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Second Chances

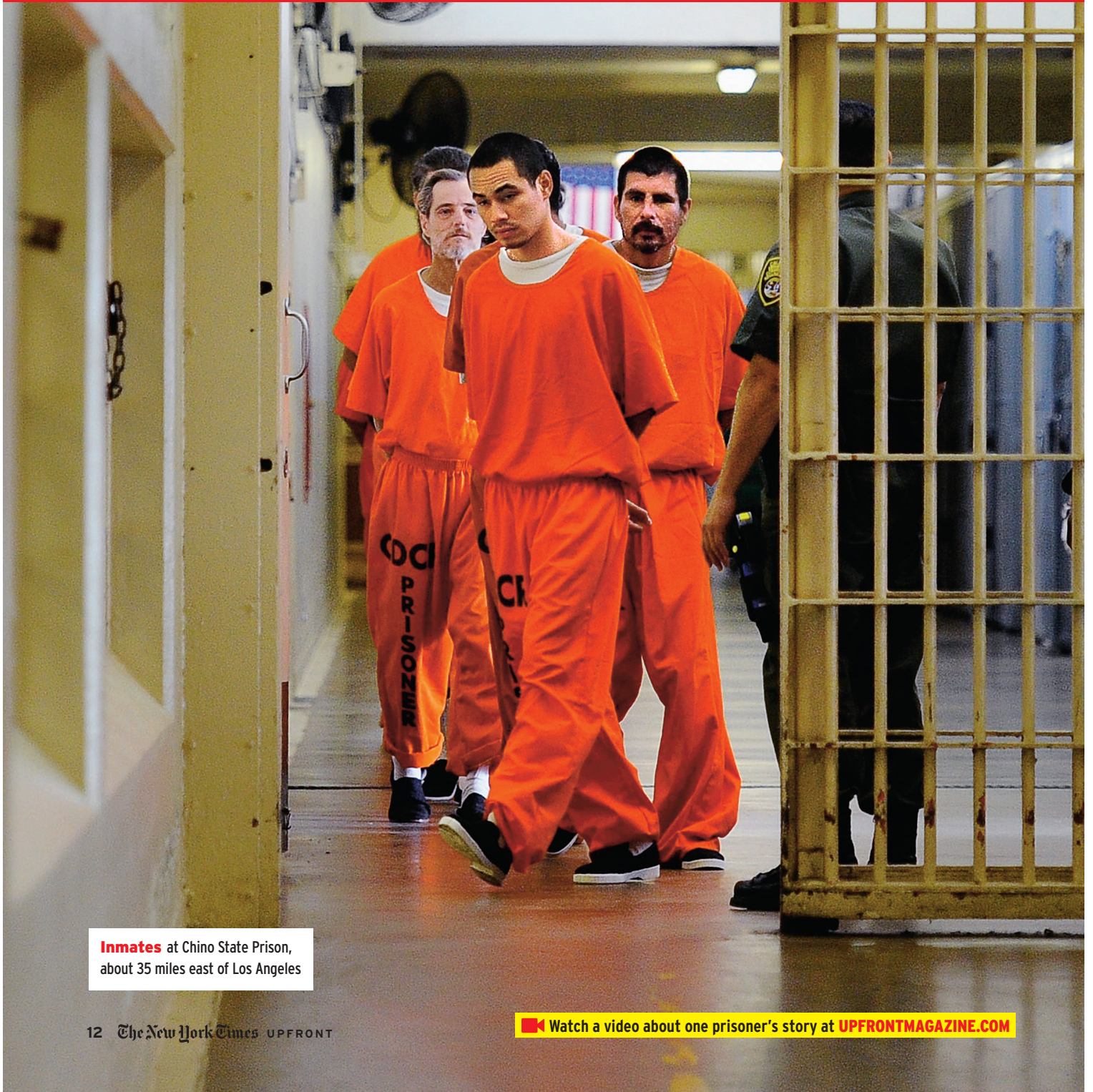
The U.S. has the highest prison rate in the world. Now Congress is easing some of the tough-on-crime laws that have put so many Americans behind bars. p. 12

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 SCHOLASTIC

SECOND CHANCES

The United States locks people up at a higher rate than any other country. Now Congress is easing some of the tough-on-crime laws that have put so many Americans behind bars. BY JOE BUBAR



Inmates at Chino State Prison, about 35 miles east of Los Angeles

Last May, Kennadi Williams celebrated her 16th birthday at Topgolf, a driving range near her home in Tuscaloosa, Alabama. Her mom, Danielle, her 13-year-old brother, Kendall, and her friends were all there. But as Kennadi hit golf balls, she couldn't help but think about one person who was missing: her dad.

"I wish he could have been there," says Kennadi, a junior at Central High School. "He would have enjoyed it."

Kennadi's dad, Keith Williams, hasn't been able to come to one of her birthday parties since she was 3 years old. He hasn't been able to attend her high school cheerleading competitions, drop her off at school, or watch her brother, Kendall, play the saxophone in his middle school band. That's because Kennadi and Kendall's dad was sentenced to 22-and-a-half years in prison in 2006 for being involved in a drug dealing operation and possessing a firearm.

