



Drop the Rock now

PERSPECTIVE

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As states grapple with budget deficits, more and more of them are taking a long, hard look at their "tough on crime" laws. That should be a cue for Gov. Paterson as he searches for ways to deal with unprecedented deficits next year and beyond. He should call on the Legislature to repeal the Rockefeller Drug Laws, not only to save money but also to put an end to a long, cruel, failed experiment to deter drug crime.

While recent reforms have spared some inmates from serving Draconian sentences, they have not gone nearly far enough. Too many other inmates continue to face unjustifiably long prison terms. And more nonviolent offenders are being sent to prisons than before. Repeal would give them hope that their sentences could be reviewed to make the punishment fit the crime, not a political agenda.

New York's drug statutes were imposed in the 1970s, when the late Gov. Nelson Rockefeller believed that mandatory life sentences would serve to deter drug crime in the state. He was wrong. Few drug kingpins have ever been sentenced under these. Instead, the sentences have fallen most heavily on low-level drug runners who act as couriers for the kingpins. Many of them do so out of desperation. And many are nonviolent first-time offenders.

According to a recent Washington Post article, other states are now coming to their senses and reassessing their tough laws. In California, which has a mandatory life sentence for those convicted of three felony offenses, Gov. Arnold Schwarzenegger is calling for the release of 22,000 nonviolent, nonsexual offenders 20 months early, for a savings of \$1.1 billion over the next two years.

Kentucky may allow some nonviolent, nonsexual offenders to serve 180 days of their sentences at home, for a savings of \$30 million. Mississippi plans to release some nonviolent offenders after serving one-quarter of their sentences.

Rhode Island and South Carolina are also reviewing early release and parole policies.

Gov. Paterson can, of course, cite the examples of these states, and the savings they anticipate, as an argument for Rockefeller Drug Law repeal. A conservative estimate puts the cost of constructing prisons to house drug offenders at \$1.5 billion, with operating

costs of more than \$500 million a year. Repeal would go a long way toward curbing these unjustifiable expenses.

But the better argument Gov. Paterson can make is the one he has long been making, when he was a state senator from Harlem and Senate minority leader - namely, that these laws are an insult to justice. They are proven failures that have ruined far too many lives. And now they are far too expensive to justify keeping them on the books.

Mr. Paterson was once arrested at a sit-in at the governor's mansion demanding repeal of the Rockefeller Drug Laws. Now that he resides in that mansion, he has the power to see repeal through. He should do so.