

**Mandatory Minimums and Parental Attitudes:  
The Effects of Lengthy Incarceration  
On Parents of Non-violent Offenders**

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*This article examines the experience of parents of non-violent offenders who have been sentenced to a long mandatory minimum prison term. By employing in-depth interviews and field observations of group meetings where parents of incarcerated children meet to discuss mandatory minimum sentencing, I have attempted to express the elements of their experience which are common to all respondents. The findings of this pilot study suggest that parents of such children undergo a qualitative change in their attitudes towards the government and the judicial system. Since this research was conducted as a pilot study, with a small sample size, I do not claim that these findings may be extrapolated to a larger population.*

### **BACKGROUND TO THE ISSUE**

Since the mid-1980's, the United States has been using a system of 'mandatory minimum' sentences, which is a strict guideline for judges' sentencing decisions. Crimes associated with illegal drugs have very long, mandatory minimum sentences associated with them. For instance, possession of 5 grams crack cocaine will incur a 5 year prison sentence. It takes significantly more amounts of other drugs to trigger these types of penalties, but they can be applied to virtually all widely used illicit drugs.

Mandatory minimum sentences have been the center of a great deal of debate in this country. Proponents of the system claim that it removes the judge's bias and allows a uniform sentence to be meted out to criminals all across the country. Since these guidelines are developed by the legislative branch, it is also an effective means for politicians to back up campaign promises to be 'tough on crime.' Opponents of the system claim that it has weakened the constitutional separation of the judicial branch from the

legislative branch of government, or that Congress has usurped some of the power of the Judiciary.

This system has given a great deal of power to the state by fixing sentences based on the crime with which a person is charged. In today's criminal proceedings, the prosecuting attorney can use his/her discretion in selecting the crime a person will be charged with, in order to determine the length of time to be served. This foreknowledge means that the state's agents can bargain with suspects in exchange for cooperation by tailoring charges to the desired sentencing outcome. A typical scenario is one where the prosecutor tells a suspect that they will be charged with a conspiracy to distribute a large quantity of illegal drugs, if convicted that suspect will receive a sentence of 20 to 22 years. However, the state will accept a plea of guilty for a smaller quantity of drugs, which would result in a 5 year prison sentence, if the suspect is willing to name and testify against other members of the conspiracy.

While there has been a great deal of research on whether mandatory minimums are an effective crime control policy, there has not been much focus on what I saw as the "collateral" effects of mandatory minimums. For instance, what has happened to the family members of these people who are incarcerated for such long periods of time? What costs, if any, have they incurred as a result of long term prison sentences? How have they experienced this process? And, what are their views on this solution to criminality in the United States?

The basic research question I initially envisioned was, "What are the effects of long-term prison sentences on family members of non-violent first

offenders?" I wanted to limit my study to first offenders because I felt that the families of that group of people would be most profoundly affected by their encounter with the criminal justice system. Moreover, I had an instinctive feel that the question of how a society should deal with a person's first offense was different from a habitual recidivist. The question of what is fair treatment and an appropriate response is not as compelling when one is discussing someone's fifth or sixth arrest.

My desire to limit the study to non-violent offenders was similarly conceived. A non-violent offender is someone who has committed a crime by society's standards, but has not physically harmed another individual in the process. While a non-violent offense is not necessarily a 'victimless crime,' it certainly is qualitatively distinct from society's need to protect itself from a violent predator such as a child molester, rapist, or murderer. Again, I felt that examining those people who have committed less serious crimes, would further highlight the issue of an appropriate social and legal response to crime.

This study, however, is not intended to actually answer the question of what is an appropriate response. Rather it seeks to describe how family members perceive, interact with, and deal with the effects of that social response. These family members, in certain ways, are some of the foremost experts on what it is like to be on the receiving end of the criminal justice system. Their conceptualization, of course, will be colored by their relationship to the incarcerated person, but they are in the unique position of having great insight to the character of the criminal. Moreover, their assertions about the efficacy, quality and fairness of the system is more believable by virtue of the fact that they are not criminals themselves and they are not likely to be

actually incarcerated either. One might expect that studying the convicted persons would not yield as reliable data, since they may have a certain predisposition to condemning the system that has deprived them of their freedom.

