

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HIGHER EDUCATION

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February 22, 2016

Start: 2:27 p.m.

Recess: 2:44 p.m.

HELD AT: 250 Broadway - Committee Rm.
14th Fl

B E F O R E: INEZ D. BARRON
Chairperson

COUNCIL MEMBERS: James Vacca
Fernando Cabrera
Jumaane D. Williams
Laurie A. Cumbo
Ydanis A. Rodriguez
Vanessa L. Gibson

A P P E A R A N C E S (CONTINUED)

2 [sound check, pause]

3 [gavel]

4 CHAIRPERSON BARRON: Good afternoon. I'm
5 Council Member Inez Barron, and I am Chair of the
6 Committee on Higher Education. We're here this
7 afternoon to vote on Resolution 837 expressing the
8 Council's support for President Barack Obama's Second
9 Chance Pell Pilot Program, which will initiate new
10 models to allow incarcerated individuals to receive
11 Pell Grants to finance their education. According to
12 the Bureau of Justice statistics, as of 2013, there
13 were approximately 2.2 million people incarcerated in
14 local, state and federal detention centers. The
15 incarceration rate is disproportionately higher for
16 Black males who are six times more likely, and Latino
17 males who are twice as likely to be incarcerated for
18 the same or similar offenses as Whites. In her book,
19 *The New Jim Crow*, Michelle Alexander says that the
20 mass incarceration that has taken place since the
21 Civil Rights Movement is "A stunningly comprehensive
22 and well disguised system of racialized social
23 control that functions in a manner strikingly similar
24 to Jim Crow." The study sponsored by the U.S. Justice
25 Department, and several of the nation's leading

2 foundations published in 2007 found that the impact
3 of the biased treatment is magnified with each
4 additional step into the criminal justice system.

5 African-American youth account for 16% of all youth,
6 but 28% of all juvenile arrests, 35% of the youth
7 waived to adult criminal court, and 58% of youth
8 adminis--admitted to state adult prison. A major
9 reason for these disparities is unconscious and
10 conscious racial biases infecting decision making."

11 Under the guise---under the guise of the war on
12 drugs, the prison population expanded exponentially.

13 "Once elected, Clinton endorse the idea of a federal
14 three strikes and you're out law, which he advocated
15 in his 1997 State of the Union Address. The bill
16 created dozens of new federal capital crimes,

17 mandated life sentences for some three-time
18 offenders, and authorized more than \$16 billion for
19 state prison grants and expansion of state and local
20 police forces. As the Justice Policy Institute has
21 observed, the Clinton Administration's tough on crime
22 policies resulted in the largest increases in federal
23 and state prison inmates of any president in American
24 history. The Temporary Assistance For Needy
25 Families, TANF, was a permanent lifetime ban on

2 eligibility for welfare and food stamps for anyone
3 convicted of a felony drug offense including simple
4 possession of marijuana. "Drug offenses account for
5 two-thirds of the rise in federal inmate population,
6 and more than half of the rise in state prison
7 between 1985 and 2005. Arrests for marijuana
8 possession account for nearly 80% of drug arrests in
9 the 1990s. Most people in state prison for drug
10 offenses have no history of violence or significant
11 selling activity. Yet, the elimination of judicial
12 discretion through mandatory sentencing laws has
13 forced judges to impose sentencing for drug crimes
14 that are often longer than those violent criminals
15 receive. "People of all races use and sell drugs at
16 remarkably similar rates. If there are significant
17 distances in the surveys to be found, they frequently
18 suggest that Whites, particularly White youth are
19 more likely to engage in illegal drug dealing than
20 people of color. One study, for example, published
21 in 2000 by the National Institute of Drug Abuse
22 reported that whites students use cocaine at seven
23 times the rate of Black students. Use crack cocaine
24 at eight times the rate of Black students, and use
25 heroine at seven times the rate of Black students.

2 That same survey revealed that nearly identical
3 percentages of White and Black high school seniors
4 use marijuana. The National Household Survey on Drug
5 Abuse reported in 2000 that White youth ages 12 to 17
6 are more than a third like to have sold illegal drugs
7 as African-American youth. Thus, the very same year
8 that the Human Rights Watch was reporting that
9 African-Americans were being arrested, and imprisoned
10 at unprecedented rates, government data reveals that
11 Blacks were not more likely to be guilty of drug
12 crimes than Whites. And that White youth were
13 actually the most likely of any racial or ethnic
14 group to be guilty of illegal drug possession and
15 sales. Any notion that youth--that drug use among
16 Blacks is more severe is dangerous--is dangerously
17 belied by the data. More than 60% of the prison
18 population is composed of low-skill minority males.
19 One of the main obstacles to reducing America's
20 enormous prison population is the high rate of
21 recidivism. Nearly half of all released nationwide
22 return to state prison within three years or more. A
23 major reintegration--a major obstacle is a lack of
24 educational and training necessary for former
25 prisoners to receive meaningful sustained work

