

A Better Michigan

Felon: I should get a 2nd chance at freedom

Your Turn
Ian Owens and Harlan Protass
Guest columnists

I used a gun to rob four banks and commit a carjacking in the Lansing area when I was in my early 20s, crimes that were prosecuted in federal court because they involved federally insured financial institutions. No one was hurt and no property was damaged. I turned down a plea deal of seven years, but was convicted at trial of all charges.

I was sentenced to 10 years for my robberies and car jacking. And because I used a gun in committing those crimes, I was sentenced to another 105 years in prison.

That's decades longer than the average federal jail term for murder, narcotics trafficking or even child molestation. The judge who sentenced me said it was "without question, the longest sentence that I've ever imposed, other than one that said natural life."

I no doubt deserved punishment. But I shouldn't have to die behind bars for my crimes.

Death in prison, though, is my fate unless the U.S. Congress passes the SAFE Justice Act of 2017. Introduced to the U.S. Senate in October 2017 by U.S. Rep. Robert Scott, D-Va., and a bipartisan group of 15 reform-minded lawmakers, the bill would reverse years of damage to thousands of men and women, like me, who were prosecuted for weapons charges under one of the harshest and most widely disparaged laws on the books — Section 924(c) of Title 18 of the U.S. Code.

Under that section, the use of a gun during a crime of violence or drug trafficking offense is separately punishable by a minimum of five years for a first conviction and a whopping 25 years for any "second or subsequent" violation. It also requires that those prison terms run consecutive to — that is, after — the punishment for any underlying crime.

Section 924(c)'s "second or subsequent" language sounds like it's intended for recidivists. Brandish a gun while selling drugs? Serve five extra years. Come out of prison and commit the same offense a second time? Serve 25 extra years. Do it a subsequent time? Twenty-five more years.

Based on a labored interpretation of the phrase "second or successive," though, in 1993 the U.S. Supreme Court concluded that multiple convictions in the same proceeding — like my four bank robberies and carjacking, all of which were charged simultaneously — are subject to those enhanced penalty provisions.

For me, it was the sentencing equivalent of a two-by-four to the head. It meant five years for the firearm used in my first robbery, 25 years each for the firearm used in my second, third and fourth robberies and 25 more years for the firearm used in my carjacking, all running back-to-back-to-back-to-back-to-back and on top of the 10-year prison term I received for the bank robberies and carjacking themselves. I have no chance at early release because Congress eliminated parole back in 1987.

Like all mandatory minimum penalties, this law transfers power to prosecutors to a dangerous degree; they alone can effectively determine sentences by deciding to file charges carrying stiff mandatory minimum prison terms, sometimes stacked on top of one another. And mandatory minimums forsake rehabilitation in favor of retribution as the primary purpose of punishment.

Mandatory minimums have helped to fuel a federal prison population explosion — from approximately 25,000 in 1980 to close to 184,000 today — with its consequential financial costs, ruined lives and broken families.

The SAFE Justice Act of 2017 and its Senate counterpart, the Sentencing Reform and Corrections Act of 2017 (which passed committee in mid-February), would bring much needed reform to Section 924(c)'s harsh penalties. Both bills make crystal clear that it is a recidivist statute, as it was always intended to be.

But only the SAFE Justice Act of 2017 makes the change fully retroactive, and that's what would give inmates like me the possibility, but not the certainty, of having our sentences reduced if we demonstrate that we no longer pose a threat to society.

So far I have served more than 15 years in federal prison. I've worked hard to rehabilitate myself. I know I'll have to serve more time. But, at some point, I should get a second chance.

Ian Owens, Register No. III42-040, is serving a 115-year prison term at USP Pollock, a high-security federal penitentiary in Pollock, La. Owens, who grew up in Lansing, has a projected release date of Dec. 31, 2102. Harlan Protass is a criminal defense lawyer in New York and an adjunct professor at the Benjamin N. Cardozo School of Law.



A SMART bus headed to Southfield drives down 8 Mile Road in Detroit in December 2017. KIMBERLY P. MITCHELL/DETROIT FREE PRESS

To break transit gridlock, fund roads



Nancy Kaffer
Columnist
Detroit Free Press
USA TODAY NETWORK

You guys, I don't think this transit thing is going to work out.

