die in prison. When UPP learned about Mr. Mitchell's case, we filed a petition arguing that he was entitled to a new sentence because of the failure of his trial lawyer to protect his rights. On January 19, 2022, a judge agreed and he is now home with his three daughters, a free man for the first time in a decade.

Mr. Mitchell says, "IPNO is a like blessing. They gave me hope that one day I would be with my family again. They made sure that I understood the progress of my case. All I ever wanted was for someone to tell the judge what really happened to me in my case, and they did that. To me, they're the best — they came into my life and changed something I thought wouldn't ever happen. They gave me hope. Thanks to IPNO I'm home with my family."

"The Unjust Punishment Project (UPP) has allowed us to do work that is a natural extension of IPNO's mission and values — we help to free people in Louisiana's prisons who don't deserve to be there. We recognize that people accused of crimes often are not treated fairly in the criminal legal system, especially if they are poor and Black. These problems aren't exclusive to cases of wrongful conviction. UPP allows us to add to that work by focusing on justice in sentencing — does the punishment fit the crime? Many times we've found the answer is no — a life sentence or near life sentence for a non-violent drug charge is not just. UPP has allowed us to take on clients who may not be factually innocent, but who deserve to be free. It's been wonderful to watch many of our clients, who thought they would never get another chance, get out of prison and work to re-build their lives, and I'm grateful for the chance to help them do so."

**KIAH HOWARD, SENIOR INVESTIGATOR  
AT IPNO FOCUSING ON UPP CASES**

**William Dickerson** passed away in Angola prison recently. He was 82 years old and had been in prison for 31 years for possession of cocaine. The Unjust Punishment Project worked to release Dickerson from prison, but justice arrived too late. He was the longest serving individual imprisoned for possession of cocaine in Louisiana. He was recently diagnosed with cancer which was a very belated diagnosis. IPNO, working closely with Dickerson's sister, tried to get him released into hospice care, but the cancer was too advanced, and he died alone at Angola in April of 2021.

Jee Park, Director of the Innocence Project New Orleans wrote:

"We are truly heartbroken that he did not get a chance to be free before he died and that his family did not get to spend his final weeks with him. His punishment was truly cruel, and the way he died — alone without adequate medical care — was truly unjust. Time is running out for some of these men sentenced to life, and his case is a reminder of how important this work is." **LIBERTY**



### FATE, CONTINUED FROM PG 3

I recognized what a huge injustice this was. However, even though I wanted to help, I had no idea how to go about it.

Six months later, I was still thinking about Fate Winslow's case. I resolved to dig in and do what I could to get him out of jail. Eventually, this led to a conversation with Jee Park, the Executive Director for the Innocence Project New Orleans. Jee took on Fate Winslow's case and fought to get him released. Jee and I visited Fate in Angola prison and witnessed firsthand the terrible conditions that prisoners there endure.

Eventually, the District Attorney in Cato Parish, Louisiana, agreed to have Fate resentenced from life in prison to twelve years, and since he had already served more than that amount of time, he was now eligible to be released right away. On December 16, 2020 Fate Winslow walked out of Angola Prison a free man.

Fate's case inspired me to encourage IPNO to look for other similar cases. The Unjust Punishment Project (UPP) was born. Since UPP

launched in 2020, 9 more individuals have been freed to resume their life on the outside. We are hoping that many more will be freed as well.

However, Fate's freedom was not only cut short by the prison system. It is with deep sadness we must share that Fate Winslow has passed away. He was killed in a triple shooting in Shreveport on May 4th 2021. He was free for less than five months. We are holding his family and his memory in our hearts.

"He had just gotten a new puppy. He was reconnecting with his family, he had just purchased a new house. He had gotten his driver's license. By all accounts, he was on his way to rebuilding a meaningful and happy life," Forrester said.

"Fate was a survivor: he survived the poverty he grew up in and 12 years in maximum-security prison on a life sentence for marijuana. In prison, Fate could see how unfair and unjust his sentence was, but he kept his hope and his humor intact," wrote Park, his attorney at the Innocence Project New Orleans, in an email, noting that he was "bursting with joy" when

he was freed in December. "Those 4 ½ months of freedom were absolutely precious, and we are heartbroken and angry that his time was cut so short."

Faith Canada, Fate's daughter, described the challenge of losing her father for the second time. "I just got him back. It hasn't even been five months. You all just took my dad for a second time, but this time, he can't come back," she said. "I'm never going to hear his voice again or see his big smile."

The Innocence Project of New Orleans stated:

We will always remember his joyful outlook and his sense of hope even as he served 12 years of a life sentence. He once told a reporter and friend, "We both [know] 'no money no justice,' that's just the way the world is." We are honored to have worked to bring some semblance of justice to Fate, and devastated that he got to experience so little of the liberty he was waiting for. We will remember his kindness, his sense of humor, and his passion for life, despite the cruel injustice done to him. **LIBERTY**



# Advocating for Individuals Sentenced as Juveniles to Life without Parole

Thanks to support from the DKT Liberty Project, the Louisiana Parole Project (LPP) has hired its first full-time Legal Director. In 2016, the United States Supreme Court decision in *Montgomery v. Louisiana* opened the door for a chance for hundreds of people serving life sentences for crimes committed as children in Louisiana to come home.

Andrew Hundley was one of the first people in Louisiana to be released in the wake of the *Montgomery* decision. Just one year later, Andrew was running the Parole Project, focused on helping others like him successfully reintegrate into the community after serving decades behind bars.

Since 2017, LPP has developed an intensive reintegration and reentry program that has helped hundreds of people safely and successfully come home from prison.

With the help of the Liberty Project, in the winter of 2021, LPP was able to start its own legal department, led by Jill Pasquarella, vastly expanding the work LPP has the capacity to do. Now, LPP is able to advocate for the release of their clients from prison, instead of only supporting them once they are released. This is a special model, combining legal representation with the wraparound services provided by LPP's dedicated reentry team.

The legal department is particularly focused on the cases of those who were sentenced to life in prison or other extreme sentences. Advances in science now definitively tell us that children, more than their adult



**Jill Pasquarella leads the Louisiana Parole Project's legal department.**

counterparts, are biologically susceptible to external factors that often contribute to criminal behavior.

Scientific research has also confirmed that these hallmark characteristics of youth are transient. In other words, as children grow, they are uniquely capable of change. Yet, Louisiana condemns more children to die in prison, with life without parole (LWOP) sentences, than any other state in the nation.

Since the U.S. Supreme Court decision in 2012, Louisiana has sentenced three times the number of children to die in prison than any other state in the nation. And there are still more than 150 people incarcerated in Louisiana for crimes they committed at 15, 16 and 17.


LPP's Legal Department, with the support of DKT, represents juvenile lifers in the courts

and at the parole board to ensure that the United States' Supreme Court's mandate is not ignored, and that those children who have demonstrated growth, maturity and rehabilitation be given an opportunity to live a productive life outside prison walls.

LPP represents people like "Bobby Perez" who was 16 years old when he and a friend got into a drag race with another young person. There was a confrontation and the young man in the other car was shot and killed.

In Bobby's trial, the State argued that Bobby shot the gun that killed the victim. But in a separate trial of Bobby's co-defendant, the State claimed that the co-defendant had shot the gun. Both boys were convicted and sentenced to LWOP.

Bobby has been in prison for over 25 years. He has an exceptional record of institutional compliance within the prison and is well respected by wardens and guards alike. He has developed skills that he puts to use in jobs he performs for the prison both on and off prison grounds. Only the most highly trusted prisoners can work outside of the prison, and Bobby is one of those people.

And yet, prosecutors in Louisiana are seeking to re-impose a sentence of LWOP against Bobby. LPP will not stop until Bobby, and other individuals with extreme sentencing, have the chance to demonstrate that they are not still the same 16-year-old who was involved in a crime. 

# After Victory for Pregnant Women's Rights in Alabama, Work Continues

Many of the cases that National Advocates for Pregnant Women (NAPW) takes on or advocates for can seem unbelievable at first. For example, Brittney Poolaw of Oklahoma was charged with manslaughter in the first degree, because, while still a teenager, she experienced a miscarriage that was—without scientific basis—blamed on her substance use. After a one-day trial, she was convicted and sentenced to 4 years in prison.