2 experience in the outside world. Increasingly, we
3 live in a world where demands for--where jobs demand
4 some form of higher education. The Center for
5 Education and the Workforce estimates that by 2020,
6 65% of all jobs will require post-secondary education
7 and training, with 35% requiring a bachelors degree
8 and 30% requiring at least some college or an
9 associate's degree. Once this country recognizes
10 fact, higher education benefits not only the student,
11 but society. When it was passed, the Higher
12 Education Act of 1965 permitted incarcerated
13 individuals to apply for federal financing aid for
14 college courses establishing a stable source of
15 funding for correctional education programs. The
16 Pell Grant Program in particular became an essential
17 source of correctional education funding resulting in
18 350 college programs in 45 states. The cost was only
19 one-tenth of one percent of the Pell Program's annual
20 budget. However, President Clinton rendered
21 incarcerated individuals at federal or state
22 facilities ineligible for Pell Grants when he signed
23 into the law--when he signed into law the Violent
24 Crime Control and Law Enforcement Act of 1994.

2 There is much talk these days about
3 reducing the prison population, and ending the era of
4 mass incarceration. Addressing sentencing is an
5 important part of that. Additionally, making sure
6 that while people are in prison they have an
7 opportunity to gain skills that will allow them to
8 legally support themselves in the outside world.
9 Education is one of the ways to provide that
10 opportunity. While 19% of the U.S. general
11 population aged 16 or older have a high school
12 education, less than 37% of inmates have a high
13 school education. Many of these individuals are
14 concentrated in poor and minority neighborhoods where
15 earning potention--earning potential and
16 employability are limited. Their lower literacy
17 rate, education levels, vocational skills limit their
18 opportunity. Their communities are economically
19 depressed and unemployment rates are double to triple
20 the national average. Forty-four percent of all
21 released offenders in the U.S. return to a state
22 prison within three years of their release. Contrary
23 to this recidivism rate for those awarded an
24 associate's degree, only 13.7% return. For those
25 awarded a bachelor's degree, only 5.6 return, and for

2 those awarded a master's degree, less than 1% return.
3 For every dollar invested in correctional education
4 programs, \$2.00 are saved through prevented
5 recidivism. We must move from using prisons for
6 warehousing the undercast and marginalized in our
7 society to prisons that provide comprehensive
8 rehabilitation programs. In facilities that offer
9 authentic academic education and comprehensive work
10 skill development opportunity. That is why the
11 Council should support President Obama's efforts to
12 restore Pell Grant eligibility for incarcerated
13 individuals.

14 I'd like to thank the staff for their
15 work on this resolution. My Legislative and CUNY
16 Liaison Ndigo Washington, the Committee's Policy
17 Analyst Chloe Rivera, and the Committee Counsel Jeff
18 Campagna. I'd also like to recognize the other
19 members of the committee, Council Member Cabrera, and
20 Council Member Rodriguez, and I urge my colleagues to
21 vote aye on this resolution. [pause] We're waiting
22 for a council member to arrive, and we will continue
23 upon his arrival. [pause] We're back. Okay, thank
24 you. We've been joined by Council Member Jumaane
25 Williams. Thank you very much, and with that, I urge

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2 all of my colleagues to vote aye, and I'd ask the
3 clerk with a quorum being present to please call the
4 roll.

5 CLERK: William Martin, Committee Clerk,
6 Roll Call vote Committee on Higher Education,
7 Resolution 837, Chair Barron.

8 CHAIRPERSON BARRON: I vote aye.

9 CLERK: Rodriguez?

10 COUNCIL MEMBER RODRIGUEZ: Aye.

11 CLERK: Cabrera.

12 COUNCIL MEMBER CABRERA: I vote aye and
13 please add me to the bill.

14 CLERK: Williams.

15 COUNCIL MEMBER WILLIAMS: This is a very
16 important piece of legislation. It's very important
17 that we--we look at how we are dealing with the
18 criminal justice system and getting Pell back in--in
19 the system will be very important. So I vote aye,
20 and please add my name as well the legislation.

21 COUNCIL MEMBER RODRIGUEZ: Madam Chair,
22 can I also be added to the--this Resolution?

23 CLERK: By a vote 4 in the affirmative, 0
24 in the negative and no abstentions, the item has
25 been adopted.

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2 CHAIRPERSON BARRON: Thank you. This
3 hearing is now closed. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 25, 2016