

Mandatory Minimums: Not Just a Social issue

1
2 It is no secret that the United States has a financial problem. The last decade has seen
3 economic struggles not seen in nearly seventy years and a congress nearly refuse to raise the
4 debt ceiling, practically sending the nation's, as well as the world's, economy into a freefall.
5 While economic reform is essential to the process of minimizing the country's debt, the reform
6 can and should come from other places as well. Instead, the federal government can focus on
7 spending less money by reforming outdated programs. The most lucrative of these is the
8 mandatory minimum sentence policy set in place during the war on drugs during the 1980s, set
9 in motion by the Anti-Drug Abuse Act of 1986. The result has been a dramatic increase of the
10 prison population, which costs the federal government billions of dollars a year, as well as a
11 disproportionate effect on minority groups, such as African-Americans and Hispanics. While
12 sentence reform will not entirely fix the United States' economic woes, it is certainly a step in
13 the right direction.

14 Families Against Mandatory Minimums (FAMM) is the logical choice to lobby for
15 sentence reform, as they have a strong national support and have begun movements in a
16 handful of states to reform the court system on a state level. FAMM, having aided in the
17 passage of the Fair Sentencing Act of 2010, understand what needs to be done in order to enact
18 true reform. Because FAMM's goal is to "restore fair and individualized punishment to our
19 federal sentencing system," any type of reform regarding mandatory minimum sentencing laws
20 should be spearheaded by this organization ("FAMM's History").

1 The Anti-Drug Abuse Act of 1986 was proposed and signed into action with good
2 intentions, hoping to decrease the number of cases of drug abuse by deterring drug users by
3 implementing stiffer penalties for drug abuse. However, not only did this not happen, but
4 according to the Federal Bureau of Prisons, the federal prison population has grown from
5 approximately 24,000 prisoners prior to the creation of mandatory minimum sentences to
6 213,620 people as of October 30, 2014, which is the largest federal prison system in the world
7 (“Statistics”). The United States has more people behind bars—a staggeringly high 2.3 million—
8 than any other country in the world, including China and India, who both have more than three
9 times the population of the United States (“Highest to Lowest – Prison”).

10 Those who oppose the reform of the federal government’s mandatory minimum
11 sentence policy point out the other purposes for the program, such as minimizing the disparity
12 between judge’s rulings in drug abuse cases and getting drug users off the streets, minimizing
13 drug-related violent crime. However, according to The Pew Center on the States, all seventeen
14 states that have cut their imprisonment rates over the past decade also experienced a decline
15 in the rate of crime, meaning that required imprisonment may not be as effective in deterring
16 drug abuse as previously thought (Urahn 22). Other opponents of sentence reform point to the
17 success of mandatory minimum sentences, states that less than half of all convicted drug
18 offenders in 2012 had a criminal record (United States, Congress, U.S. Sentencing Commissions
19 37). This means that there were fewer multiple-offense inmates than first-time offenders
20 convicted in 2012. But if the stiffer penalties were set in place to deter drug usage in the first
21 place, one would think that the number of first-time offenders would not be so high.

1 The fact is that mandatory minimum sentences are not effective as a deterrent from
2 drug abuse. And the requirement for these inmates to serve at least 85% of their sentences,
3 because the federal criminal justice system does not issue parole, costs the government billions
4 of dollars every year. The average prisoner in the federal prison system costs the federal
5 government \$28,893.40 to be incarcerated for an entire year. (United States, Prisons Bureau 1).
6 And with 213,620 people currently in the federal prison system, it will cost the federal
7 government \$6,172,208,108 this year to house all its prisoners for the next year. And this is
8 only the federal court system. Nationwide, taxpayers spend over fifty billion dollars every year
9 on state prisons, according to the National Association of State Budget Officers. This is also a
10 result of mandatory minimums on a state level. Serious sentence reform is required to
11 minimize the amount of money that the government spends on its prison system. But there
12 must be a plan to lobby the government.

13 The most logical plan of action would be to lobby congress to either repeal parts of the
14 mandatory minimum sentencing system implemented under the Anti-Drug Abuse Act of 1986
15 or pass new legislation that reforms the current sentencing policies of the federal government.
16 Clearly FMM has had success in the past influencing legislation, including helping pass the Fair
17 Sentencing Act of 2010. One would think that the issue of sentencing would be a judicial issue,
18 but because the mandatory minimums were set in place by a piece of legislation, there is very
19 little that the Supreme Court could do unless a case disputing the mandatory minimum policy
20 came before the court. The executive branch of government could do very little to effect the
21 policy, as simply cutting funding for the nation's federal prisons would not fix the problem, but
22 rather create more problems for a system that is already overcrowded by approximately 40%

1 according to Charles E. Samuels, Jr., Director of the Federal Bureau of Prisons (United States,
2 Congress, House, COMMITTEE ON APPROPRIATIONS, *Hearings 2*).

3 President Obama would also have a difficult time affecting legislation, as the United
4 States Senate is now controlled by Republicans, while the Republican majority in the House of
5 Representatives has grown even larger as a result of the midterm elections on November 4. The
6 best decision would for FAMM to lobby congressmen, more specifically members of the United
7 States Senate Judiciary Committee, which is in charge of all legislation regarding criminal
8 prosecution. However, the federal government only has complete control over the federal
9 prison system, and cannot entirely reform the sentencing policies of every state with one piece
10 of federal legislation. Therefore, FAMM should also lobby state legislatures as well if the
11 mandatory minimum sentence system is to be entirely reformed.

12 The Anti-Drug Abuse Act of 1986, while still important and still relevant, simply does not
13 serve its intended purpose, which was to deter drug use and to decrease the number of drug-
14 related crimes by keeping drug users off the streets. Instead, it is imperative that the system be
15 reformed by either partially repealing the Anti-Drug Abuse Act of 1986, amending the law, or by
16 passing new legislation to change the system entirely. The United States government cannot
17 continue to spend 25% of its annual Department of Justice budget on federal prisons while the
18 system that created this need for federal funds does nothing to decrease crime rates. Sentence
19 reform benefits everyone, from taxpayers to inmates to those currently undergoing sentencing
20 and can dramatically alter the federal budget in the next decade, aiding not only the national
21 economy, but the world's economy as well.

Works Cited

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