

## Groups renew push to ax Rockefeller drug statutes

May 6, 2008

By Jay Gallagher

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ALBANY — Five and a half years ago, David Paterson, then a state senator, was arrested for blocking the entrance to then-Gov. George Pataki's office in Manhattan in protest over inaction in changing the state's harsh Rockefeller drug laws.

Now Paterson is governor, and advocates of overhauling the statutes are hoping he has retained his passion to alter them. So far, however, he has been mum on the issue, and a spokesman didn't respond to a request for comment Monday.

“He now has an opportunity to exercise the kind of leadership he was advocating for then,” Robert Gangi, executive director of the Correctional Association of New York, said Monday.

In advance of Thursday's 35th anniversary of the enactment of the laws, Gangi's group Monday issued a report claiming that despite some changes made to the laws in 2004, they still unjustly imprison thousands of mostly poor and minority men while doing little to fight the problem of illegal drugs.

The laws, adopted in 1973, were championed by then-Gov. Nelson Rockefeller as a way to fight the rapid rise of the use of illegal drugs.

The statutes mandated that anyone caught, for example, with as little as 4 ounces of cocaine would be sentenced to 15-years-to-life in prison, with the judge being given no discretion. The sentences were set according to how much drugs a person was caught with.

“The Rockefeller Drug Laws are outdated, wasteful, ineffective, and marked by racial bias,” Gangi said. “They distort law enforcement practices and foster imbalance in the adjudication of drug cases. It is time that Governor Paterson and legislative leaders achieved the long overdue objective of removing the 35-year-old stain of these statutes from New York's penal code.”

About 14,000 people are currently serving time in New York prisons for drug offenses — about 38 percent of the prison population. The state spends about \$36,000 per inmate in state prison.

The law enacted in 2004 has allowed almost 400 hundred people serving the long mandatory minimum sentences to be freed.

It also raised the weight of cocaine that would spark the maximum sentence from 4 ounces to 8 ounces, and cut the minimum sentence to eight years. But it still left thousands more behind bars who ought to be freed, Gangi said.

The major changes still needed would restore discretion to judges about whether a drug criminal should go to prison and end the practice of having the weight of drugs in a person's possession — rather than his or her role in the transaction — as the sole factor in a sentence, he said.

But Senate Codes Committee Chairman Dale Volker, R-Depew, Erie County, doesn't think the laws should be tinkered with any further.

“The trouble with giving judges discretion in New York City is they'd just let everybody out,” he said. “I don't think that's a good idea at all.”

#### **By the numbers**

Here are the numbers of people sent to state prison for non-violent drug offenses over the last four years, according to the Correctional Association:

2004 5,657

2005 5,835

2006 6,039

2007 6,148