

# **Law: ACLU Says Mandatory Minimums are Discriminatory and Urges Inter-American Commission to Condemn Unfair Practice**

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WASHINGTON – As the Inter-American Commission on Human Rights heard from experts and a victim at a hearing today on the discriminatory impact of mandatory minimum sentences, the American Civil Liberties Union urged the body to reject that unjust practice. In conjunction with other civil rights and criminal justice organizations, the ACLU submitted written testimony and recommendations to the Commission.

“Mandatory minimum sentences create a system that undermines our notion of justice,” said Jesselyn McCurdy, an ACLU Legislative Counsel, who attended the hearing. “It is both unwise and unfair for judges not to have discretion to consider the facts of each case and hand down sentences accordingly. This unwise practice inevitably leads to a disproportionate impact on minority communities, an end result antithetical to the American way.”

In addition to the work of the ACLU Washington Legislative Office, the ACLU’s new Human Rights Working Group is charged with incorporating international human rights strategies into ACLU advocacy on issues relating to national security, immigrants’ rights, women’s rights and racial justice. The Working Group is dedicated to holding the government accountable to universally recognized human rights principles. The ACLU joined the Justice Roundtable, a broad network of criminal justice organizations, in a request to the IACHR for a hearing on the discriminatory implications of mandatory minimums. The ACLU noted that one of the most notorious mandatory sentencing laws is the crack cocaine penalty. This law established a five year mandatory prison terms if a drug offense involves as little as 5 grams of crack cocaine which is equivalent to the weight of two pennies.

Over 80 percent of individuals prosecuted by the federal government under the crack cocaine mandatory minimum laws are African-American, despite the fact that only one-third of crack cocaine users are African-American. Although mandatory minimums were designed to reduce inequalities in sentencing, in practice they often have just the opposite result, the ACLU noted.

“Whether intended or not, there are clear racial biases inherent in mandatory minimums,” added McCurdy. “We should trust judges and allow them the discretion to decide cases on an individual basis.”

*For the read the Justice Roundtable’s testimony before the commission, go to:*  
</crimjustice/sentencing/24356leg20060303.html>

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[http://www.aclu.org/racial-justice\\_drug-law-reform\\_immigrants-rights\\_womens-rights/aclu-says-mandatory-minimums-are-disc](http://www.aclu.org/racial-justice_drug-law-reform_immigrants-rights_womens-rights/aclu-says-mandatory-minimums-are-disc)