

# The Intelligencer

S.W. Calkins Sr. Publisher 1954-73

Michael Scobey Publisher  
 Patricia S. Walker Executive Editor  
 Rose McIver Managing Editor  
 Alan J. Kerr Editorial Page Editor

Owned and Published by Calkins Media, Inc.  
 333 N. Broad St., Doylestown, PA 18901  
 215-345-3000, www.phillyburbs/intell.com

**CALKINS MEDIA INCORPORATED**  
 Michael Scobey COO, Print Division  
 Michael W. White Vice President  
 and Chief Financial Officer  
 Edward J. Birch Sr. Vice President, Emeritus  
 Carolyn C. Smith Vice President, Secretary  
 Sandra C. Hardy Vice President  
 Shirley C. Ellis Vice President  
 Stanley M. Ellis Vice President

## Not all drug offenders equal

*Mandatory sentencing laws need some changes*

**T**HE IDEA OF MANDATORY prison sentences for certain crimes always plays well with the public. But like the zero-tolerance policies in some school districts, mandatory sentencing too often results in unintended consequences.

Pennsylvania's mandatory minimum prison sentencing for drug offenses was well-intentioned, and where it results in the incarceration of violent and/or repeat offenders, it's a very good thing. To use a familiar metaphor, the state casts a big net to ensnare dangerous drug dealers, but frequently the "catch" is little fish: first-time, nonviolent, street-level users and dealers of small amounts of drugs who could respond better to treatment programs than to warehousing behind bars.

Building the facilities to house all of those inmates is costing the state a fortune. And without treatment and job training, many of them, upon release, are likely to return to their old ways. In those cases, what has the justice system really accomplished?

State Sen. Stewart Greenleaf, longtime chairman of the Senate Judiciary Committee, has something of a track record when it comes to helping put together minimum-sentencing laws. But he can see that when drugs are involved, the laws are not working. "Punishment without rehabilitation is absolute failure," Greenleaf said. "The answer is to be smart on crime as well as being tough on crime." Being tough, obviously, is a whole lot easier than being tough and smart. Unfortunately, toughness alone has led to exploding prison populations made up of petty drug users and a recidivism rate approaching 50 percent.

Among those scheduled to testify next month at a hearing chaired by Greenleaf is the director of the Pennsylvania Commission on Sentencing, which recently issued a report calling for changes in some of the state's mandatory-sentencing laws. Among the report's major recommendations:

- Repeal the drug-free school zone mandatory two-year sentence for those caught selling drugs within 1,000 feet of a school. This is a prime example of a big net catching little fish. Sure, we want to keep kids safe from drug peddlers. But under the law, it makes no difference if the school is closed, or if the drug transaction takes place off school property behind closed doors. Under mandatory sentencing, no judicial discretion is permitted.

- Increase the amount of cocaine, from 2 grams to 5 grams, necessary to trigger longer drug-trafficking sentences. One gram is 1/28 of an ounce, so we're not talking about large quantities here.

- Allow defendants sentenced to mandatory minimums to serve their time in intermediate programs with drug treatment as a major component.

While not everyone in law enforcement likes the idea of tempering mandatory-sentencing laws, we think it's apparent that one-size-fits-all sentencing hasn't worked out as planned, filling up the jails with many people who probably don't have to be there while all but ignoring rehabilitation.

Drug dealers aren't all the same. The violent, dangerous ones deserve the maximum penalties the system can dish out. Lesser offenders should be treated differently. Any law that lumps them all together is a law that needs to be changed.

### EDITORIAL BOARD

#### From the newspaper:

Michael Scobey Publisher  
 Patricia S. Walker Executive Editor  
 David Gilmartin Ass't Managing Editor  
 Amy Gianficaro Content Editor  
 Alan J. Kerr Editorial Page Editor

#### From the community:

Mary E. Gemmill  
 Hatboro  
 Orest Mandzy  
 Buckingham

*Our editorials reflect the opinion of the majority of the voting members of the board.*

# OPINION

### FIRST AMENDMENT

"Congress shall make no law ... abridging the freedom of speech or the press ..."