This area of study is made more compelling because mandatory minimum sentences have become an element of virtually all states' criminal justice codes as well as the federal justice code. At the time this paper is being written, Congress is working on the Juvenile Crime Bill of 1997 (S.10 and HR 1818), which would provide \$3.25 billion to the states, provided they re-write their juvenile justice system in a manner which would extend mandatory minimum sentences to children as young as 13 years old. This bill may become law in 1998 or 1999, and financially strapped states may adopt the new federal guidelines for juveniles in order to capture this pool of funds.

## **RESEARCH METHODOLOGY**

### **Research Design**

The findings in this paper are the result of in-depth interviews and field observations I conducted from October to November of 1997. The design of the pilot study, data collection techniques, and data analysis procedures were conceived in a graduate level class on sociological research methods, which was overseen by a professor. I enrolled in this course because I was deeply interested in the intersection of criminal and social justice in the United States, and this professor was recommended to me as someone who has done significant research in this area.

I realized immediately that I faced some significant barriers to conducting this pilot study. Foremost among those, was the fact that I did not personally know anyone who fit my target population. My first step, then, was to obtain an “informant” who could lead me to my target population. Taking advantage of my location in Washington DC, I quickly found an organization called Citizens for Fair Sentencing<sup>1</sup> (CFS), that was composed of people who have had family members incarcerated for long periods of time under mandatory minimum guidelines. I contacted the president of this organization, explained my status as a student and my desire to conduct a pilot study. After a brief conversation, I was invited to attend a monthly meeting where the leadership and membership of the organization meet to conduct business. It was here that I would be given an opportunity to solicit respondents.

This first field observation was highly informative for me, and proved invaluable to my interview efforts. By absorbing as much dialog and interaction as possible, I was able to get a sense of the people I would soon be interviewing. I was also able to gain insight to a variety of issues that were important to them and compare those ideas with my interview instrument. At the end of the meeting, I explained that as part of the pilot study, I would be interested in interviewing anyone who would be willing to talk with me about their experience. Initially, seven people indicated that they would be willing to speak with me and gave me their names and phone numbers.

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<sup>1</sup> I have fictionalized the name of this organization and of all the persons mentioned in this paper, in order to provide as much privacy and protection possible to the respondents.

In conducting the interviews, I realized that I would have to make some alterations in my initial research question, because my respondents did not fit the definition of my target group. The first major change was the realization that I was interviewing the parents of incarcerated people, not “families.” The second change came from my second interview, where I discovered the person’s child had a prior conviction for a similar charge. While I considered discarding her interview, as it did not meet my definition of the target group, my review of the interview transcript made me realize that it was full of very rich data. As result of these issues, I reformulated by research question to be, “What is the effect of long term prison sentences on the parents of non-violent offenders.” Although, it is important to recognize that four of the five respondents were the parents of first time offenders.

Feeling that my “N” was going to be too small, with only four respondents, I hoped to attract another volunteer at the next CFS meeting, held in November of 1997. At this meeting, I approached a man who was not at the first meeting and discussed my project and asked if he would participate. He agreed to a telephone interview, which I conducted on the following Saturday. I was not eager to be forced to do the interview by phone, but it turned out to be one of the better interviews I conducted; it certainly was the longest one.

### **Data Collection Methods**

I designed an interview instrument composed of 21 questions, which were asked of each respondent.<sup>2</sup> The instrument was reviewed by the course

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<sup>2</sup> The full interview instrument is included as Appendix i in this report.



professor in order to eliminate leading and double barreled questions, as well as to assess whether the instrument would be able to elicit the information necessary to answer the research question.

The instrument's questions focused on three major themes: basic information about the incarcerated child, the parent's initial experience, and their lived experience since their child's arrest and/or incarceration. I supplemented the instrument with probing questions when it was necessary to get a more complete answer. In order to keep the data as reliable as possible, I attempted to ask questions in the same order as well, but at times respondents would answer questions before I asked them, as a natural part of their discussion.

