

Real Reform

Reform the Rockefeller Drug Laws *New York*



June 4th 2003 – Rockefeller Drug War Protest at City Hall Drawing an Estimated 50, 000 Protesters , Sending a Message to Politicians to Repeal the Rockefeller Drug Laws. © ANTHONY PAPA

Lockdown, USA REAL REFORM OF THE ROCKEFELLER DRUG LAWS House Party Organizing Kit

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Reform the Rockefeller Drug Laws *New York*

Dear Activist,

Thank you for joining us and thousands of others in New York State who support the repeal of the Rockefeller Drug Laws. This House Party Organizing Kit will help you to educate your community and create support to eradicate the Rockefeller Drug Laws.

Enacted in 1973 by New York State Governor, Nelson Rockefeller, the Rockefeller Drug Laws (RDL) were a response to the Nixon Administration's concern over "the growing drug epidemic". This legislation was intended to stop the flow of drugs in the state of New York by targeting major drug dealers. Unfortunately, the Rockefeller Drug Laws failed to distinguish between low-level drug dealers and major "kingpins". As a result, Rockefeller Drug Laws actually became a tool to perpetuate racism and decimate impoverished communities.

The documentary *Lockdown, USA* follows the inspirational journey of an unlikely coalition to change the laws: outraged mothers, the hip-hop community under the leadership of Russell Simmons and former NAACP head Dr. Benjamin Chavis, the new NY Attorney General Andrew Cuomo, comedian-turned-political-activist Randy Credico, and former Rockefeller prisoner-turned activist Tony Papa. Interwoven with their fight is the moving struggle of Wanda Best, whose husband, Daryl, was sentenced to a 15-year term under the Rockefeller laws. The documentary explores the story of the Best family with a behind the scenes look at Hip Hop Impresario, Russell Simmons' unorthodox campaign to reform the Rockefeller Drug Laws. *Lockdown USA* captures the stranger-than-fiction, historic series of events as they unfolded; where the notorious Albany political establishment is forced to reconcile with the burgeoning power of hip-hop and a movement that refuses anything less than real reform. The film asks viewers to consider what it will take to repeal the draconian Rockefeller Drug Laws.

This Organizing Kit will help you to do the following:

- **Host a house party and educate your community** on the Rockefeller Drug Laws by screening the documentary film, *Lockdown, USA*.
- **Facilitate a discussion** with your community about the Rockefeller Drug Laws, what should happen with the laws, and what your community can do.
- **Take action**; tell Governor Spitzer and the Legislature that you want REAL REFORM NOW!

The Real Reform Planning Group will work with you on hosting a successful house party or a screening at your organization. You'll find additional resources on the Real Reform website: <http://www.realreformny.org>. You can reach us at nyc@drugpolicy.org, or 212-613-8048. Together, we can make Rockefeller reform a reality.

Sincerely,

The Real Reform NY Planning Group

- HOW TO PLAN YOUR HOUSE PARTY -

1. **Time and Place:** Choose a time and place for your house party. Remember to set aside time at the event to introduce the NY Rockefeller Drug Laws and the Real Rockefeller Reform movement. You will need about two hours for your house party— *Lockdown, USA* is 83 minutes long, so you'll need time to view the film, and enough time before and afterwards for discussion. so allow extra time for discussion.
2. **Advertise:** Make sure you announce the event at least a week in advance. When describing the event be sure to tell people there will be discussion and an opportunity to take action afterwards. Get the word out to your friends and family that you will be hosting a “Real Reform House Party”. You can use the sample flyer included on Pg. 9 of this Kit. *Hint – the promise of food, even something simple like popcorn or cookies, always gets a bigger crowd.*

Get a Copy of the Film: You can obtain a copy of *Lockdown, USA* by contacting Real Reform New York at 212-613-8048 or nyc@drugpolicy.org.

