



## Collections, Cuts and Contention Budget stalemate continues as legislative session advances

Governor Brown released his revised budget proposal in May amid the good news that state revenue collections may finally be recovering from the Great Recession. The state expects to take in an additional \$2.8 billion in the current fiscal year and additional \$3.5 billion in the upcoming budget year, mostly due to improved personal income tax collections. Under the state's funding formula for public education, schools and community colleges will receive an additional \$3 billion in the upcoming budget year above what the Legislature approved in March, a significant improvement, but it is still \$4.2 billion less than in 2007-2008 (California Budget Project). California has a drop-out rate of 21.5 percent (California Department of Education) and according to the California Teachers Association, 30,000 teachers have been laid off over the last three years.

While the Legislature and the governor have made considerable progress towards reducing the state's \$26 billion deficit, it has come at a very heavy price. In March, the Legislature made \$11 billion in permanent cuts to General Fund spending. Health and Human Services programs, which serve our state's most vulnerable residents, were cut by 17.4 percent. The University of California and California State University systems took a combined \$1 billion reduction which will undoubtedly result in higher student fees and put a college education out of reach for more students. State government will have 5,000 fewer workers and local governments are also reducing payrolls and laying off employees. Conversely, spending for corrections will increase by 1.5 percent in the new budget year, though Governor Brown claims his realignment proposal (see sidebar) will eventually reduce Corrections spending by up to \$2 billion annually.

The governor also proposes to eliminate previously adopted deferrals of payments to school districts and reduce General Fund borrow-



ing from special funds, which will improve the state's fiscal condition in future years. When the increased revenue collections and increased expenditures are accounted for, the state is still faced with a \$9.6 billion deficit for the upcoming budget year.

Republicans seized upon the news of the increased tax collections as evidence that state government does not need the tax extensions sought by Governor Brown. In anticipation of the governor's release of his revised budget proposal, Assembly Republicans put forth their own plan that does not raise taxes but relies on questionable assumptions, delaying debt repayments and an apparent double counting of savings already scored in the budget cuts passed earlier this spring (California Budget Project). In May, Grover Norquist, president of Americans For Tax Reform, paid a visit to the State Capitol to shore up Republican opposition to allowing the people to vote on extending current tax rates. All but two Republican legislators (Sens. Sam Blakeslee of

*(Continued on next page)*

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***“The Friends Committee on Legislation of California (FCLCA), guided by Quaker values, advocates for California state laws that are just, compassionate and respectful of the inherent worth of every person.”***

San Luis Obispo and Anthony Canel-la of Ceres) have signed Norquist’s “Taxpayer Protection Pledge,” promising to “oppose any and all efforts to increase taxes.”

The sticking point of the governor’s budget proposal remains his plan to extend current levels of taxation for five years, which would fund the governor’s proposed realignment

of state services to the local level. The realignment plan includes shifting responsibility for managing persons convicted of low-level offenses from the state prison system to counties. The Legislature passed this proposal in March, but its implementation is contingent upon counties re-

ceiving dedicated revenues from the proposed tax increase extensions. Republicans are also using their ability to block tax increases (California is one of 12 states to require a two-thirds supermajority to raise taxes) to leverage pension reform, reduce environmental regulations and to impose a state spending cap.

In 2009, California voters rejected a constitutional amendment to impose a spending cap that was linked to extending tax increases. A spending cap would limit legislative discretion by imposing yet another complex budget formula on top of a budget process already encumbered by rigid formulas, mandates and earmarks. Moreover, a spending limit could lock in spending levels at historically low, recessionary levels and restrict the Legislature’s ability to address compelling needs into the future.

Though agreement on pension reform, reduced environmental regulations and a spending cap appears to be within reach, Republicans are unwilling to temporarily extend current levels of taxation through the legislative process until approved by a vote of the people later this year. While

the governor wants the Legislature to approve temporary extensions until a special election later this year, Senate President Pro Tem Darrel Steinberg (D-Sacramento) wants the Legislature to extend the tax increases for the upcoming budget year and to put the issue before the voters in the March 2012 primary election. Steinberg’s approach would have the added benefit of preventing mid-year disruptions to schools and local governments should the voters reject the tax extensions.

