The Effect of the Rockefeller Drug Laws and Parole on Reintegration

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Abstract

This paper addresses some issues that came about due to the enactment of the Rockefeller drug laws. Throughout the history of the United States, there has been an attempt to find a drug control policy that successfully diminishes crime involving drugs. In the book *Life on the Outside: The Prison Odyssey of Elaine Bartlett*, we are able to see the struggles that an ex-convict, Elaine Bartlett, went through throughout her transition from prison life back to her life at home. The process of reintegration proves to be difficult for Elaine when she struggled to find employment, find proper housing, and rejoin her family after being in prison for a large portion of her life.

Keywords: Rockefeller drug laws, reintegration, parole
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The book *Life on the Outside: The Prison Odyssey of Elaine Bartlett* portrays the story of a woman whose life was greatly affected by the Rockefeller drug laws. Over the years there have been many attempts to reform the national drug control policy, but these specific set of laws had a major impact on the criminal justice system as a whole. Although these specific laws applied only to New York State, they were able to inspire other states to enact drug laws of their own to crack down on the national drug issue. Problems including a nationwide “prison boom” and the reintegration of felons into normal life after their imprisonment were only a few associated with the enactment of the Rockefeller drug laws.

For most of the 20th century there has been some kind of intervention by the government to attempt to subdue the trafficking and use of drugs throughout our country. Specifically in New York, the Rockefeller drug laws were one of the first laws to have such a serious consequence for an offense such as this. On a national level, there was also a shift in drug control policy around this time that brought the issue of drugs to light. One major shift in drug control policy that we see in 1970 was the passing of the *Controlled Substance Act* by Richard Nixon. This act was Title II of the *Comprehensive Drug Abuse Prevention and Control Act of 1970*. The *Controlled Substance Act* had four main goals or requirements: to set up mechanisms for reducing the availability of dangerous substances, procedures for bringing a substance under control, criteria for determining control requirements, and commitments associated with international treaty arrangements (Lyman, 2011).

The *Controlled Substance Act* separated narcotics into five different schedules based on the medical use of the substance, the potential for abuse of the substance, and the likelihood that a dependency or addiction could be developed for a substance (Inciardi and McElrath, 2011). The lower the schedule number, the more dangerous the substance as well as its potential for
abuse. Schedule I drugs are the substances that have the highest potential for abuse and currently have no accepted use in medical treatment in the United States. Schedule II drugs are also substances that have a high potential for abuse. The difference with this schedule is that these substances have an accepted medical use in treatment in the United States. The abuse of a drug in Schedule II may also lead to severe psychological or physical dependence. Schedule III drugs can be described as substances that may have the potential for abuse but less so than the drugs in the first two schedules. There is also an accepted medical use for these substances and the risk of acquiring dependency is low in the physical aspect and high in the psychological aspect. Drugs categorized as a Schedule IV drug have a low potential for abuse and there is also an accepted medical use in the United States. The dependency level is considered limited for Schedule IV drugs. Finally, Schedule V drugs have a low potential for abuse relative to the drugs in Schedule IV, there is an accepted medical use, and there is a limited potential for dependency (Lyman, 2011). Breaking up the different types of drugs in this manner extended the scope of federal drug laws and expanded the power of federal law enforcement to combat the problem with controlled substances. Since its enactment in 1970, the act has been amended several times to remain applicable to modern drug issues.

On top of the Controlled Substance Act, more drug control legislation was enacted to address the drug issue in the United States. Before the Rockefeller drug laws were created, the federal government also passed the Racketeer-Influenced and Corrupt Organizations (RICO) and the Continuing Criminal Enterprise (CCE) laws. These laws were more focused on the leaders of large criminal organizations as an attempt to reduce criminal activity associated with narcotics.
In New York State, the Rockefeller drug laws dealt with the sale and possession of narcotics in the New York State Penal Law. These drug laws got their name from Nelson Rockefeller, who was in his fourth term as Governor of New York and were enacted in 1973 (Gonnerman, 2004). One of Rockefeller’s main goals was to make his way to the White House. In order to do this, he supported this bill because he wanted to avoid being seen as “too liberal” to be elected and wanted to crack down on crime. Rockefeller had long been an advocate for narcotics control. A few years earlier in 1967, Rockefeller established the Narcotic Addiction Control Commission (NACC) which provided drug treatment in jails. He also helped New York City gain substantial funds for the methadone maintenance programs for heroin addicts (Gonnerman, 2004). The NACC was highly criticized after its failure to wane the spread of heroin and Rockefeller stepped up to say that more must be done about New York’s drug problem.

On May 8th, 1973, the Rockefeller drug laws were signed and put into action. Rockefeller’s original proposal was to have life sentences for drug pushers, but the final version was less extreme. Instead the new laws established “mandatory minimums” for those being sentenced for drug crimes (New York State Division of Criminal Justice Services, 2013). A person convicted of an A-1 felony would serve a mandatory sentence of 15 years to life. The Rockefeller drug laws applied to heroin and cocaine, even though at this point cocaine had not become widespread. After the enactment of these laws, New York had become known as the state with the “toughest antidrug program in the nation” (Gonnerman, 2004).

There were supporters and critics of this new legislation. Many of Rockefeller’s supporters were the residents of towns upstate. Although most of the drug problems were confined to New York City’s ghettos, some addicts had begun to make their way into smaller
cities upstate which fueled the fear of a “growing epidemic” (Gonnerman, 2004). On the other hand, people were also concerned that only a certain number of criminals would be caught and it would be based on certain characteristics such as racial stereotypes.

In the years to follow, forty-eight other states passed their own laws much like the Rockefeller drug laws to improve the drug control policy of their individual states. The Rockefeller drug laws also had a major effect on the incarceration rate in New York State. The prison population increased from 200,000 to over 1.3 million inmates, plus those who were locked up in county jails. Because of this, the need for more prisons and space was becoming more of an issue than it had ever been before (Drucker, 2011). From the years 1983 to 1995, the new Governor, Mario Cuomo, supervised the largest expansion of a prison system in United States history. A number of new prisons were opened including four maximum-security prisons, twenty-five medium-security prisons, and three minimum-security prisons which cost about seven billion dollars (Gonnerman, 2004).

In *Life on the Outside: The Prison Odyssey of Elaine Bartlett*, Elaine was sentenced to an indeterminate sentence of imprisonment with a minimum period of imprisonment of twenty years and a maximum term of life in prison. Elaine was very shocked by the extremeness of her sentencing since she herself was not familiar with the Rockefeller drug laws. According to the book, Elaine had never even heard of the laws in general and was used to seeing people convicted to no more than five years in prison for the sale of drugs (Gonnerman, 2004). Without the Rockefeller drug laws, Elaine would have had a much shorter sentence and she may not have faced as many problems as she did when she was finally released on parole from her prison sentence.
Since the Rockefeller drug laws were enacted in 1973, new legislation has been put into place to amend the original Rockefeller drug laws. An example of this is when Governor George Pataki signed the Drug Law Reform Act (DLRA) on December 14th, 2004 (New York State Division of Criminal Justice Services, 2013). The Drug Law Reform Act replaced the indeterminate sentencing of the Rockefeller drug laws with a determinate system and reduced mandatory minimum prison sentences for non-violent felony drug offenders. The Drug Law Reform Act is also responsible for the reduction of the minimum penalty for conviction of an A-1 felony drug charge in New York from fifteen years to life to eight years for an offender with no prior felonies. Since its enactment in 2004, the number of prisoners serving sentences for A-1 narcotic felonies has been cut by more than half. Five years later in 2009, these laws were revised again to eliminate the mandatory minimum sentences all together. Because of this change, judges are allowed to sentence individuals convicted of drug offences to certain treatment programs or shorter sentences (New York State Division of Criminal Justice Services, 2013).

Another problem besides the prison boom that the Rockefeller drug laws brought on was the challenge it posed for inmates being reintegrated into society after they were released. Because of the Rockefeller drug laws, any prisoners were put away for an amount of time that makes it very difficult to resume the life that they had before prison. On a personal level, in this time family members can create a life where the prisoners may no longer be a primary component. Reintegration into the family life alone is a struggle for many felons that have been released, especially for Elaine Bartlett in Life on the Outside. Some other struggles that ex-prisoners are faced with are finding decent housing, which may be impossible if they cannot find a job that will hire them because of their record. Post-release restrictions such as parole also
make the transition into normal life more difficult because people have to worry about following the rules as well. Restrictions such as visits with a parole officer, random drug tests, and limitations on travel are just some of the restrictions brought on by parole (New York State Department of Corrections and Community Supervision, 2013). Failure to comply with these restrictions can result in re-arrest even though an actual crime has not been committed. This decision is left up to the parole agent’s discretion. About forty percent of all admissions into prison are due to administrative violations, not new criminal charges and the most common violations are associated with the failure of drug tests or the violation of curfew (Drucker, 2011). For those who have been convicted of a drug charge, it is also crucial that upon release that some kind of drug treatment or counseling is provided to them to ensure they do not relapse.

Throughout history there has been little progress in helping ex-convicts transition from their life in prison to their life at home. In terms of incarceration length, there has been very little thought given to the long term consequences that ex-convicts have to deal with on a personal, social, and structural level. Their success in post-release depends highly upon the services and support available to them in their community to help with this transition (United States Department of Justice, 2013). One of the most important elements of post-release is finding employment. It is crucial that job training, employment, counseling, and employment placement programs are offered to those who are in the process of reintegration (Travis and Waul, 2003). It is also often difficult for released prisoners to find housing that is proactive to their reintegration plan. Because of the lack of funds and ability to find better housing, it is often the case that paroled prisoners are put back in an area that may not be the best fit for a noncriminal lifestyle. In the process of reintegration it is also very important to have family support and counseling for ex-convicts and their families.
In *Life on the Outside*, Elaine was faced with all of these problems concerning housing, employment, and her family life. Elaine’s mother passed away while she was still in prison, which was a great emotional and supportive loss. Elaine’s mother was responsible for raising Elaine’s children while she was in prison, so now it was up to her to provide for the members of her family that still remained. There was also some resentment from her family because they were used to living their lives without her being around. Whenever Elaine would try to contribute or be a motherly figure, she was often met with resistance. In terms of housing, Elaine returned to the same apartment she had lived in before she went to prison, Apartment 13B which already had six full time residents at the point of her return from prison (Gonnerman, 2004). We see the struggle that Elaine also went through when it came to finding a place of employment. Although it took her quite some time to get a job, her parole officer did help her in this regard. I think that one aspect of prison that was beneficial to Elaine was that she was able to work while in prison as well as get an education. By having this personal drive to stay productive while she was in prison, it is easy to see that she was determined to try and have a normal life once she returned to the real world.

Without the enactment of the Rockefeller drug laws, many people’s prison stories would be very different. In *Life on the Outside: The Prison Odyssey of Elaine Bartlett* the Rockefeller drug laws and the struggles that ex-convicts face during reintegration are major themes throughout the book. Although punishment is necessary for violating the law, I think that having a minimum of fifteen years to life for a drug conviction is extreme. It is definitely important that a criminal serves time for a crime such as this, but it is clear to see that the Rockefeller drug laws created some other issues that may not have been foreseen. With the constant changes that occur
in the criminal justice system, we have seen a shift in drug control policy and lighter sentencing for nonviolent drug offenders.
References