3. **Set up the Event:** Make sure you have a sign-in sheet near the entrance. Set up a table with Fact Sheets (see Pg. 4 of this Kit) and make copies of the action (included on Pg. 7 of this Kit) for people to take at the event. Also include some general information about the Real Reform New York Coalition and how to join (a form is included in Pg. 8 of this Kit). Real Reform NY will supply you with all the materials you will need, just call Naoma Nagahawatte at: 212.646.8078 or email at : nnagahawatte@drugpolicy.org.
4. **Introduction and Screening:** Once everyone has arrived start with a short spiel about the Rockefeller Laws in NY State and the Real Reform movement. Give a brief introduction to the film that tells your audience how it fits in with Real Reform’s goals and actions. A sample introduction is included on Pg. 5 of this Kit. Also, prior to the movie, ask the audience to read through one or more of the discussion topics that you will address after the movie. Following the movie, engage the audience in a discussion about the movie.
5. **Report Back:** If you hold a house party, let us know how it went. Have a camera to record the event, take pictures to send to us. You can email them to : nnagahawatte@drugpolicy.org or mail them to: Real Reform New York Coalition, 70 West 36th Street, 16th Floor, New York, NY 10018.



- SAMPLE INTRODUCTION -

Founded in April 2004, the Real Reform New York Coalition (RRNYC) is committed to repealing the current inhumane, ineffective and wasteful drug policies. In their place, RRNYC seek cost-effective, just, and community-based alternatives that do not rely on incarceration for low-level drug offenses.

RRNYC is made up of dozens of organizations and community members, activists, advocates, policy and treatment experts, and Rockefeller Drug Law survivors and their families and friends. RRNYC is a growing movement dedicated to repeal of these failed laws.

RRNYC defines Real Reform as:

1. **Reducing sentences** and expanding alternatives to incarceration for or nonviolent and low-level drug offenses.
2. **Restoring judicial discretion** so judges can fashion sentences based on consideration of the particular case and utilize alternatives to incarceration.
3. **Delivering retroactive sentencing relief** to currently incarcerated Rockefeller prisoners serving unjustly long sentences.
4. **Expanding community-based drug treatment programs** and other alternatives to incarceration for people convicted of drug offenses.

About The Film

Lockdown, USA follows the inspirational journey of an unlikely coalition to change the laws: outraged mothers, formerly incarcerated people, hip-hop community leaders Russell Simmons and former NAACP head Dr. Benjamin Chavis, now-NY Attorney General Andrew Cuomo, and comedian turned political activist Randy Credico. *Lockdown, USA* captures the stranger-than-fiction historic series of events that forced the political establishment to reconcile with the burgeoning power of hip-hop and the movement to repeal the draconian, racist Rockefeller Drug Laws.

- Film Length - 83 minutes.
- Directed by Micheal Skolnik and Rebecca Chaiklin.
- Premiered at Tribeca Film Festival in May 2006; Silvedocs Festival 2006; and Cinequest Festival 2007.
- Expected theatrical release: Late 2007.



- ROCKEFELLER DRUG LAWS – FACT SHEET -

- Enacted in 1973 by New York State Governor, Nelson Rockefeller, the Rockefeller Drug Laws were a response to the Nixon Administration's concern over "the growing drug epidemic". This legislation was intended to stop the flow of drugs in the state of New York by targeting major drug dealers. Unfortunately, the Rockefeller Drug Laws failed to distinguish between low-level drug dealers and major "kingpins". As a result, RDL actually became a tool to perpetuate racism and decimate impoverished communities.
- The penalties apply without regard to the circumstances of the offense or the individual's character or background. Whether the person has been convicted of a first time drug offense, for instance, is irrelevant-the harsh sentences still apply.
- The Rockefeller drug laws have filled New York State prisons with people convicted of low – level, non-violent, drug offenses. There are over 15,500 people convicted of drug offenses locked up in New York State prisons, representing nearly 38% of the prison population and costing New Yorkers \$550 million each year.
- New York State has the harshest sentencing scheme for low-level drug sellers with a prior non-violent felony offense conviction of any state.
- Murderers, arsonists and kidnappers face the same penalties as drug couriers in New York State. Rape and armed robbery carry lesser sanctions.
- Of all the people convicted of drug offenses sent to New York State prison in 1999, nearly 80% have never been convicted of a violent felony.
- The racist implementation of the Rockefeller drug laws has had a profoundly negative impact on black and Latino communities. Although whites and people of color use drugs at nearly the same rate, blacks and Latinos comprise over 92% of people convicted of drug offenses in New York State.
- There are more blacks and Latinos entering the prison system for drug offenses each year than there are graduating from the entire SUNY system.
- The racial disparities in the application of the Rockefeller drug laws are staggering. For example, 92% of those serving time under the Rockefeller Drug Laws are people of color despite the fact that white people and people of color use drugs at approximately equal rates. And almost 65% of people convicted of drug offenses in New York State prisons are from New York City. Reducing sentences for nonviolent people convicted of drug offenses would address some of the most racist impacts of these laws, while simultaneously offering relief to the communities most affected.
- Currently, prisoners convicted of low-level possession or sales offenses comprise nearly 60% of people convicted of drug offenses in New York State prisons. With the state prison

