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Honorable Judge Gershwin Drain
United States District Judge
U.S. District Court for the Eastern District of Michigan
231 West Lafayette Street
Detroit, Michigan 48226

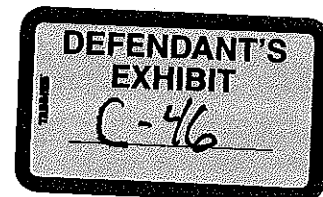
February 3, 2015

Re: United States v. Rasmea Odeh, Cr. 2:13 CR 20772

Dear Judge Drain:

A brief introduction is in order. I am an attorney in the City of Chicago specializing in criminal defense and federal rights cases. I am a member of The National Conference of Black Lawyers, The Cook County Bar Association, The National Lawyers Guild, The Illinois Bar Association and The Chicago Bar Association. My legal experience includes several years in private practice concentrating in state and federal criminal defense and federal civil rights litigation. During the course of my legal practice, I have tried many federal and state jury trials. I have also argued many cases before the Seventh Circuit Court of Appeals. Moreover, I have litigated dozens of civil rights lawsuits against many municipalities involving dozens of public officials. In 2002, I was honored to be named one of the "30 Tough Lawyers" by The Chicago Magazine.

I have been a faculty-lecturer for the annual civil rights seminar sponsored by the Illinois Institute for Continuing Legal Education (ICLE) and The Chicago Kent College of Law in the area of Section 1983 Civil Rights Liability and Litigation. I also maintain an active public speaking schedule on issues related



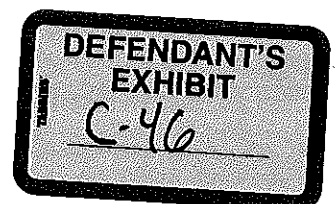
to the criminal justice system, the death penalty, police brutality, community-control of police, the prison-industrial complex, The mass incarceration of Black Men and Women, America's political prisoners, racism and the American legal system, and International Human Rights.

In September 2001, I was a member of the Durban 400, a group of African- Americans who participated in the United Nation's Conference on Racism held in Durban, South Africa. The Durban 400 successfully lobbied the United Nations to resolve that the Atlantic Slave Trade was a crime against Humanity.

During the summer of 2005, I joined a group of lawyers and community activist in an effort to focus international attention on police torture in Chicago. In September 2005, I presented evidence of police torture before the Organization of American States' Inter-American Commission on Human Rights. In May 2006, the UN Committee Against Torture sharply criticized the US for failing to bring the officers responsible for torture in Chicago to justice and called for a criminal prosecution in these cases.

During the summer of 2006, I co-chaired a group called Black People Against Police Torture "BPAPT", a grass-root, community based organization whose missions were to mobilize the African-American Community to insure justice in the Chicago police torture cases, and to build a Human Rights movement within the Chicago community. In February 2008, I presented evidence of police torture before the United Nations Committee to Eliminate Racial Discrimination "CERD" in Geneva, Switzerland. Upon my return from Geneva, BPAPT held town-hall meetings to report back to the community about how this trip helped advance the Human Rights Movement in the United States.

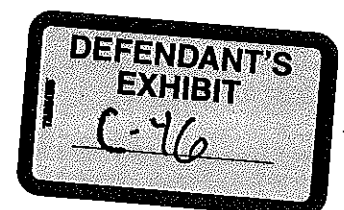
In January 2009, I drafted a bill titled "The Illinois Torture Inquiry and Relief Commission Bill." The Torture Commission, comprised of eight civilians, would have the authority to review the cases of those torture victims who remained in prison. BPAPT took two busloads of community activists to Springfield, Illinois to educate legislators about the Torture Bill, and held several town-hall meetings to educate the community about the legislation. On August 10, 2009, the Torture Bill was signed into law.



In April, 2010, I submitted a Report on "COINTELPRO Political Prisoners in the United States" to the United Nations as part of its Universal Periodic Review of the United States. The US was scheduled for review on November 5, 2010 in Geneva, Switzerland of its Human Rights compliance or lack thereof. More recently, I filed a Stake-Holder's Report to the U.N. Committee against Torture related to police torture in Chicago.

Judge Drains, I am writing you to urge leniency in the March 12, 2015 sentencing of Ms. Rasmea Odeh. Ms. Odeh has a reputation as a respected community leader in the Chicago Metropolitan Area. I am aware of the great work of the Arab American Action Network (AAAN) in the Chicago Area. Rasmea has served as the associate director of the AAAN since 2004. Sixty-six year old Rasmea Odeh is a Palestinian-American feminist, educator, activist and community leader. For the past 10 years, Ms. Odeh has built unprecedented community support for close to 600 Arab immigrant women on issues related to English literacy, gender violence, inter-generational cultural conflicts, racial profiling, immigrant rights, and access to social and economic resources. She has established community-wide education projects related to civil and human rights, social justice, and community economic development and workshops that allow Arab immigrant women to tell, write, and perform their immigration stories while improving their writing skills. In 2013, Rasmea received the "Outstanding Community leader Award" from the Chicago Cultural Alliance, which described her as a woman who has dedicated over 40 years of her life to the empowerment of Arab women, first in her homes of Palestine, Jordan, and Lebanon, where she was an activist and practicing attorney, and then the past 10 years in Chicago."