FCLCA is supporting SBX1 23, by Senate President Pro Tem Darrell Steinberg (D-Sacramento), which authorizes local governments and school districts to increase personal income taxes, sales and use taxes, the

vehicle license fee and various excise taxes to fund local services. Increasing local taxes would still require voter approval. Steinberg has stated that he is pushing the bill for tactical reasons. Business groups are lobbying hard against the bill. The hope is that they will pressure Republicans into allowing voters to vote on whether to extend current levels of taxation.

*While the Legislature and the governor have made considerable progress towards reducing the state’s \$26 billion deficit, it has come at a very heavy price.*

**WHAT YOU CAN DO:**

- 1) Contact your state representatives and urge them to allow voters to vote on whether to extend the tax increases agreed to in 2009 for five more years in order to avoid deeper cuts to the state’s safety net and to higher education.
- 2) Log on to FCLCA’s action center and urge your State Senator and State Assembly Member to support SBX1 23.

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**Budget Update:** Under the new authority granted by Proposition 25, on June 15th the Legislature passed a majority-vote budget and sent it to the governor's desk. Unable to secure the four Republican votes need to extend the taxes, the new budget resorted to borrowing, one-time measures, accounting maneuvers, deeper cuts to higher education and some revenue increases to close the remaining \$9.6 billion gap. After hinting to reporters on June 13th that he might accept a budget that included some temporary fixes, Governor Brown vetoed the budget on June 16th, claiming that the new budget "continues big deficits for years to come and adds billions of new debt" in addition to "legally questionable maneuvers, costly borrowing, and unrealistic savings." The governor's veto message praises Democrats for making deep cuts and calls on Republicans to allow the people to vote on his proposed tax measures.

Ironically, in its annual Fiscal Outlook report published last November, the Legislative Analyst's Office recommended that the Legislature take a multi-year approach to closing the state's structural shortfall with a combination of permanent budget cuts and revenue increases along with some temporary fixes until the economy recovers and tax collections come in line with spending. A combination of permanent spending cuts (as passed by the Legislature in March) and temporary fixes would avoid an all-cuts budget and would be less likely to reflect policy changes sought by Republicans.

The good news is that the Legislature has no appetite for an all cuts budget. The bad news is that the governor's hard line on temporary fixes may force him to go too far to accommodate Republicans' demands in exchange for allowing a vote on taxes. It may increase pressure on the Legislature to make deeper cuts to the safety net and to education. The governor continues to seek four Republican votes, but even if he succeeds, gaining voter approval for extending taxes will not be easy. According to an April survey by the Public Policy Institute of California, 46 percent of likely voters support the governor's tax proposals while 47 percent oppose. [FCLCA](#)

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## State responds to Supreme Court's upholding of prison population reduction order

On May 23rd, the U.S. Supreme Court, in a 5-4 decision, affirmed a lower court's ruling that prison overcrowding is the primary reason the State is unable to provide constitutional levels of health care and mental health care to prisoners. The ruling in *Brown v. Plata* requires the state to reduce its prison population to 137.5 percent of capacity, the equivalent of 110,000 prisoners. California's "brick and mortar" prison population currently stands at 143,000 prisoners; therefore, without added capacity and/or a time extension, the state will have to reduce its population by 33,000 prisoners within two years.

Despite the claims of some politicians and media pundits, the order is not an "early-release" order; rather, it is an order to reduce overcrowding. While it is conceivable that the lower court could order some early releases if the state is non-compliant, it is important to keep in mind that the prisons already release 120,000 prisoners back into the community each year. The state's official response, filed with the district court, notes that the prison population has already declined as a result of legislative reforms passed in the previous session and 10,000 out-of-state prison transfers. The response also notes that additional prison-bed construction is in the pipeline. Regretfully, Corrections Secretary Matt Cate urged the Legislature to "fast-track" additional prison bed construction for maximum security prisoners.

The primary piece of the state's plan to reduce overcrowding is realignment. Earlier this year, the Legislature passed AB 109 to shift responsibility for managing people convicted of low-level offenses to local governments. Parole would become a local responsibility and parolees would not be returned to state prison for parole violations.

AB 109's impact on the prison population would be gradual as it does not apply to currently incarcerated prisoners. It also ignores the fact that many prisoners who pose the least risk to public safety are serving life sentences for serious conviction offenses. Its implementation is contingent upon providing a dedicated revenue source to local governments. Under the governor's budget proposal, those revenues would come from the proposed tax extensions, which the Legislature has not approved as of this writing.