operating expenses at over \$2.5 billion per year, New York could save millions by reducing the sentences of people convicted of low-level drug offenses. To house an inmate in a prison, New York State spends approximately \$32,000 per year per person for each of its 15,500 people convicted of drug offenses. Diverting 1,000 people convicted of low-level drug offenses into alternatives to incarceration could potentially save New York taxpayers tens of millions of dollars in operating costs.

- New York's Rockefeller Drug Laws are painfully out-of-step with national standards. For instance, according to a report by NYS Lt. Governor, David A. Paterson, New York's sentencing scheme is the harshest in the country for low-level drug sellers with a prior non-violent conviction. While most states-including California, Texas, Florida, Maryland and Michigan-have enacted some kind of sentencing reform for drug use and low-level sales, New York remains mired in a failed policy that costs taxpayers millions and destroys communities.
- In December 2004, under pressure from the Real Reform New York Coalition, the New York State Legislature passed a bill which made limited sentencing reforms to the Rockefeller Drug Laws. The bill, signed by Governor Pataki, was widely hailed as a small but significant step forward in the battle for real reform. But it was not enough. The sentencing reform does not constitute real reform.
- The Rockefeller Drug Laws continue to stand, and Real Reform New York continues the movement for real reform of these racist, failed laws. Real Reform New York is actively working to further reduce sentencing, restore judicial discretion, deliver retroactive sentencing relief, and expand treatment. Only when significant changes are made to the Rockefeller Drug Laws in these four areas will New York have real reform.

For more information please go to: www.realreformny.org.



- DISCUSS THE FILM -

Allow your audience to ask questions and share their thoughts and reactions to the film. If you have a large group, try to divide into smaller groups of 4-6 people to allow each person the opportunity to speak and be heard.

Once you have finished talking over their initial reactions you can move on to some more structured discussion questions. You can choose to do these either as one large group or in smaller groups before coming back to the larger group at the end.

The questions are only a guide; feel free to add your own questions. Also you should not worry too much if you don't get to all or most of the suggested questions. The important thing is to facilitate discussion and get people thinking about the Rockefeller Drug Laws and to ask what they think should happen now with the laws.

- GENERAL DISCUSSION QUESTIONS -

You can start out by asking a few general questions:

- How did the film affect you?
- What scenes and images stand out as you think back over the film?
- The film reveals a lot of information about the problems attached to Rockefeller sentencing. Which parts struck you as new or important?
- Do you think the Rockefeller Drug Laws should be changed? If so, how?
-

More specific questions about the film

- What new information or new understandings did you gain in viewing this film?
- What did you learn about the lives of people affected by the Rockefeller drug laws?
- How do you would you tackle this issue?

- CONCLUSION -

In closing the session you might want to help the group summarize or reflect upon the themes or important points that emerged during your discussion. It is important to close the session with an action, make sure all party attendees write a letter to the Governor. Let people know about other Real Reform events your group is organizing and be sure to follow up after the event.