In Arizona, Lindsay R. used her prescribed medical marijuana while pregnant to treat both pre-existing chronic health conditions and hyperemesis gravidarum, a condition arising during pregnancy that causes persistent, severe, life-threatening nausea and vomiting. After she gave birth, the state placed her on their central child abuse registry, labeling her as a child abuser and preventing her from working in any job involving children (her field) and being able to support her family.

These are just two of the many cases NAPW has taken on directly in recent years, and just two of the more than 1,600 cases involving arrests and other deprivations of physical liberty on the basis of pregnancy and its outcome, including abortion, that NAPW has documented since 1973 (when *Roe v. Wade* was decided).

NAPW's most recent victory involves an Alabama mother, Kim Blalock. On February 22, 2022, the District Attorney in Lauderdale County, AL finally dropped an unprecedented felony charge for Unlawful Possession or Receipt of Controlled Substances ("Unlawful Possession") against Ms. Blalock, a mother of six. Ms. Blalock's indictment on February 23, 2021 was the first time a prosecutor has ever used an Unlawful Possession statute to charge a woman for renewing a longstanding, medically necessary prescription to manage chronic pain during pregnancy.



National Advocates  
for Pregnant Women

N A P W

Ms. Blalock gave birth to a healthy baby on September 29, 2020. Four years earlier, she had been prescribed hydrocodone to manage chronic and ongoing back pain due to the degeneration of discs in her back. Ms. Blalock did not take her hydrocodone prescription for the majority of her pregnancy, but resumed taking it when her pain became unbearable at around 34 weeks.

As a result of NAPW's combined legal advocacy, organizing, and public education work, the prosecution dropped the charge. This required a year-long legal fight, and occurred only after Ms. Blalock agreed to submit to a drug test and clinical assessment, both of which confirmed that Ms. Blalock is not using any non-prescription drugs and has no substance use disorder.

"I never imagined that taking my prescribed medication would lead to a felony charge and the most terrifying period of my life," said Ms. Blalock. "Ever since a group of armed police officers showed up at our home, my children have lived in fear that their mother would be taken away from them. I suffered severe depression and withdrew from everyone I loved. I am so happy that I no longer need to live in fear and can focus on my family."

"We are grateful that Ms. Blalock is finally able to close the door on this traumatic chapter of her life," said Emma Roth, staff attorney at NAPW. "When someone becomes pregnant, their preexisting medical conditions do not suddenly cease to exist. Ms. Blalock only took her prescribed medication to ensure she could get out of bed and care for her older children. Pregnant women with chronic pain deserve compassion and quality healthcare. They should not live in fear of criminal convictions."

NAPW is a non-profit legal advocacy organization that works to ensure that pregnancy is not a basis for locking people up and depriving them of their civil and human rights. Its work includes advocacy for people arrested for being pregnant, for experiencing miscarriage and stillbirths, and for having or attempting to have abortions. From providing *pro bono* criminal defense, to filing briefs in the Supreme Court explaining how overturning *Roe v. Wade* would not only outlaw abortion, but also open the floodgates for prosecutions based on pregnancy and all of its potential outcomes including miscarriages and stillbirths, NAPW is a leader in the fight for reproductive justice, and against the racist drug war propaganda at the core of mass criminalization.

NAPW is extremely grateful to the DKT Liberty Project for its steadfast support of its mission, particularly in light of ongoing and new efforts to address issues of pregnancy, abortion, and drug use through the criminal law. Keeping Phil Harvey's legacy alive, NAPW will be there—regardless of what happens to *Roe*—to fight for the rights of all pregnant people, just as we have done for more than two decades. [LIBERTY](#)



# Women Around the World Escaping Poverty, Achieving Prosperity for Themselves & Families

*She Rises Up* is a feature documentary film that will tell the stories of inspiring women who are pulling themselves and their families out of poverty. While over a billion people have come out of extreme poverty in the last 25 years, many women remain trapped without equal access to economic opportunities and legal rights.



*She Rises Up* will explore the explosive implications of women's economic participation. The film highlights individual women in the midst of dramatic change, sharing powerful methods that work toward the eradication of poverty across the globe.

For those living in poverty, there often are obstacles beyond their control that make progress nearly impossible. These obstacles range from government regulations with unintended consequences to cultural attitudes that prevent women from accessing or controlling their own income.

Large scale foreign aid is too easily manipulated by those who hold power locally and long-term needs can often be misdiagnosed from thousands of miles away. Foreign aid can be critical in a crisis and can address immediate needs, but the obstacles to lasting economic growth can only be solved by those in their own country. The removal of barriers that prevent people from participating in the economy is what leads to long-term change.

**DKT Liberty Project:** The DKT Liberty Project was the very first financial supporter of this project. Since receiving that support, additional funding has been secured from many other organizations.

**Project Status:** Stories have been researched in Nepal, Indonesia, Estonia, Ukraine, Sri Lanka, Honduras, Uruguay, Peru, Burundi and Senegal. Many factors played into the decision, but filmmakers are committed to filming in Sri Lanka, Peru and Senegal. There are distinct stories in each country, which also represent three very different regions of the world. The goal is to complete filming by Fall 2022 and to premiere the film in mid to late 2023.

**PERU:** Around 70% of micro and small sized businesses in Peru are incubated by women. While many of these entrepreneurs face additional obstacles because of their gender, they nonetheless succeed. One of these women, Gladys, has pushed through social and economic barriers to lift herself to economic success.

She comes from very humble beginnings in an Andean mountain village, steeped in poverty, to having her daughter become the first in her family to gain a college education. Starting as a street vendor, she grew the business into a thriving bodega. Her daughter now envisions building a chain of stores with the goal of becoming the only Peruvian-owned grocery chain. *She Rises Up* will show the opening of the second bodega, which begins the expansion process. And it is not only the entrepreneurs who benefit from this growth. Jobs are then created for many other women who can begin their own path to economic independence. For the past 30 years, Gladys has worked in the informal sector and is only now able to navigate the increased paperwork and registration fees involved with becoming a fully formal business. Working outside of the formal sector limits access to property rights, loans, and growth opportunities.

The film will follow as Gladys & Talia navigate the changing landscape. The mother-daughter

**SEE RISES ON PAGE 10**

## RISES, CONTINUED FROM PG 9

team see some things in different ways. How can they not? Their early-life experiences have been so different. We will see them work to resolve these contrasting perspectives, each with its own validity.



**Gladys and her brother perform a traditional indigenous dance at the grand opening of her second store.**

**SENEGAL:** Even though many women are able to obtain a base-level education in Senegal, there is a high dropout rate as there are very few jobs and business investment opportunities. For business owners, finding experienced employees in a particular field can be even more challenging with little infrastructure to support professional development throughout the country. And when it comes to manufacturing, even tariffs on products like cardboard — which are currently at 45% — raise production costs significantly.

A Senegalese entrepreneur dealing with these obstacles first-hand believes it is essential for her country to remove these obstacles so it can grow economically, which in turn could offer more work opportunities for women. She has personally seen the failures of many foreign aid programs in Senegal that leave the country without a lasting infrastructure for success.

As she works to provide opportunity to foster business development in Senegal, she lifts the

women that surround her. She employs several women from the community who never dreamed they would have the opportunity to have work outside of the home — not due to the lack of education, but the lack of available



**Two employees finishing lip balm in the factory clean room**

jobs. The film will tell these women's stories, the hopes they have for the future, and the opportunities they see, or don't see, in Senegal for their own daughters.

They are building a new business in Senegal, called SkinsSkin that currently exports its products to the United States, selling to stores such as Whole Foods. The film will document the daily lives of these workers who are, themselves, on new paths in life.

**SRI LANKA:** Small, Incremental change can have a big impact. In many regions of Sri Lanka, parents are often unwilling or unable to send their daughters to school when they have their menstrual cycles because they cannot afford basic feminine hygiene products. For girls from low-income families, this reduced access to education can have a lifelong impact. With increased attention and advocacy on this issue in the last few years by local organizations, social entrepreneurs, and

now politicians, the momentum of positive change is tangible.

Organizations in Sri Lanka have worked to target the source of these issues, advocating for the reduction or relief from high tariffs that disproportionately affect women. *She Rises Up* will follow the incredible women at



**Students in village outside of Kand.**

the forefront of one organization that work directly with state and local governments, championing a reduction in tariffs on such products. Other leaders in private industry have shifted their company vision and strategy to develop a reusable pad that is affordable for all, taking on the issue of education around women's health and the impact it can have in the workplace.

