

Mandatory Minimums, Maximum Consequences

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Justice is supposed to be blind, impartial to an individual's gender, status, wealth, or background. However, under mandatory minimums, justice becomes deaf as well. In a country that places such value on the pillar of justice, so much so that it is unconstitutional to inflict cruel and unusual punishment under the Eighth Amendment, many people often slip between the cracks and fall victim to sentences that inaccurately represent the supposed judicial viewpoints of the United States. This idea can be seen reflected through the implementation of mandatory minimum sentencing within the criminal justice field. Despite it originally being introduced as a means of eliminating leniency and creating uniformity across sentencing by requiring fixed sentences for certain criminal offenses, over time, the effectiveness and overall fairness of this strategy have come into question. Many individuals question whether it truly serves justice or undermines it. As discourse around criminal justice reform continues to grow, mandatory minimum sentencing remains a topic of controversy, with critics holding drastically different opinions on the matter, with many honing in on their "benefits" and others focusing more on their impacts on the individual and national scale. However, despite the many existing arguments in favor of this strategy, mandatory minimum sentencing should not be practiced, as its social, economic, and judicial drawbacks outweigh its potential benefits.

SEE

Before delving into the specifics of mandatory minimum sentencing and its drawbacks and benefits, it is essential first to understand what it means and how it is applied in the criminal justice system. Mandatory minimum sentencing is defined as a legally required minimum prison term set for a specific crime, without consideration of personal circumstances or other defining factors. While existing for several years prior for other federal crimes such as sexual crimes, possession and dissemination of child pornography, crimes related to firearms, and fraud, the origin of this sentencing strategy for drug-related crimes can be traced back to the 1970s and 80s, a period of history plagued by an increased percentage of drug use, the use of crack and cocaine so much so that the use of this drug created a nationwide epidemic. This increase in drug-related crimes throughout this period soon prompted global drug control efforts, with efforts and campaigns such as The War on Drugs and Anti-Drug Abuse Acts of 1986 and 1988 aiming to target these drug-related issues and the increase in related crimes. Over time, this continuous struggle with increased drug-related crime rates prompted a new kind of attitude within the judicial world. This new attitude was “tough on crime,” resulting in a pattern of lengthening sentences and penalties for these crimes, which had become prevalent throughout the years. This historical evidence informs much of why mandatory minimum sentences have been put into place and their effects in today's world, as they currently exist as a solution to deter crime and target major drug traffickers (United Press International Archive, 2001).

The implementation of this strategy has not come without controversy. Although it was created in hopes of creating positive change, it has faced significant backlash due to its many detrimental effects socially, economically, and judicially. It is also important to note that while mandatory minimums exist for multiple crimes, drug offenses are disproportionately affected by this strategy. Even as recently as 2023, statistics have shown that drug offenses accounted for the

most significant percentage, with them holding 72.3% of the offenses carrying a mandatory minimum penalty, with the average sentence being 138 months or 64 months with relief, meaning the reduction or modification of the sentence imposed by the court (United States Sentencing Commission, 2023).

While the topic appears as one that is black and white as drug usage and trafficking are thought to be objectively harmful, the topic becomes much more complex when placed in the context that these mandatory minimums place sentencing into categories based on the quantity of illegal substances and amount of offenses rather than taking the circumstances of those convicted into consideration. While many drug-related crimes involve offenders who are directly involved with the possession and distribution of illegal substances, it is essential to note that this is not always the case, as each individual has a unique background or circumstance that is valuable to consider. This results in the inability of those prosecuted to advocate for themselves and potentially decrease their sentence, removing fairness and justice that is meant to exist when making life-altering legal decisions such as sentencing. This scenario can be seen through the experiences of Angela Thompson and how she fell victim to unjust mandatory minimums. Before delving into her situation, we must first take a historical look at what prior factors may have influenced the outcome of her case. In 1973, Governor Nelson Rockefeller introduced a series of drug laws in New York. These laws mandated long prison sentences for drug offenses with the penalty for selling two ounces (57 g) or more of heroin, morphine, "raw or prepared opium", cocaine, or cannabis or possessing four ounces (113 g) or more of the same substances, holding a minimum of 15 years to life in prison, and a maximum of 25 years to life in prison, even for low level and first-time offenders. This marked a significant shift as previously, Rockefeller had been a supporter of rehabilitation and social programs, but was influenced by the