While FCLCA welcomes the recognition by Governor Brown and the Legislature that prison is not appropriate for everyone convicted of a felony, there is uncertainty over how counties will implement realignment. Thirty-plus county jails are under court-ordered population caps due to overcrowding. In 2007, the Legislature passed AB 900, which authorizes the sale of lease revenue bonds for the construction of 40,000 prison beds and 13,000 local jail beds. This year, the Legislature passed AB 94 and AB 111 to make it easier for counties to qualify for jail construction funds by reducing the county matching fund requirement from 25 percent to 10 percent and by giving preferences to counties that send the largest number of people to state prison.

History demonstrates that the state cannot build its way out of overcrowding. What is really needed are long-term sentencing reforms and public investment in our local communities. In the previous session, the Legislature made a good start by adjusting the dollar value threshold for triggering felony grand theft and by increasing credits for prisoners who complete programs while in prison. Realignment is not radical reform, but should it become a reality, our hope is that counties will devote the resources they receive to programming and providing services to help prisoners successfully reintegrate into their communities, rather than building new jails.

– Jim Lindburg, <[JimL@fclca.org](mailto:JimL@fclca.org)>



## A Friend of Justice An interview with Dr. Alan Bean

Alan Bean, executive director of Friends of Justice, based in Arlington, Texas, and his wife Nancy Bean shared their experience and insights with us at FCLCA's Southern California Benefit Dinner on March 26, 2011. Alan and Nancy's work and the work of their colleagues at Friends of Justice is an inspiration, and we asked Alan to share his thoughts with you, our readers.

***Your website ([friendsofjustice.wordpress.com](http://friendsofjustice.wordpress.com)) describes the work of Friends of Justice, saying "we launch narrative-based campaigns around unfolding cases where due process has broken down, and empower affected communities to hold public officials accountable for equal justice." Could you tell us more about how you do this?***

Friends of Justice came to life in response to a massive drug bust in Tulia, Texas in 1999 in which 47 residents were accused of selling powder cocaine to undercover officer Tom Coleman. Although Coleman was unable to corroborate his testimony, juries consistently believed everything he said from the witness stand. This was partly because the Sheriff vouched for his integrity, but there was more to it than that. Coleman was reading from a familiar script. Everybody knew the story about the lazy black folks on the poor side of town who would rather sell drugs than work an honest job. So long as the undercover officer repeated this familiar narrative, his testimony sounded familiar and therefore convincing. Even when it was revealed that Coleman had left several law enforcement jobs with a stack of unpaid bills and a well-earned reputation for racism and deceit, juries continued to buy his story.

When I first learned about the Tulia case I was working on a novel and had been reading books and articles about the essence of narrative and the basic elements of storytelling. I realized that if we didn't transform the defendants from crude stereotypes into flesh and blood human beings, they would all be convicted on the word of a corrupt officer. We weren't trying to demonize public officials or to present the accused as model citizens; the goal was to create a realistic, well-researched narrative that presented everyone

involved as flawed human beings reacting to the pressures of everyday existence.

By taking control of the narrative, we were able to attract a steadily growing circle of interest in the advocacy, legal and media communities who were eager to retell our story in a wide variety of ways. Consistently represented as a destitute rogue cop eager to restore his reputation while replenishing his finances, Tom Coleman lost his credibility. The narrative was no longer about the defendants, it was about their accuser.

In the aftermath of the Tulia saga—which took five years to play out—we learned that the criminal justice system goes off the rails when lazy narratives rooted in crude stereotypes are left unchallenged. Defense attorneys are generally powerless to shift the story and often have little inclination to try. But if justice advocates can

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get control of the narrative, the danger of wrongful conviction immediately becomes apparent to people of goodwill.

The people at the center of the legal drama are the defendant and the

defendant's supporting community. When the affected community introduces us to the social history surrounding the case, we begin to understand why an exceptionally weak legal case sounds so convincing. By substituting a realistic story for a stereotypical "thug narrative" we recast reality.

Friends of Justice was introduced to the plight of six African-American high school students in Jena, Louisiana when a juvenile justice organization sent out an appeal for pro bono legal representation. The students, all football players, were being charged with attempted first-degree murder, a charge carrying a mandatory minimum prison term of twenty-five years without the possibility of parole.