Not wanting to rely on my note taking ability, and wishing to create as natural a conversation setting as possible, I elected to use a tape recorder during interviews and transcribe those interviews at a later time. Prior to each interview I asked the respondent's permission to tape record the discussion, and also informed them of my study's focus, and promised them complete anonymity. All of the respondents agreed to be recorded and did not care about anonymity. I have chosen, however, to maintain their anonymity by using pseudonyms throughout the report, in order to protect them and their incarcerated children.

I did not tape record my two field observations because I felt that it would be obtrusive and could possibly make people suspicious of my presence at the meetings. Moreover, I doubted my ability to garner useful information off of a tape filled with voices I could not accurately attribute to one speaker or

another. I took written field notes of my impressions of the meetings. I attempted to record areas of concern to the members and impressions of group dynamics. I recorded any instances that described why people were there and what they felt about mandatory minimums. I also observed the actions and statements of the leadership of CFS that organized the meetings.

### **Data Analysis Methods**

After the third interview was completed, I began to do preliminary analysis of the transcripts and field notes. I began by employing the technique of open coding as described by Robert Weiss<sup>3</sup> and Anselm Strauss.<sup>4</sup> My goal was to sift for concepts and themes which may be common to other respondents, or unique to an individual respondent. After reading and coding the transcripts in the margins, I wrote summaries of my overall impressions of the interviews, to be used for later theme development. I also began writing memos to myself based on the codes; this generally took the form of brief ideas on how the codes may relate to one another, or thoughts on the significance of various codes.

After coding all of the transcripts and field notes, I had compiled 26 different codes. I organized these codes into broad topics which were labeled: “emotion codes,” “thoughts on child,” “results of experience,” and “direct criminal justice issues.” In an effort to get a better understanding of the codes, and in the hope of identifying which issues (codes) were more prevalent, I counted each occurrence for each respondent, and noted the transcript page

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<sup>3</sup> Weiss, Robert. Learning from Strangers: The Art and Method of Qualitative Interview Studies. New York: The Free Press, 1994.

<sup>4</sup> Strauss, Anselm. Qualitative Analysis For Social Scientists. United Kingdom: Cambridge University Press, 1987.

where the code appeared, for later reference and use. Lastly, I made a master chart of all the respondents and the number of times they triggered each of the 26 codes.<sup>5</sup>

The master chart proved to be an extremely useful tool, because it allowed me to compare codes results across each of the respondents transcripts. I quickly noticed the trends I had begun to expect from my initial reviews. There were strong areas of convergence, that is, those codes that all respondents hit at least once, if not many times. These areas of agreement were the areas I considered first, analyzing to see if they truly represented a common experience amongst the respondents.

I also noticed that certain codes tended to cluster. For instance, the emotions I identified as “anger,” “powerlessness” and “cynicism” tended to be found in the same statement or transcript page. In effort to synthesize these clustered codes, I tried to understand their relationship to one another. My conclusion, for this example, was that anger and powerlessness contributed to a cynical attitude towards government and the state. Cynicism, as a code then, became an umbrella code, which was predicated on and/or related to these supporting emotion codes.

This clustering effect suggested a transformation of sorts, in that the respondents might have undergone some kind of an emotional or qualitative change as a result of their experience.<sup>6</sup> Upon further analysis of the data, I did

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<sup>5</sup> Appendix ii.

<sup>6</sup> As noted previously, the sample size of this pilot study is too small to be taken as representative of a larger population. Also, the fact that all of my respondents came from an

discover what appeared to be a “chain of events,” where the respondents illustrated a common experience that started with one internal state, and ended in another. This transformation eventually became the central argument of my analysis and necessitated a further refinement of my research question. This question now asks, “How have the parents of non-violent offenders, who receive long mandatory minimum sentences, been affected by and responded to this form of legal sanction?”

### **FINDINGS**

The respondents seem to have all undergone a fairly similar process where, initially, they are forced to balance their idea that their children are essentially good persons with their knowledge that their children committed illegal acts. However, the respondents’ experience with the judicial system leaves them feeling that their government is an agent which is causing unacceptable and unnecessary harm to their children’s lives. They feel powerless to protect their children and view the long term incarceration of their children as a huge loss to their lives.

