

# THE EVENING SUN

Chenango County's Hometown Daily

## Obama's Attorney General Americanized (in part)

By Nat Hentoff, NEA Columnist

Attorney General Eric Holder, long dutifully obedient to his boss's vandalizing of the Constitution, now emerges as a vital opponent of one of the most damaging abuses in our history of the American definition of justice.

Quoted in "Breaking our prison habit" in the Feb. 13 New York Daily News by the invaluable probing news analyst Errol Lewis, Eric Holder declares: "Too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason."

How many Americans are what Errol Lewis adds to Eric Holder's judgment of our overflowing cages:

"The number of inmates in federal prisons has soared by a staggering 800 percent since 1980, and federal lockouts are now 40 percent overcapacity ...

"Individual states are groaning under the burden as well. Nebraska's prisons are at 140 percent of capacity. Oklahoma's have exceeded 99 percent of capacity.

Adds Errol Lewis: "The failed war on drugs has also swelled the prison population. Addicts caught with small amounts of the illegal poison they ingest -- 30 grams of cocaine, for example, the equivalent of 30 restaurant sugar packets -- can be labeled 'traffickers' and tossed into prison for years."

And in "America on Probation," (New York Times, Jan. 27), Bill Keller, the New York Times columnist and former executive editor, made this key accusatory point: "The quest for safe and humane alternatives to lockup faces opposition from prosecutors protecting their leverage, from corrections employee unions protecting jobs and from a private prison industry protecting profits.

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"(Private prison operators, who house about 9 percent of prison inmates, have a vested interest in keeping prisons full because they are paid based on occupancy)."

And now comes Eric Holder, not only protesting our epidemic of prisons but also trying to do something about keeping Americans released from prisons from going back after they become free citizens again.

On Feb. 11, the Brennan Center for Justice at New York University school of Law reported on Holder's "great step forward on restoring voting rights."

On that day, the attorney general "urged states to restore voting rights to people of past criminal convictions." To be covered, the Brennan Center explained, are "those who have completed probation, parole and paid all fines. Many states already go further than this and restore rights upon release from incarceration."

But Myrna Perez, Democracy Program Deputy Director, reminds us that "Nearly 6 million Americans are barred from voting because of a criminal conviction in their past."

And dig this: "Three states permanently disenfranchise the citizens."

Calling Eric Holder's pledge "a significant step forward for democracy," she makes the important point that "citizens with criminal convictions who are living and working in our communities should have the responsibility and the right to participate in our democracy by voting.

"Congress should act quickly to pass the Democracy Restoration Act, which would restore voting rights and federal elections to those who have served their time." This Congress? Where a majority of both parties are far less concerned with strengthening actual real-time democracy than with dominating the ceaseless civil war in the House and Senate?

Moreover, adds Nicole Austin-Hillery, director of the Brennan Center's Washington office: "With the largest prison population in the world and millions of Americans caught in a system of mass incarceration, ensuring that former offenders can fully regain their core rights as American citizens is a vital means of reducing recidivism, by integrating them back into society."

As I will report in detail later, a new book by Doran Larson presents a collection of essays written by prisoners across America. In "Fourth City: Essays From the Prisons in America," (Michigan State University Press), Larson tells you in his introduction:

"The United States imprisons a greater number and percentage of its own citizens than any other nation on earth; greater than Russia, China, Cuba or Iran."

From his cage, James Castrillo of Maine writes in "Fourth City": "I was blind to the reality that the path I was on leads nowhere, and fast ... Is this too great an obstacle to overcome? A part of me says, yes, there's no sense in trying; it's too hard, too late ...

"Another part of me, the strongest part, won't quit. Wants to keep fighting. I think of how badly ... I want to make it in this world, the right way ... Can I overcome the disappointment that tests my sanity?"

"Disappointment is useless in a place like this because it gets you nowhere."

What Eric Holder and others are doing, says Errol Lewis, "adds up to the start of something big: a nation beginning to think outside the cell when it comes to crime and justice."

As always, how big a change depends on you, the citizen voter.

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.