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Drug Crime Sentencing

**Introduction:**

President Obama in May of 2016 granted clemency to 58 inmates, in December of 2015 he released 95 inmates, and just recently in August 2016 released 214 federal inmates from federal institutions. President Obama has granted clemency to a total of 562 to inmates, with almost 200 of those serving life sentences. When you read things like this in the paper, or see it on the news it scares you just a little; I know it scares me. I get a picture in my head of masses of people in orange jumpsuits breaking out of prison to go commit more crimes. But wait, what were those inmates actually incarcerated for? Why is President Obama releasing them? In a statement from the Washington Post it states, “[these are] Federal prisoners who have received severe mandatory sentences for nonviolent drug offenses.” All the inmates had to meet the criteria of non-violent offenders, be model prisoners, first time offender, are not closely tied to any gang, and would have received shorter sentences if they had committed the crime a few years later. After understanding the context behind the clemency, I started to see why President Obama released these prisoners. It was the result of mandatory sentencing laws. But what is clemency? In the justice system it is an act of pardoning/forgiving someone's crime, and is typically granted by someone in government, such as the President of the United States. In the case of the United States, clemency is given out by the governor of the state for state crimes, and by the president for federal crimes and is protected under the 14th amendment. What is so bad about Mandatory Sentencing? What if they served the full time, wouldn't it be beneficial to all parties?

**Mandatory sentencing:**

What is a mandatory sentence? Mandatory Sentence or Mandatory minimums is when someone is found guilty of a crime and sentenced; the judge cannot give you a sentence less than the minimum time set by law. Or as President Obama stated, “I commuted the sentences…[of men and women] who had served their debt to society, another step forward in upholding our ideals of justice and fairness.”

If the President is feeling a need to grant clemency why did we start instigating mandatory sentencing?

Congress first Started to use Mandatory minimum penalties in the late 18th Century where it was mostly used for serious offenses such as murder and treason. Throughout our history we started adding mandatory minimums for things like stealing, kidnapping, and rape. For serious offenses like murder, treason, rape, stealing, kidnapping, and other serious criminal acts. I believe there needs to be mandatory minimums. In cases that consist of a rape charge there should be higher mandatory minimums. Just look at just recently with the Brock Turner Rape Case. Brock Turner was a former swimmer at Stanford University that was convicted on three counts of felony sexual assault because he raped an unconscious woman. He was sentenced to six months in jail. Earlier this last week Turner was released from prison three months early. In cases like these I believe that our government needs to have stricter sentencing for serious offenses. Any offence that affects the freedoms and rights of other people is a serious offense in my book.

In America we started to see control substance mandatory minimum laws in 1951. Drug offense sentencing increased in severity during the Nixon administration. During this time the start of the *war on drugs* began. The purpose was to send a message to drug users and drug dealers that this will not be tolerated. Most of the controlled substances mandatory minimums laws were written in the 80’s and 90’s when America was in the grips of a full-fledged anti-drug hysteria. In 2010 drug offense mandatory minimum sentencing increased between two to 10 years and for drug trafficking 10 to life. Which brings me back to “The punishment should always fit the crime.”

Cannabis users in the past were dealt a two year sentence for possession. Now cannabis users can get up to three years in prison depending on the amount of weed in your possession can land you from five years to life in prison. If that weed is a full on cannabis plant it is considered cultivation which could add an additional five to life. Cannabis is crazy for a plant that is legal for recreational use in four different states. But I’m not here to argue about Marijuana legalization, but Mandatory minimums; I’m just trying to make the point that Mandatory minimums ruin lives.