Not this year, certainly, and maybe not even in 2020. And it may be the most frustrating thing I've ever witnessed.

It's not that the folks involved in negotiating a transit plan, representatives of the mayor of Detroit and the executives of Wayne, Oakland and Macomb counties, aren't on the same page; they're not even speaking the same language, and negotiations have reached an impasse.

So it's time to consider something drastic: Increase the amount of the transit tax levy, and split the proceeds between the bus-rapid transit system and fixing Michigan's dreadful roads.

A proposed 1.2-mill property tax levy that would have raised about \$3 billion to finance the Regional Transit Authority's build-out of bus-rapid transit and enhancements to the existing transit system failed a tri-county vote in 2016 — an election year we can call unusual at best — by about 18,000 votes. The millage proposal failed in Oakland County by about a thousand votes, and in Macomb by about 75,000.

When Detroit and Wayne County talk about transit, they talk about access: connecting the jobless to job centers that don't currently participate in SMART, the regional bus system. When Oakland County leaders talk about transit, they talk about funding: how Detroit and Wayne County are plumping wealthy communities for the dollars to build an urban transit system, and about how far-flung North Oakland suburbs won't benefit from a transit system built out from the region's urban core. (What Macomb County leaders talk about, I can't tell you, because those guys didn't respond to my request for a chat.)

It's true that residents of north Oakland, with sprawling suburbs built around lakes and cul-de-sacs, wouldn't directly benefit from a traditional transit system, because that's not how transit works.

The sticking point, for Oakland County, is that the existing legislation doesn't allow those communities to opt out. That's intentional. The failure of our existing regional

transit system is that suburban communities don't have to participate in the SMART bus system. In practice, the communities with the most jobs don't; those jobs remain perpetually out of the reach of the folks who need jobs the most. But to some Oakland residents, that's not sufficient reason to require communities that won't directly benefit from transit to pay tax to support it.

"The plan was to take money from North Oakland and North Macomb to build out transit along 94," Deputy Oakland County Executive Gerald Poisson said. Oakland, he said, is bifurcated in its support for transit. "We don't accept that there's always losers in every policy plan ... we're not going to gerrymander a transit district to allow you to tax people a lot."

For Wayne and Detroit, opt-outs are a line in the sand. There's no point in building another dysfunctional system riddled with service gaps, and the RTA needs a stable revenue stream to sell bonds. The county's northern reaches would benefit from a stronger, more economically sound and more economically competitive region, something transit would promote. But that's not a strong enough case to convince those north Oakland voters, or the county officials who'd have to thumbs-up any transit plan before Oakland voters got a chance to weigh in again.

With more dollars for roads in the deal, Oakland County Deputy Executive Gerald Poisson says, north Oakland voters might find a transit millage less objectionable.

The working transit plan includes hundreds of millions for roads (that's "transit-related infrastructure," for the laymen among you). Increasing the millage levy — by state statute, the RTA can't ask for more than 2 mills — would mean more money for roads, with fewer dollars diverted from transit.

For officials in Oakland and Macomb, it's a palpable benefit to sell to residents who won't directly benefit from transit. For Detroit and Wayne County, it would achieve the transit plan they've lobbied for. For the state Legislature, it'd solve a looming problem, namely, that the revenue growth required to fund the roads package they passed a few years back isn't happening, and paying for that work will require steep cuts to state programs.

There's another option, of course: Put the existing transit plan — the one representatives of all four counties negotiated for a year before Oakland County abruptly withdrew — on the ballot this fall, and let the region's voters decide.

THE FEEDBACK FILE

A good home for Detroit aquarium

I read with great interest the May 2 article "Zoo pushes for huge aquarium in Detroit." In the article it states: "The Detroit Zoo is actively pushing to construct a large aquarium on the downtown Detroit riverfront..." The cost of the aquarium could be as high as \$150 million. I say use the shuttered Joe Louis Arena. It sits on the riverfront and money could very well be saved at the cost of building a new aquarium.

