



## **Manafort's Sentence Reignites Debate Over Criminal Justice Disparities**

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A federal judge's unexpected sentencing of Paul Manafort to less than four years in prison has been decried by some critics as a mere slap on the wrist, reigniting a debate over racial and class disparities in the American criminal justice system.

On Thursday, U.S. District Court Judge T.S. Ellis sentenced Manafort to 47 months in prison, months after the former Trump campaign chairman and international political consultant was found guilty of eight counts of bank and tax fraud involving millions of dollars he made while working for Ukrainian politicians.

The sentence fell well below the 19.5 years to 24.5 years recommended under federal sentencing guidelines. But Ellis said he found the recommended sentence excessive and considered other factors in imposing a much lower sentence, including support letters by Manafort's prominent well-wishers.

Talk Of Social Media, Late Night TV

The penalty instantly became the subject of mockery on social media and late night talk shows and sparked criticism of the often disparate outcomes of criminal cases involving white defendants with an army of high-powered lawyers and those of minority defendants aided by overworked public defenders.

Scott Hechinger, a New York-based public defender, took to Twitter to provide what he called some context to the Manafort sentence.

"... my client yesterday was offered 36-72 months in prison for stealing \$100 worth of quarters from a residential laundry room," he wrote in a post that was retweeted 54,000 times.

In an interview with VOA, Hechinger said he was not advocating a harsher sentence for Manafort.

"My reaction was one of outrage not because how relatively lenient his sentence was, I don't want more time for Paul Manafort," he said. "It was an outrage at the fact that my clients don't get the same kind of mercy and individualized justice on a mass scale that he got."

Hechinger, who is senior staff attorney and director of policy for Brooklyn Defender Services, represents predominantly black and Latino defendants.

US Accustomed To Long Sentences

Marc Mauer, executive director of the Sentencing Project, a Washington-based research and advocacy organization, said criticism that Manafort got off easy underlines the degree to which Americans have grown accustomed to seeing people spend decades behind bars, sometimes for a third-time drug offense.

“In many other industrialized nations to get a sentence of 20 years, you’d have to kill someone, possibly several people,” Mauer said.

In recent years, racial disparities in sentencing have been on the rise. A 2014 University of Michigan study found that black defendants receive sentences nearly 10 percent longer than those of comparable whites convicted of the same crimes. A 2017 survey the U.S. Sentencing Commission put the black/white sentencing disparity in the federal system at 20 percent.

“While the laws themselves are not directly racist, what we know is that defendants of color are more likely to be sentenced to prison and more likely to do greater time in prison,” Mauer said.

### Sentencing Commission and Supreme Court

To remove disparities in sentencing in federal cases, Congress created the Sentencing Commission in the 1980s. Sentencing guidelines adopted by the commission allowed judges little leeway.

But in a landmark decision in 2005, the Supreme Court made the guidelines advisory, giving judges wide latitude in handing down harsher or more lenient sentences depending on the circumstances of a case.

“In many cases, federal judges sentence within those guideline ranges, but they’re also free to depart either above or below the range,” Mauer said.

In recent decades, however, both the federal government and states have adopted mandatory minimum sentences for drug offenses, giving prosecutors enormous power to slap stiff criminal charges against defendants in hopes of prompting guilty pleas. In 95 percent of cases, defendants plead guilty. The vast majority of them are people of color “not because they commit more crimes but because they’re targeted more for arrest,” Hechinger said.

In addition, research shows that prosecutors are more likely to give white defendants a better plea offer than black or other minority defendants, Mauer added.

### Every Aspect Of System To Blame

According to the Sentencing Project, people of color make up 67 percent of the U.S. prison population while they represent only 37 percent of the population. There are currently 2.2 million people in U.S. prisons and jails.

Jonathan Blanks, research associate at the Cato Institute’s Project on Criminal Justice, said that while racial bias is “a very real and major problem in almost every aspect of our criminal justice system,” it is a mistake to read prejudice into every lower-than-expected sentence in a high profile case.

“Moreover, it is difficult to at once argue for less-severe sentences to reduce mass incarceration and simultaneously reflexively condemn lower-than-recommended sentences just because the public has strong feelings about a given defendant,” Blanks said via email.

As for Manafort, the relatively light sentence is not the end of his legal woes. He's scheduled to be sentenced next week in a separate case in Washington, where he pleaded guilty to two counts of conspiracy last year. Federal guidelines call for a sentence of more than 17 years.