According to district attorney Reed Walters, the black defendants assaulted an innocent white student out of sheer criminal malice. When I arrived in Jena, the local newspaper was peddling the familiar thug narrative and calling for the harshest penalties allowed by law.

After interviewing the defendants, their families, and several leaders in the white community, I realized that the same rush to judgment we had witnessed in Tulia had taken hold of Jena. After reading through dozens of eyewitness accounts, I concluded that several of the accused were likely not involved in the school yard assault and that the altercation was the final chapter of a sad drama that had been unfolding for months.

On the first day of school, a black freshman stood up in a school assembly and asked the principal if it was okay for black students to sit under the tree on “the white side” of the school courtyard. Since Jena High School was integrated by federal fiat in 1970, the lunch hour had been a segregated affair. During high school assemblies, black students sat on one side of the auditorium, white students on the other.

The morning after the freshman asked his question, two nooses were found hanging from the tree at the white side of the school courtyard. The culprits insisted that they had been replicating a hanging scene from *Lonesome Dove* and that the nooses had no racial significance. When school officials accepted this explanation at face value, black parents organized in protest. Racial tension mounted at the high school and police officers placed the campus on full lockdown. At a hastily-called emergency assembly, the local district attorney reminded students on the black side of the auditorium that he could make their lives disappear “with a stroke of my pen.”

Asked to explain this remark at a pre-trial hearing, Reed Walters explained that, in his view, the black students were making a big deal out of nothing and that he wanted the students to “work things out on their own.”

For the next three months, I learned, black and white students clashed in a series of escalating confrontations. Then, on a Thursday night in late November, someone set fire to the academic wing of the high school. Classes were cancelled on Friday and, that night, a black student was assaulted by several white students at a local dance.

When classes resumed on Monday morning, the tension on the campus was palpable. After a lunch hour filled with racially charged confrontations, a white student was struck from behind and was kicked by several black students as he lay on the ground.

The Friends of Justice narrative made no excuses for violence; we simply connected the narrative dots. In our view, the noose hanging was a wake-up call and a teachable moment for a community living in denial.

By refusing to call a hate crime by its proper name, we argued, local officials created an adversarial dynamic between black and white students that was destined to end badly. There was no question that both the noose hangers and the boys involved in the assault had behaved badly, but we argued that the adults who evaded their clear responsibility were the real antagonists of the Jena tragedy.

This narrative resonated with black America,

but most white people (progressive or conservative) couldn't see the connection between the noose incident and the beat-down at the high school. I once spoke to a college student who was on a tour of Africa when they heard about the “Jena Six.” The group immediately divided along racial lines: the black students identifying with the defendants; the white students siding with the prosecutor. When 50,000 people journeyed to Jena (population 2500) in September of 2007, the crowd was at least 95% African-American.

While the nation debated the relative merits and demerits of the Jena Six and their accusers, Friends of Justice worked behind the scenes to recruit world-class defense counsel. Like the defendants in Tulia, the Jena Six were eventually represented by a large cadre of attorneys including pro bono lawyers from prestigious international law firms. Eventually, the defendants pled guilty to misdemeanor assault and their records were eventually cleared. Instead of doing serious time in a state prison, all six are currently attending college.

Ultimately, Jena wasn't a story about what went down in an isolated Louisiana town; it was a story about the enormous experiential gap that divides white and black America.

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## **Ultimately, Jena wasn't a story about what went down in an isolated Louisiana town; it was a story about the enormous experiential gap that divides white and black America.**

**Friends of Justice says: Our goal is to build a public consensus for ending mass incarceration and respecting human dignity in our criminal justice system. Could you explain more about what you mean by “mass incarceration” and describe for us what building a public consensus might look like?**

Friends of Justice has adopted a very simple mission statement: “Building a common peace consensus to end mass incarceration.” Until 1980, America (and every other western democracy) locked up just over 100 people for every 100,000 population in any given year. Three decades later, we are locking up our own citizens at six times the former rate. This is only happening in the United States—mass incarceration is a distinctly American phenomenon.

But that’s only half the story. The perception gap dividing black and white America is partly explained by a single disturbing fact: In America, black people go to jail and prison at six times the rate of white people.