HAVE FUN BUT BE CAREFUL. THERE ARE SOME SICK EVIL PEOPLE OUT THERE WHO MIGHT BE HANDING OUT TREATS LACED WITH TRANSFATS AND SUGAR.

## Letters to the Editor

### Sign says 'stop,' not 'slide'

To the Editor:

I am writing in response to your Page One story about Dave Heckler calling the police when he witnessed a driver "sliding" through a stop sign in Doylestown.

As a long-time resident of the borough, I witness drivers "sliding" through stop signs and driving at double the speed limit every day. Thank God, Judge Heckler called the police on this individual.

Drivers seem to think stop signs mean lift your foot off the gas as you speed through the borough, endangering children and pedestrians. I walk through the borough every day and hope other people will call the police when they see someone "sliding" or, another word, "running" a stop sign and being a threat to residents.

Richard Tems  
 Doylestown

### Obama steps up to the plate

To the Editor:

The cost-of-living increase tied to Social Security and enacted in 1975 was intended to help seniors cope with the rise in the cost of living, especially for energy costs. This year, the cost of living was actually in the minus column for the first time in memory. Therefore, no cost-of-living increase.

The White House, understanding the plight of seniors on a fixed income, has asked Congress to approve a \$250 stipend for every Social Security recipient. Understand, we are recovering from a deep recession, our deficit is through the stratosphere of what was once conceivable, and basically recipients are entitled to nothing. In fact, since the cost of living was negative, should we demand money back from all of the increases doled out over the years? No, Obama stepped up to the plate.

So, what is the reaction of some? Blame Obama. Blame him for the state of the economy that caused this situation and slap the "paltry" \$250 from his hand. There are plenty of people out there who could use a little boost that \$250 could give them, especially when people are losing their jobs and wages are on the downswing.

While after a landslide election some Republican backlash was expected, can we stop blaming Obama for everything? He is addressing issues ignored for over three decades, perhaps successfully; is addressing two inherited wars,

one of which is probably illegal; has begun to restore our damaged reputation around the world and, for goodness sake, has won the Nobel Peace Prize merely eight months into his term.

Obama did not create the current world economy; that was accomplished under Republican total rule. He did not goose step us into war; that was accomplished under Republican domination with the threat of being called un-American.

D. Cohen  
 Warwick Township

### A simple fix for health care

To the Editor:

During the past few months, we have been deluged with an onslaught of propaganda to the effect that we have to completely overhaul health care. This is an issue on which many of us, who are comfortable with what we have, are being asked to change what works for us when all that is really needed is a simple fix in four easy steps.

These four steps are:

1. We want to ensure that some minimum coverage is provided to all Americans. In order to do so, we should define exactly what minimum coverage entails. Once we establish what minimum coverage represents, we need to determine what this should cost on an annual basis.

2. We need to ensure that all Americans are covered with the minimum insurance coverage. In order to do so, we should require payment of a fine greater than the minimum calculated annual cost to encourage that all elect coverage.

3. We should allow the government, either federal or state, to provide only the minimum insurance program in the event the insurance industry fails to provide acceptable alternative programs.

4. We need to implement meaningful tort reform.

In order to control costs, a couple of additional steps should be considered. First, we should eliminate the antitrust protection the insurance industry has abused in the past. Second, we must mandate no rejection of any applicant based on pre-existing conditions, and disallow terminating any participant for health-related reasons.

These steps can readily be implemented. They are not claimed to be a cure for all that is wrong with our current system; they are suggested as a step to address these ills. Once implemented, we can monitor subsequent events to determine if additional measures are needed.

Joan and Arthur V. Conover III  
 Doylestown Township

### How to get a letter published

The newspaper welcomes letters. Address them to "Your Turn," The Intelligencer, 333 N. Broad St., Doylestown, Pa. 18901, or FAX them to 215-345-3150. Letters can also be sent via e-mail to: [intell\\_letters@phillyburbs.com](mailto:intell_letters@phillyburbs.com)

Letters must be signed and include a home address and telephone number. Short letters are encouraged. No unsigned letters will be published. The editor reserves the right to reject, condense and edit all letters.

## GOP senators criticized for opposing problem amendment

**W**ASHINGTON — Picking one's battles has never been trickier, especially if you're a member of the benighted Republican Party. So the question is this: Do you support rape?

