

# Bouchard 'unmoved' by bill to soften drug law

By Tim Richard  
staff writer

... few 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, Rochester Hills coach and an Oakland circuit judge seeking to soften the law. Tuesday's hearing ran 3½ 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 sentenced should have received lighter terms. "That drops it (number of life sentences) to a handful and completely takes away the death," Bouchard said.

"Drug crimes have double 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 Bouchard, D-Ann Arbor, and minority

**'We need severe penalties, but not sadistic ones. I consider this Bagdad justice or Khommeni justice.'**

— Charles Skinner  
Rochester Hills

Republicans as Democrats caucused to discuss reappportionment.

Bullard likes the bill but appealed 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 (1.4 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 Neely 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 first-time convicts.

He called Michigan's law, passed in 1978, "backward 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 caged into one major deal by a sting operation, and not minor involvement first-time offenders."

Oakland Circuit Judge David Breck supported the bill. "The people 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 judges at that time were lenient. Judges wanted to get them through the system on lesser charges."

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

## 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 (1.4 pounds) of drugs?

House Judiciary chair Perry Bouchard, 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 enforcement) 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."

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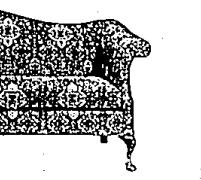
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the judge gave in every case."

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

Chief Detroit Recorders Judge Dalton Roberson said Columbus is giving 5-year sentences to cartel members. "People who shipped more than our own citizens," he said.

LINDA FANNON, a Canton mother whose son Gary was sen-

tenced to life five years ago at age 18, admitted he was an addict and deserved 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 got a chance for parole once a year. That's more than Gary got."

Fannion said her son, a former

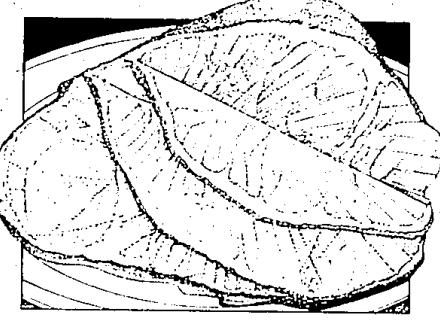
Plymouth-Salem student, agreed to a deal with an undercover officer in a western Wayne County drug task force. But she said Gary backed away from the deal and was extradited to Michigan.

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

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