There are plenty of explanations for this remarkable discrepancy, but the war on drugs is the major culprit. Studies consistently demonstrate that white and black Americans are equally likely to use and sell drugs. But the vast majority of drug busts take place in poor black neighborhoods.

If the goal of the drug war was to remove illegal drugs from the streets of America, it has been a colossal failure. But if the plan was to lock up thousands of drug addicts and non-violent, low-level drug dealers the drug war has been a roaring success.

*...the war on drugs doesn't make us any safer; in fact, by demolishing the social fabric in at-risk communities, the drug war makes us all less safe.*

Racism is part of the mix, but political expediency is also a major factor. No politician ever won an election by promising to be soft on drugs and drug dealers. Poor communities are targeted because there is an obvious link between drug addiction and property crime. Black politicians and preachers rarely object because, like most Americans, black churches and black voters deplore the negative impact of the illegal drug trade in their communities.

Arresting thousands of black users and dealers does nothing to reduce the harms associated with drug abuse but the impact on poor families has been devastating. We are angry at criminals so we lock them up for ever-longer periods and then make it virtually impossible for



them to live in the free world upon release. Ex-offenders don’t qualify for public assistance, public housing or Pell grants for education. When they answer the “have you ever been convicted of a felony” question on job applications they usually surrender all possibility of being hired. As a result, most ex-offenders return to prison shortly after being released into the free world.

The end result isn’t surprising. Our prisons are hopelessly overcrowded, violent and obscenely expensive. Inmates generally receive shockingly poor food and medical care.

Friends of Justice believes there is a better way. Our narrative strategy has been remarkably successful at reversing wrongful convictions, but we aren’t just trying to snatch a few random brands from the burning. As the criminal justice horror stories pile up, Americans are forced to ask the hard questions. Why are so many innocent people being convicted in our courtrooms? Why are we locking up six times as many people, per capita, than Canada or Great Britain? Why have prison populations been steadily rising while the crime rate drops like a rock? Why do African-Americans comprise 12 percent of the general population and almost half of the prison population? Are we creating a new racial caste of unemployed, and unemployable, young men? Is mass incarceration breaking up poor families and traumatizing poor children?

Some people need to be locked up or otherwise restrained from committing bad acts. Public safety is a legitimate concern. But the war on drugs doesn't make us any safer; in fact, by demolishing the social fabric in at-risk communities, the drug war makes us all less safe.

Today, most black Americans get this, and most white Americans don't. In fact, many white people (and some affluent black people) are willing to lock up 2.3 million Americans if that's what it takes to make us feel safe. When Friends of Justice talks about "a common peace consensus" we are saying that we're all in this together. When poor communities disintegrate we all deal with the consequences. When public monies are diverted from school to prisons, everybody pays the price. When ex-offenders are effectively cut off from the workplace, the voting booth and tech schools, employers are robbed of potential employees, children are robbed of their parents, single parent families proliferate, school kids are left unsupervised and the cycle of dysfunction and despair is perpetuated. We need a common peace, a set of compassionate and clear-eyed solutions that work for everybody.

But our organization isn't naïve or utopian. We understand that the punitive consensus that created mass incarceration hasn't changed appreciably. We believe that a kind of spiritual sickness got us into this mess and nothing short of a spiritual awakening can get us out.

Hence our mission statement: building a common peace consensus for ending mass incarceration.

### ***Could you talk about your role as minister and how you see the integration of people of faith in this movement?***

I served as a Baptist pastor for twenty years, in Western Canada and several American states, prior to our experience in Tulia, Texas. My theology and my politics were moderate-to-liberal. But I had no idea that the incarceration rate had been skyrocketing for years and I gave little practical thought to the war on drugs. These are not things we generally talk about in church services, Sunday school classes or Bible studies. Tulia was my Damascus road, my awakening to a new, painful understanding of social and spiritual reality. I didn't figure it out overnight, but change has been dramatic and transformative. In the process, the Bible took on new power, radiance and relevance. I noticed passages I once skipped over. The familiar stuff took on an entirely new meaning. When I hear Jesus, following the stage directions of the prophet Isaiah, preaching good news to the poor and proclaiming release to the captive, I take him at his word and adapt my life to a new kind of discipleship.