The film will also introduce audiences to a young high school girl in a rural village who is able to attend school every day now that she has access to affordable feminine hygiene products. Through the journey of this young girl and her mother, an education gives hope for a path of greater opportunity than was available to her parents.

Through experiencing the lives of these women, *She Rises Up* will explore the power incremental change can have—the cumulative effect of one small change, then another, then another, ultimately leading to greater work opportunities for women and a reversal in the tide of poverty. **LIBERTY**





# Poor People Lose When Greenpeace Prevails

*by AC Bushnell & Phil Harvey • Published Oct. 10, 2021*

COVID-19 has caused untold suffering throughout the world, but particularly in developing countries. So why is Greenpeace continuing a yearslong campaign against a food product that could deliver dramatic health benefits to children in some of the poorest parts of the world?

That's the question we've been asked several times since the group recently announced its opposition to a decision by regulators in the Philippines to approve a permit for farmers to grow a breed of rice that's fortified with vitamin A. The battle is emblematic of the way in which baseless fears about technology are used as a cudgel to deny people — most of them poor — opportunities to realize better health and higher living standards.

More than 140 million children throughout the world experience vitamin A deficiency. The result is blindness for as many as 500,000 of these children each year, while countless others are afflicted with measles, severe diarrhea, and stunting. A lack of vitamin A is also a threat for millions of pregnant women, potentially causing night blindness and other maladies. Families in the countries where vitamin A deficiency is greatest have minimal access to foods that could otherwise supply it, such as carrots and spinach.

Vitamin A deficiency was first identified two centuries ago, and despite concerted efforts, including the use of supplementation and vitamin A capsules, vitamin A deficiency has remained prevalent. In the 1990s, German plant scientists began searching for a simpler and more sustainable solution.

With funding from entities such as the Rockefeller Foundation and the Bill and Melinda Gates Foundation, they developed a form of rice that is identical to conventional rice other than the inclusion of two genes that enable the crop to naturally produce beta-carotene, a compound that gives color to plant products and that the human body converts into vitamin A. This modification, along with natural yellow pigments known as carotenoids, gives the rice kernels a tint that has led the product to become known as "golden rice."

In most developing countries, especially throughout Asia, rice is a dietary staple, which makes golden rice ideal for delivering vitamin A, particularly since one serving can include all or nearly all the vitamin A preschool children need in a day. But because golden rice is designated a "genetically modified organism," it has been opposed by Greenpeace and other groups that share its anachronistic thinking about farming and technology.

The effect has been to stir up fears about golden rice (and many other GMOs) that have no basis in science. More than 150 Nobel laureates have signed a letter condemning the anti-GMO scare campaign and calling for golden rice to be approved. The signers note that Greenpeace has claimed that "Golden Rice would not deliver enough vitamin A to be effective, or that it would produce so much as to be dangerous. All these claims are false."

The safety of golden rice has been attested to by regulators in the U.S., Canada, Australia, and New Zealand. Moreover, two of the crops produced in the highest volume in the U.S. (soy and corn) are mostly GMOs, and millions

of Americans have been consuming these products for decades.

As longtime supporters of philanthropic efforts to modernize agriculture in developing countries, we have been dismayed by the militancy of the anti-GMO brigades. They have vandalized GMO research projects and even uprooted golden rice that had been planted as part of field trials in 2013 in the Philippines. Thankfully, science has prevailed in the Philippines, where regulators issued a biosafety permit for planting the crop. But even with the new approval, it's likely to be several years before golden rice is widely available for consumption since it takes a few planting seasons to build adequate quantities of seeds.

People throughout the developing world, children in particular, should not continue to go without a life-enhancing product because of a narrow-minded ideological crusade that's rooted in hostility to science. In the face of this strident opposition, the approval in the Philippines is remarkable, and it serves as a strong model for policymakers in other countries who may also want their populations to benefit from the delivery of enhanced nutrition in their staple food. **LIBERTY**

*AC Bushnell is the international program director and Phil Harvey is the founder of the DKT Liberty Project, a nonprofit organization that has provided financial support to the International Rice Research Institute for the development of golden rice.*

*Phil Harvey wrote many books and publications during his long career. This article, written in collaboration with Matthew Rees and A.C. Bushnell, was Phil's final publication.*

# Cannabis Legalization: 7 Key States to Watch in 2022

In 2021, the possession and use of cannabis by adults became legal in five additional states:



**O'KEEFE**

Connecticut, New Jersey, New Mexico, New York, and Virginia. That means that an additional 42 million Americans have been liberated from the oppressive and failed policy of marijuana prohibition.

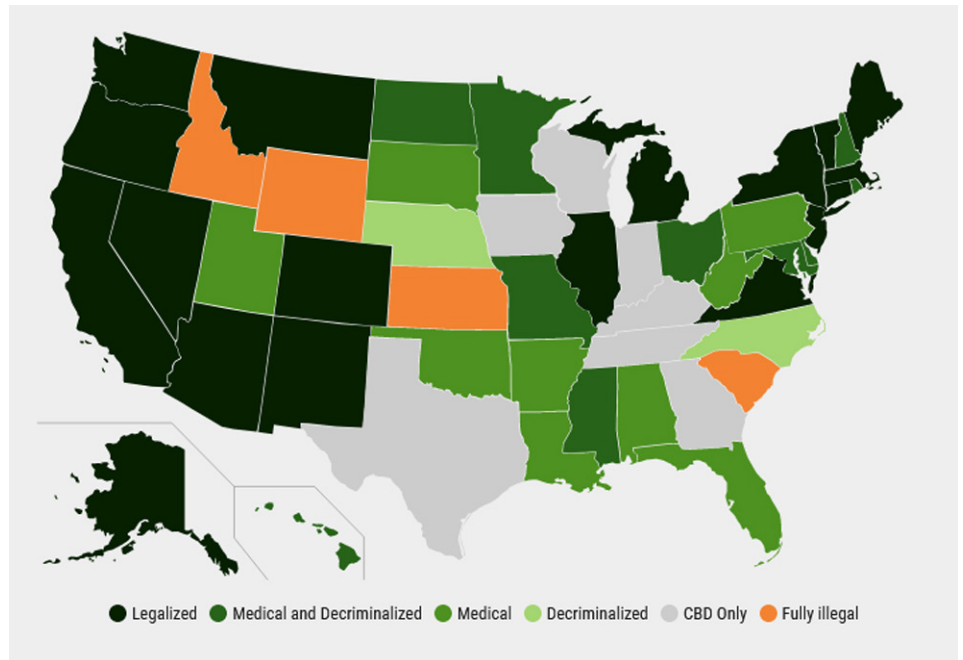
The American people support marijuana legalization: A record 68% of US adults now say that marijuana should be legal nationwide, according to the latest polling compiled by Gallup. This includes majorities of Democrats, Independents, and Republicans – as well as voters of virtually all ages.

Karen O'Keefe, Director of State Policies for the Marijuana Policy Project, has compiled details on seven additional states where the fight for legalization will play out this year.

**1. MISSOURI:** An excellent coalition called Legal Missouri is working to fully legalize marijuana statewide. In 2018, Legal Missouri activists proposed a ballot initiative called Amendment 2 to legalize medical cannabis. On election day, the initiative passed by a large margin.

The team that brought this important legislation to voters was ready to go for full marijuana legalization statewide. However, COVID-19 derailed these efforts, as it was impossible to canvass door-to-door.

Now, as the state's medical cannabis program continues to expand, Legal Missouri is resuming the campaign for full cannabis legalization and is ramping up a signature drive to qualify the measure for the 2022 general election. The proposal would establish a system to regulate and tax cannabis for adult use while also establishing a system



to automatically expunge criminal records for thousands of Missourians convicted of nonviolent cannabis offenses in the past. The effort has the support of the St. Louis County NAACP and other organizations.

**2. RHODE ISLAND:** In early March, Rep. Scott Slater and Sen. Josh Miller, along with leaders

in the House and Senate, formally introduced a pair of identical bills (S 2430 and H 7593) to legalize, regulate, and tax cannabis for adults 21 and older in Rhode Island. Prior to the introduction of these bills, Gov. Dan McKee put forward a plan to legalize cannabis in Article 11 of his FY 2023 budget legislation.

