

## US Politics & Policy

# US to Soften Stance on Petty Crime

<http://www.ft.com/cms/s/0/ba75792a-0371-11e3-b871-00144feab7de.html#axzz2oEhN2b8C>

August 12, 2013 7:23 pm

By Geoff Dyer in Washington

Low-level, non-violent drug offenders will no longer face tough mandatory sentences under new guidelines proposed on Monday by attorney-general Eric Holder in a bid to reduce prison overcrowding.

**Mr Holder also announced new measures to encourage earlier release of elderly prisoners in federal jails and will encourage federal prosecutors to avoid prosecuting certain cases in federal courts.**

“Too many Americans go to too many prisons for far too long and for no good law enforcement reason,” Mr Holder said in a speech in San Francisco. “We cannot simply prosecute or incarcerate our way to becoming a safer nation.”

The proposals are designed both to address the chronic overcrowding in many of the country’s federal prisons and also to rein in the use of mandatory minimum sentences, which have become one of the most politically controversial aspects of Washington’s decades-long “[war on drugs](#)”. Around half of the nearly 200,000 people in federal jails have been convicted of drug-related offences.

They also come at a time when Congress is looking to address the mandatory minimum sentences which had been popular when introduced in the 1980s and 1990s but which now have opponents in both parties. The drop in violent crime and pressure on budgets have dented the fear of some politicians of being accused of being soft on crime.

In his speech to the American Bar Association, Mr Holder said that inflexible sentences, regardless of the actual facts of the case, reduce the discretion available both to prosecutors and judges. “They breed disrespect for the system. When applied indiscriminately, they do not serve public safety,” he was to say.

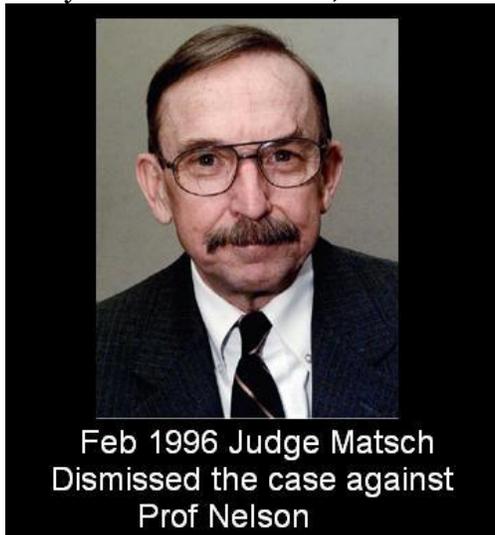
He will instruct federal prosecutors that in the cases of non-violent drug offenders with no ties to gangs or organised crime, they should be charged with offences “better suited

to their individual conduct, rather than excessive prison terms more appropriate for violent criminals or drug kingpins”.

With 5 per cent of the world’s population, the US has around 25 per cent of the world’s prisoners, much of that growth driven by the way drug crime is prosecuted. The cost of incarcerating so many people was \$80bn in 2010, Mr Holder said, while federal prisons were operating at 40 per cent above capacity.

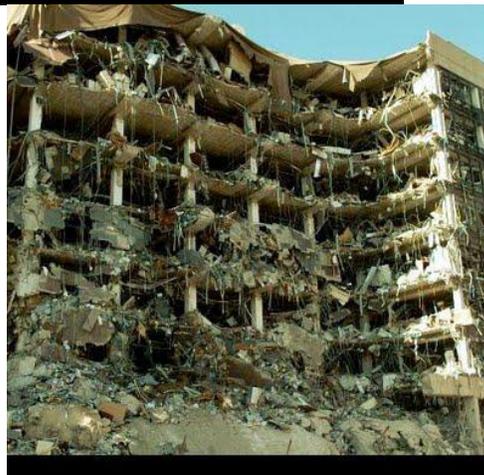
Mandatory minimum sentences were a popular political response to rising fears about drugs and violent crime in the 1980s. A conviction for selling 5kg of cocaine has an automatic prison sentence of 10 years.

Mr Holder said he supports legislation before Congress which would give judges more discretion in applying sentences for certain drug offences, including a bill supported by Patrick Leahy, the Vermont Democrat senator who chairs the Senate Judiciary committee and Rand Paul, the libertarian Republican. “Such legislation will ultimately save our country billions of dollars,” Mr Holder said.



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In 1996 Judge Matsch ruled fairly on the Oklahoma City and the FDA vs Nelson case

## Legal Definitions

**seal**<sup>1</sup>  [seeɪ]  [Show IPA](#)

*noun*

1. an embossed emblem, figure, symbol, word, letter, etc., used as attestation or evidence of authenticity.
2. a stamp, medallion, ring, etc., engraved with such a device, for impressing paper, wax, lead, or the like: *The king took the seal from his finger and applied it to the document.*
3. the impression so obtained: *It was unmistakably the royal seal on the document.*
4. a mark or symbol attached to a legal document and imparting a formal character to it, originally wax with an impression.
5. a piece of wax or similar adhesive substance so attached to an envelope, folded document, etc., that it must be broken when the object is opened, insuring that the contents have not been tampered with or altered.

***To close records by any type of fastening that must be broken before access can be obtained. An impression upon wax, wafer, or some other substance capable of being impressed.***

## Legal Definitions [Full faith and Credit Clause](#)

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### Full faith and Credit Clause Law & Legal Definition

Article IV, Section 1 of the US Constitution contains what is known as the Full Faith and Credit Clause. This clause requires all States in the US to recognize and give effect to the legislation, public records and judicial decisions of other States in the US. It states that each State should grant full faith and credit to the laws, public records and judicial decisions of every other state in the US. The clause ensures that the judicial decisions of other States are recognized by a State. This also ensures that individuals do not migrate to other states in order to escape a court judgment in another State.

## When Judge Matsch said it wasn't the Seal, It wasn't the seal

## Legal Definitions

**fugitive from justice** n. a person convicted or accused of a crime who hides from law enforcement in the state or flees across state lines to avoid arrest or punishment. Under Article IV, Section 2, Governors are required to "deliver up" and return any fugitive from justice to the state where they allegedly committed the crime, a process called extradition. (See: [extradition](#))