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July 19, 2005

Judge Truman Hobbs
251 South Lawrence Street
Montgomery, Alabama 36104

Honorable Judge Hobbs,

I am writing to you about what appears to be a case of law enforcement run amok. Or worse. I am referring to the recent charge brought against Roberta Franklin. Evidently, although Ms. Franklin did herself, on several occasions, discuss with the officials at the Alabama Department of Human Resources (DHR), issues related to a change in the amount of monies to be paid to Ms. Franklin for food stamps due to a drug conviction, it is only *now*, many months after DHR was informed of the conviction, the state of Alabama has decided to prosecute Ms. Franklin for the crime of being overpaid. This, in spite of the fact that Ms. Franklin offered to pay back monies she may have received during the period when she was not aware that DHR was paying her more than she was entitled to. Clearly, DHR knew the law and knew of their responsibilities to pay Ms. Franklin the proper amount. If DHR is *now* wanting Ms. Franklin to pay monies owed, fine. To charge her with a crime is preposterous and an insult to citizens who look to our civil servants and the criminal justice system to exercise judgment when deciding which infractions of the law warrant criminal prosecution. This prosecution reeks of a vendetta against Ms. Franklin and is offensive to intelligent, law-abiding citizens everywhere.

Unfortunately, this appears to be yet another action by the State of Alabama designed to harass and intimidate Ms. Franklin (and others) who dare to question the ways Alabama administers justice to the predominantly non-violent, African-American people who fill Alabama prisons. I know Ms. Franklin because she is a leader in the national movement to reduce this nation's excessive and inappropriate reliance on incarceration. In early 2003, while working as the National Campaign Director for the Justice Policy Institute (JPI), I learned of Ms. Franklin's work as Founder and Director of Family Members of Inmates and her involvement with efforts to reduce the overcrowding at the Julia Tutwiler Prison. I subsequently nominated Ms. Franklin for a two-year, highly prestigious, Open Society Institute Justice Fellowship. Ms. Franklin was chosen from an impressive field of candidates, therefore, I became her supervisor as JPI was her sponsoring organization. I worked closely with Ms. Franklin and a diverse coalition of justice advocates and select Alabama judges and legislators to address the crisis of prison overcrowding and to consider reforms that emphasize community-based alternatives to incarceration. Also, I am one of the organizers supporting Ms. Franklin's most recent

call for a national demonstration in Washington, DC. Indeed, “the whole world is watching” the machinations of Alabama’s treatment of Ms. Franklin.

I am writing to you because your decision yesterday to not revoke Ms. Franklin’s probation tells me that you are a person of integrity. I am hopeful that you will continue to play a role consistent with the best interests of Ms. Franklin and the people of Alabama. We have already witnessed the well-publicized prosecution of Ms. Franklin for supposed drug offenses last spring. Coincidentally, as with this most recent food stamps prosecution, the drug charges were brought against Ms. Franklin many months *after* the so-called criminal actions happened, yet, just in time to send a message to FMI and those who participated in the successful grassroots campaign to convince the Alabama legislature to pass a re-enfranchisement bill impacting ex-felons.

Once again, it appears that the timing of this latest prosecution of Ms. Franklin belies the state’s true intentions. Ms. Franklin has been an exemplary citizen and a human rights leader on the national stage as well as in her own community where she has sacrificed greatly to shine a light on the injustices committed against people in Alabama prisons. Ms. Franklin has been raising a child abandoned by her birth mother as if she was her own daughter with no assistance from DHR (or anyone else) other than the modest monies received for food. Anyone who knows Ms. Franklin and her daughter knows that Ms. Franklin is an excellent mother. To even suggest that Ms. Franklin deserves criminal prosecution for a matter, which at worst could be portrayed as a bureaucratic snafu, is antithetical to the spirit and letter of the law. I hope those responsible for the disposition of Ms. Franklin’s case will think critically about the confluence of factors that have led to this most recent prosecution. Certainly, just as Ms. Franklin embodies the values Alabama would want to be known for, justice-seeking public officials will insure that no further harm is done.

Sincerely,

Deborah Awde Clark

Cc: Attorney General Troy King
Lt. Governor Lucy Baxley
Attorney Frank Riggs