The Rhode Island Senate Judiciary Committee and House Finance Committee each held public hearings on the legalization proposals in March, but no votes were taken. Much of the testimony and discussion at the hearings focused on expungement of past criminal records for cannabis offenses and the need for improved language to establish a state-initiated record clearance process.

S 2430 and H 7593 would allow adults to possess and purchase up to one ounce of cannabis (and possess up to 10 ounces in a person's residence) and cultivate up to three cannabis plants in their homes. It would set up a licensing and taxation system for legal cannabis and would require that a quarter of

**SEE CANNABIS ON PAGE 13**



**CANNABIS, CONTINUED FROM PG 12**

all new retail licenses be awarded to applicants that qualify as social equity businesses, with another quarter of new licenses going to worker-owned cooperatives. It would also create a social equity assistance fund to provide grants, job training programs, and social services for communities disproportionately impacted by cannabis criminalization.

The legislature will adjourn in late June and is expected to take up legalization before then — most likely as part of the budget process. [mpp.org/ri](http://mpp.org/ri)

**3. MARYLAND:** The final passage for recreational marijuana in Maryland depends on voters. The numbers are encouraging; recent polling shows that 62% of Maryland residents support the legalization of marijuana.

On November 8, 2022, a legislatively referred constitutional amendment will appear on the Maryland ballot asking voters, “Do you favor the legalization of the use of cannabis by an individual who is at least 21 years of age on or after July 1, 2023, in the State of Maryland?” A 2022 Goucher poll found 62% support for legalization, suggesting the measure will easily pass. If voters approve the constitutional amendment, it will become legal for adults 21 and older to possess and grow limited amounts of cannabis in Maryland starting on July 1, 2023.

House Speaker Adrienne Jones (D) championed the voter referral approach to legalization. Senate President Bill Ferguson (D) advocated for the legislature passing legalization outright, along with the regulatory framework for legal sales in 2022.

On February 25, the House of Delegates overwhelmingly approved HB 1 — the bill to refer legalization to voters. It was also persuaded to introduce and pass a companion bill, HB 837. The Senate followed suit on April 1. While HB 1 did not require Gov. Larry Hogan’s approval, the companion bill did. On April 8, Gov.

Larry Hogan (R) allowed HB 837 to become law without his signature.

HB 837 would allow residents 21 and older to legally possess up to 1.5 ounces and cultivate up to two plants beginning July 1, 2023. The bills also include limited expungement, a study on racial disparities, funding for minority- and women-owned businesses, and a community reinvestment and repair fund. The statute is contingent on voters approving HB 1. Unlike the original language of SB 833, HB 837 does not set up a licensing or regulatory system. [mpp.org/md](http://mpp.org/md)

**4. DELAWARE:** On March 10, Delaware’s House of Representatives narrowly voted down a legalization bill — HB 305 — that required a three-fifths supermajority because it included fees and taxes. HB 305 received 23 yes votes and 14 no votes, with four members not voting. It needed 25 “yes” votes.

On March 31, bill sponsor Rep. Ed Osienski (D) took a new approach. He introduced a bill (HB 371) that would simply legalize possession of up to one ounce of cannabis for adults 21 and older. Because it has no fees or taxes, HB 371 requires a simple majority of 21 votes. Notably, it has 21 cosponsors.

Rep. Osienski also introduced a separate bill (HB 372) to legalize and tax adult-use sales. By separating the two issues and calling the vote on legal possession first, the hope is that some of the “no” or “not voting” members will vote for legal sales once possession has been legalized. This already appears to have softened the stance of Speaker Pete Schwartzkopf, who was the sole Democrat to vote “no” on HB 305. (Two other Democrats declined to cast votes on HB 305, as did two Republicans.) [mpp.org/de](http://mpp.org/de)

**5. NEW HAMPSHIRE:** The “Live Free or Die” State is an island of prohibition, surrounded on all sides by jurisdictions with legal cannabis. The House of Representatives has repeatedly passed legalization bills only to see them die in the Senate.

**SEE CANNABIS ON PAGE 13**

# By The Numbers

## 1 Minute

About how often one person in the US is arrested for marijuana possession.

## 73,000 Years

If passed, the Marijuana Opportunity Reinvestment and Expungement (MORE) Act would reduce time served by an estimated 73,000 person-years by 2030, among existing and future incarcerated people.

## 8 Arrests

The Marijuana Regulation and Taxation Act is already having a major impact on people’s lives. In NYC, there were only 8 marijuana arrests within 3 months of its passage. A decade ago, NYC was the marijuana arrest capital of the world, with more than 51,000 such arrests in 2011 alone.

# End It For Good Hosts Drug Policy Summit in Mississippi

End It For Good (EFG) changes hearts and minds in favor of ending drug prohibition and its catastrophic human cost. Through the generosity of the DKT Liberty Project, EFG has grown into a thriving Mississippi-based nonprofit with over 1,300 people attending their educational events.

In November 2021, EFG hosted the SHIFT Drug Policy Summit in Mississippi with 250 attendees exploring addiction, harm reduction, and the legalization of all drugs. EFG has published over 20 op-eds in local and national publications, given 125 presentations at conferences and interviews on radio, tv, and podcasts. In 2021 they released the first research report on the failures of drug prohibition in Mississippi.

End It For Good's respectful tone and professional events have gained the attention



of stakeholders across sectors, with law enforcement, judges, prosecutors, mayors, and statewide elected officials attending.

With Liberty Project support, their work

has grown from focusing in Mississippi to branching out into the national landscape, inviting even more people to consider approaches to drugs that prioritize life and the opportunity to thrive. [LIBERTY](#)



## CANNABIS, CONTINUED FROM PG 13

On January 6, the New Hampshire House of Representatives overwhelmingly voted to legalize possession and home cultivation of cannabis yet again — advancing HB 629 in a 241-113 vote. The bill is pending in the Senate and received a hearing on April 7.

On February 16, and again on April 1, the House of Representatives approved HB 1598, a bill sponsored by a longtime opponent of other legalization bills, Rep. Daryl Abbas (R), which approaches legalization differently. Unlike every other state legalization law, HB 1598

would only allow cannabis sales from state-run stores. This approach is likely unworkable due to federal law. In addition, the bill would not allow sales of edibles, and it would seemingly re-criminalize possession of edibles — which currently carries a \$100 civil fine.

Gov. Chris Sununu (R), a longtime prohibitionist, has signaled that he prefers the state-run stores approach to legalization. However, both the Republican and the Democratic leaders in the Senate voiced opposition to the bill.

[mpp.org/nh](http://mpp.org/nh)

**6. SOUTH CAROLINA:** In a lopsided 28-15 vote, the South Carolina Senate passed S. 150 — The South Carolina Compassionate Care Act, after Sen. Tom Davis (R) passionately advocated for the bill during three weeks of floor debate. The bill was approved by the House Medical, Military, Public and Municipal Affairs Committee on April 7 in a 15-3 vote. Earlier in the week, the committee heard

testimony from combat veterans, physicians, pharmacists, cannabinoid researchers, and other patients and loved ones in support of the bill. Opponents included members of law enforcement and some members of the clergy.

S. 150 is now pending on the floor of the House of Representatives. The legislature is scheduled to adjourn on May 12. Polling shows 72% popular support. [mpp.org/sc](http://mpp.org/sc)

**7. MISSISSIPPI:** On February 2, Gov. Tate Reeves (R) signed into law the Mississippi Medical Cannabis Act (SB 2095), sponsored by Sen. Kevin Blackwell, to restore voters' will by creating a medical cannabis program.

SB 2095 reflected an attempt to create a middle ground between the extremely restrictive approach some legislators and the governor favored and voters' strong preference for a broad measure. [mpp.org/ms](http://mpp.org/ms) [LIBERTY](#)



# Overtured Conviction Offers New Lease on Life

*Patricia Calderon gave birth shackled to a bed in a Los Angeles County hospital. Twenty-five years later, she plans to pursue a graduate degree in social work to help others.*

Patricia Calderon entered the United States from Mexico with her family on June 1, 1977 when she was three. She and her entire family were granted lawful permanent residency (LPR) through an amnesty or legalization program in around 1986 when she was twelve or thirteen years old.