Kennadi and Kendall are far from the only kids who've had to deal with the struggles of having a parent locked up. An estimated 2.7 million kids in the U.S. have an incarcerated parent. A large number of these parents, like Keith Williams, received long prison sentences for nonviolent drug offenses.

Now a new law is delivering a second chance to many people behind bars and providing hope to their families. In December, President Trump signed the First Step Act, which makes the most substantial changes in a generation to the tough-on-crime laws that ballooned the federal prison population and created a criminal justice system that many conservatives and liberals view as costly and unfair.

Among other provisions, the law eases some of the harsh mandatory penalties given to nonviolent drug offenders beginning three decades ago. It creates new programs aimed at improving prison conditions and preparing inmates for re-entry into their communities. And it makes it easier for prisoners to earn early release for good behavior.



Kendall and Kennadi Williams speak out in support of the First Step Act at the U.S. Capitol in July; right, the siblings visit their dad, Keith Williams, at a prison camp in Alabama.



"This will keep our communities safer, and provide hope and a second chance, to those who earn it," Trump tweeted in December. "In addition to everything else, billions of dollars will be saved."

The 'War on Drugs'

The U.S. has the highest prison population rate in the world, according to the online database World Prison Brief—even surpassing those of authoritarian countries such as Russia, China, and Iran. Nearly 2.2 million people were behind bars in the U.S. in 2016—a rate of about 1 out of every 100 adults. This phenomenon is called mass incarceration.

In fact, although the U.S. accounts for just 5 percent of the world's population, it has 25 percent of the world's prison population.

The U.S. didn't always lock up so many people. In 1980, about 500,000

people were in jails and prisons—roughly 1 out of every 330 adults (see "Behind Bars," p. 14).

So what happened?

Many experts say the rise in incarceration has a lot to do with the tough-on-crime laws that were implemented in the 1980s and '90s to crack down on drug dealers.

"The U.S. is unique in its criminalization and punishment of drug users," says Elizabeth Hinton, a history professor at Harvard University and the author of a book on mass incarceration. "We sentence [drug offenders] to prison for extremely long periods of time."

In 1982, President Ronald Reagan declared a "War on Drugs." A few years later, when the crack cocaine epidemic exploded across cities, he signed into law mandatory minimum sentences for drug offenses. Mandatory minimums required judges to hand

OPPOSITE: NEWYORK DJANSEZIAN/GETTY IMAGES (CHINO STATE PRISON); THIS PAGE: COURTESY OF FAMM (KENNADI & KENDALL WILLIAMS); COURTESY OF DANIELLE WILLIAMS (KEITH WILLIAMS)

out automatic minimum prison terms for certain crimes without taking into account individual circumstances.

Many people say these mandatory minimums disproportionately affected African-Americans and contributed to the current racial disparity in U.S. prisons. Today, African-Americans are imprisoned at more than five times the rate of white Americans.

Experts point out that the mandatory minimum for crack cocaine—an inexpensive drug that was associated with poor, urban blacks—was much harsher than for cocaine—a more expensive drug that was associated with wealthier, suburban whites. The mandatory minimum for possession of 50 grams of crack—the weight of a candy bar—was 10 years in prison. To get the same sentence for powdered cocaine, someone had to possess 5,000 grams—enough to fill a briefcase.

The drug war continued into the 1990s, with President Bill Clinton signing a crime bill that put more police on the streets and created the “three strikes and you’re out” law. This law automatically gave mandatory life imprisonment to some three-time offenders.

Several states began adopting “three strikes” laws as well. At times, the laws mandated sentences that many said were unfair or even outrageous. For example, in 1995, a California man with five prior convictions was sentenced

to 25 years in prison for stealing a slice of pepperoni pizza.

“Too many people are being incarcerated for no real good

reason,” says Jesselyn McCurdy of the American Civil Liberties Union, which has long lobbied for sentencing reform. “We have at least 3,000—maybe 4,000—people who are being incarcerated on the federal level for life without parole for crimes that don’t involve violence—mostly drug crimes.”

A Parent in Prison

Today it costs taxpayers about \$80 billion a year to keep so many people locked up. Nearly one-third of the Justice Department’s budget is spent on running federal prisons.

But the burden of these tough-on-crime laws has been felt most acutely by those locked up and their families. For Kennadi, the hardest part has been forming a relationship with someone who’s been behind bars for practically

her entire life. Kendall wasn’t even born yet when his dad was incarcerated, so he has only gotten to know him inside the prison walls.

Though they tried to visit him about twice a year, that wasn’t always possible, as he was relocated seven times—once about 1,000 miles away to New Jersey. When he was there, Kennadi and Kendall didn’t see him for two years, and they had to rely on writing letters and talking on the phone. Even when they could visit their dad, their time together was often stressful, with guards keeping close watch.

