

# Judiciary group probes unfair sentencing

By James Wright  
Special to Sentinel-Voice

WASHINGTON (NNPA) - By all accounts, Serena Nunn should be an American success story. She just finished the University of Michigan Law School, considered by many in the legal profession to be in the top five in terms of education and training.

A graduate of Arizona State University, she works as a clerk for a criminal defense attorney in Detroit as she studies for the bar examination. She also has a gig as a radio host of a public affairs program in that city.

However, there is a darker side to Nunn's life. A native of Minneapolis, Nunn was convicted of three felony counts involving the distribution of cocaine in May 1990.

Her conviction came by

way of a relationship with a boyfriend known as Monty, who was also convicted of selling drugs. Nunn, a former high school homecoming queen and one-year student at Morris Brown College in Atlanta, had no prior record, but because of the federal mandatory minimums, she was sentenced to 15 years and 8 months in prison.

With the help of an attorney in Minneapolis who worked on her behalf pro bono, Nunn received attention of the media and, over several years, picked up support from political figures in her state, such as Jesse Ventura, who was the governor at the time. The efforts of Nunn and her attorney led then-President Bill Clinton to commute her sentence on July 7, 2000.

Nunn was one of the wit-

nesses at a hearing of the House Judiciary Committee's subcommittee on crime, terrorism and homeland security on June 26. Nunn told the members of the subcommittee her story and said that mandatory minimums were not just.

"Mandatory minimums negatively affected my life in many ways," Nunn said. "They stole many of my productive years in life because I went to prison at age 20 and was not due for release until age 34.

Fortunately, I received a presidential commutation, so I had the opportunity to redeem myself. However, there are hundreds of women and men serving lengthy sentences under mandatory minimums that will not receive a presidential commutation and will serve each day

of their sentence."

The chairman of the subcommittee, Rep. Robert Scott (D-Va.), is known for being against mandatory minimums because of their discriminatory effect on people of color.

"We are holding this hearing today to see where we are in terms of mandatory minimums and what changes should be made, if any," Scott said.

"The late [Chief Justice] William Rehnquist said that the mandatory minimums were time consuming and costly in terms of the way the federal courts are operating. We need to see if continuing mandatory minimums is the best way to administer justice."

The Congressional Black Caucus has long been opposed to the mandatory mini-

mums, saying that the distinction between crack cocaine and powder cocaine works against Blacks.

Statistics have shown that Blacks tend to serve longer sentences because of the possession of crack cocaine while Whites, who tend to sell and use powder cocaine, get lighter sentences.

Rep. John Conyers (D-Mich.), chairman of the Judiciary Committee, has stated that one of his priorities will be to look into the disparity of the mandatory minimums and to do something about it.

Ricardo Hinojosa, chairman of the United States Sentencing Commission, said that looking into the effect and potency of the mandatory minimums is timely.

"This needs to be looked into," Hinojosa said. "The last report that we issued on the topic was 16 years ago, and we need to see how it is working."

Hinojosa presented demographic characteristics on the racial effect of mandatory minimums in 2006. The data showed that while Blacks are 13 percent of the population, 32 percent of the cases prosecuted under the mandatory minimums are Black defendants.

Thirty-eight percent of the cases prosecuted are Latino defendants while Whites constituted 26 percent.

Marc Mauer, executive director of the Sentencing Project, said that mandatory minimums have been a failure.

"They have not achieved their stated objectives," he said. "When they were enacted in the late 1980s, it was designed to stem the tide of crack cocaine and to avoid the abuses that some judges used when they sentenced defendants. Instead, you have prosecutors who are selectively targeting people for

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## Lawsuit

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bringing a lawsuit over being defamed, and she knew that distinction when she was bitterly characterized in Shakur's rant.

Legal malice, where the plaintiff is a public figure, such as Tucker, refers to the due diligence of the defendant in discovering whether the things being published about the plaintiff are true.

The malice the Tuckers are alleging in this lawsuit is ill will, a clear attempt to do harm using legal process.

And it now appears that the claims will get their day in court.

One man who thinks they should be aired, and thinks as well that Tucker was right about the music industry's need to clean up its act, is Kenneth Gamble.

Encountered in South Philadelphia during an outdoor prayer session with other members of the Muslim faith, Gamble said he was glad that the suit was revived.