A first time offender, Weldon Angelos, when he was 21 sold 24 ounces of weed to an undercover drug enforcement officer while he had a gun in his possession at the time of his arrest. The combination of a gun and drug possession charge plus dealing. Angelos received a 55 year Mandatory Minimum sentence without the possibility of parole. His Judge; Former Judge Paul Cassell from Utah stated, “Mandatory minimums is a sentence that judge has to impose a particular minimum number of years….Mandatory minimums can be used to send a message but at some point the message gets lost.” Mandatory minimums really ties the judges hands. If he [Angelos] had been an aircraft hijacker he would have gotten 24 years in prison. If he would have been a terrorist he would have gotten 20 years in prison. If he was a child rapist he would have gotten 11 years in prison. Now I’m supposed to give him a 55 year sentence, now that is just not right.” So as of now, Weldon should not be serving longer than a child raping, Aircraft Hijacking, terrorist. “He shouldn't have done the crime if he didn't want to serve the time.” I bet you have heard people say that, andthere is a little bit of truth to that saying. I agree that Weldon Angelos be punished for his crime, but as I have said before the punishment must always fit the crime. But, does the Nixon Administration and the laws since on drug enforcement had any effect on drug use in America? I would say no. A survey of teens in Colorado shows that since the legalization of marijuana in 2014 there hasn't been an increase in usage by the teen population. One good thing that has come out of the war on drugs is the seized drug money from busts is used to help pay for other departments such as local police, federal departments, and the DEA itself. Drugs have hurt people, that is not a disputed fact, but the mandatory minimum laws have done to much harm than good when it comes to the criteria of non-violent offenders as stated before.

**Beneficial to all parties**:

Going back to Judge Cassell in the same interview with Nightline stated, “We need to change mandatory minimum laws. Most of the time the system works well, but there are some situations where it fails and Angelos case is a prime example. I don't think that the system was unjust to Weldon Angelos but to the taxpayers.” Which leads me into my next point, prisoners cost the taxpayers a lot of money. Additionally, President Obama in an interview with The Washington Post stated, “This is costing the taxpayers 80 billion dollars a year. We have to reconsider 20 or 30 years to life sentences for non-violent crimes is the best way for us to solve these problems.” According to the same Nightline episode, it costs on average $29,000 dollars per year to keep one person in federal prison. Going back to Weldon Angelos case of being sentenced for 55 years, it will cost 1.5 million dollars for his total sentence. To me that is money that could be going elsewhere, like schools. There are 2.3 million people confined at 4,575 prisons in America. When compared to other countries like china which has 1.7 million prisoners, according to a United States Department of Justice statistical report stated in 2012, “Drug offenders accounted for 50% of the male federal prison population and 58% of the female federal prison population…” That is just over 50% of the United States prison population. Now that is insane. We will have enough inmates to populate a small country or state.

Fun fact of the day: Australia used to be what is called a *penal colony* for Great Britain. Maybe it would work again if we could find the land. Maybe Antarctica or the moon? The point that I’m trying to make is that this just does not affect the prisoner but higher amount of drug offenders in prison and the longer they stay in prison the more expensive it is to keep them there. Let us go back to the 562 total inmates President Obama released for one year of them being out of the system will save 1.6 million dollars, which is money that can be used elsewhere.

**Conclusion:**

As I was going through the history of Mandatory Minimums, we are getting better at making the punishment fit the crime; where stricter minimums have been put into place for serious crimes. Like the Protect Act of 2003 which increased the mandatory minimums for child pornography and child sexual assault cases. So, we are getting better at Mandatory minimums but the point I’m trying to make is that we are still not where we need to be, we still have people incarcerated for minimal offenses. On the federal level we have also added what are called *safety valve provisions* which allow judges more discretion in certain cases. There are 29 states that have enacted laws that contain safety valve provisions. A Lot of those state and federal reforms have not been made effective yet. This means thousands of people are currently stuck in federal and local penitentiaries like Weldon. Which if they had committed those crimes a few years later would have landed them shorter sentences. If you think about it that is a bad situation. John Oliver has a great analogy for this situation, “Imagine how mad you get when you get seated at a table at a restaurant and the couple in line behind you get their food and leave faster than you do.” it is the same case. I know I stated a lot of stats throughout this paper and not enough witty analogies. That being said I hope you can now see that the majority of the issues that have come from mandatory minimums have come from drug related offenses. Also I hope I have made a strong enough point that prisoners that meet the clemency criteria stated earlier have not a negative affect not just on them and their families, but also to the rest of the tax payers. Honestly Drug Crime Sentencing is a joke in our country.

Alexander – I was able to understand the points you made, and am certain that you believe what you have written. That being said, I had difficult time reading this paper as it contained considerable grammatical errors, colloquialisms, and seemingly random thoughts. Please review my recommendations and suggestions and try to implement them in subsequent assignments.

If you would like to make corrections to this paper, I will allow you to do so for a higher grade. Please just email me and let me know your intentions, and we can work out a due date.

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