In March 1996, when she was 21, estranged from her family, pregnant and living with the father of her first child and future co-defendant, Ernesto Banuelos, a member of a Mexican drug cartel, she participated in the one-time transportation of a large quantity of cocaine.

Her involvement in the crime was limited to the following:

She lived with Ernesto knowing that he was a major drug dealer, but there were never any drugs, drug paraphernalia or drug transactions in their home until the night before March 18, 1996. When she awoke that morning, she learned that while she was asleep, Ernesto had had a large drug delivery made to their home.

That morning, she accompanied Ernesto to meet another man in a supermarket parking lot. While they met, she took the car and drove back to their house to get her prenatal pills because she was sick. Ernesto phoned her and told her to pick up the bags that had been delivered the night before and bring them back with her when she returned to the parking lot. She was surprised, but did what he told her. She opened the front door, and in full view of the surveilling law enforcement officer, carried the bags containing the cocaine to her car, loaded the car and drove to the parking lot.

Thereafter, Ernesto delivered the drugs to the apparent buyer's vehicle. Unbeknownst to Ernesto and Patricia, he was subsequently stopped and the drugs were seized. Patricia



**Patricia Calderon, pictured here with her two children who are now fully grown.**


and Ernesto were not arrested until October 10, 1996. One week later, Patricia's first child, Jonathan Ernesto Banuelos, was born while Patricia was shackled to a bed in a Los Angeles County hospital.

On her trial date, April 23, 1997, after jury selection had commenced and she was facing twenty-three years in prison, the prosecutor modified his offer of fourteen years in prison for her and Ernesto to five years for her if Ernesto would do nine. Patricia served her sentence and was released from prison.

Twenty-five years later, with the help of the DKT Liberty Project and attorney Paul Gabbert, Patricia won her case - the guilty plea was withdrawn, and the case was dismissed on multiple grounds of legal invalidity. Patricia will no longer have a conviction and can now finally file for divorce from Ernesto, who threatened

to report her to ICE if she tried to divorce him before her case was dismissed.

Since she won the case, Patricia has been ecstatic. "I wake up every morning and feel blown away by what the DKT Liberty Project did for me. If it weren't for DKT Liberty Project's financial support, my life would be in shambles still. My family and I will be eternally grateful for the opportunities the DKT Liberty Project has allowed me to pursue since I am no longer a felon. My lawyers are now requesting my green card and filing the paperwork needed to become a US citizen, since I qualify for it," Patricia said.

Patricia plans to go to graduate school to become a licensed clinical social worker and says she is "passionate about social causes and community work. I will finally be able to use my education to do just that." 

# Program Reunites Vulnerable Central American Minors with Family Members in the U.S.

*Thanks to Support from the DKT Liberty Project, families have access to real-time information for family members who are in limbo.*



**The International Refugee Assistance Project (IRAP) and Central American Minors (CAM) program are reuniting family members.**

*By Mariko Hirosek, Litigation Director of the International Refugee Assistance Project*

For years, the International Refugee Assistance Project (IRAP), a DKT Liberty Project grantee, has been a steadfast advocate for the Central American Minors (CAM) program, a legal pathway created in 2014 through which children and family members facing persecution or violence in El Salvador, Guatemala, and Honduras can reunite with parents who are lawfully present in the U.S. The program sought to create a safe and orderly alternative for children who might otherwise seek to enter the U.S. by undergoing the dangerous journey to cross the U.S.-Mexico border unaccompanied.

When President Trump ended a part of the CAM program in August 2017, IRAP mobilized to sue and win an agreement. In 2019, thanks to this lawsuit by IRAP and partners, a federal court ordered the government to complete processing for beneficiaries conditionally approved for parole before the program was closed. The government agreed to a settlement and began completing departure processing for 2,714 parolees. This helped many CAM clients reunite with their families in the U.S., including Valentina [not her real name], a child from El Salvador whose CAM application was closed when the CAM program was abruptly terminated. After IRAP won its hard-fought case, Valentina's pathway to the U.S. was

reopened and she and her mother were finally able to reunite. To date, over 1,500 beneficiaries of our case have safely traveled to the U.S and reunited with their families.

## **Hotline Provides Families with Needed Information**

Recognizing the need to inform beneficiaries about the re-opening, IRAP launched a phone hotline to assist them throughout the process. The CAM Hotline later transferred its operation to the International Rescue Committee (IRC), which, already well-versed in CAM processing

**[SEE IRAP ON PAGE 17](#)**



## IRAP, CONTINUED FROM PG 16

and known by many eligible families, could provide the long-term, individualized assistance CAM families needed to navigate the process.

Since taking over hotline operations in September 2019, IRC has received and responded to over 4,000 calls and has exchanged over 18,300 text messages with CAM parents and beneficiaries, including those with previously-closed and new cases currently in process under the CAM program re-opening announced by the Biden administration in 2021.

The Liberty Project has supported the IRC's CAM Hotline since October 2020, allowing the Hotline to stay in touch with families, elevating and resolving critical processing issues with the government, and identifying cases with urgent protection needs to request expedited processing. In addition to supporting families before departure, IRC also assists families after arrival with obtaining employment authorization, finding immigration legal assistance, and other services.

## Expansion of IRAP CAM Program to Reunite Families

In March 2021, an IRAP policy priority was fulfilled when President Biden announced the re-opening of the CAM program to ensure other families like Valentina's can be reunited. In June 2021, the Administration announced expansions to the program that would allow certain legal guardians and parents with pending asylum applications and U visa (for victims of abuse and criminal activity) applications to petition for the CAM program. With this change, a broader pool of people became eligible to apply for reunification with their children. To meet the increased need of those seeking legal information, IRAP




**Linda Evarts, Senior Supervising Attorney for the International Refugee Assistance Project.**

expanded our CAM online resources, which have been accessed more than 10,000 times to date.

In response to this welcome expansion of the CAM program, IRAP recently hired a Central American Minors Program Manager to coordinate the provision of legal services to IRAP clients in the region and to help identify the most effective means through which to expand representation to Central American clients. The newly-created role was made possible by the generous support of the DKT Liberty Project. We are excited to announce that the role was recently filled and IRAP's newest staff member is expected to join our efforts in the coming weeks. With this expansion to our team, IRAP will ensure more eligible CAM applicants and their families can escape danger and find safe refuge in the U.S.

However, with CAM newly endangered, IRAP is once again ramping up our efforts to protect and maintain this valuable pathway to safety. In February 2022, Texas and other states filed a case in Texas federal court challenging the CAM program, arguing that the program is unlawful and needs to be

shut down. If they are ultimately successful, it could mean that CAM is shut down for new applicants, as well as for people who applied during the Obama Administration and whose cases were reopened (including as a result of IRAP's lawsuit), and for CAM parolees who are currently in the U.S. applying for CAM re-parole. In response, IRAP filed a motion to intervene on March 23, 2022 on behalf of four families. If the motion to intervene is approved by the court, the four affected parents represented by IRAP will join the lawsuit as defendants to illustrate to the court that the lawsuit is much more than a fight between states and the federal government – that it affects separated families in real ways. Each of the parents seeks to reunite with their children or remain together through the CAM program.

IRAP is thankful for the DKT Liberty Project's timely support which will help expand our CAM program work and connect our services to even more children and families seeking refuge. At the same time, we are committed to ensuring that the U.S. government keeps the CAM program open to protect children's safety and ultimately maintain family unity. 

# Representing Immigrants Seeking Asylum in Western New York

The Erie County Bar Association Volunteer Lawyer's Project, Inc. (VLP) is a 501(c)(3) non-profit corporation which provides free civil legal services to low income individuals and small not-for-profit groups in Western New York. VLP provides these important services by utilizing both its staff and volunteers to represent clients.

VLP has been doing this important work since 1983. With a grant from the DKT Liberty Project, VLP primarily focused on increasing the number of asylum cases they can take on in the Western New York area over the past year.

During this time, VLP provided immigration legal representation in 25 cases, including 18 asylum cases, one removal defense case, three miscellaneous immigration cases, and the applications for permanent residence. Without funds from the DKT Liberty Project, VLP would not have been able to provide legal representation to these individuals. Currently, there are not enough local pro-bono providers to meet the demand for immigration legal services in Western New York. Without DKT funding, these individuals would have gone without representation. Access to counsel in immigration proceedings drastically improves outcomes. A special report from the American Immigration Council found that immigrants with attorneys are five times more likely to seek relief from deportation and are also five times more likely to win their cases than those without attorneys.