The perception of damaging aggression by the state coupled with their powerlessness to rescue their child gives rise to a number of emotional responses. These include, anger, depression, embarrassment, silence, isolation, and fear. However, the overwhelmingly unanimous emotional response is a cynicism towards the state and its institutions.

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organization that was quasi-political in nature suggests that the study of a larger population may have significant differences.

Respondents also indicate that they have undergone a permanent change in their conceptualization of the American government. The respondents also all recognize a “class identification,” where they indicate that they see themselves as having a commonality with other people who have also been victimized by the state.

### **Conflicting Views on Children**

An initial conflict the respondents seemed to face is balancing their generally positive views towards their children, with the state’s assertion that their child has committed a serious criminal act. Since most of the respondents’ children had had no prior criminal record, the criminal act itself, did not make the parents view their children as true criminals. Since the respondents have not villainized their children, it is easy to understand why they are continuing to play a supportive role in their children’s lives.

He broke the law. He did sell marijuana. But he wouldn’t hurt anybody. He’s very honest... I look at my two sons and his morals are probably higher than the other son’s. But he just, he was a good salesman- he just had the wrong product. (Int., Mrs. Brown, p. 10)

Back while he was still in high school, in the laundry room, he found a wallet, and you how kids need money- he returned the wallet! Completely, every nickel in it. Totally honest! (Int., Mr. Green, p. 12)

Sam literally cried for about two weeks. Sam is a very, very shy sensitive kid who did not stop sucking his thumb until he was about sixteen... What he said to me was that he really truly felt that he let the family down, that he embarrassed us, publicly, that he’s ruined his life forever, that he doesn’t think things are going to work out right, that he’s going to spend the nineteen years in prison. (Int., Mr. Gray, p. 15)

While most parents made at least one statement that their child was a good person, it should be noted that one respondent had a completely opposite view:

People say “peer-pressure” but excuse me, peer pressure was shit, and it still is shit. There’s no such thing as peer pressure. A human being does what he wants to do, and if you hang with the wrong crowd, you’re bound to go down the pike... He risked it all and now he’s paying the price. (Int., Mr. White, p. 4)

However, this same respondent explained his continued support for his son by saying that he wants to set an example of parenting for his son, so that his son can raise his daughter (the respondent’s granddaughter) upon release:

It’s the strength of trying to show this boy, that what a father’s image is, what a father should do, which is right.... That’s your daughter! Do you love your daughter? Come home and take care of your daughter like I’m taking care of you! I sum it up that way. Take care of your children like I take care of you. (Int., Mr. White, p. 4)

In contrast to the various statements that their children were basically good people, all of the respondents acknowledged that they believe their child was engaged in some form of criminal activity, so there is no strong conflict with the state on this issue. Furthermore, at least three of the respondents indicated that they supported the government’s right to incarcerate criminals, even though this was not a question asked during the interview. However, some respondents indicated that they did not believe that the actual charges made against their child were accurate or fair.

### **The State as an Agent of Harm**

The respondents' real conflict was with the punishment inflicted on their children. None of the respondents felt that the government had responded to their children's crime appropriately. Instead, they tended to identify the government as an agent of harm, causing unnecessary and indiscriminate damage to their children's lives.

Let's say he needed an 'attitude adjustment' as far as society is concerned. We don't argue with that. The point is that the government is not giving an attitude adjustment in any smart manner, they're being *goddamn punitive*, against people that they shouldn't. And this is what they do against everybody, except the real criminals. (Int., Mr. Green, p. 15)

The longer we got into the situation, the more I began to truly understand that this was not really about Sam, and it was not about fairness, and it was not about justice- it was about prosecutors trying to be able to demonstrate that they were arresting people and dealing with the drug situation and Sam just happened to be caught up in that. (Int., Mr. Gray, p.10)

Punish them, you know, but don't totally ruin them. A lot of young kids are being totally ruined by the law... And knowing that this child has got to come out of jail, after doing 8 to 10 years and just as dumb as he was the day he went in there. What is he going to do? (Int. Mr. White, p. 12)

I just never accepted it. I said, "No, it's not possible. My son is not that kind of monster." I know he did wrong, but he doesn't deserve that- that kind of term. But I never accepted a life sentence, and I never accepted the 40 years, really. (Int., Mrs. Black, p. 5)

The respondents also felt that the plea-bargains offered by prosecutors were either tools used against their children, in order to force their cooperation, or the only hope to prevent an even harsher reprisal.