then heroin epidemic and the war on drugs. Hence, he began facing increased political pressures to become rigid on crime, influencing his future decisions and outlook on how to handle drug-related crimes. These laws began to spark a nationwide movement towards similar policies that were tougher on crime and less lenient on offenders convicted of drug-related crimes. Upon viewing the case of Angela Thompson, it becomes evident that these laws set in place years prior played a crucial role in the outcome of her situation. Despite having a complicated childhood, Thompson did not have a criminal record and managed to stay out of trouble. This situation changed, though, after she was recruited by her uncle, Norman Little, to sell cocaine. Little had already been on the radar of many law officials in New York, as he had been running a large drug operation in Harlem, being the original target of Thompson's investigation and prosecution. Law enforcement planned to target him by making undercover drug purchases, with Thompson, employed by her uncle, making a sale of 214 vials of crack cocaine to an undercover officer. This sale equated to 2.13 grams, placing her over the two-ounce or 57-gram qualifications of a class A-1 felony sale, allowing her to fall victim to the mandatory minimum laws that had been in place in her state. In the end, though, her circumstances and the possibility of her being exploited by her uncle to participate in illegal activities were not enough to spare her from a lengthy sentence. Although she did not receive the full mandatory minimum sentence of 15 years to life for her crime, as doing so could violate her 8th Amendment rights given her youth and first-time offense status, she still received a sentence of 8 years to life ("People v. Thompson"). Through the situation of Angela Thompson, it becomes clear how mandatory minimum sentences remove the "just" aspect of criminal justice, placing those who have committed crimes into the category of severe criminals without allowing for any chance of self-advocacy.

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Now that there is a clear understanding of the problem at hand, it is crucial to take a look at the existing drawbacks and benefits of this sentencing strategy, not only through a criminal justice lens but through a social and economic one as well to completely analyze the complexities of the issue and why it should not continue to be practiced. When discussing why mandatory minimum sentencing should be banned, it is necessary to first discuss the most common rationales for the continuation of this strategy and the “benefits”. The most important of these arguments in favor of mandatory minimums is that it is effective in “decreasing” crime. Historically, this method was created as a means of reducing crime, as many believed that it could protect the public as it removed offenders with multiple offenses who may be considered dangerous or unwilling to change their actions, and instead removed them from society for the safety of all. This “tough on crime” method of sentencing may also have the opportunity to deter offenders from committing crimes in the future, as they would not want to face the harsh repercussions of the minimum sentence. It is said that mandatory minimums also guarantee that all criminals are equally punished for their actions, removing the personal aspect and solely connecting the crime to the sentence. This idea has proved to be controversial or troubling given the circumstances. These beliefs and ideas can be seen in the real world through Proposition 36, Drug and Theft Crime Penalties and Treatment-Mandated Felonies Initiative, a 2024 California ballot proposition that passed and eventually went into effect in December of 2024. This proposition introduced changes to the punishment for theft and drug crimes, as it increased penalties for certain crimes, turning some misdemeanors into felonies for repeat offenders. Additionally, sentences for selling drugs like fentanyl, heroin, cocaine, and methamphetamines lengthened based on the amount sold, with those convicted required to serve in prison rather than a county jail (“Proposition 36 [Ballot]”). This shift is significant as state prisons and county jails

differ drastically in conditions and duration of incarceration. County jails typically are used for short-term sentences or people awaiting trial, while prisons are designated for long-term incarceration. This distinction introduces broader implications. Because prisons are meant for long-term incarceration, they often house violent or high-risk offenders, making them more restrictive and dangerous than county jails. Another major difference lies in accessibility to the outside world, as while county jails are somewhat locally accessible, prisons are farther from the communities of inmates. This significant distance makes it much harder for individuals to get in contact with loved ones and support systems. Although this proposition is not directly tied to mandatory minimums, it reflects the “tough on crime” attitude and the usage of longer and harsher minimum penalties for drug-related crimes.