The 18 individuals that VLP represented in their asylum cases include those who have suffered stoning, state terrorism, unjust



**A special report found that immigrants with attorneys are five times more likely to win their cases than those without attorneys.**

imprisonment, religious persecution, and other forms of horrific abuse, harassment, and violence. Other cases include removal defense for a long-term permanent resident as well as an application for permanent residence and other immigration cases. Here are three of their stories:

**Client A.R.M.** is a young, lesbian woman from Honduras who suffered stoning and sexual assault in Honduras because of her sexuality. She tried to obtain protection from the police but was laughed at instead of helped. VLP recruited an experienced litigator to take her case. The volunteer attorney had no previous immigration experience, but with VLP's mentorship, she won asylum for this client before an Immigration Judge with a 98.5% denial rate for asylum cases.

**Client A.A.** is a gay man from India who was constantly harassed and assaulted for his sexual orientation. He suffered a vicious assault which involved severe injuries to his

genitals and required amputation of one of his testicles. He hopes to win asylum here so that he can be himself without fear. His application remains pending and VLP has helped him to renew his work authorization so that he can work and support himself while he waits for his asylum interview.

**Client A.P.** is an 18-year-old girl from Jamaica. She came to the United States at age 12 with her mother who died soon after. Her father in Jamaica refused to support her. This left her in the United States, alone, and without lawful immigration status. Extended family took her in and she recently finished high school with honors. She has a stack of college acceptance letters but has not been able to secure financial aid to enroll because she has no lawful immigration status in the United States. VLP recruited a retired judge to help the young woman's family obtain guardianship over her as well as a "special findings" order that would serve as a basis for her to petition for special immigrant juvenile status. VLP then recruited a volunteer attorney to help her petition as a Special Immigrant Juvenile. That petition remains pending.

VLP attorneys are also working with three former clients who won their asylum cases in court in March 2021 to apply for permanent residence (one is A.R.M., discussed above). Asylees are eligible to apply for residence one year after their asylum application is approved. Gaining permanent residence will help each client achieve stability, have better access to public services, and puts them on a path to U.S. citizenship in the future. [LIBERTY](#)



# Richmond Free Press

## Holding Police Officers Accountable

*By Dr. Ronald Fraser • Published April 29, 2021*

Since 1871, the Civil Rights Act has held state and local officials, including police officers, legally liable for damages if their actions violated a citizen's constitutional rights.

That's until the U.S. Supreme Court punched a huge hole in the law, making it now nearly impossible to hold police officers accountable — even for acts that clearly violate the rights of citizens. Such actions multiplied massively under the war on drugs.

As part of that “war,” state and local police departments in the 1970s ramped up their acquisition of military equipment and adoption of military-style tactics, including the use of Special Weapons and Tactics teams (SWAT) and no-knock drug raids.

The timing is curious. Just as police departments began gearing up their war-like tactics, the Supreme Court created a legal defense — known as qualified immunity — in time to protect police officers engaging in such tactics

By the mid-1990s, according to criminologist Dr. Peter Kraska, nearly 90 percent of U.S. cities with a population of more than 50,000 had a SWAT Team, almost double of what existed in the mid-1980s. And these SWAT teams were not idle. Dr. Kraska counted about 3,000 SWAT deployments in the United States in the early 1980s. By the mid-1990s, that number skyrocketed to 30,000, most of them engaged in the drug war.

But the Supreme Court covered the legal backsides of SWAT officers accused of civil rights abuses — the inevitable collateral damage of surprise, nighttime raids into occupied homes. Here is how the qualified immunity loophole works.

In 1967 and 1974, the Supreme Court expanded law enforcement's use of the “good-faith”

defense. Police officers accused of civil rights abuse can avoid liability if they believed they were acting sincerely and correctly, even if their actions violated a person's civil rights.

Then in 1982, the court added the ultimate protection, the “clearly established law” defense. Police officers are liable only if their actions are nearly identical to the facts in a previous settled case in which a court found that a civil rights violation had occurred.

Since the facts surrounding rights violation cases are for practical purposes unique — each case involves factual differences — it is practically impossible for a plaintiff to convince a court that the violation of his or her rights was clearly established in a prior court case. And the more outlandish a rights violation, the less likely a prior case will have dealt with similar facts and thereby satisfy the clearly established law standard.

An example: In 2019, in *Corbitt v. Vickers*, a deputy sheriff was accused of using excessive force. After taking a suspect into custody at a residential location, a non-threatening family dog appeared. The deputy intentionally fired at, but missed, the dog and instead unintentionally shot a 10-year-old family member in the leg. A U.S. Court of Appeals held that the sheriff was entitled to qualified immunity and therefore could not be sued because no prior case law involved the “unique facts of this case.”


In a recent CATO Institute report titled, “Qualified Immunity: A Legal, Practical and Moral Failure,” Jay R. Schweikert concludes that “qualified immunity is one of the most obviously unjustified legal doctrines in our nation's history.”

He counts a large number of lower court judges critical of qualified immunity and some

calling for its end. In addition, Mr. Schweikert reports that in 2018, Supreme Court Justice Sonia Sotomayor called qualified immunity “an absolute shield for law enforcement that has gutted the deterrent effect of the Fourth Amendment.”

The Supreme Court is thus responsible for undermining the accountability burden placed on police officers in the 1871 law. But because it is unlikely a Supreme Court majority will back down any time soon, it is now up to Congress to re-establish the original intent of the 1871 statute — and that is just what legislators are trying to do.

On March 3, the U.S. House of Representatives passed, and sent to the U.S. Senate, the George Floyd Justice in Policing Act of 2021 that would, if it becomes law, amend the 1871 law to explicitly prohibit police officers accused of civil rights violations from using either the good faith defense or the not-clearly-established-law defense.

This nation was founded on the idea that governments are formed to secure the civil rights of citizens, not to threaten and abuse them. Rejection of the qualified immunity doctrine and once again holding police officers accountable for their actions would be a fine way to reaffirm that basic principle of American government.  **LIBERTY**

*For many years, Ron Fraser, Ph.D, has written on public policy issues for the DKT Liberty Project and other causes that Phil Harvey held dear. Ron made sure that his columns appeared in hundreds of newspapers across the country. The above was a particularly important article about “qualified immunity,” an issue that Phil and all supporters of liberty and justice hold dear.*

# The 50-Year Failure of the War on Drugs

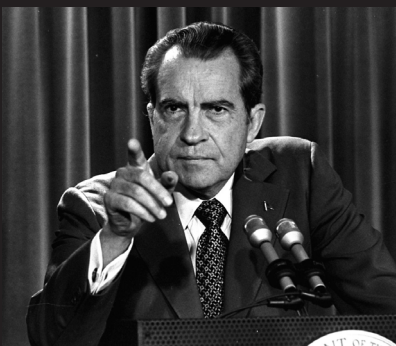
Reflecting on a Half Century of Broken, Harmful Public Policy

America's War on Drugs began in the Nixon administration as a thinly veiled attempt to keep Black people and other people of color down.

June 17, 2021, marked 50 years since U.S. President Richard Nixon declared drugs to be "public enemy number one," launching a national campaign to criminalize drug use. These new strict measures for drug-related crimes, included mandatory minimum sentences for both drug possession and distribution. Since then, the War on Drugs has contributed to a systemically unequal prison system that continues to oppress Black and Brown people today.

These policies have led to mass incarceration, civil liberties abuses, over-policing, and mistreatment of people of color, and human rights violations in the United States and around the world.

Indeed, the War on Drugs was never really a long-term policy goal: According to President Nixon's domestic policy chief, John Ehrlichman, the Nixon campaign did not intend the legislation to be about drug reform itself, but was instead meant to oppress "the antiwar left and black people." This revealed the truth about the War on Drugs: It was essentially a war on the poor and other marginalized people. This brazenly racist and anti-democratic agenda has manifested itself into one



**Nixon referred to drugs as "public enemy number one." Shortly thereafter, the press coined the phrase "War on Drugs."**

of the most pernicious government-mandated operations of the 20th and 21st centuries.

Meanwhile, nearly 500,000 people died in the United States alone from opioid overdose from 1999 to 2019, with death rates still accelerating steadily.