They tried to get Sam to plea-bargain, the best offer they gave him was 12 years, that they would be recommending to the judge if he decided to plea out. And more critical than that, Sam had to agree

that he would serve as an undercover in the Washington Metropolitan area, on-call, basically for the rest of his life. (Int., Mr. Gray, p. 5)

If they don't cooperate and testify against the other guys, then they stand alone...He wasn't willing to testify against anyone else. So by him doing that, they just gave him the whole nine yards- that sentence [life sentence plus for 40 years for conspiracy to distribute crack cocaine]. (Int., Mrs. Black, p. 3)

He pled guilty. He wanted to go to trial, he really wanted to go to trial, and his lawyer said, "You realize if you go to trial and are found guilty, and 95% of the people in Virginia who go trial, go to jail, you'll get 27 mandatory years." He was 27 years old at the time. (Int., Mrs. Brown, p. 5)

In addition to the harm inflicted on their children in the form of harsh sentences and plea-bargains that didn't offer any true escape, all of respondents remarked on the poor treatment they received as the parents of these children.

It was the most humiliating situation, place [Baltimore Jail] that I've ever been in. Number one, the people treated you like a dog- it was as if you were a criminal, just by the fact that you were there. (Int., Mr. Gray, p. 9)

I see police and I think- I remember being thrown to the floor. I remember the way I was treated. (Int., Mrs. Brown, p. 13)

They just knocked the door in...I said, "My God! What is going on?" As soon as they came through the door, they had their guns and everything drawn, telling everybody to come down and get on the floor... He made me lie down on the floor, but Billy wasn't there, and then they just ripped my house apart. (Int., Mrs. Black, p. 4)

Both field observations included numerous instances where parents made statements identifying the government as causing harm to their child. These included problems with correctional officers where their children were held and one woman whose son had been in lock-down (23 hours of solitary confinement



per day) for two years, ever since he participated in a prison riot.<sup>7</sup> Overall these statements indicate that the respondents considered the government to be harmful to their children, manipulative with regard to plea bargaining, and disrespectful and indiscriminate to them by virtue of being the parents of criminals.

### **An Emotional Response: Powerlessness and Depression**

Unable to prevent what they saw as an unwarranted reprisal by the state evoked an emotional response from the respondents. Strongly represented throughout the interviews were examples of being made to feel powerless to control the situation and depression at their sons' fate. Comments which spoke of powerlessness were found in all of the respondents:

I left there (the jail), and I left there in tears. For the first time in my life having encountered a situation, other than death, where there was absolutely nothing you could do about it. (Int., Mr. Gray, p. 9)

You feel like your hands are tied, like you can't do anything. (Int., Mrs. Brown, p. 1)

Statements which illustrated depression were discovered in four of the five respondents as well:

I just cried a lot. I go to work, and I couldn't cry at work, but you come home and you cry. And I am one who, when I get upset I eat and gain weight- I lost 17 pounds in two months! Which is sort of very phenomenal for me to do... I've never had problems with crying, you know I had been through a divorce and it was much easier than this. It affected my relationship with [my partner]. I was completely self-absorbed. I went about my life as it had been, but I was a walking shell. (Int., Mrs. Brown, p. 6)

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<sup>7</sup> Field notes October 4th, November 8th.

You always hope someday that this will soon stop, will soon be over. I wake up in the middle of the night to have a cup of coffee and a cigarette saying, "Can I keep this up? Why am I being punished like this!?"...My life is as dreadful as any one man's can be. (Int. Mr. White, p. 9)

In reviewing the data, it became evident that these twin emotional responses form an important core set of feelings that strongly characterize a facet of the respondents' experiences. Other emotional responses included feelings of isolation, embarrassment, and violation by the state. However, when combined with viewing the state as an agent of harm, powerlessness and depression eventually led to the most strongly represented emotion: cynicism.