Thomas A. Wilson Jr.
Detroit

A model for affordable housing

When the residents of the Louis Kamper and Stevens buildings were younger, Washington Boulevard was a grand address. It's about to be one again -- and it's good that the Roxbury Group and Invest Detroit are up-

grading the buildings to allow these elders to enjoy it.

We are pleased that the Roxbury Group is restoring the two buildings. The preservation of these historic buildings and others where low-income seniors have resided for decades is integral to ensuring that Detroit's redevelopment is as inclusive as possible. The Senior Housing Preservation - Detroit coalition has worked with the City of Detroit and senior housing developers to ensure "One Detroit for All." As Mayor Duggan noted, "Detroit's comeback isn't going to mean much if the residents who stayed aren't a part of it."

We hope the renovation of the Kamper and Stevens buildings serves as an example to other developers.

Claudia Sanford
Chair, Senior Housing Preservation - Detroit Coalition



Your Turn
Eli Mayerfeld
Guest columnist

Survey: Knowledge of Holocaust is fading

Important to keep teaching so it never happens again

Recalling and understanding the Holocaust is a serious issue now that we are three-quarters of a century beyond the World War II era. Many of the participants who witnessed the horrors of the Holocaust, including our own American veterans, are passing from the scene.

A new national survey of Holocaust awareness among adults in the United States, conducted by Schoen Consulting and commissioned by the Conference on Jewish Material Claims Against Germany (Claims Conference) on the occasion of Holocaust Remembrance Day illuminates these issues.

Overall, the survey found significant lack of Holocaust knowledge in the U.S. Four-fifths of Americans have not visited a Holocaust museum. And even though there were more than 40,000 concentration camps and ghettos in Europe during the Holocaust, almost half of Americans cannot name a single one. This percentage is even higher among Americans under the age of 40. Moreover, more than two-thirds of Americans say that fewer people seem to care about the Holocaust than they used to. The survey was compiled from 1,350 interviews conducted in February with American adults ages 18 and older.

However, there are some bright spots in the survey results. More than nine-tenths of those surveyed believe all young people should learn about the Holocaust in school, while four-fifths of respondents said it is important to keep teaching about the Holocaust so it does not happen again.

Knowledge must yield understanding. The Holocaust happened more than 70 years ago. Memories fade and, as noted, we are losing Holocaust survivors that can tell their harrowing experiences. That is why it is so important to have institutions like our Holocaust Memorial Center — to make sure that those who perished are never forgotten as we teach the critical lessons of the Holocaust.

With the legislation signed into law by Governor Snyder in 2016 making Holocaust education mandatory in Michigan schools, the Holocaust Memorial Center continues to work to be the nexus for providing teacher training on the Holocaust and genocide to schools throughout Michigan. Nationally, Congress has recently introduced a bill to help schools teach about the Holocaust, called H.R. 5460, the Never Again Education Act. We encourage passage of that important legislation.

In support of this mission, which we have embraced for the past three decades, more than 35,000 students now visit the Holocaust Memorial Center each year. By engaging and educating young people and the adults who accompany them, both in our building and through the social studies curriculum being implemented across Michigan, we help empower students to develop critical thinking and engage in ethical decision making.

Study of the Holocaust remains relevant, not just to honor its victims, but also to understand its perpetrators. It is important because Nazi Germany's ultimate hatred shows how far human beings are willing to go to destroy those who are different in some way. Most importantly, we teach visitors at the Holocaust Memorial Center that events are not pre-determined: History is made by individuals making a series of choices, resulting in both negative and positive consequences. Through this principle, we talk about tolerance and the relationships among personal and collective choice and responsibility.

In a world less removed from what happened during the Holocaust than all those years might suggest, as ethnic and political "cleansings" large and small continue in many parts of the globe, this is the lesson we must emphasize to all. We must inspire each other to not be bystanders to hatred or prejudice. Each of us must have the wisdom and courage to choose for our own voice to be known in support of tolerance, respect, and doing what is right.

This will keep alive the lessons of the Holocaust.

Rabbi Eli Mayerfeld is CEO of the Holocaust Memorial Center.