Your Honor, I further urge this Court to take into account that between 1969-1979, Rasmea Odeh served ten years in an Israeli prison. Her sentence was based on a confession she made in the midst of 45 days of sexual and physical torture while in detention. Following her release, she was exiled from her Palestinian homeland and eventually immigrated to the United States from Jordan in 1994 as a legal resident where she tried to put her memories of torture behind her. She later became a naturalized citizen.



It is my hope that Your Honor will consider, at the sentencing in this matter, Rasmea's claims of torture in that the right not to be tortured is one of many human rights, but it is stronger than almost any other human right because the prohibition of torture is absolutely nonderogable and because the law recognizes no exceptions. What this means is that no one-ever, anywhere-has a "right" to torture, and that everyone-always, everywhere-has a right not to be tortured. It also means that anyone who engages in or abets torture is committing a crime. In the words of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture."¹

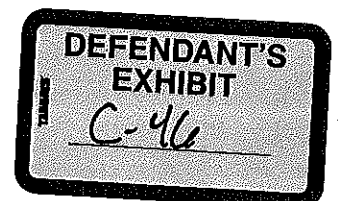
Finally, I urge and recommend the following:

I. A Non-Incarceration Sentence in consistent with The Intent of the Sentencing Reform Act of 1984

In enacting the Sentencing Reform Act of 1984, Congress intended that "prison resources [would be], first and foremost, reserved for those violent and serious criminal offenders who pose the most dangerous threat to society," and that "in cases of nonviolent and non-serious offenders, the interests of society as a whole as well as individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service." See Pub. L. No. 98-473, §§ 217(a), 239, 98 Stat. 1987, 2039 (1984). Congress thus instructed the Commission to ensure "that the guidelines reflect the general appropriateness of imposing a sentence other than imprisonment in cases in which the defendant is a first offender who has not been convicted of a crime of violence or an otherwise serious offense," and the "general appropriateness of imposing a term of imprisonment on a person convicted of a crime of violence that results in serious injury." 28 U.S.C. § 994(j).

Congress believed that larger fines, probation with conditions, and alternatives to all or part of a prison term such as community service or intermittent confinement should be used more often, and that it would be up to the judge to determine whether the purposes of sentencing would best be served by

¹ Hajjar, Lisa, "Torture and the Future," Middle East Report Online (May 2004), available at http://merip.org/mero.org/interventions/hajjar_inter.html.

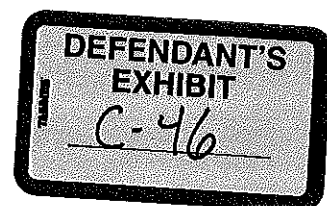


probation or imprisonment, except that imprisonment was not appropriate to achieve the purpose of rehabilitation. S. Rep. No. 98-225, at 50, 59, 92, 119 (1983); *See* 18 U.S.C. § 3582(a). Congress thus authorized judges to impose probation for most offenses, *i.e.*, any offense with a statutory maximum below 25 years unless expressly precluded for the offense, *see* 18 U.S.C. § 3561(a), § 3559(a), treated probation as a “form of sentence” in its own right, *see* 18 U.S.C. § 3551(b)(1), § 3561(a), § 3562-3564, and directed the Commission to promulgate a guideline for the use of the courts in determining whether to impose a sentence of probation or a term of imprisonment, 28 U.S.C. § 994(a)(1)(A), and to reflect the general inappropriateness of imprisonment for the purpose of rehabilitation, 28 U.S.C. § 994(k). S. Rep. No. 98-225, at 59.

This Court should consider granting a variance in determining Rasmea’s sentence because her community responsibilities are extraordinary. According to the Supreme Court, the Guideline language does not preclude consideration of “discouraged” factors, but only that they should be considered in exceptional cases. *See Koon v. United States*, 518 U.S. 81, 96 (1996); *see also United States v. Canoy*, 38 F.3d 893, 906 (7th Cir. 1994) (“We hold that a district court may depart from an applicable guidelines range once it finds a defendant’s family ties and responsibilities or community ties are so unusual that they may be characterized as extraordinary”).

II. Rasmea Odeh’s Personal History and Characteristics and the Circumstances of the Offense Warrant a Non-Incarceration Sentence Under § 3553(a)(1).