### **Cynicism Towards the Government and the Judicial System**

By far, the most prevalent emotional theme illustrated by the respondents was a cynical view of the government's role, motivations and effect. Cynicism was coded 43 times in the five interviews and present in both field observations (although its frequency was not documented in field observations).<sup>8</sup> To compare, the second most prevalent idea, which was the view that the state had acted as an agent of harm appeared 36 times in the transcripts. On average, an individual code appeared 11.6 times in all of the transcripts.

Cynicism took many forms in the transcripts, and was directed at many aspects of mandatory minimum sentences. I have selected quotes which illustrate the range of the issue, rather than focusing on one aspect of it. However, the message portrayed in the quotes are echoed by other

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<sup>8</sup> Field observations were made at monthly meetings where members of CFS discussed issues relating to the subject of mandatory minimum sentencing. I observed two meetings in 1997, one on October 4th and the other on November 8th.

respondents. For example, some were cynical about the goals of the war on drugs:

One of the things I find to be so strange, is that we can go overseas to Colombia and other countries, and we can tell you exactly who these leaders are in the various cartels, but in the United States, we are solving the drug problem, really truly arresting little, dumb-ass boys. And that's what they are, boys! And claiming that we are doing something about the drug situation. (Int., Mr. Gray, p. 17)

Others felt that the state had fabricated elements of their case against their sons, in order to obtain harsher sentences:

They had them making so many millions of dollars- they just blew it out of proportion. I said, "Millions of dollars?!... I don't know where the millions- how he made millions of dollars." They just blew everything out of proportion... And so he had to take the blame for everything they estimated for all those number of years. That's why they had the conspiracy, and that's the way they do it. (Int., Mrs. Black, p. 5)

*(Respondent describes reading the search warrant for her house, where her door was broken down in the early morning).* They were saying that my house had been the scene for drug activity, one and the same, and I found that very offensive. I realized that they had cut corners, I realized that they fudge and lie to meet their objectives. (Int., Mrs. Brown)

Some of the most vehement statements were employed when talking about the government's basic legitimacy:

You used to be giving them [the government] the benefit of the doubt... Until we had this experience and were able to talk with other people with similar experiences! Yeah, this is a hell of a lousy government. And the court system, which I was always a little suspicious of, really stinks. And it's loaded with self-serving interests. This entire democracy vote, and everything else, is nothing but a goddamn business! And the politicians are in the business for it, and you begin seeing what is really going on. So it's been a very enlightening experience. (Int., Mr. Green, p. 8)

The justice system is not fair. I get my papers [jury summons], I tear the shit up and throw it in the trash. Look for the marshal come get me... I don't believe in the American Justice system- I live

under it. I serve under it...If you make me serve it, you're asking for a hung jury from the start... The law is not proper for the type of crime that is committed. The law's not proper. (Mr. White, p. 14)

It is important to note that the transcripts reveal that many of the respondents' cynicism developed over time and in response to their experience. For this reason, I believe that cynicism is an effect of the convergence of powerlessness, depression, and viewing the state as an agent which is harming their child.

### **A Permanent Transformation and a Class Identity**

Throughout the interview process, all respondents hinted at, and sometimes directly stated, that they had undergone a permanent change with regard to their view of life in this society.

It's the fact that I've closed a part of my life off. That I have a great deal of cynicism, which I did not have. Well, I did have, but not to the extent- well, I'm used to always thinking policemen were right, and I don't anymore. (Int. Mrs. Brown, p. 12)

I remember how tragic it was when we had the Kent State incident... What a terrible tragedy that it got out of control and suddenly a panic occurred and people started shooting and killing people. Well, now I put it into context, I- my present thought is, it wouldn't be "What a terrible tragedy, things got out of control," it would be that those son-of-a-bitches were down there with rules to kill as many as possible. I mean, I know the government is evil. (Int., Mr. Green, p. 8)

Forever. It makes me more determined to get out and work with young people, work with school systems, and work with anyone else that will listen. So that if I have anything to do with it, this will never happen to another kid in this country. (Int., Mr. Gray, p. 18)

Such strong words are evidence of a fundamental shift experienced by the respondents, where their first experiences with the judicial system has caused

them to question the very basis of our current government and has left a profound impact in their lives.

All of the respondents also made statements which spoke of identifying themselves as a member of a class of people who have been victimized by the government.