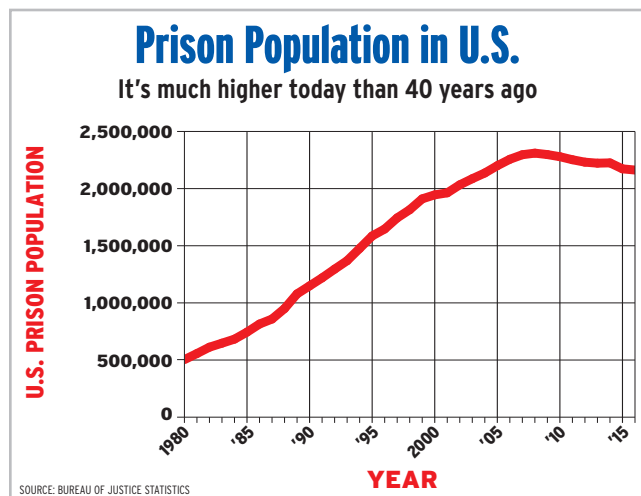
Having an incarcerated parent also affected some of Kennadi’s and Kendall’s friendships at school.

“People assume that since you have a family member that is incarcerated that you may turn out like them, so they shouldn’t really waste their time with you,” Kendall says.

But with the help of their mom and support from other family members, Kendall and Kennadi always tried to stay positive. Whenever Kendall felt down, he would fall back on one thought: “the thought of [my dad] being here,” he says. “I had to tell myself that he will be home soon, and when he’s home we will bond and grow our relationship.”

When they went to visit their dad in prison, guards kept close watch.

BEHIND BARS



What the First Step Act Does

Here are a few of the changes that the new law makes

Eases Mandatory Minimum Sentences

The act shortens mandatory minimum sentences for some nonviolent federal drug offenses, including lowering the mandatory “three strikes” penalty from life in prison to 25 years.

Addresses the Disparity Between Crack and Cocaine

Offenders who were sentenced for possession of crack before a 2010 law reduced the disparity between crack and cocaine sentencing will be allowed to petition for their cases to be re-evaluated. As a result, the sentences of about 2,600 drug offenders may eventually be altered.

Rewards Good Behavior

Inmates who have a clean disciplinary record can earn an increased amount of “good time credit,” which allows them to be released early. They can also earn credit by participating in rehabilitation programs, such as parenting and addiction treatment classes.

Ends Solitary Confinement for Juveniles

The act includes provisions to improve living conditions for inmates, such as banning solitary confinement for juveniles and the shackling of pregnant women. It also mandates that inmates be incarcerated within 500 driving miles of their families.



A 10-year-old held at the Jan Evans Juvenile Justice Center in Reno, Nevada, after allegedly assaulting a classmate at school

Last summer, Kennadi, Kendall, and their mom traveled to Washington, D.C., along with other family members of incarcerated people, to lobby lawmakers to pass the First Step Act.

Sentencing Reform

The act received widespread support in Congress from both parties—passing the Senate, 87 to 12, and the House, 360 to 59—as well as from Trump.

That was surprising to many, especially since Trump had made “law and order” a hallmark of his presidential campaign. But it also reflected the growing public support over the past few years for sentencing reform. It’s a cause that has recently been championed by everyone from Jay-Z and Kim Kardashian to conservative think tanks and the Fraternal Order of Police, the country’s largest police organization.

“I can’t remember any bill that has this kind of support, left and right, liberal and conservative, Democrat and Republican,” Senator Richard J. Durbin,

Democrat of Illinois, said in December.

Some criminal justice reform advocates say the new law doesn’t go far enough. They point out that it doesn’t affect state prisons, where the majority of the country’s offenders are incarcerated. However, many believe the act could spur more states to change their laws, and agree that it is—as the name suggests—a solid first step (see “*What the First Step Act Does,*” above).

For Kendall, helping to get the act signed into law feels “fantastic.”

“It’s crazy to see something that I worked to help get passed actually happen,” he says.

In February, Kendall and Kennadi got another pleasant surprise: Their

dad was released to a halfway house early, thanks to a 2014 law that reduced sentences for some drug offenders. They’re ecstatic that he’s out of prison but nervous about the adjustments they’ll have to make. After all, a lot has changed in 13 years.

“When he went in, I was just learning how to use the bathroom and sing the ABC’s,” Kennadi says. “So he’s still used to me being his literal baby, not his 16-about-to-be-17-year-old daughter who’s going to be a senior in high school.”

Kennadi is excited that her dad will be able to attend her high school graduation next year, and Kendall is looking forward to just being able to sit together on the couch and watch *Game of Thrones* and *The Walking Dead*.

The Williamses hope the First Step Act will ease some of the burdens on other teens whose family members are locked up. They understand that their dad had to be punished for what he did. They simply want the punishments to be fair.

“In no way are we saying our loved ones shouldn’t be incarcerated,” says Danielle Williams, Kendall and Kennadi’s mom. “We’re just asking that they have just sentencing, just treatment.” •

With reporting by Nicholas Fandos, Alan Blinder, and Shaila Dewan of the Times.

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