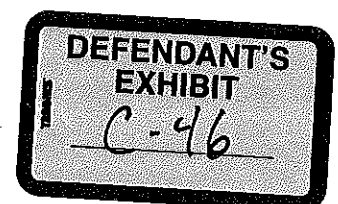
Under Supreme Court law, a defendant’s history and characteristics “is clearly relevant to the selection of an appropriate sentence,” and each sentence must “fit the offender and not merely the crime.” *Pepper v. United States*, 131 S. Ct. 1229, 1240 (2011) (citing § 3553(a)(1)). Our brief summary of Rasmea’s personal history describes a leader in the international struggle to empower women and to end violence against women. She is widely recognized for her pain and suffering endured in Israeli prisons and her willingness to testify before a United Nations Committee in Geneva as a survivor of sexual torture. Her personal history also tells of a decades of feminist activism on behalf of Arab and Muslim immigrant women living in poverty in Chicago. Rasmea built the Arab Women’s Committee and its base



of nearly six hundred Arab immigrant women from scratch when she went door to door as a recent immigrant herself and made phone calls to households with Arabic names from the white pages. Her contributions to humanity have been nothing less than outstanding!

III. A Non-Incarceration Sentence is Sufficient to Protect the Public Under §3553(a)(2)(C) and Provide Just Punishment Under § 3553(a)(2)(A) Because Rasmea Odeh's Personal Characteristics Prove That She is a Low Recidivism Risk.

Rasmea's personal characteristics—including his age, employment, education and lack of drug use—render him statistically unlikely to reoffend and thus further reduce the need to protect the public. The Seventh Circuit has consistently held that a district court may grant below-Guidelines sentences based on the fact that a defendant's age reduces the possibility that he will commit crimes in the future. See, e.g., *United States v. Carter*, 538 F.3d 784, 792 (7th Cir. 2008); *United States v. Holt*, 486 F.3d 997, 1004 (7th Cir. 2007) (affirming below-Guidelines sentence based entirely on fact that defendant's age made it unlikely he would reoffend). Indeed, as the Seventh Circuit has noted, the Guidelines ranges do not account for age. *United States v. Powell*, 576 F.3d 482, 499 (7th Cir. 2009) (remanding and requiring district court to consider arguments about defendant's advanced age). A sentence of Probation affords adequate deterrence to Ms. Odeh from engaging in any future criminal conduct. Moreover, Ms. Odeh is at a much lower risk of recidivism than the average defendant, as she has many factors recognized by the United State Sentencing Commission to lower the rate of recidivism. See U.S.S.C., "Measuring Recidivism: The Criminal History Computation of the Federal Sentencing Guidelines," at 12 & Ex. 10, available at http://www.ussc.gov/Research_Publications/Recidivism/200405_Recidivism_Criminal_History.pdf. She is well educated having earned a law degree. (Recidivism decreases with increasing educational level). . Furthermore, because Ms. Odeh is 66 years old, she is at an even lower risk of recidivism, as offenders over age 50 have a recidivism rate of only 9.5 percent. *Id.* at 12 & Ex. 9. Courts in the 7th Circuit have recognized these factors and their corresponding recidivism rates in departing downward from the sentencing guidelines. See *United States v. Urbina*, No. 06-CR-3362009, WL 565485 at *3 (E.D. Wis. March 5, 2009) (finding defendant did not pose a significant danger or risk of re-offending based in



part on significantly lower recidivism rates for those employed in the year prior to arrest, and for those who are or were married but later divorced).

As a result, Ms. Odeh does not pose a significant threat of re-offending and the Court should enter a variance from the sentencing guidelines, as a sentence of probation will adequately deter her from any future criminal conduct.

IV. Rasmea Odeh's inevitable deportation will more than adequately reflect the seriousness of the offense, it would promote respect for the law, and provide just punishment.

A variance is warranted as the purposes of sentencing have been satisfied prior to Ms. Odeh's sentencing. Again, a sentencing court must always consider the purposes of sentencing when imposing a sentence. In *Redemann*, as the court exercised its departure authority under § 3553(b), it ruled that "If the circumstances of the case reveal that the purposes of sentencing have been fully or partially fulfilled prior to the imposition of sentence, a sentence within the range set forth by the guidelines may be 'greater than necessary' to satisfy those purposes." 295 F. Supp. 2d at 895-96.

Ms. Odeh has suffered enough already. A felony conviction will lead to her deportation from the United States and from two-decades of work and leadership on behalf of Arab and Muslim immigrant women living in poverty in the Chicago Metropolitan Area. She has suffered enough. When the Israeli military arrested her, they also arrested her family members and destroyed her family's home. Her 1969 conviction in Israel was determined by a court system that systematically abuses Palestinians' due process rights. She will suffer from her deportation, and the hundreds of immigrant women that she has helped will suffer.

Respectfully yours,

Standish E. Willis

Attorney At Law

