

Bouchard 'unmoved' by bill to soften drug law

By Tim Richard
staff writer

Foes of Michigan's life-without-parole law face an uphill battle if they expect to convince lawmakers that the penalty falls too harshly on small time drug dealers.

Several members of the House Judiciary Committee were unimpressed by the testimony of a Canton mother, a Rochester Hills coach and an Oakland circuit judge seeking to soften the law. Tuesday's hearing ran 2 1/2 hours.

"I was unmoved by most arguments," said Rep. Michael Bouchard, R-Birmingham, a freshman lawmaker and former police officer. Bouchard pointed to testimony of a Detroit judge that four of five people he sentenced should have received lighter terms. "That drops it (number of life sentences) to a handful and completely takes away the deterrent," Bouchard said.

"Drug crimes have multiple victims," said Rep. Frank Fitzgerald, R-Grand Ledge. He quoted Oakland prosecutor Richard Thompson: 60 percent of homicides and 70 percent of property crimes are drug-related, and 17,000 physically and mentally retarded "crack babies" have entered the public school system.

THE TESTIMONY was heard only by Judiciary chair Perry Bullard, D-Ann Arbor, and minority

'We need severe penalties, but not sadistic ones. I consider this Baghdad justice or Khohmeni justice.'

— Charles Skinner
Rochester Hills

Republicans as Democrats caucused to discuss reapportionment.

Bullard likes the bill but appeared in no hurry to report it out of committee.

House Bill 4024, sponsored by Republican William Bryant of Grosse Pointe, would allow judges discretion in sentencing people who deal in 650 grams (14 pounds) or more of cocaine or heroin. Bryant's bill would allow a sentence as light

as five years if a judge found "substantial and compelling reasons to depart" from the mandatory life without parole.

Two other Republicans, vice chair Michael Nye of Litchfield and former State Police trooper Bill Martin of Battle Creek, also were unimpressed by the testimony, remarking that "first offenders" referred only to persons caught the first time.

One Republican who was moved, however, was Gerald Law of Plymouth, a fourth-term lawmaker but new to the Judiciary Committee. "For a runner, life without

parole is pretty stiff. We give serial murderers that," said Law, pointing to coed killer John Collins.

But Law agreed with Fitzgerald that the five-year minimum was too light.

BRYANT SAID 138 prisoners are serving life without parole for drug crimes, but fully half were first-time convicts.

He called Michigan's law, passed in 1978, harsh but in the country—it was clearly our intent to use it to put away major drug 'kingpins,' not drivers, not bag men, not lookouts, not flunkies, not drug addicts capoled into one major deal by a sting operation, and not minor involvement first-time offenders."

Oakland Circuit Judge David Breck supported the bill. "The judges here today are not bleeding hearts. We have no qualms about putting kingpins away," he said. Breck told of giving 10 case histories to Birmingham Optimist Club members — mostly conservative businessmen — and finding, "Their sentences were lighter than

the judge gave in every case."

The law falls on poor, uneducated minorities," said Wayne Circuit Judge Robert J. Columbus.

Chief Detroit Recorder's Judge Dalton Robinson said Colombia is giving 15-year sentences to cartel members. "People who shipped tons of cocaine get lighter sentences than our own citizens," he said.

LINDA FANNON, a Canton mother whose son Gary was sentenced to life five years ago at age 18, admitted he was an addict and served a term but said it was too harsh.

"You can rape, assault and burglarize repeatedly and not get the sentence my son got," she said. "To throw my son's life away for one mistake is a crime in itself. Charles Manson gets a chance for parole once a year. That's more than Gary gets."

Fannon said her son, a former

Plymouth-Salem student, agreed to a deal with an undercover officer in a western Wayne County drug task force. But she said Gary backed away from the deal and was en route to Florida when he was extradited to Michigan.

"He got life for a kilo he had never seen," she said. "The main supplier got a mistrial and never spent a day in prison. An undercover officer

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... Drug law goes back to '78

How did Michigan pass such a draconian law — life in prison without hope of parole — for people dealing in 650 grams (14 pounds) of drugs?


House Judiciary chair Perry Bullard, D-Ann Arbor, asked that question after Tuesday's hearing on a bill to lighten the penalties. "I was vice chair of the House

Judiciary Committee when it passed in 1978," said Richard Fessler, who went back to private law practice this year after 16 years in the Legislature.

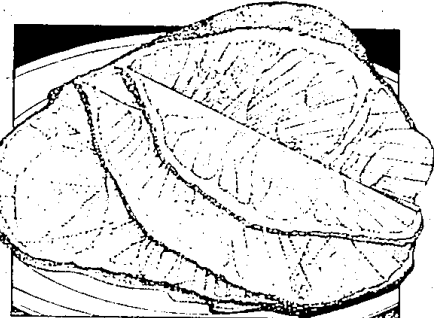
"It was aimed at drug kingpins. But the first thing they (law enforcers) did was to go after the street corner guys

"The judges at that time were lenient. Judges wanted to get them through the system on lesser charges

Fessler, who plans to do "a little lobbying," was visiting the Capitol Building Tuesday and was interviewed in a corridor. He did not attend the committee hearing.



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