

Testimony of Natasha Darrington

On the Retroactivity of Proposed Amendment to the Crack Cocaine Sentencing Guidelines,
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in Washington, DC

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Good afternoon. My name is Natasha Darrington, and I would like to thank the U.S. Sentencing Commission for the opportunity to speak today. Today, you are asking me and the public whether the Commission should make crack guideline reductions retroactive. My answer is a resounding “yes.”

I say that “yes” because in 2007, the Commission voted to make its so-called “crack minus two” guideline changes retroactive. I am only sitting here before you today because of that decision. I am a direct beneficiary of that vote for justice. If the Commission had rejected retroactivity, I would still be in federal prison until next year. Today, I am here to thank you in person and to tell you how retroactivity can transform lives. I hope that you can take some comfort as you prepare to vote by knowing how well I am doing, what coming home early has meant to me and my family, and what it would mean for the women I left behind.

In 1997, I was sentenced to 15 years and eight months for my involvement in a crack cocaine offense. I was 37 years old. People in my community were shocked by my sentence. I was distraught. I was a first-time offender who had never spent a day in prison. At that time, there was a 100-to-one disparity between crack and powder cocaine sentences. This disparity had already come under fire from the public and the Commission. It was already notorious as one of the most racially discriminatory laws on the books. It had already locked up a generation for decades. Sadly, I came to know that law’s devastating impact personally and deeply. More tragically, so did my family.

My four children were 10, 12, 15 and 17 when I went to prison 14 years ago. They are all adults now. In one way, they were lucky. They did not have to go into foster care or live with strangers. They stayed with my father until he passed away, then with their father’s family. But I wasn’t there to help them grow up. I missed their birthdays and high school graduations. I missed

the birth of my first grandchild. I missed the funerals of both of my parents. I missed the chance to comfort my children when their grandparents died. My children and I are close. Every day I served in prison, my family served it with me. My children and I had many a soggy pillow over those years.

I became involved with Families Against Mandatory Minimums early in my incarceration. I closely followed their efforts to change crack cocaine sentencing laws. When the Commission created the “crack minus two” changes in 2007, I mailed you a letter and a picture of my first grandchild visiting me in prison and urged you to do the right thing and make the changes retroactive. The day the Commission voted for retroactivity, my daughter Kamille heard the news in her upper-division writing class at Fresno State University. She, her professors, and her classmates had been discussing the unjust crack laws for some time in several of her classes because they knew I was in prison. When they learned that the changes had been made retroactive, all the students and Kamille’s professor began yelling and cheering. Kamille began shouting, “My mom is coming home! My mom is coming home!”

When I heard the news in prison, the women around me were excited and nervous, anxious to see if they would benefit. They lined up at the phones to call their attorneys. Women who were in prison for other kinds of drug offenses said that even though they wouldn’t benefit from the changes, they were glad to see that the Commission had done something to make the system fairer. Retroactivity gave the rest of the women hope. I cannot tell you how much it meant to us to know that the Commission cared enough not only to reduce unjust sentences but also to leave no one behind who might benefit.

I call March 3, 2008 my New Year’s Day. After nearly 11 years in prison, I got to go home to my children. I was released one day before Kamille’s 23rd birthday. She said it was the

best birthday present she'd ever received. My life no longer revolves around the events I missed but the events I'm able to be a part of. I was present for the birth of my second grandchild, my grandmother's 96th birthday and, later, her funeral. I was present for Thanksgiving dinner with my sister. I was present for Kamille's graduation when she received her Bachelor's, and I'll be present when she receives her Master's. I'll be present for my son's graduation. I will also be present at my own graduation next year, when I receive my Bachelor's degree in business administration, and then I'm going right into my Master's of Business Administration program. My dream is to start my own photography and videography business. None of this would have been possible if the Commission had done what was easy instead of what was right in 2007. I'd still be in prison today, still missing out and being missed.

On the day I heard about the vote for retroactivity, some of the prison guards gathered us together and tried to discourage us. They told us we would never benefit from the Commission's changes. For some, the guards were right. Even for many who did benefit, they still had years or decades left to serve. To this day, I feel that most of these women pose no threat to the community. They are kind, compassionate, and have something to offer society. Is the system fairer now than it was three years ago? Yes – even the people left behind think so. But for too many it isn't fair enough.

Today, I ask the Commission to repeat history. Fairer, more just laws shouldn't apply only to some people – they should apply to all people. Please do the right thing and make these crack guideline changes retroactive.

Thank you.