You can talk about these things in black churches, even very conservative Baptists and Pentecostals are open to the message. White churches, liberals included, are a different story. Somehow, we've got to get folks on opposite sides of the experiential gap talking to one another. **FCLCA**

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## Two Very Special Events

### *A letter from our clerk, Laurel Gord*

**We were all inspired at our recent Northern and Southern California Benefit Dinners to hear about the work being done on criminal justice reform by other organizations.**

Thanks to the generosity and support of Friends, these dinners were also successful in raising funds to support the very important work that we are doing.

Northern California Friends and supporters of FCLCA gathered in Berkeley to hear a panel consisting of Fania Davis, executive director and founder of Restorative Justice for Oakland Youth (RJOY), who is pictured below; Jennifer Kim, attorney and policy advocate with Books not Bars; and our own legislative director, Jim Lindburg, both pictured above.



According to FCLCA board member Betsy Morris of Strawberry Creek Meeting, “The combination of speakers made for a very interesting and moving discussion. We heard inspiring and sobering stories from RJOY about their effective work with youth in middle and high schools and from Books not Bars about transforming Alameda County’s Youth Authority System, while Jim filled us in on the joys and challenges of working to change the system legislatively. Thanks to a great local organizing effort we had a bumper number of guests, and we exceeded our fundraising goal because of Friends generously buying sponsorship tickets.”

Here in the Southland, we flew Alan and Nancy Bean, founders of Friends of Justice,

in from Texas to speak to us. (See Alan’s interview in this issue.) Alan Bean was a dynamic speaker. He told the amazing story of the infamous Tulia Sting, placing it within the overall context of the War on Drugs. Alan told the story of the major effort that was required to uncover the many deep flaws in the case and to finally see the cases overturned, while Nancy filled us in on the heavy personal price their family paid in the process. Alan ended his speech with a call to action, saying



*Alan Bean and Laurel Gord*

***“It’s taken Americans a long time to wake up to the racism in our criminal justice system, but the Friends Committee on Legislation of California was talking about this when no one else was. That’s why you should support the Friends Committee on Legislation!”*** FCLCA

## FCLCA's Impact on Legislation

*FCLCA supporters took over 500 actions in the first half of 2011. Here are some of the results of FCLCA's lobbying that your support made possible.*

As we go to press the deadline has passed for bills that will advance to the second house in this first year of the two-year legislative session. Most of the bills opposed by FCLCA were held in committee. They essentially become two-year bills and can be taken up again next January. Bills that made it through their house of origin now move to the second house.



### **Drivers' licenses and Selective Service registration (Senate Bill 251)**

For the fifth time, the Selective Service was back in the State Capitol attempting to link registration with the Selective Service System to young males' applications for drivers' licenses. Senate Bill 251, by Lou Correa (D-Santa Ana) would have created the conclusive presumption that a young male applying for a driver's license consented to registering for the draft and required the Department of Motor

Vehicles to forward the applicant's personal information to the Selective Service. FCLCA's policy statement on Peace opposes civilian local and state agencies providing information or assistance to the military for draft registration or recruitment purposes.

We alerted our allies to the introduction of the bill and met with the Senate Transportation and Housing Committee consultant as well each member of the Committee to explain our opposition. We also pointed out that the bill violates the California Constitution, which, unlike the U.S. Constitution, makes the right to privacy explicit. In 1972, California voters passed Proposition 11 to amend the California Constitution to include the right to privacy as an inalienable right.

At the Transportation and Housing Committee hearing, Senator Joe Simitian (D-Palo Alto) questioned the Selective Service's purported concern over the loss of federal benefits for people who do not register and also raised the privacy issue. The author agreed to amend the bill to require eligible male driver's license applicants to "opt in" to having their information sent to the Selective Service.

While the "opt in" amendment made the bill less objectionable, FCLCA continued to oppose the bill. We were joined by Senators Christine Kehoe (D-San Diego) and Fran Pavley (D-Santa Monica) who voted against the bill. Senator Kehoe promised to take a close look at the bill when it came to the Senate Appropriations Committee. The Appropriations Committee examines the fiscal impact of legislation, and Senator Kehoe is its chair.

The amended bill passed the Transportation and Housing Committee by a vote of 7-2, but its progress was stopped when it was held in the Senate Appropriations Committee. Representatives from the Selective Service claimed that the automatic registration could be implemented for a one-time cost of \$25,000. The Appropriations Committee pegged the implementation costs at \$515,000 with ongoing costs of \$211,000 per year.