"We never used to have all this profanity in our music," Gamble said after he'd finished afternoon prayers outside the mosque he founded near his home. Walking through the neighborhood around 15th and Catherine streets, looking over the Universal Institute Charter School he founded as part of his nonprofit Universal Companies community development effort, Gamble lamented the sexually explicit lyrics, violent imagery and harsh use of the n-word in modern entertainment. Much



*"I have, since 1993, led a crusade against this gangster, porno rap. And all of the industry does not support it."*

— C. Delores Tucker

of it he blamed on the government.

"The FCC never used to allow things like that to be put on the air," he said. "C. Delores Tucker is right, especially about that gangster rap. The government is responsible for letting that happen. But now the genie is out of the bottle, and you can't put it back."

The government was not the only guilty party, Gamble said.

"The Black man put that stuff into the music," he said. "Now everybody in the world is trying to follow that (gangster) lifestyle. The Black man calls the tune — when we say 'dance,' everybody dances. We set the tone for so much of the culture. And we have to clean it up."

To the point that rappers are artists who should be free to reflect the world in which they live, an art critic would riposte that an artist also has a responsibility to do more than reflect, but must work to help people understand that world. Gamble agrees, but goes further.

"There's no moral leader-

ship," he said, "and our whole community is suffering for it. It will take a total campaign," he said, "We have to rebuild our whole community — in education, in housing, in families, in religion. Look at our community. We have churches on every corner, but no voice that speaks to everybody."

"So we can have all that immorality in our music, because nobody is teaching our young people to be moral. You have children who will actually curse their parents out. That couldn't happen when I was young. But too many parents today curse around their children. So the children get it from them."

Gamble expressed optimism for the future, though.

"There is always a correction," he said. "The human being always survives."

One such correction he said, is campaigns such as Tucker's, joined by speakers such as Rev. Al Sharpton and Illinois Sen. Barack Obama in the wake of the contretemps over radio host Don Imus' infamous comments about the Rutgers University

women's basketball team.

In one indication, The Associated Press reported that, reacting to the criticism of rap that surfaced after Imus, the leaders of four major labels controlling almost 90 percent of the market met in New York with rap mogul Russell Simmons to "discuss issues challenging the industry in the wake of the controversy surrounding hip-hop and the First Amendment."

The executives promised to hold a press conference afterward, but canceled it instead.

According to Simmons, the executives included Kevin Liles, executive vice president of Warner Music; L.A. Reid, chairman of Island Def Jam Music Group; Sylvia Rhone, president of Motown Records and executive vice president of Universal Music Group; Mitch Bainwol, chairman and CEO of the Recording Industry Association of America; and Damon Dash, Jay-Z's former Roc-A-Fella Records partner. Rapper T.I. also attended, according to the organizers.

Gamble supported the complainers who had sparked the contretemps: "The human being will always survive."

So will Tucker's lawsuit, and the campaign she launched against rap music that demeans women and glorifies sexuality, violence and garish display.

Garland L. Thompson writes for the Philadelphia Tribune.

## LEGAL NOTICES

### Notice of DBE Goal/Disparity Study Public Participation Meetings

The Nevada Department of Transportation's proposed Disadvantaged Business Enterprise program goal for Federal Fiscal Year 2008 is 5.7%; this goal will be achieved with a race neutral program. We will take public comment at three meetings throughout the state on the proposed goal and the recently completed disparity study. The meetings will be held at the following locations on the following dates. Anyone who would like to comment on the proposed goal is welcome to attend the meetings.

The Nevada Department of Transportation will also take written comment regarding the Disparity Study or proposed DBE goal. Please send comments to:

Nevada Department of Transportation  
Contract Compliance Division  
1263 South Stewart Street  
Carson City NV 89712

#### Meeting times and Locations

July 17, 2007 from 4:00 P.M. to 6:00 P.M. at the Nevada Department of Transportation District Three Offices  
1951 Idaho St  
Elko, NV 89801

July 18, 2007 from 4:00 P.M. to 6:00 P.M. at the Nevada Department of Transportation District Two offices  
310 Galletti Way  
Sparks, NV 89431

July 19, 2007 from 4:00 P.M. to 6:00 P.M. at the Nevada Department of Transportation District One office  
123 E Washington St.  
Las Vegas, NV 89125.

The meeting will be held in the Training Room #1 Video Conferencing to Carson City and Elko will be available for this meeting

For Further information please contact Roc A. Stacey, Contract Compliance Manager at (775) 888-7497.

Thank you for your assistance. If you have questions, please contact me at (775) 888-7497.

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