

When *Glamour* profiled Amy Ralston Pofahl as she was living without hope after nine years behind bars, we had no idea that with some pressure, we would help convince President Clinton to free a woman unjustly sentenced to 24 years. This is her story.

by Stephanie Dolgoff

Glamour News Update

Free at Last! Free at Last!



DON'T DO THIS TO YOURSELF, AMY," Amy Ralston Pofahl silently cautioned on July 7 as she made her way across the bleak prison compound to her case manager's office. *They probably just want to talk to you about something stupid*, she thought. She tried to suppress any hopeful notion that she might be getting positive news regarding her lengthy sentence.

Indeed, the last time Ralston (she no longer uses her married name) was abruptly summoned to a case manager's office at the FCI Dublin correctional facility outside of Oakland, California—the medium-security prison where she'd spent the previous nine years of her life—was Christmas Eve, 1999, a traditional time for presidential pardons and clemencies to be granted. Ralston, now 40, a willowy 5'9" blond with the peaceful beauty of Joni Mitchell, was serving a 24-year sentence, without the possibility of parole, for a first-time drug offense. She'd been convicted of a crime with a harsh mandatory sentence; the judge had no choice but to impose it. Since losing her appeal three years earlier, Ralston had been pouring all her energy into organizing a massive letter-writing campaign to government officials. Every day she spent hours in the prison's legal library, fighting for use of one of the eight often broken typewriters shared by more than 900 inmates.

Ralston had enlisted members of Congress from Hawaii to Maryland to write to federal pardons attorney Roger C. Adams in Washington and to President Clinton on her behalf. Her other legal options exhausted, Ralston knew an executive clemency was her last hope of freedom before turning 52. So when she was ordered to report to the case manager's office last Christmas Eve, she could practically taste the freedom she thought she was about to be granted. "I really was convinced it was going to happen."

Instead, Ralston found that her single-minded hopes had painted a cruel mirage. The case manager had called her in to see a woman from the prison commissary, who wanted only to discuss payment for some clay Ralston had requested—she'd taken up ceramics to pass the time. Back in her cell, where no one could see her, Ralston collapsed crying. "I was so angry with God because I thought I was the butt of this huge cosmic joke...having my hopes get so close and then this," she recalls. So Ralston was understandably reticent six months later, on July 7 of this year, as she reported to a different case manager, one she'd been friendly with for some time, who had been

"I'm so grateful to President Clinton.... Every day since I got out is like Christmas, New Year's and my birthday rolled into one."

frantically looking for her all morning. (Ralston had been at the infirmary getting a regular checkup.) But this time, Ralston's dream was coming true. "My case manager just looked at me—she's a real nice lady—and said, 'You're going home.' There's this chair there, and I collapsed—I just lost it. I cried, but not as much as I thought I would because I was so excited."

So were Ralston's many supporters, who had been campaigning hard for her release. After an article about the injustice of her case appeared in the June 1999 issue of *Glamour*, Ralston became the poster girl for the push to reform harsh federal mandatory minimum drug sentencing laws. Enacted in the late eighties in an attempt to quell the nation's crack epidemic, the laws were meant to

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take drug dealers and kingpins out of business and off the streets by beefing up existing sentences with additional mandatory sentences ranging from one year for dealing in a drug-free school zone to 30 years for using a machine gun during the commission of a crime. Judges are allowed almost no leeway, not even in cases involving small amounts of narcotics. Under the conspiracy statutes of these same laws, a person found guilty of committing just one overt act in a drug conspiracy—something as innocent as taking a phone mes-

"I was really stupid," Ralston says now of helping the drug-dealer husband who turned on her. "I just threw caution to the wind."

sage for a friend who turns out to be a drug dealer—could be sentenced as if she were the leader in the entire operation. It's easy to see today how the mandatory drug laws have failed. The U.S. Sentencing Commission reported in 1999 that of the more than 20,000 drug sentences in 1998, only 41 were for actual ringleaders, as defined by the so-called "kingpin statute." Too many of the rest of the sentences were for women like Ralston.