Special thanks to Senators Kehoe (who represents a district with a large number of military personnel) and Pavley and to Senator Simitian for his concerns with the privacy issue. Appreciation is also due to the Committee Opposed to the Military and Draft and Edward Hasbrouck of the Identity Project and to our citizen advocates who wrote letters on the bill.

Thanks to your activism, over 100 opposition letters were received by the Senate Transportation and Housing Committee, and the substantial opposition was reflected in the Committee's analysis of the bill!

*(Continued on next page)*

### **Fair Sentencing for Youth (Senate Bill 9)**

SB 9, by Leland Yee (D-San Francisco) establishes a process for youth sentenced to Life Without the Possibility of Parole (LWOP) to petition the sentencing court for re-sentencing provided that certain criteria are met. The United States is the only country that sentences people to prison for LWOP for offenses committed as minors and approximately 270 of them are imprisoned in California. According to a survey by Human Rights Watch, 40 percent of them were not the actual trigger-pullers and for 60 percent this was a first offense. Sentencing them to LWOP denies their capacity for rehabilitation and redemption.



On March 16, 2011, FCLCA joined with Human Rights Watch, the California Catholic Conference, Church Impact and the Lutheran Office of Public Policy to organize an interfaith demonstration of support for redeemable youth at the State Capitol. Over 1300 people of faith, including many Friends, have signed on to a petition in support of the bill.

SB 9 passed the Senate Floor and now moves to the Assembly, where a similar version of the bill failed in the previous legislative session.

### **Prison-based gerrymandering (Assembly Bill 420)**



FCLCA is supporting AB 420, by Assembly Member Mark Davis (D-Los Angeles) to end prison-based gerrymandering. California elections law provides that a person does not gain or lose a domicile as a result of being incarcerated. However, for purposes of redistricting, the State uses data collected by the U.S. Census Bureau which counts prisoners where they incarcerated rather than their home residence. As a result, the voting strength of districts which include prisons (usually in rural areas) are strengthened relative to those districts without prisons, and the voting strength of inner-city districts of color which are disproportionately impacted by mass incarceration are diluted. Prisoners have no ties to communities where they are incarcerated and maintain ties to the outside world through families and friends in their home communities.

AB 420 requires the California Department of Corrections and Rehabilitation to provide the Citizens Redistricting Commission with prisoners' last known addresses and requests the Commission to deem each incarcerated person as residing in his or her last known residence. Because it was created by a constitutional amendment, the Legislature cannot require the Commission to use prisoners' last known address, but having the Legislature on record should weigh heavily with the Commission.

AB 420 passed the Assembly by a vote of 45-32 and now moves to the Senate. Thank you for the dozens of "vote yes" messages you sent to your legislators.

### **Former prisoners and school volunteers (Assembly Bill 13)**

Assembly Member Steve Knight (R-Antelope Valley) has brought back legislation to categorically prohibit prisoners convicted of certain drug offenses and serious or violent offenses from volunteering in public schools. FCLCA has teamed with Public Advocates, the East Bay Community Law Center, Legal Services to Prisoners with Children, the Ella Baker Center and others to oppose AB 13.

Categorically denying a former prisoner from volunteering in public schools is to deny the reality that a former prisoner's conviction offense tells us very little about who that person is, the circumstances surrounding their conviction or how the person has behaved since the offense was committed. Indeed, the Legislature has recognized the futility of predicting behavior on the basis of conviction offenses and has pressured the Department of Corrections and Rehabilitation to implement risk assessment tools in order to assist parole agents with improving parole outcomes.



Volunteering in your child's school is not criminal behavior and improves educational outcomes. AB 13 will disproportionately impact communities of color which have been heavily impacted by mass incarceration. Moreover, prohibiting former prisoners from volunteering in their children's schools places one more obstacle in the path of their attempts to become reintegrated into the community.

In contrast to last year's version of the bill, AB 13 barely passed the Assembly Education and Appropriations Committees, even after the author took an amendment to create a five-year washout after which the former prisoner could volunteer. The bill easily passed the Assembly Floor and now moves to the Senate Education Committee. [FCLCA](#) and our coalition partners successfully lobbied to have the bill double-referred to the Senate Public Safety Committee.

