

## Reform Mandatory Sentencing

Written by Judge Greg Mathis  
Tuesday, 22 November 2011 13:23

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### *Guest Writer*

In 1986, as part of the “War on Drugs,” Congress established minimum sentencing laws for drug offenses. The sentencing guidelines removed the judge’s ability to consider the defendant’s personal history and the circumstances that may have led to the crime. Instead, the sentence was handed down based on the nature of the offense and the type of drug being sold. Those who supported mandatory minimums believed they would lead to a drop in drug related crimes if defendants knew they’d be facing certain - and lengthy - jail sentences. They were wrong. Mandatory minimums have nearly tripled the number of federal prisoners in the last 20 years and have grossly overcrowded federal prisons. Additionally, federal mandatory minimum laws have caused black men to be incarcerated at disproportionate rates.

According to a report recently released by the United States Sentencing Commission federal mandatory minimum sentences are not only excessive, they are applied unfairly and inconsistently. It is not unlikely that the same drug offense could carry a two year term for one

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offender, while another receives ten years. These sentencing disparities are most visible when viewed with through a racial lens. According to the Commission's report , black and Latino offenders are more likely to be convicted of an offense that carries a mandatory minimum penalty. The racial disparities are not news to the African American community. We have long been leery of the criminal justice system and often believe that people who look like us rarely receive a fair hearing in court and are sentenced more harshly than those of other ethnic backgrounds.

Even if the sentencing was equal across racial lines, mandatory minimums are still flawed and far from just. 75 percent of those convicted under the laws are drug offenders, many of whom lived in poor areas and hoped the drug trade would provide some sort of economic relief. Instead of sentencing these individuals to prison, the court system should look at ways to rehabilitate them and show them how they can use their street business skills in the workplace.

Judges aren't too fond of mandatory minimums, either. In a survey done by the Commission last year, 62 percent of federal trial-court judges said the mandatory minimums were too high, while only 38 percent found them appropriate. If the men and women charged with handing down these sentences don't see their benefit, then it is time to reform the mandatory sentencing laws. If we are to have a system that we believe and trust in, we must reform the system in a way that is fair. If we don't, the criminal justice system will always be regarded in a way that is just that: criminal.