While incarceration is offered as a tool that helps reduce drug use, there is little evidence to suggest that locking people up reduces drug consumption in the long-term. Since 1980, despite the significant increase in incarceration rates, studies have found no statistically significant correlation between drug imprisonment rates and the rate of drug use across most states. In fact, while around 65 percent of incarcerated individuals meet the medical criteria for

drug addiction, only 11 percent receive treatment.

The War on Drugs' punitive effects continue to this day. In the last 40 years, the number of people convicted of drug-related crimes has risen more than 500 percent, now making up almost half of the federal prison population. Within America's prisons, the policies have perpetuated cycles of poverty and unemployment in low-income communities while disproportionately impacting people of color. Black people are more than 3.5 times more likely to be arrested for cannabis possession than their White counterparts, despite both groups using the drug at similar rates, and African Americans and Hispanics now make up more than 60 percent of the prison population.

Thanks to justice advocates calling for an end to the drug war, the United States has made recent improvements in decriminalization efforts: 18 states have legalized recreational cannabis, while voters in Oregon recently approved an initiative to decriminalize possession of small amounts of illegal drugs such as heroin, cocaine, and methamphetamine.

Decriminalization, which focuses precious resources on investments in treatment and supportive interventions, will keep our communities safer than



ever before. The tides are turning. A victory for reform advocates came on the 50th anniversary of President Nixon's declaration of the war on drugs: the Maine House of Representatives approved a bill to decriminalize possession of all currently illicit drugs. The proposal, LD 967, was approved in a 77-62 vote in the House; but was eventually struck down by the Maine Senate.

However, despite this setback, momentum continues to grow. "We are continually trying to criminalize a symptom of a disease. It hasn't worked. It won't work," Rep. Charlotte Warren (D), who serves as the Maine House chair of the legislature's Criminal Justice and

Public Safety Committee, said before the House vote. "We have tried criminalizing this disease for decades, and 11 Mainers a week are dying."

Rep. Anne Perry (D), sponsor of the bill, said that incarcerating people who are suffering from addiction "only proves to them that they are as bad as they think they are" and perpetuates the cycle of substance misuse. "Law enforcement is not the gateway to treatment and recovery. It's a gateway to isolation and suicide."

While it didn't succeed this time, the decriminalization vote in Maine represents a continuation of a national conversation about the need to reform

laws criminalizing people over drugs and treat substance misuse as a public health issue, rather than a criminal justice matter. For the first time ever, a congressional bill to federally decriminalize possession of controlled substances—and incentivize states to do the same—was formally introduced, also on the 50th anniversary of the war on drugs.

Reform is popular with the general public, too: A recent survey found that 83 percent of Americans think the War on Drugs has failed and that 66 percent of voters support eliminating criminal charges for drug possession. [!\[\]\(faf942dc3e59ce8eb64b4ac481eca7e0\_img.jpg\) LIBERTY](#)



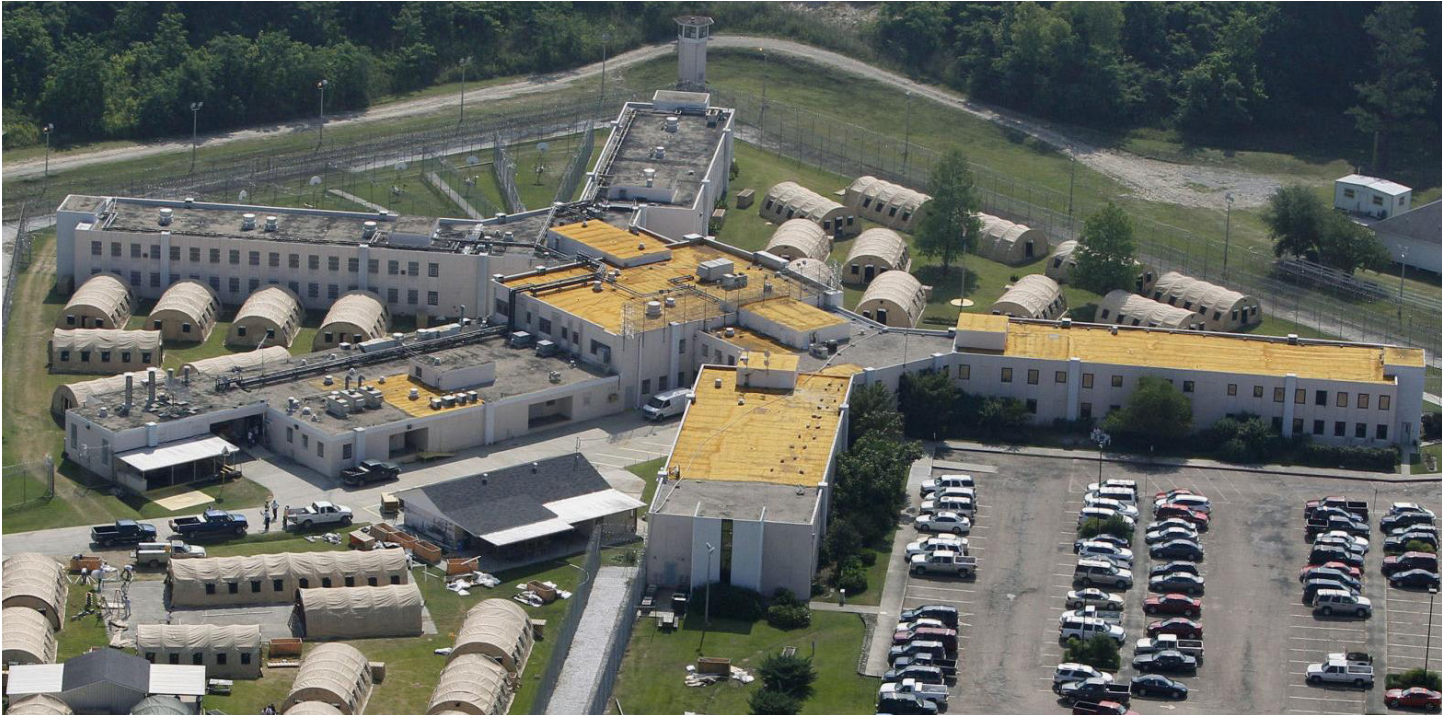
**Phil Harvey believed that the War on Drugs did far more harm than good. He founded the DKT Liberty Project in part to oppose these harmful policies.**

**Throughout the DKT Liberty Project's existence, we have supported organizations in their efforts to right these injustices. Recently, these organizations and coalitions have included the Innocence Project of New Orleans (IPNO), End It For Good, the Louisiana Parole Project (LPP), National Advocates for Pregnant Women (NAPW), Legal Missouri, the Southern Center For Human Rights (SCHR), Equal Justice Under Law, the Marijuana Policy Project, the Bronx Defenders, and the Drug Policy Alliance.**

**The DKT Liberty Project also commissioned relevant articles and op-eds challenging drug policy and subsidized legal fees for underserved clients caught in the crossfire of the War On Drugs who would otherwise be unable to hire an attorney.**

***AC Bushnell, Program Director  
The DKT Liberty Project***

# Victory: Federal Judge Rules Medical Care at Angola Prison is Cruel and Unusual Punishment



**Louisiana State Penitentiary is a maximum security prison farm built on the same territory as the former Angola slave plantation.**

*Published by the ACLU*

A federal judge ruled in March 2021 that medical care at Louisiana State Penitentiary at Angola (Angola) is constitutionally inadequate, causing a substantial risk of serious medical harm for the prison's population. The lawsuit asserts that the more than 6,000 people living at Angola are all at risk of receiving dangerous health care, while scores of men have already experienced unnecessary injury, suffering, and death.

"The level of medical care provided at Angola is horrific—we have been stunned at the amount of human suffering that's allowed to go on there," said Bruce Hamilton, senior staff attorney at the ACLU of Louisiana. "While we're pleased with the Court's decision to strike down these cruel and degrading conditions as unconstitutional, we know there is still more work to do in order to guarantee quality care

to all of Angola's population, which cannot be delayed any longer. We're grateful for the work of our partners, who fought hard for so many years to achieve this victory. Gaining openness and transparency about the conditions at Angola is the first step toward achieving adequate medical care."

