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Editorial: Two lawyers serving the public good

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It started with an email from William Newman of Northampton to his fellow civil liberties attorney Stewart “Buz” Eisenberg of Ashfield. Newman wrote: “Hi Buz. We haven’t freed anyone in a while. What do you think about this?”

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Newman referred to the “Clemency Project” initiative by the administration of President Barack Obama to have volunteers work with the Department of Justice to review some 30,000 cases of federal inmates sentenced for drug charges who might be eligible for clemency under new guidelines developed in 2014. Those prisoners likely would have received shorter sentences for their crimes had their cases been tried today.

Newman, Eisenberg and others are part of the volunteer effort sponsored by the American Civil Liberties Union Massachusetts chapter doing a pro-bono review of each case. Each of the six cases that Newman and Eisenberg handled together required about two months of work.

The lawyers pore over sentencing transcripts, investigative reports and prison records. They get in contact with the families to gauge what kind of support there will be if the inmate is released early.

Newman and Eisenberg have won three commutations, with three more cases pending in the final days of the Obama administration.

Newman pointed out that sentences for crack cocaine discriminated heavily against people of color by “99 to 1,” compared to the same quantities of powder cocaine preferred by whites in the suburbs during the 1980s and 1990s.

“Virtually everyone involved in the criminal justice system knows that federal sentencing guidelines and mandatory minimums that were imposed due to laws passed in the 1980s were a gargantuan mistake,” Newman said. “They destroyed lives, they destroyed families, they destroyed the fabric of communities, and these laws did all that without serving one

single purpose of sentencing. They were unnecessary, expensive, and brutal without reason. And like most wars, there are hundreds of thousands, maybe millions, of innocent victims in the war on drugs.”

Eisenberg adds, “It’s staggering, it hurts when you talk to these guys, their families, their kids.”

“These are nonviolent people, selling drugs for small amounts of money,” Eisenberg said, citing one case he handled in which a man named Robert L. Matthews was busted for a sale of about \$200 worth of drugs on the streets of Mississippi. “Because of that small amount of money, he loses (nearly) a quarter-century.”



There’s little question the inmates Eisenberg and Newman are fighting for have done sufficient time behind bars. The prisoners all have served more than 10 years of their sentences and are nonviolent, low-level offenders with no ties to gangs, organized crime or cartels. They have no history of violence before or while in prison and have demonstrated good conduct while in custody.

And this effort is having an impact, resulting in the reduction of federal mandatory sentences for more than 1,000 inmates, including 342 prisoners who were serving life terms.

“It’s a very humanizing, very meaningful experience for us to connect with (the inmates),” Eisenberg said. “Doing this work, for me, is humbling. You just realize sometimes how awry the system has gone, how out of touch the remedy is with the reality of what was appropriate ... how misguided.”

Without attorneys like Eisenberg and Newman — and a president like Obama — these wrongs might not have been righted. Their actions remind us of the words of the Roman philosopher Cicero: “The fundamentals of justice are no one shall suffer wrong, and that the public good be served.”