You are amazed [when visiting someone in prison] because everyone looks so ordinary, too. (Int., Mrs. Brown, p. 12)

Realizing how *unfair* life is. How *unfair* our system is. I mean my son only got 63 months and you hear some of these people that have 15, 30 years to life!

*Interviewer: Life plus 40.*

Oh, it just tears you apart to hear about it. You just don't know how people like that keep on going! (Int., Mrs. Brown, p. 13)

Well, for one thing, it's [CFS] encouraging to go with a group of people that have the same problems that you do and to talk things over. (Int., Mrs. Black, p. 1)

It [CFS] has given me the opportunity to find some people that have similar kinds of problems, who really, truly understand the injustice that is occurring- has occurred. (Int., Mr. Gray, p.1)

Identification with a class of people who have been mistreated by the government and radically rethinking their views on the government's role, seem to be the most prevalent response to mandatory minimum sentencing, that was exhibited by the respondents.<sup>9</sup> Such a transformation suggests that these penalties have had a profound impact on the respondents. Many of the

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<sup>9</sup> Unfortunately, I did not ask how the respondents had felt about the prohibition on narcotics in the United States. It would be interesting to know if they initially supported such policies and if they still do. From the transcripts, it seems that some do not believe in the current approach employed by the government, but they do not want to make drugs legal either. Since it has not been studied, it is impossible to definitively say what their previous views and current views are on this subject.

respondents indicated that the experience has been enlightening or disillusioning, further suggesting that they had been altered by the experience.

### **Concluding Remarks**

The data gathered in the course of this pilot study presented a phenomenon I had not even conceived of, when I designed the scope of this study. The process of transformation exhibited by the respondents, in fact, was not clear to me, until I had completely finished analyzing the data and attempted a graphical representation of the dominant themes. It is important to note, that the interview instrument was not designed to elicit responses along this line, even though some of the questions ask about changes that occurred as a result of the children's incarceration. Rather, I had expected to hear about costs incurred, family strains, fatherless children, and difficulties in maintaining contact with children who are in prison.

While the above issues were addressed by respondents at certain times, the data really described a process of transformation. Beginning with the conflicting view that their children were good individuals that had committed a crime, the parents were able to understand the social need to punish their child. They were not, however, able to understand how that punishment could be so harsh. The severity of the sanction, combined with their own treatment by police, judges, and prosecutors made them view the state as an aggressor that was actively harming their child. Field observations also support this analysis, as there were numerous instances where parents made similar statements.

Most of the respondents felt powerless to protect their child, negotiate with the government or minimize the harm that was to be done in the form of long term incarceration. Many became depressed, angry, isolated, embarrassed or felt forced into silence. This strong emotional response was surprising to me, and if a more in-depth study were to be done, I would suggest researching the psychological literature to understand how such separation affects parents.

These emotional responses seemed to intersect with the view that the state was a harmful entity, by creating a cynical attitude towards the judicial system, the nation's war on drugs, and the government in general. Moreover, the data suggested that this cynicism was a permanent change in the respondents lives, which led them to view themselves as members of a group of people who have been harmed by their government. Respondents spoke of the need to talk with others like themselves and to tell other Americans who did not understand, what was really going on. Once again, if a larger study were to be done, I would suggest a deeper investigation to the possibility that people form a class identity under such situations.

The idea that a class identity may be created, especially one that forms around the idea that such people are victims of state aggression represents a significant sociological issue. Since the United States has one of the highest incarceration rates in the world, and since it seems to be poised to extend adult mandatory minimum sentences to juveniles as young as 13, one wonders what the larger social and political ramifications of this phenomenon will be. One of the respondents implied that these young incarcerated men and women would become sources of social disturbance in the future. Another respondent clearly would not participate in the jury system any longer. These disparate views hold

one thing in common: a lack of faith in the integrity of the current social and political order.

It is important to acknowledge that I do not claim that the respondents were truly representative of the entire population of parents who have had children convicted under mandatory minimum sentences. Since they were all drawn from a quasi-political support group, the data may be skewed to exhibit the transformation described in this report. For example, Mrs. Brown indicated that her ex-husband had completely rejected her son because of his conviction. This indicates that a random sample may tell a very different story, and that wider variation must exist. At best this analysis can answer what it is like for some parents to deal with mandatory minimum sentences and explain why some become activists in the issue.



