

Reverse The Trend: Mandatory Minimum Sentencing Must Go!

Written by Jeffrey L. Boney

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Mandatory minimum sentencing was introduced into law when Congress passed the Boggs Act of 1952, as well as the Narcotics Control Act of 1956, making a first time marijuana possession offense a minimum of two to ten years, along with a fine up to \$20,000. The laws got even tougher over the years, with George H.W. Bush's "War on Drugs" and the introduction of the "3-Strike Rule," which was advocated for by President Bill Clinton.

These laws have done tremendous damage to the Black community in the United States, particularly amongst young, Black males.

I know that there are a number of people out there who believe that if "you do the crime, you must do the time," and while that may be true, the issue is not about the enforcement of the law but the equality of the law and the subsequent sentencing.

A mandatory minimum sentence leaves the outcome of a defendant's case up to a predetermined court decision, where there is no opportunity for a judge to use his or her discretion to make a ruling, because their decisions are limited by the law. So, in essence, most people convicted of "certain" crimes are punished with a minimum number of years in prison, with no questions asked. One of the "certain" crimes that has gotten our young, Black males

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caught up has been in the area of drug sentencing. Between 1985 and 1995, the American prison population of drug offenders increased from 38,900 to 224,900, with African-American males being the leader. There are about 7% of African-American males in the nation and there are about 46% of African-American males in prisons nationwide.

Case in point, Congress decided to change a 25-year old law, in 2010, that impacted the lives of tens of thousands of Black people. That law, prior to it being changed, gave longer prison sentences for crack cocaine convictions, mostly Blacks, while giving significantly more lenient outcomes to those, mainly Whites, caught with the powder form of cocaine.

For those of you who say that President Barack Obama hasn't done anything for Black people, during his presidential campaign you may have missed the message where he said that the disparity in sentencing "cannot be justified and should be eliminated". He held true to his campaign promise, by pushing the measure for modification through the House and the Senate and eventually signing it into law. The bill reduced the disparities between mandatory crack and powder cocaine sentences. This law is extremely important, because a person convicted of crack cocaine possession now gets the same mandatory prison term as someone with 100 times the same amount of powder cocaine. However, these laws need to be modified even further, because the legislation only reduces the ratio of powder cocaine to crack cocaine to roughly 18 to 1, which is still a disparity. The bill also eliminated the five-year mandatory minimum for first-time possession of crack. This was the first time, since the Nixon administration, that Congress has repealed a mandatory minimum sentence; unfortunately, it does not apply retroactively.

That is why I'm so tremendously disappointed in the votes of both Texas Senators Kay Bailey Hutchinson and John Cornyn on the National Criminal Justice Commission Act, Amendment 750 to H.R. 2112. The amendment fell just three votes short of passing, winning the support of members from both sides of the aisle. The U.S. Senate vote was 57 - 43, just three votes short of getting the NCJCA included as part of a fiscal 2012 spending bill. Every Senate Democrat and every Independent voted for the NCJCA amendment and so did four Senate Republicans.

Every day we see wealthy defendants, who can afford high-priced lawyers, get a slap on the wrist for the same crimes that many Black defendants receive mandatory minimum sentences that can range from 2 to 45 years

There are currently more than 2.3 million people behind bars. Many are nonviolent, first-time or

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low-level offenders serving lengthy mandatory prison sentences. I don't believe justice can be dispensed with one-size-fits-all sentences. This amendment would change our sentencing policies and reform the criminal justice system to make it more cost-effective and fair. That's why the National Criminal Justice Commission Act is needed.

Our young, Black men, who are the majority in the prison system, should not become long-term indentured servants made to manufacture goods and products for the benefit of others. They should not be relegated to a lengthy prison sentence for low-level crimes, just so that privatized prison systems can generate revenue and turn a profit off of each person they incarcerate. Our young, Black men should be allowed to redeem themselves; vote, get a quality education, raise a family, have a career and live a productive life.

I know that to solve these issues, it takes advocacy, which is why I am a proud supporter of the group Families Against Mandatory Minimums (www.famm.org), which shines a light on the human face of sentencing, advocates for state and federal sentencing reform, and mobilizes thousands of individuals and families whose lives are adversely affected by unjust sentences.

I encourage you to join me and many others, who are writing our Senators to express our tremendous disappointment in their decision to thwart justice.

We must "Reverse The Trend" of sending our young, Black men to prison for the majority of their lives.

Jeffrey L. Boney serves as Associate Editor and is an award-winning journalist for the Houston Forward Times newspaper. Jeffrey is a Next Generation Project Fellow, dynamic, international speaker, experienced entrepreneur, business development strategist and Founder/CEO of the Texas Business Alliance. If you would like to request Jeffrey as a speaker, you can reach him at jboney1@texasbusinessalliance.org [This e-mail address is being protected from spambots. You need JavaScript enabled to view it.](#)

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