The Biggest Mistake of Her Life

When she was 24, Amy Ralston, a part-time model and office temp in Dallas who'd been raised on a farm in Arkansas, met and, one year later, married Sandy Pofahl, a charismatic, wealthy businessman and Stanford University Law School graduate. Only after they had been separated for a year and her husband was arrested in 1989 did she learn that he was the mastermind of a syndicate that made and distributed the illegal drug Ecstasy. And that's when she broke the law: To help

Sandy make bail when he was in jail, she helped him recover some of his drug profits—under his direction—by removing the cash from various stashes around town. "I really was stupid," she says. "I just threw caution to the wind and thought, Whatever needs to be done I will do it." Ralston had no idea that under the tough federal conspiracy statutes, she would be considered as guilty as if she were the organization's linchpin. Since her husband's operations were so vast, the judge had no choice but to sentence her to 24 years with no chance of parole—his hands, Ralston recalls him saying, were tied. The kicker: The only way she or any other minor player in a drug crime could possibly bargain for a reduced sentence was by providing the government with information on others involved in the conspiracy.

Ralston had been kept in the dark about her husband's dealings and didn't want to tell what little she knew about her husband just to help herself. People like her—most often the wives and girlfriends of the major dealers—know so little about the operations that even if they are willing to inform on others, they have no useful information to bargain with, whereas the bigger players can always sell out the minor players. Which is exactly what Sandy Pofahl did: He told all, implicating his wife and several of his associates, and served only four years behind bars in Germany (where he was arrested), while his wife got 24 for refusing to incriminate him.

While there was no love lost between Amy and Sandy, she still says, "I can't sell someone out in order to save my own suffering. It's not how I was raised." Ralston does not paint herself as an angel—she admits what she did was wrong. "But I think the sentences were unfair. I should have gotten his, and he should have gotten mine." Even though the sentence was so clearly disproportionate to her crime—consider that the average sentence for sexual assault is 2.6 years—she stood scant chance of being released. The Clinton administration has been criticized for its stinginess in handing out

Freed After 11 Years!

She was sentenced to 15½ years, but both the judge and the prosecutor supported Serena Nunn's release.

IT SEEMS IMPOSSIBLE TO BELIEVE, but after more than a decade behind bars praying to get out, Minneapolis native Serena Nunn was stalling administrators who were trying to rush her out the door. "I wanted my family to arrive and see me walk out that gate," she says.

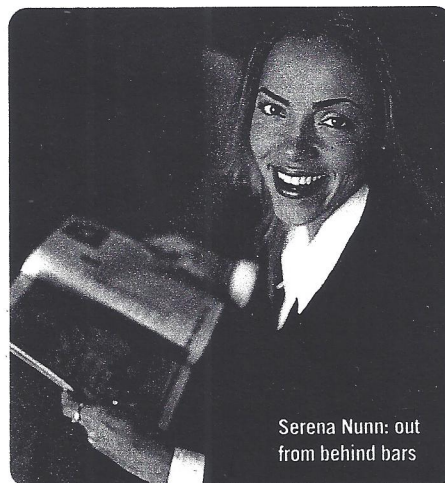
Convicted in 1989, at age 20, for her minor role in a Minneapolis drug ring—driving her dealer boyfriend to a few meetings—Nunn received an astounding 188-month prison term (15½ years). Her refusal to turn informer resulted in one of the harshest punishments the mandatory minimum sentencing guidelines allowed. But after spending all of her twenties behind bars in several prisons across the country, Nunn, like Amy Pofahl, received a presidential commutation on July 7.

Nunn largely owes her freedom to a

young San Diego lawyer, Sam Sheldon of the firm Cozen and O'Connor, who read about her case in 1997 and offered to take it on without fee. At his urging, the judge in the original case wrote a letter to President Clinton criticizing the law that forced him to impose the sentence. Several politicians, and even the original prosecutor, followed suit. "Freedom always seemed so out of reach," says Nunn, who, like Pofahl, was profiled in *Glamour's* June 1999 article about unfair sentencing laws.