## **Appendix I - Interview Instrument**

### I. BASIC INFORMATION

1. Why did you decide to join CFS?
2. What do you think this organization does for people like yourself?
3. What is your relationship to the family member who has been incarcerated?
4. Is this the first time that they have been imprisoned?
5. What crime was s/he convicted of?
5. What is the length of time they are to serve?
6. Does your son/daughter have the opportunity for parole?
7. How long has he already served?

### II. THE INITIAL EXPERIENCE

1. If I can ask you to recall the first moments when you realized what was going to happen to your loved-one, can you describe some of the emotions you experienced? (+ probing q's as necessary)
2. What about other family members (children, parents, siblings) how would you say that they were affected?
3. What did your son/daughter tell you?
4. How do you think s/he felt?

### III. DEALING WITH THE SITUATION

1. Can you describe what it has been like to live with this experience?
2. How often do you see/contact your son/daughter?
3. What do you feel when you see them in prison?
4. Has this experience changed your life? How?
5. Has this experience changed your relationship with your son? How?
6. Has this experience changed your relationship with your extended family or friends? How?
7. What types of costs have you incurred (legal, social, employment)?
8. Does your son/daughter have any children? If so, how has incarceration affected your son's child/ren?
9. If the family member has been released: What has it been like for you to adjust to the return of your loved-one?
10. Is there anything else you would like to share with me?

## Appendix II - Transcript Codes and Frequencies

	Mrs. Black	Mr. White	Mrs. Brown	Mr. Green	Mr. Gray	Totals
<b>EMOTIONS</b>						
Cynicism	3	7	12	8	12	42
Isolation	1	0	5	0	1	7
Silence	0	0	6	0	1	7
Hope	2	0	5	0	1	8
Anger	0	3	7	2	6	18
Fear	1	0	5	2	1	9
Embarrassment	1	0	11	0	3	15
Violation	2	0	4	0	0	6
Depression	2	1	6	0	5	14
Remorse	0	1	3	1	2	7
Powerlessness	1	2	7	2	2	14
Permanent Change	1	2	4	4	2	13
Denial	2	0	0	0	0	2
Work Issues	0	0	1	0	1	2
<b>Thoughts on Child</b>						
Education	1	0	1	0	1	3
Good Kid	1	0	2	3	2	8
Guilty	2	3	3	1	2	11
Future, upon release	1	6	4	3	2	16
Job	0	2	2	0	1	5
<b>Results of Situation</b>						
Class Identity	1	1	6	4	2	14
Activism	2	1	4	3	6	16
Rejection by Family	0	0	6	0	0	6
No Rejection by Family	1	2	2	2	1	8
State Agent of Harm	3	7	4	12	10	36
Family Strain	1	3	4	1	1	10
<b>Direct Criminal Issues</b>						
Knowledge of System	3	4	6	9	2	24
Conspiracy	1	0	3	2	2	8
Plea Bargain	2	1	2	1	6	12
Belief in Incarceration	0	1	0	1	1	3
Informants	2	1	0	0	1	4
					Average:	11.6

### Appendix III - Breakdown of Convictions and Sentences by Case

Respondent	Type of Conviction	Sentence Imposed	Notes	Age at Arrest
Mrs. Black - Mother of prisoner	Conspiracy to distribute crack cocaine; distribution of crack cocaine	Life sentence, plus 40 years; commuted to 40 years on appeal	First criminal offense	19 years old
Mr. White - Father of prisoner	Intent to sell narcotics; plea bargained	10 years, 5 years probation	First criminal offense	21 years old
Mrs. Brown - Mother of prisoner	Conspiracy to distribute marijuana	5 years, 3 months	Second criminal offense	No data
Mr. Green - Father of prisoner	Conspiracy to distribute marijuana; fire arm enhancement	7 years, 6 months	First criminal offense	No data
Mr. Gray - Father of prisoner	Conspiracy to distribute crack cocaine; distribution of crack cocaine	19 years, 7 months	First criminal offense	18 years old