
By: Delegate Marriott

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 CIA, Crack, and Contras - Sentencing Recalculation and Public Information

3 FOR the purpose of requiring the Secretary of the Department of Public Safety and
4 Correctional Services to recalculate certain sentencing; and requiring the Governor
5 to collect, compile, and publish all State documents that discuss or indicate
6 collaboration between federal and State law enforcement agencies that is related to
7 the alleged involvement of the Central Intelligence Agency with the Nicaraguan
8 Contras; and generally relating to public information and crack cocaine.

9 Preamble

10 WHEREAS, The United States Senate filed a report in 1989 entitled "A Report of
11 the Subcommittee on Narcotics, Terrorism and International Operations", also known as
12 the Kerry Report, which established the following facts:

13 (1) Individuals who provided support for the Contras were involved in drug
14 trafficking;

15 (2) The supply network of the Contras was used by drug trafficking
16 organizations;

17 (3) Elements of the Contras themselves knowingly received financial
18 assistance from drug traffickers;

19 (4) The State Department made payment to Contra operatives who had
20 been indicted on drug charges; and

21 (5) Federal law enforcement officers knew Contra operatives were involved
22 in drug trafficking before the State Department entered into contractual relationships
23 with them; and

24 WHEREAS, A series of investigative reports published in the San Jose Mercury
25 News, August 18 to 20, 1996, reaffirmed the conclusion of the Senate Foreign Relations
26 Committee; and

27 WHEREAS, The Congressional Black Caucus lead by Representative Maxine
28 Waters held a special hearing calling for the United States government to make a full
29 accounting concerning allegations of CIA involvement in the trafficking of crack cocaine
30 in the African American community; and

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1 WHEREAS, The call from the Congressional Black Caucus has been supported by
2 the National Black Caucus of State Legislators, Senators Barbara Mikulski, Barbara
3 Boxer, and Diane Feinstein, Congressman Elijah E. Cummings, Mayor Kurt L. Schmoke,
4 the Baltimore, Los Angeles, Philadelphia, St. Louis, and other city councils,
5 organizations, and individuals; and

6 WHEREAS, Studies have demonstrated that harsher punishment does not affect
7 the crime rate and deters only white collar crimes; and

8 WHEREAS, President Johnson's 1967 Commission on Law Enforcement and the
9 Administration of Justice observed that crime control efforts can have little effect on
10 crime without much larger efforts being directed at crime's underlying and economic
11 causes; and

12 WHEREAS, In 1978, The National Academy of Science Panel on research on
13 deterrence concluded, after examining the crime reductive effects of criminal sanctions,
14 "We cannot assert that the evidence warrants an affirmative conclusion regarding
15 deterrence"; and

16 WHEREAS, In 1992, The National Academy of Science Panel on the
17 Understanding and Control of Violent Behavior responded, "apparently very little" to the
18 question, "What effect has the increasing prison population had on violent crime?"; and

19 WHEREAS, A 1996 study by the Rand Corporation demonstrated that social
20 intervention programs are more cost effective in reducing crime than continued prison
21 expansion; and

22 WHEREAS, There is an apparent correlation between the United States
23 government's negligence about or ignorance of Contra operations and its "war on drugs"
24 that has resulted in African Americans being disproportionately incarcerated; now,
25 therefore,

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Secretary of the Department of Public Safety and Correctional
28 Services or a designee of the Secretary review all drug convictions based on Maryland
29 laws that reflect federal "war on drugs" provisions and recalculate sentences based on the
30 sentencing policy that was in effect in Maryland before 1980.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall collect,
32 compile, and publish all State documents that discuss or indicate collaboration between
33 federal and State law enforcement that was impacted by the CIA's involvement with the
34 Nicaraguan Contras.

35 SECTION 3. AND BE IT FURTHER ENACTED, That all units of State
36 government in each branch of State government shall cooperate with the Governor in
37 carrying out this Act.

38 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
39 October 1, 1997.