**- SAMPLE ACTION –
URGE THE GOVERNOR TO SUPPORT REAL REFORM!**

Governor Elliot Spitzer
State Capitol
Albany, NY 12224

[DATE SUBMITTED]

Dear Governor,

The draconian Rockefeller Drug Laws have made a terrible impact upon New Yorkers, while doing almost nothing to reduce drug abuse and addiction. First passed in 1973, these polices were presumably meant to keep New Yorkers safe, but instead they have resulted in racial disparities, wasted tax dollars, inaccessible drug treatment, and mass incarceration. Most of the people incarcerated under these laws are convicted of low-level, nonviolent offenses, and many of them have no prior criminal records. Under the Rockefeller Drug Laws, New York is addressing drug use and abuse as a criminal issue, when in fact it is a public health issue. We need change.

A study by the RAND Corporation found that treatment is 15 times more effective than incarceration; the study also found that for every dollar spent on treatment, it takes seven dollars spent on incarceration to achieve the same results. Mandatory minimums for low-level drug offenses have proven to be a total failure and an enormous waste of our tax dollars, and they are destructive to our communities.

Racism is rampant under these laws. There is simply no excuse for the fact that over 91% of all people incarcerated under these laws are Black and Latino. The racism associated with these laws can only be addressed through comprehensive reform.

The small changes passed in 2004 and 2005 were minimal at best. Those “reforms” did not constitute real reform—to make it real, we need sentencing reform, judicial discretion, retroactivity, and more community-based drug treatment. Much more needs to be done.

In April of 2007, the Assembly passed A.6663, sponsored by Assemblyman Jeffrion Aubry. The passage of A. 6663 is a step in the right direction. The Senate version of the bill, S.4352 - sponsored by Senator Eric Schneiderman - deserves your strong support. The time for real reform is now. These draconian laws are ineffective, fiscally wasteful, racist and unjust. Please apply your leadership and vision to real reform of the Rockefeller Drug Laws.

Sincerely,

[YOUR NAME]
[ADDRESS CITY, STATE AND ZIP CODE]



JOIN REAL REFORM NEW YORK

The Real Reform New York (RRNY) is a coalition working for systemic policy change, replacing the ineffective and racist Rockefeller Drug Laws with cost-effective, just, and community-based alternatives to incarceration for drug offenses. Real Reform New York is made up of dozens of organizations representing thousands of community members, activists, advocates, policy and treatment experts, and Rockefeller Drug Law survivors and their friends and families.

RRNY defines *real reform* as: 1.) Reducing sentences for low-level drug offenses to levels proportionate to those for other non-violent crimes, and to bring New York into line with national standards; 2.) Restoring judicial discretion so judges can fashion just sentences based on consideration of the particular case and, when appropriate, sentence people convicted of low-level offenses to community-based programs; 3.) Delivering retroactive sentencing relief to people currently incarcerated under the Rockefeller Drug Laws, serving harsh, unjust sentences; and 4.) Expanding drug treatment programs and other alternatives to incarceration for people convicted of low-level offenses.

**Join Us! For more information, contact Gabriel Sayegh at:
(212) 613-8048 or gsayegh@drugpolicy.org. Web: <http://www.realreformny.org>**

**YES! I want to join Real Reform New York
and support real reform of the Rockefeller Drug Laws**

CHECK ONE: Organizational Sign-On: ____ Individual Sign-On: ____

Organization / Individual Name: _____

Address: _____

Contact Person: _____ Phone: () _____

Fax: () _____ Email: _____

I would like to volunteer for:

Meetings Rallies / Actions Outreach Lobby Visits Other

**Please email this form to: gsayegh@drugpolicy.org or fax this form to
Gabriel Sayegh at: 212.613.8021**

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**JOIN THE PARTY!
Make Rockefeller Reform a Reality!**



June 4th 2003 – Rockefeller Drug War Protest at City Hall Drawing an Estimated 50, 000 Protesters , Sending a Message to Politicians to Repeal the Rockefeller Drug Laws. © ANTHONY PAPA

What:

Where:

When:

Together, We Can Win Rockefeller Real Reform!