And, of course, no one (except a rapist) does, right?

Yet, 30 Republican members of the U.S. Senate have been getting phone calls lately from people asking, "Why do you support rape?"

These callers most likely are familiar with the mock Web site "RepublicansForRape.org," which recounts the recent skirmish over Sen. Al Franken's so-called "anti-rape" amendment to the Senate defense appropriations bill.

For something so un-funny, the subject has become an exercise in the absurd.

The amendment, which passed Oct. 6 by a 68-30 vote, was intended to prevent the Pentagon from contracting with companies that require employees to resolve disputes through arbitration rather than through the courts.

The impetus behind the amendment was the 2005 horror story of Jamie Leigh Jones, then a 20-year-old employee of Halliburton/KBR in Iraq, who alleged that she was drugged, gang-raped and held captive for 24 hours in a shipping container without food or water. When Jones sought legal recourse, the defense



Kathleen Parker

### Commentary

contractor argued that, under her employment contract, she had to pursue her complaint through arbitration rather than the courts.

No one hearing details of the alleged assault wants to be on the side of those who attacked her or the company that refused to help her. If you're a remotely savvy politician, that's not a battle you want to join. One might assume, therefore, that there must be some reasonable explanation for 30 Republican senators taking a position that would invite vilification. It's true that Halliburton donates more campaign money to Republicans than to Democrats, 67 percent compared to 9 percent of its total, according to CampaignMoney.com. Then again, while we're crunching numbers, journalists donate disproportionately to Democrats (73 percent compared to 13 percent).

Politically, this couldn't be worse timing for Republicans, who can't seem to shake their white-male-patriarchal-oppressor image. Picture it: 30 Republicans, all men, all white, pitted against a young woman who says

she was raped by a gang of Halliburton thugs. Voila: Corporate evil incarnate versus feminine innocence. Is there a better metaphor for the popular perception of how the parties differ? For the conspiracy-minded, the only things missing from this Halloween tableau are the Dick Cheney masks and the "W" branding irons.

A cynic might wonder whether the Franken amendment was engineered for such purposes. Republicans, alas, haven't been brilliant in explaining their position. Sen. Jeff Sessions, R-Ala., in a statement cringingly ridiculed by "The Daily Show's" Jon Stewart, said the Senate shouldn't be in the business of regulating contracts and that the amendment was a political attack on Halliburton.

In fact, the reason some Republicans objected is that the amendment was overbroad and might not be enforceable. The latter possibility was raised by the Department of Defense in a letter to senators, saying that the DOD or its contractors "may not be in a position to know about such things. Enforcement would be problematic."

It would be easy enough to infer a conspiracy of denial, if not for the fact that the White House agrees. And, if not for what followed in the Defense Department letter:

"It may be more effective to seek a statutory prohibition of all such

arrangements in any business transaction entered into within the jurisdiction of the United States, if these arrangements are deemed to pose an unacceptable method of recourse."

Apparently, the "why-do-you-support-rape?" crowd overlooked that detail. It's far more entertaining to insist that Republicans, instead of objecting to a potentially bad law, don't mind if women get gang-raped. Legal wrangling is not for sissies in Twitter World.

The real goal, obviously, should be to ensure that no one is denied access to justice and that arbitration agreements are nonbinding in criminal acts. In fact, the 5th U.S. Circuit Court of Appeals ruled last month in Jones' favor, agreeing that the alleged gang rape wasn't related to her employment and that she, therefore, wasn't bound by the company's arbitration agreement.

Jones' painful ordeal is far from over, and her Byzantine route to justice has been indefensibly arduous, but at least now she can have her day in court. Though it appears that there are plenty of bad guys in this story — may they get their due — the 30 Republican senators have been unfairly smeared for doing the harder thing, for the right reasons.

Kathleen Parker is a columnist for the Washington Post Writers Group. Her column appears on Tuesdays and Fridays. Send e-mail to [kathleenparker@washpost.com](mailto:kathleenparker@washpost.com).

### Moderately Confused



10/27 © 2009 Jeff Staehler/ Dist. by NEA, Inc.

**Today's Chuckle**  
*You know you're getting successful when you start getting abused by a better class of people.*