Prison-release procedure required that Nunn be driven to a nearby drop-off point. ("The administrators said I had to be out in two hours!" she says.) On the way, she spotted Sheldon and her mother and sister in a passing limo. They all pulled over for a tearful roadside reunion.

Nunn, who earned an Associate's



Serena Nunn: out from behind bars

degree in prison, is now 31 and living in an apartment in Phoenix. She hopes to get her B.S. in business, then go on to law school. Perhaps some of Sheldon's commitment has rubbed off. "When you're involved in a case for the liberty of a person you believe in, there's no greater responsibility," he says. "And when you win, there's no greater feeling."

—DINA INGBER STEIN

JOHN BRENNAN; HAIR AND MAKEUP: JENS GUNNAR FOR ARTISTS.

clemencies—in 1999, Clinton granted only 12 out of more than 1,000 waiting for his review. Fortunately, he came to agree that Ralston's sentence was unfair and granted clemency to her and to three other women and one man with similar histories. "I am so, so grateful," says Ralston, cozily hugging her knees on her parents' flowered couch in Charleston, Arkansas, just over a week after her release. "Every day is like Christmas, New Year's and my birthday rolled into one. I'm still fascinated by being free, and I hope to some degree I don't lose touch with that."

Amy's Lost Decade

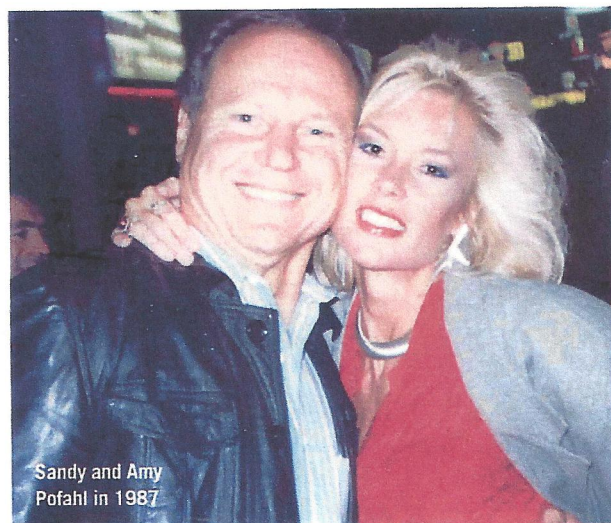
As beautiful as she looks now, her face glowing with the joy of freedom, it's hard not to notice the more energetic, more radiant version of Ralston that smiles in eighties makeup and hair in the pre-arrest snapshots she spreads out on the coffee table. "When I was arrested, I was on the cusp of turning 31," she says haltingly. "I feel like I've aged so much and that I've lost a whole decade of my most productive years—and not just to have children. By the time you're 30 you figure out what your strengths are and you want to

achieve things," she explains ruefully. "I look at these pictures, and I'm like, Oh, OK. I lost that period, that priceless pocket of my life. I've got to make up for it."

Ralston, dressed in a flowered skirt that was in storage while she was in prison—tucked away for so long that it's back in style—fingers a beaded pouch she wears around her neck. It was made by Lau Ching Chin, one of Ralston's two roommates for about five years in her 8-by-11-foot cell, to raise money to support Chin's children (Ralston says they're now 14, 15 and 17) on the outside. "Her case is even more egregious than mine," says Ralston. Chin, who is Chinese and in her early forties, simply translated a phone call for her drug dealer boyfriend, who spoke no English. "[For that] she got 17 years. Her prosecutor said that if they trusted her enough to interpret this phone call, then surely she must have been trusted enough in this organization to have done other calls," Ralston explains. Yet like Ralston, Chin was sentenced as if she'd been the leader.

