

## First Cup of Wine: Disproportionate Sentencing

Contributed by [Eli Allen](#)

Source: Baltimore Social Justice Seder

Leader: With the first cup of wine we remember God's promise to take the Israelites out from the burden of Egyptian slavery. With this cup we turn our thoughts to those in our community who are under the burden of a different kind of oppression; those who are forced to serve unfair sentences that are disproportionate to their crimes.

Since the 1980's the federal government and most states, including Maryland, created what are called "mandatory minimums" for drug sentencing. These laws give fixed prison terms to those convicted of drug offenses based solely on the weight and type of drug at issue. They also bar judges from taking into account relevant mitigating factors, such as the defendant's role in the offense or likelihood of committing a future crime. In Maryland, a second drug offense carries a mandatory sentence of 10 years, a third offense carries a sentence of 25 years, and a fourth offense carries a sentence of 40 years. Federal sentencing laws are even harsher, with a third offense often requiring life without parole. As a result, as many as 97% of criminal defendants plead guilty in exchange for more lenient sentences. The incredible pressure to plead guilty in the face of extremely harsh sentences has made the prosecutor the most powerful person in the criminal justice system, and excluded judges and juries from their traditional role in determining guilt and the level of punishment. As Federal District Judge John Gleeson described in a recent court statement, "Prosecutors routinely threaten ultra-harsh, enhanced mandatory sentences that no one – not even the prosecutors themselves – think are appropriate... [The prosecutor] coerces guilty pleas and produces sentences so excessively severe they take your breath away."

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The risk of not pleading guilty was illustrated recently in a federal drug case in Baltimore. According to the NY Times:

Federal prosecutors in Baltimore offered Roy Lee Clay a stark choice. He could plead guilty to trafficking one kilogram of heroin, and they would recommend a sentence of 10 years. Or, if he asked for a trial, they would invoke his earlier drug convictions from 1993 and 2004 and, if found guilty, he would face an automatic sentence of life without parole. Mr. Clay, then 47, was one of the rare federal defendants to gamble on a trial, and it proved to be a disastrous decision. The jury convicted Mr. Clay and at his sentencing last August, Judge Catherine C. Blake, of the United States District Court for the District of Maryland, lamented that the mandatory punishment of life without parole seemed "extremely severe and harsh."

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(Fill the first cup of wine or juice.)

Recite together:

Baruch ata adonai, eloheinu melech ha'olam, borei pri hagafen.

ברוך אתה יי אלוקינו מלך העולם בורא פרי הגפן

(Drink the first cup.)