



NEW YORK STATE SENATOR

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## From the Desk of Senator Jack M. Martins

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| ISSUE: **DRUGS**

### **Second Chances**

I generally tend to steer clear of Washington D.C. politics in these letters with you. It's seems a strenuous enough task for me to navigate our collective boats through Albany waters. To also muse on the gridlock taking place on the Potomac might just be asking for trouble, especially these days, when discussing national politics brings out the worst in people on both sides of the aisle.

That being said I do still wholeheartedly believe that there is more that unites people of good sense than there is that divides us. That's why I thought I'd offer some observations – a different point of view if you will – on President Obama's recent commutation of sentences for 46 "non-violent" felony offenders last week, 14 of whom were serving life sentences. By way of background, a commutation leaves a record of the conviction but ends the punishment. A pardon would remove the conviction entirely from a person's record.

The President's rationale for the commutations was that these are not hardened criminals and that they deserve a "second chance." He's also responding to a growing sentiment among Democrats and Republicans throughout the country that our justice system needs reform. So this recent move is described as part of his administration's larger effort to move that

process forward as pertains to “non-violent” criminals. But somebody please define “violent.”

I checked the backgrounds of these felons and they had extensive rap sheets, peppered with former arrests – not at all the decent fellows who just somehow got mixed up in some bad business that seems to be the current media narrative. These are mostly career criminals who finally had the book thrown at them by a jury of their peers who were fed up with their crimes. Like I said, 14 of them were serving life. Upon their last arrest almost all had been charged with numerous crimes simultaneously, everything from the distribution of crack cocaine to the illegal possession of a firearm by a convicted felon. And some were key players in enormous drug trafficking rings that caused havoc and heartache in their local communities and beyond, not at all the kind of people you’d want in your neighborhood.

One retired DEA agent involved in some of these cases called the commutation an “injustice” and said it would have been wiser for the President to have consulted with the law enforcement agencies involved before making his decision. He explained, “We know these people intimately ... We know how they treat their families and friends and what [terrible people] they are. The president does not have that knowledge.”

And therein lies the rub. It’s so many years after the crimes, there’s enormous political pressure from reform groups and the President, like those before him, is taking his legacy into account as well. Sadly, those whose lives were destroyed by these drug dealers don’t have that kind political muscle on Pennsylvania Avenue so their voices, their opinions, their intimate knowledge of these crimes is lost. Simply, the President’s action sends the wrong message.

Some of you reading this have lived through the heartache of substance abuse firsthand and know the pain personally. I can’t say if the President has or hasn’t but maybe he should hear from a family who’s buried a loved one who overdosed. Maybe speak to a dad who still

wishes he could thrash the person who put the garbage in his child's hands. Or visit a crisis center and listen to the rock bottom, hopeless addict who lost everything -- family, friends, career and home decimated by their chemical dependence. Or stay cooped up in apartments with kids that can't play outside for fear of being shot because their streets belong to dealers. Or worse still, hear the stories of emergency medical technicians or cops who've tried feverishly to administer Narcan to reverse someone's overdose. (Since 2011, more than 490 people died in Nassau County alone from Opioid overdoses, alone.) No, Mr. President, I disagree. The stories are grizzly and they are indeed violent.

These intentionally dangerous, manufactured chemicals just don't magically pop into our children's hands. Somebody out there consciously targets them and sells this poison here in our communities. They knowingly put their own greedy, financial interests ahead of the destruction they know they are setting in motion. And they don't care, not one iota. Bluntly, for every person who overdoses, for every life thrown away, for every broken family, there's a dealer who made a buck on their pain and suffering.

Sorry, but I don't believe anyone who pushes poison into the veins of good people should be treated leniently. That discretion, support and relief would better serve those suffering addiction, rebuilding lives that deserve a "second chance." Ironically, the federal government has actually cut funding for these programs, so it's clear those voices are being obscured in Washington by more vocal advocates, like those who demanded these commutations. Truly unbelievable.

The next time you open up the paper and read about another in a long line of victims in Long Island's ongoing heroin epidemic, remember there's an anonymous dealer out there who made it all possible. Commuting these sentences makes a mockery of true criminal justice reform.

You and I will both know that the second chance belongs to the victim -- not to the dealer.