Although mandatory minimums, at face value, contain some benefits, the negative aspects and drawbacks significantly outweigh the so-called “positives”. As discussed previously, the most common argument favoring mandatory minimums is that they effectively decrease crime rates. This sentiment, however, is incorrect as there has been no substantial evidence proving an overall decrease in drug-related crimes or an increase in public safety (Nellis). Mandatory minimums instead have contributed to the growing trend of mass incarceration, as United Press International Archive states, "Legislators intended to target 'drug kingpins' and to deter drug use when they enacted mandatory sentencing laws...[their] laws backfired. States are filling their prisons with low-level, often first-time offenders, while the kingpins at the top of the drug trade exchange information and assets for lighter sentences" (United Press International Archive, 2001). This quote displays the flaws that exist with mandatory minimums and how their original intentions have not been carried out successfully and, in turn, even worsened systemic issues in some ways. Additionally, a major grievance many hold regarding this sentencing

strategy is that it almost completely undermines the sentencing power of the judge and instead gives it to the prosecutor, who decides how to charge the defendant for the crime they have committed. This is significant as it removes the context and nuance of the situation, which would have otherwise been taken into consideration by the judge. Additionally, defendants may feel pressured to plead guilty to smaller charges to combat the lengthy minimum sentences that may be imposed. This may lead to a much larger issue, as innocent people may fall victim to this exact pressure and fear of harsh minimums. Another problem that arises from this shift is how it reduces judicial transparency and increases the risk of biased decision-making, as prosecutors may conclude privately and are not required to disclose the justification for their decisions in the same way that judges do. This detail once again highlights how mandatory minimums have undermined the essence of justice, as the case and circumstances at hand are not able to be weighed fairly and are simply given a measurement of sentencing based on only the crime committed.

On the topic of mass incarceration, this increase in imprisonment from mandatory minimums has resulted in substantial costs, with spending on the federal prison system increasing from \$970 million to more than \$6.7 billion just from 1980 to 2013 (The Leadership Conference on Civil and Human Rights). This significant increase in spending is an issue that not only pertains to government and judicial officials but also regular citizens of the U.S, as the increase in spending towards incarceration would warrant an increase in state funding for prisons, which will likely be funded in part by taxpayers. According to the Legislative Analyst's Office, the estimated annual cost to incarcerate an individual in California in the year 2024-2025 was over \$133,000 (Legislative Analyst's Office). This detail once again highlights the significant financial and economic weight that comes with the implementation of mandatory

minimums and strategies that increase incarceration rates. These increased rates can cause other safety issues within the prison itself. Mandatory minimums have contributed in part to the issue of prison overcrowding, an issue that amplifies unsanitary and dangerous living conditions inside these institutions. When an unsafe environment is created within prisons, it is often seen that resources may be allocated to help fix the issue at hand, and while these are positive actions, they more often than not result in the decrease in funding towards other important efforts and programs that help with rehabilitation, mental, and behavioral health; issues that if resolved may have an even larger impact on community safety.