Eric Sterling is an attorney who as counsel to the House Judiciary Committee was a principal aide in developing the mandatory minimum drug-sentencing laws back in 1986 and coauthored the mandatory drug-sentencing laws. Now he works full time as the president of the Criminal Justice Policy Foundation to get them repealed. He explains that in their zeal to curb the nation's drug problem, legislators drafted the laws to be as broad and inclusive as possible so that they could go back to their constituents and say they put a large number of people behind bars. But they went too far. "It was cuckoo," Sterling admits now. "And it's shocking to see how long the sentences are and how small the number is of major traffickers who have been incarcerated."

Sterling is encouraged by President Clinton's granting of clemency to Ralston and the four others and hopes that his action signals a shift in the political winds when it comes to more reasonable sentences for drug offenders. "It's hard to say what will happen" when a new president is elected, explains Marc Mauer, assistant director of The Sentencing Project, a nonprofit



Sandy and Amy Pofahl in 1987

"Ralston's ex, the mastermind of a drug syndicate, was sentenced to only four years. Amy, who just gathered his bail, got 24."

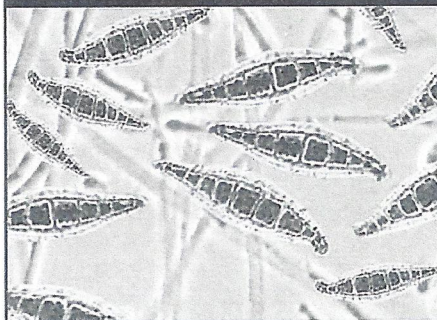
research and advocacy organization on criminal justice policy. "Neither Bush nor Gore has expressed a good deal of concern about mandatory sentencing," When contacted by *Glamour*, neither of the two candidates would comment on the Ralston case specifically. As for the laws in general, they both offered a noncomment: "He supports as a general rule tougher sentencing requirements, but he also believes it is important to be very thoughtful and careful about how to apply them," says Gore campaign spokesman Jano Cabrera. Bush has taken even less of a stance: "When he is president, Governor Bush will approach pardons on a case-by-case basis," says Ray Sullivan of the Bush campaign.

There is a bill, sponsored by Democratic representative Maxine Waters of California, to repeal these laws, but neither Sterling nor Mauer sees it passing in the current Congress. Politicians of any stripe are loath to appear soft on drugs, especially in an election year. "It's a bipartisan madness—most members of Congress are addicted to political rhetoric around drugs," Sterling explains. "Because the mike and the cameras are on, they want to talk tough."

Freedom Campaign

Luckily for Ralston, not all politicians were afraid to get behind her cause. Representatives Barbara Lee of California, Eddie Bernice Johnson of Texas and Patsy Mink of Hawaii, all Democrats, were three of the most outspoken, writing numerous letters to the President and urging their colleagues to do the same. Former Arkansas senators David Pryor and Dale Bumpers, also Democrats, both lobbied hard for Ralston. →

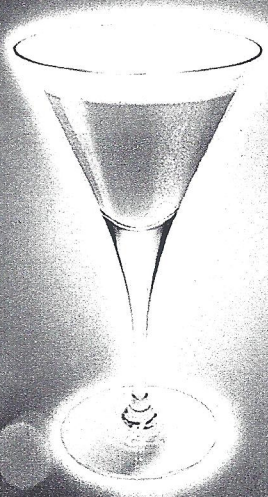
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no prescription,
so it has
no dangerous side effects.

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the Hennessy Sidecar

1 oz. Hennessy

1 oz. triple sec

1/2 oz. lemon juice

add ice

shake. strain. enjoy.

mix accordingly

Pryor, now the director of Harvard University's Institute of Politics, first read about Ralston's case in *Glamour*. "I read it and I got so angry at it, and I said, 'This couldn't happen in our country,'" says Pryor, who, with Bumpers, traveled to Washington and argued for two hours in front of pardon attorney Adams on Ralston's behalf. "I couldn't find anyone anywhere who could justify keeping this woman rotting in a cell. She spent one quarter of her life in prison."

