

Drop the Rockefeller laws

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In 1973, then New York State Governor Nelson Rockefeller ushered in what he called tough sentencing to break drug trafficking and related crimes.

Today marks the 35th anniversary of that enactment. It is no reason to celebrate. Six governors later, New York maintains these draconian measures that unfairly and disproportionately affect blacks and Hispanics.

Under the Rockefeller Drug Laws, lengthy, smack-down sentences are issued for relatively small drug amounts. Even after some recent modifications, the sentences remain harsh and automatic. Judges are left without the option of sending a first-time, nonviolent offender, for example, to an alternative-to-incarceration program.

Those are missed opportunities. These programs successfully address fundamental problems for some offenders, such as drug addiction and unemployment. Veteran prosecutors are among those who champion reform.

Yet, the number of people being sent to prison for drug offenses continues to increase. Critics emphasize the same 35-year-old problem with the Rockefeller Laws: they focus on the small weight of the drugs possessed or sold, not the defendant's role in a transaction. This often means that they don't apply to the drug kingpins who don't personally carry drugs.

Others with resources, privilege and connections are allowed to play the system. While whites are the majority of drug users and sellers, African Americans and Latinos are 90 percent of those locked up for these offenses, according to the Correctional Association of New York.

Governor David Paterson understands the inequities and short-sightedness of the Rockefeller Drug Laws. In 2002, Paterson was arrested—along with Nelson Rockefeller's granddaughter—in an act of civil disobedience to protest these statutes.

Paterson must continue to show leadership and make the repeal of these drug laws a signature of his administration—before another anniversary approaches.