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Thirty-Five Years of Rockefeller 'Justice'

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EDITORIAL

Enacted in 1973, New York's Rockefeller drug laws penalized some first-time drug offenders more severely than murderers. Named for Nelson Rockefeller, who was governor at the time, the laws tied the hands of judges and mandated lengthy sentences for young offenders who often deserved a second chance. The laws, which were supposed to ensnare "kingpins," have filled the prisons with drug addicts who would have been better dealt with through treatment programs. They also undermined faith in the fairness of the justice system by singling out poor and minority offenders while exempting wealthy ones.

New York has made incremental changes in laws in recent years but has failed to restore judicial discretion. A sentencing commission appointed by Eliot Spitzer, the former New York governor, pretty much ducked the issue in an interim report issued last fall. But criminal justice advocates have higher hopes for Mr. Spitzer's successor, David Paterson, who spoke out vigorously for Rockefeller reform as a state senator. He was arrested while demonstrating against the laws in 2002.

If Governor Paterson is looking for motivation to take on this issue, he can find it in a recent report from The Correctional Association of New York, a nonprofit group that monitors prison conditions. According to the report, New York is currently paying \$500 million a year to house its drug offenders. The costs are rising as more people go to prison for minor, nonviolent drug offenses.

The law often metes out long prison terms to addicts, petty dealers or people only peripherally involved in the trade. Indeed, 4 in 10 drug offenders in the state's prisons were locked up for possession as opposed to selling. These are hardly kingpins. In fact, nearly half the drug offenders in the state's prisons were convicted of the lowest level crimes.

Many of these people are clearly addicts who would benefit from treatment. But the mandatory sentencing guidelines limit the courts' ability to choose the treatment option. It is long past time for New York to overturn these laws and to return judicial discretion. Governor Paterson, who can cite chapter and verse on this issue, should take the lead in this important fight.