"The Department of Corrections' continuing failure to care for an aging and vulnerable population is also a reminder of the need to reform Louisiana's extreme sentencing laws, and give elderly people who have served unjustly long sentences an opportunity for parole."

The lawsuit, which was filed in 2015, states that Angola—the nation's largest maximum-security prison—is violating the Eighth Amendment's prohibition against cruel and unusual punishment by neglecting the serious medical needs of people incarcerated

there. People living at Angola needlessly suffer from chronic pain, permanent injury, and preventable sickness and death as a result of prison officials' failure to provide constitutionally adequate medical care. The complaint also alleges that security personnel—not medical personnel—are often tasked with the initial assessment of whether someone is "really sick" when they purport to have a medical emergency. Even basic screenings and treatments are broadly denied, and the disabled population are especially hard-hit by the inadequate delivery of care.

Attorneys interviewed more than 200 men in connection with this investigation and found scores whose problems echo those of the plaintiffs named in the complaint. The class action seeks an injunction that will bring the prison in line with constitutional standards in the delivery of medical care. [LIBERTY](#)



# The Southern Center for Human Rights is Fighting Against Unjust Sentencing and Prison Conditions

For more than forty-five years, the Southern Center for Human Rights (SCHR) has been a leading force in fighting to eliminate extreme sentencing practices in the Deep South. Traditionally, when we have talked about extreme sentences, we have referred to heinous practices like the death penalty, but what about dehumanizing practices and perilous conditions incarcerated people are subject to while serving their sentence?

What about solitary confinement practices that lock people in isolation for months on end where they rarely leave their cramped cells? What about being housed in a prison system where people face incredibly high rates of violent attacks, tragic deaths, and increasing suicide rates? Extreme sentences are not limited to how long a person is incarcerated when their physical and psychological well-being are not cared for.

Over the years, SCHR has filed many lawsuits challenging horrific conditions in prisons and jails across the Deep South. Our advocacy has sparked many positive changes, but we cannot turn a blind eye to systemic issues like violence against incarcerated people, suicide in prison, and barbaric solitary confinement practices.

While many prison systems utilize these cruel practices and foster environments where these tragedies occur, we have reached a point of crisis in the state of Georgia.

Over the past two years, there has been a sharp increase in violence towards and deaths of people housed in Georgia's prisons. Since the start of 2020, at least fifty-seven people have been killed in Georgia's prisons, and forty-six people have committed suicide. Based on a 2020 comparison, Georgia's prison homicide rate was nearly eight times higher, and its



## SOUTHERN CENTER FOR HUMAN RIGHTS

suicide rate was nearly twice as high as the national rates in state and federal prisons.

SCHR tracks new reports of violent incidents and deaths in Georgia's prisons, and in part because of SCHR's efforts, violence at Georgia prisons is now a subject of federal investigation. On September 14, 2021, the U.S. Department of Justice's Civil Rights Division officially launched an investigation into violence against incarcerated people, severe understaffing in Georgia prisons, and abuse of LGBTQ people who are incarcerated.

In addition to this broader analysis of violent incidents and deaths in Georgia prisons, SCHR is conducting deeper investigations of individual prisons and bringing litigation against the use of particularly egregious practices.

On September 10, 2021, SCHR filed a lawsuit

against the Georgia State Prison (GSP) in Reidsville, Georgia, concerning their horrific solitary confinement practices. At GSP, people are placed in a solitary confinement program for at least nine months and are typically held in isolation much longer. More than 70% of these people have psychiatric disabilities, which are exacerbated by horrible living conditions, including cells that are often infested by rats, cockroaches, or mice.

These psychological hardships have contributed to twelve men at GSP committing suicide in the last two years. In the face of these harrowing conditions, prison staff and officials at the Georgia Department of Corrections (GDOC) have been acutely made aware of the harms and risks posed by these practices. In a 2018 internal audit, corrections officials were warned that "deficits in Lockdown Services could lead to decompensation and possible completed suicides or other self-harm."

SCHR is demanding that Georgia State Prison provide humane living conditions, further psychological treatment, and at least four hours per day out of their cells for people held in solitary confinement.

SCHR has also begun investigating conditions of confinement at Lee Arrendale State Prison, where new mothers and COVID-19 patients are held in "medical isolation," which is functionally indistinguishable from punitive solitary confinement.

Last April, we sent a letter to the warden addressing serious concerns about these conditions. In July, we sent a second letter outlining further concerns about violations that persist at the prison. So far, we have not received any response to these letters. On August 11th, a group of concerned legislators

**[SEE SCHR ON PAGE 24](#)**

# Equal Justice Under Law Cases Ongoing

The DKT Liberty Project has proudly supported Equal Justice Under Law for the past three years, and we encourage continued support of this great cause. Equal Justice Under Law is a national law nonprofit organization, based in Washington, DC, fighting to end wealth-based inequality in the justice system.

The Liberty Project funded two lawsuits filed by Equal Justice Under Law, both of which are still ongoing. One case aims to end exorbitant expungement fees. People in poverty with prior convictions face a terrible predicament: they cannot afford to expunge their records, but they cannot obtain stable, well-paying employment because of their records. Louisiana charges \$500 per expungement — the highest fees in the nation — unfairly punishing those who need expungement the most. One of the plaintiffs in our case earns \$4 per hour plus tips as a waitress. She has been turned down for better paying jobs due to her criminal record. She is one of as many as 300,000 Louisianans eligible to have their record expunged who cannot afford it.

The second case funded by the Liberty Project challenges Missouri's practice of suspending



the driver's license of any person unable to pay court-ordered childcare. While designed to coerce support by non-custodial parents, this punishment, when enforced against parents who are struggling financially, makes it more likely that payments will be missed. Not having a driver's license makes it more difficult for parents to work, but also to see their children regularly, pick them up for visitation, share in caring for them by taking them to appointments and

participating in school activities. The law is counterproductive, and also punishes people for being poor and is therefore unconstitutional.

Both of these cases, as well as many others, are ongoing and need continued support to end these practices of wealth-based discrimination. Learn how you can support Equal Justice Under Law at: [.equaljusticeunderlaw.org](https://equaljusticeunderlaw.org). **LIBERTY**

---

## SCHR, CONTINUED FROM PG 23

went to the prison, where they were turned away. SCHR has continued to monitor these conditions to ensure that the safety and dignity of these women are safeguarded.

This legal advocacy is both resource and time-intensive, but it is imperative that we lead this work as people's lives are literally at stake. In the face of this daunting challenge, the DKT Liberty Project committed to funding a new staff attorney position for two years to bolster our capacity to lead these campaigns. Last July, SCHR hired Whitney Knox Lee to help lead litigation focused on improving the terrible prison conditions in Georgia and the abysmal



**LEE**

conditions women face while in confinement—including pregnant women and women giving birth in prison. Whitney Knox Lee is a mission-based attorney dedicated to advancing the lives of people living in poverty and people of color. Whitney began her career at Georgia Legal Services Program (GLSP), where she represented low-income persons with civil legal issues across Georgia. At GLSP, Whitney focused on dismantling barriers to affordable, safe, and accessible housing and securing income stability for people living with disabilities.

Having another experienced attorney with a background in public interest law has been indispensable to these campaigns.

Since joining our organization, Whitney has brought her expertise and passion to this work, helping to strengthen our claims and ensure that we can continue other efforts to challenge inequities in the criminal legal system. At a time when incarcerated people in Georgia are experiencing unimaginable levels of violence and trauma, there has never been a greater need for intervention to abate these crises. We are grateful to the DKT Liberty Project for answering the call to protect the safety and lift up the humanity of incarcerated people across our state. **LIBERTY**



# Organizations Fighting for Causes at the Heart of Phil Harvey's Life's Work

Click on the logos below to learn more about these initiatives and consider lending your support to their difference-making efforts.

**The Bronx  
Defenders**

**We are  
the Drug  
Policy  
Alliance.**

 **End It  
For Good**

 **VOLUNTEER  
LAWYERS  
PROJECT**



**EQUAL JUSTICE UNDER LAW**  
*Ending Inequality in the Justice System*

**ipno** **innocence  
project  
new orleans**


**IRAP**  
International  
Refugee  
Assistance  
Project



**IRRI** International Rice  
Research Institute



 **parole  
project**

  
National Advocates  
for Pregnant Women  
N A P W

**SKY**FILMS

 **SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS**