



# A BRIEF HISTORY OF NEW YORK'S SENTENCING LAWS

Every day, over 30,000 New Yorkers languish in state prisons. 75% are Black or brown. This is how we got here.



## 1971 A NEW ERA OF TARGETED CRIMINALIZATION

Nixon declares the War on Drugs, escalating the mass incarceration crisis. His chief domestic advisor, John Ehrlichman, would famously later explain that this approach targeted Black communities and the anti-war left.

By “criminalizing both heavily, we could disrupt those communities,” he confessed, “We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news.”

## 1973-78 ROCKEFELLER DRUG LAWS

In 1973, New York passes the “Rockefeller Drug Laws.” These unprecedentedly harsh laws relentlessly funnel Black, brown, and poor New Yorkers into cages.

Lengthy mandatory minimums strip judges of their discretion when determining sentencing and serve as prosecutorial leverage in coercing plea deals.

Two-strike laws further lengthen the sentence of an individual with a prior conviction, and three-strike laws condemn people to life in prison.

New York’s commitment to mass incarceration empowers other states to follow suit, fueling America’s shameful standing as the largest cager of human life in the world.

## 1980s-90s POLITICIANS + MEDIA INCITE CRIME PANIC

Politicians in the ‘80s and ‘90s—notably Presidents Ronald Reagan and George Bush—champion so-called “tough on crime” and “law and order” policies.

They reproduce racist and classist stereotypes related to violence and drug use, and champion extreme policing and prison responses.

Mass media and entertainment increasingly depict Black, brown, and poor people as violent criminals. Journalists use terms like “superpredator” to create fear of Black boys and to amplify salacious and racist narratives. Politicians adopt the term gleefully, including Democrats, who compete with Republicans to be seen as equally “tough on crime.”

## 1994 FEDS INCENTIVIZE GROWTH OF STATE PRISONS

Despite a decrease in the national crime rate and a rise in mass incarceration, President Bill Clinton signs a dramatic new crime bill.

The federal government offers large grants to states to build or expand prisons and jails in exchange for increasing the amount of time that people spend incarcerated. Twenty-eight states, including New York, comply.

## 1995-00s EXTREME SENTENCING LAWS

In response to Clinton’s 1994 crime bill, New York eliminates state financial aid for incarcerated college students and dramatically reduces the ability of incarcerated people to earn time off their sentences. Over the next two years, New York receives more than \$50 million for jail and prison construction from the federal government.

This legislation expands in 1998, resulting in longer sentences, increased mandatory minimums, increased life sentences without the possibility of parole, and other heightened carceral penalties—all billed triumphantly as the “toughest crime laws in a generation.”

## 2004-09 PARTIAL REPEAL OF ROCKEFELLER DRUG LAWS

The New York State Legislature passes a partial repeal of the Rockefeller Drug Laws, including eliminating mandatory minimums in lower-level drug cases and reducing mandatory minimum penalties in other drug cases. The legislation, however, leaves other mandatory minimum sentences and the two- and three-strikes laws in place.

## 2019 SENTENCING RELIEF FOR SURVIVORS OF DOMESTIC VIOLENCE

After a decade-long campaign, New York State enacts the Domestic Violence Survivors Justice Act (DVSJA) to allow judges to sentence below mandatory minimums in cases where a survivor committed a crime in direct relationship to their abuse.

## 2021 COMMUNITIES NOT CAGES

Families, formerly incarcerated people, and advocates launch the Communities Not Cages campaign to decarcerate prisons and overhaul New York’s racist and draconian sentencing laws.