Despite mandatory minimum laws aiming at targeting any individual who has committed serious drug-related crimes, it is often people of color, specifically Black and Hispanic communities, who are significantly affected by this strategy. As The Sentencing Project states, “A 2019 study found that people of color in New York made up 91% of arrests for crimes that carry mandatory minimums, whereas whites made up only 7%. At the federal level, a 2017 United States Sentencing Commission report on drug sentences revealed that Black people were the most likely to have been sentenced under a mandatory minimum than any other group, and that, despite equal rates of using drugs, Black and Hispanic individuals comprised the majority of persons convicted of drug-related offenses” (Nellis). This evidence highlights the sentencing disparities that exist between white individuals and people of color, as they are often disproportionately affected by this strategy. This significant negative aspect displays how the issues with mandatory minimum sentencing exist beyond justice and safety standpoints, but also greatly affect people socially, targeting multiple marginalized groups.

It is also important to shed light on the fact that mandatory minimum sentencing and the issues it perpetuates are contrary to Catholic beliefs and ideals. While the Catholic Church believes in punishment for criminals and their actions to create an overall safe environment, they do not align with the ideals of extreme methods of punishment and believe them to be unjust. This is essential context when discussing mandatory minimums, as it frames the argument of one about economics and social justice to one with ethical and religious repercussions. Rather than aiding in the problem of mass incarceration, the Church instead calls for the justice system to focus on rehabilitation and educational efforts that honor the humanity and dignity of all criminals to reduce crime rates, stating that we should look towards our Catholic Social Teachings for guidance on how to handle justice issues (United States Conference of Catholic Bishops).

ACT

Although this issue may appear complex and as one that can be addressed through governmental or legislative initiatives, many actions can be taken to alleviate some of the harmful impacts of mandatory minimum sentencing. As mentioned previously, when deciding the fate of a criminal, it is essential to consider their human dignity, with the implementation of rehabilitative and educational programs successfully recognizing this fact. These educational and rehabilitative programs, however, can be costly and difficult to implement across the entire imprisoned population without the help of others. This is where individual and collective civilian efforts come in, as participating in volunteer work with these educational programs aids in a prisoner's journey towards rehabilitation and reintegration into society. This idea can similarly be applied to efforts to support inmates' spiritual growth and education, as restricting their religious

expression and spiritual participation may have adverse effects on their path towards rehabilitation. With this being said, specific actions such as visiting inmates and holding prayer services or even small liturgies can make a lasting impact on the prisoners' well-being and receptiveness to help from others. Other attempts at aid can be made by addressing the root causes of crime and the factors that may push an individual to partake in criminal activities. Many factors, such as substance abuse, family conditions, mental health, and socioeconomic disparities, can often influence one's susceptibility to committing criminal acts. Therefore, a solution to the much greater issue of crime in general can be seen through addressing poverty, neglect, and lack of basic needs through donations, volunteer work, and other forms of support. Within my community, personal attempts at relief towards these much larger systematic issues of poverty and neglect can be made through collaborating with organizations that work directly to solve these issues within local environments. Organizations such as Homeboy Industries hold this exact mission as they aim to target gang violence and crimes associated with it through giving individuals the resources and opportunities needed to transform their lives. These efforts, when applied to the real world, may be extremely beneficial as they address the issue at hand while also acknowledging the root cause.

After reflecting upon the multiple drawbacks of mandatory minimum sentencing, it becomes clear that this strategy ultimately fails at upholding the principles of justice that it originally hoped to protect. As seen throughout this paper, this strategy contributes to multiple social, judicial, and economic problems, aiding in the perpetuation of systemic issues that span beyond the scope of justice. For this reason, it remains clear that this strategy should not continue to be practiced as its countless drawbacks greatly outweigh the supposed beneficial aspects. Instead, as a society and nation, we should be guided by compassion, fairness, and the

recognition of human dignity and value when judging the future of an individual. Formulaic strategies at justice only do more harm in these situations, as they fail to acknowledge the nuance and complexities of an individual's circumstances and positionality within society. Discussions about justice continue to be made not only within our nation but also worldwide. We must prioritize equity and rehabilitation over punishment, treating inmates as human beings rather than disregarding their rights and value as individuals.

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