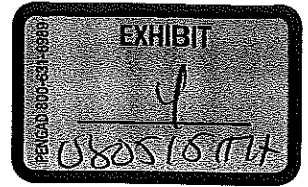


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My name is Kym Clark, and I am part of FREE! Families Rally for Emancipation and Empowerment. We are a grassroots group of people with incarcerated loved ones, empowering ourselves through self-advocacy trainings, community organizing, media justice work and peer to peer support. We are part of the Real Reform Coalition led by the Drug Policy Alliance.

We want to first thank Dee Levy, for coordinating these hearings, and Assemblyman Joseph Lentol and many others for continuing to lead the way against this clearly racist tool of state repression and legal slavery known as the Rockefeller Drug Laws, despite foot-dragging and denial of many Republican and other NY elected officials.

I thought about what to say today many times over, and about what others would bring to the table. And I know that there are lots of facts and figures surrounding the issue of mandatory minimum drug laws, the well-known successes of drug treatment programs, and the rampant failures of prison. I thought I'd be more anecdotal this morning, and maybe round out some of those hard clinical and technical edges.

Many in this room may remember five years ago, this week, a Boston city councilor recommended drug legalization; an Ontario judge overruled Canada's marijuana possession laws, effectively decriminalizing cannabis in the province; a Alberta Spruill, a Harlem woman died of a heart attack after police threw a flash grenade into her apartment during a drug raid on a mistaken address; and one of Scotland Yard's most senior officers called for legalization of all drugs.

Yet, in New York, a state where the majority of people, even elected officials believe that mandatory minimum drug laws are ineffective, even racist policy, we are still having this conversation.

Whatever Nelson Rockefeller was reacting to in 1973 hasn't existed since. And poor communities of color are left, once again, holding the tab.

When I was 18, I got into an altercation fueled by racist threats toward myself and the young man I was dating. Amidst the fighting, not thinking, but just reacting, I hit a man several times with a baseball bat. Potentially, I injured him, though he seemed ok, and I was never fully informed. What did occur was the

police convincing him - the one who initiated the violence - to press charges against us, and I was called in to be booked and finger printed with \$1,000 bail. With my suburban upstate NY lawyer and my mortified, middle class, white family behind me, I was sentenced to community service and a class A misdemeanor.

What a wake up call! Though an unfair process in some ways, since we were defending ourselves, how grateful I am not to have done something much worse, and not to have a felony on my record! But most of all, I give thanks for a second chance for my youthful impetuosity. This second chance was the product of my white family, my white attorney, and my white judge, all of whom considered my case on its own context, and considered me on my own merit. I've never hit anyone again, after that incident. Not everyone, however, is as fortunate.

Take the O'Donoghue family, for example. Young, Black Ashley O'Donoghue made the mistake of selling cocaine to some young white Hamilton college students. Those white students, being caught with seven grams of the substance, set Ashley up for a sale, in exchange for their continued freedom. The 20 year-old O'Donoghue didn't get a second chance like I did. His case wasn't considered on its own merits or context. Ashley was sentenced to seven to 21 years. What an inordinate amount of time for a first-time offense! Yet this has been the norm for the past 35 years in a state that boasts cutting edge leadership, but has caused relentless regression in communities of color!

Four years later, by the grace and support of community organizations, journalists, elected officials and the hard work of Cheri and Ricky O'Donoghue, Steering Committee members of FREE! and activists for Real Reform since the onset of his case, Ashley is in a work release program, and has spent the last three weekends at home, with his family. A family racked with stress, unforeseen expenses, emotional trauma, and the social stigma of having a loved one in prison.

Tens and tens of thousands of people in New York State suffer in impoverished communities, targeted by the police, and struggling to support their imprisoned family members, and themselves.

New York State continues to spend time, energy and money on these archaic laws. Drugs are not criminal! Drug users are not criminal! Why, there's even a popular television show called "Celebrity Rehab"! Though I don't watch, it's obvious that treatment for drug abuse is so viable that billions of people can watch this reality show. Where's our Celebrity Rehab?

Certainly it begs the question - who benefits from having these laws in place, really? Who profit from private prisons? Which decision makers are needed to keep the financial flow lucrative in this industry? Whose psyche's are assuaged by injecting a racist police state in the hood?

It's true, the majority of prisoners in NY state come from seven neighborhoods in NYC, but Rochester is a downtrodden city. And the same bully-ish style of likely illegal searches and seizures that one sees daily in Harlem, are frequent in Black neighborhoods here. I encourage you to take a look around before you head back to Albany. Unlike NYC there are but a handful of groups representing self-determination and sustainability in poor communities, in communities of color - one and the same in this Jim Crow town.

And everyday, more jobs are lost. The former Crowne Plaza Hotel forecasts a 48 person layoff after being ravaged by a hotel workers' union lawsuit. Take a look around, search for decision-makers of color. It's a scavenger hunt. In the 15 months that I lived here, I experienced the tale of the Two Cities - one affluent and white, and one brown and impoverished. But there are many poor whites here, as well. Take a ride on the bus - then head over to Park Avenue for a cappuccino. Mark the differences. The majority of the town earns between \$7-10/hour - those lucky enough to still be employed.

So how would one even find out about such a hearing happening in their town of Rochester? Just last night a friend who works for the State Judiciary branch told me she never would have known such a thing was taking place were it not for my contacting her, directly.

Why are these processes so closed? And even if one were to find out about this, why would they take a drawn out bus ride here, when they need to find a job? Or care for the children their imprisoned loved one left behind?

Yet NY spends \$32,000 per year to warehouse bodies in prison, largely for drug related offenses, yielding little hope of any type of rehabilitation.

To house someone in residential drug treatment - \$21,000.

Outpatient drug treatment? A mere \$4,500 per year.

Contrary to popular belief, the building of prisons in rural communities ends up costing those communities more than the prisons's perceived revenue can make up for. Lease revenue bonds leave the people to balance the bills for private interests who construct these facilities. Quality of life diminishes as the culture of the town changes to accommodate the transient populations and the cadre of officers. Most jobs become filled by C.O.s from other parts of the state on waiting lists, and only low level, service related jobs are created for a few. Those who live within a couple of miles of the prison suffer enormously bright, round-the-clock security lights shining on their homes. And the people incur the debt from these projects.

Nelson Rockefeller had a grudge, driven by ego, power tripping and politics. These mandatory minimum drug laws are worth but an irrational knee-jerk reaction, like hitting someone with a bat, when really an appropriate response addressing the root of this issue, could have been summoned, that 35 years later would have healed neighborhoods and brought people together, saved money, and allowed reinvestment in the communities that need it most.

We need Alternatives to Incarceration that include reinvesting monies that are pumped into private prisons put back into higher educational opportunities for disenfranchised students. In and Out-patient treatment programs with strong support components. Preservation and renovation of affordable housing, especially in our cities. Jobs that pay a livable wage to promote healing and sustaining instead of dehumanizing and enslaving. Training programs for police officers that tear down negative stereotypes of Blacks and Latinos and Queer and Trans folk, and rebuild notions of humanity and respect. And ways of involving and keeping together whole families impacted by this so-

called war on drugs that has devastated low-income urban communities.

We want to know what further criteria is required for the necessary changes to be made to eradicate this ill! When will a decision that represents the will and interest of the majority of New Yorkers be executed? We want a transparent process for repealing all laws related to mandatory minimums and the corresponding augmentation of employment opportunities. Free the Land. Free all political prisoners.