## **Immigration and police officer conduct (Assembly Bill 1031)**

AB 1031, by Assembly Member Tim Donnelly (R- Hesperia) would require local law enforcement officers to report to the federal Immigration and Customs Enforcement Agency the presence of a person arrested for driving while intoxicated if the person is unable to provide documentation that he or she is legally present in the United States.

In our letter to the Assembly Member, [FCLCA](#) pointed out that there are good reasons for keeping local and federal law enforcement functions separate. If those roles become blurred, undocumented California residents victimized by crime or who witness crimes are less likely to report them and are more prone to exploitation by the perpetrators of crimes. The author pulled the bill.



[FCLCA](#) is supporting AB 1081 by Tom Ammiano (D-San Francisco) which allows local communities to opt out of the Secure Communities, or "S-Comm" program. Under the federal program, the fingerprints of arrested persons are screened against immigration databases regardless of whether they are convicted. The stated mission of S-Comm is to deport undocumented persons who have committed serious offenses. However, S-Comm casts the net too wide: four out of five people deported under the program had no convictions or were arrested for minor offenses.

AB 1081 also puts limitations on those jurisdictions which opt to remain in the program. These jurisdictions would be required to develop plans to safeguard against racial profiling and only the fingerprints of those convicted of crimes could be shared by S-Comm. The bill passed the Assembly by a vote of 47-26 and now moves to the Senate.

[FCLCA](#) is also supporting AB 1389 by Michael Allen (D-Santa Rosa), which codifies how DUI checkpoints and vehicle impoundments are conducted. In some instances, DUI checkpoints have targeted low-income residents rather than deterring drunk driving and results in many vehicle impoundments for people driving without a valid driver's license. California prohibits undocumented residences from obtaining a drivers license.

AB 1389 would require evidence that a driver is impaired before his or her car is impounded and requires that checkpoints be sited in locations with a high incidence of DUI arrests or high volume of DUI-related accidents. The bill passed the Assembly and now moves to the Senate.

SB 638, by Kevin de León (D-Los Angeles) would prevent a law enforcement agency from disciplining or denying a promotion to a law enforcement agency because of their inclusion on a Brady list. In *Brady v. Maryland* (1963), the U.S. Supreme Court held that "... the suppression of evidence by the prosecution of evidence favorable to an accused violates due process where the evidence is material to guilt or punishment..." If, upon investigation by the law enforcement agency, a police officer is determined to have withheld exculpatory evidence, the officer is placed on a so-called "Brady list" and may be subjected to disciplinary actions and the denial of future promotions.

In our letter to Senator de León, [FCLCA](#) argued that, in an organizational culture where there is a strong temptation to measure justice and public safety on the basis of the number of arrests and convictions, SB 638 would send the wrong message to law enforcement officers. Moreover, the withholding of exculpatory evidence leads to wrongful convictions and undermines respect for the law and the trust between law enforcement agencies and the communities they police. The author pulled the bill.

*(Continued on back page)*

**FRIENDS COMMITTEE ON  
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*FCLCA Your Voice, Your Values* (continued)

**The California Universal Healthcare Act  
(Senate Bill 810)**

SB 810, which establishes a single-payer healthcare system that would cover all Californians, passed the Senate Health Committee. The bill, by Mark Leno (D-San Francisco) will be heard in the Senate Appropriations Committee in January, which will allow for the finance study of the bill to be updated.

**WHAT YOU CAN DO:**

- 1) Log on to FCLCA's Action Center and contact your state representatives concerning bills FCLCA is tracking.
- 2) Sign up to receive FCLCA Action Alerts via e-mail. [FCLCA](#)



The Friends Committee on Legislation of California (FCLCA) includes Friends and like-minded persons, a majority of whom are appointed by Monthly Meetings of the Religious Society of Friends in California.

Expressions of views in this newsletter are guided by Statements of Policy prepared and approved by the FCLCA Committees. Seeking to follow the leadings of the Spirit, the FCLCA speaks for itself and for like-minded Friends. No organization can speak officially for the Religious Society of Friends.

While we strive above all for correctness and probity, we are quick to recognize that to err is human. We therefore solicit and welcome comments and corrections from our readers.

**PHOTO CREDITS:**

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