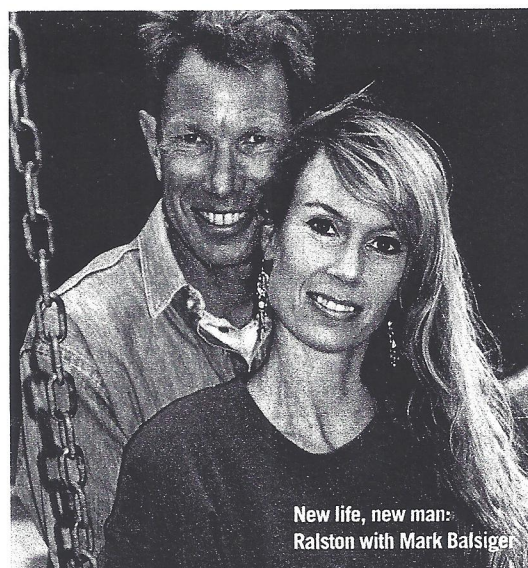
Once she received her clemency on the morning of July 7, Ralston was released with amazing speed: She was out the door and into the arms of her boyfriend, Mark Balsiger, 50, a food-service provider in El Paso, Texas, by early that afternoon. The two made contact four years ago through a mutual friend who taught creative writing at the facility where Ralston was incarcerated and thought they might like each other. They fell in love via mail and, later, phone calls and visits, during which the only physical contact they were allowed was a quick "kiss in" and "kiss out." Balsiger was staying only an hour away, in San Francisco, and had visited her just the day before. "Normally, when you get a call from a federal prison, there's this recording telling you it's a call from prison before the person can actually speak to you," he told *Glamour*. "This time, it was Amy saying, 'Mark, Mark,' just crying. Finally, I heard, 'I'm free, I'm free.'"

Balsiger was on his cell phone to Ralston's mother later that day when he saw Ralston come through the prison gates, totting boxes of legal documents dating back to her arrest nine years earlier. The two hugged and leapt for joy. "We looked like two pogo sticks in the parking lot," recalls Balsiger. "Even the guard was grinning, and you don't often see guards grin." The couple spent a romantic night at an inn in Sausalito, fielding phone calls from friends, the media and well-wishers who had heard about Ralston's release.

Other than her legal files, Ralston had walked out of prison with nothing more than a small bag of makeup. "I tried to leave everything I had—it wasn't much, some sweats and some dress shoes for visits—for the other women in there," she explains. "They really need it." Balsiger took her shopping for

clothes, since all she had was the T-shirt and sweatpants she was wearing. Her first meal was Thai food—curry chicken with peanut sauce. "All the food was like sensory overload," she says. "It's like a burst goes off in your mouth because you've been eating hospital slop and crap, baloney and, at best, lime Jell-O. Then you get something like that and your taste buds are like, Oh, my God."

Ralston is back in Arkansas with her family, reveling in the delicious food she's now




New life, new man:
Ralston with Mark Balsiger

"I'm free, I'm free," cried Ralston when she called Balsiger. The two first fell in love via mail and phone.

able to eat, figuring out how she can spend more time with Balsiger—she's not allowed to leave western Arkansas for six months, and he's working in Texas—and going through the clothes she hasn't seen for close to 10 years. "My girlfriend is going to take me shopping," says Ralston. "She told me, 'Whatever you do, don't wear shoulder pads—I don't want to see you in the Dos and Don'ts section in the back of *Glamour*.'"

As much as she's looking forward to being with Balsiger and finding a job (preferably office work), Ralston is haunted by the face of a friend she left behind at FCI Dublin. Patricia Lockett, who is serving a 24-year sentence for drug conspiracy charges, is also petitioning for clemency. "She used to say, 'I just know we'll get [our release] in July,'" recalls Ralston sadly. "So when I got mine, she looked just devastated. She was so happy for me, but I could see it in her eyes—this fear of 'I'm being passed over.'"

"I said, 'Patricia, keep fighting. You're next.'" 

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