

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties
“Presidential Clemency and Opportunities for Reform”
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March 4, 2020

Good morning Committee Members, I am humbled to have this opportunity to testify before you today. Despite me being already committed to speak at North Carolina Central University later this evening, it was important for me to be here. My prayer today is that our testimonies will go beyond these walls and move the hearts of Congress and our President.

Almost 20 years ago, President Clinton changed my life forever by freeing me from an excessive prison sentence. It was a U.S. President that had the power to change my fate. It was an act of mercy

In 1994, I was sentenced to 24.5 years in Federal Prison even though I had no prior record and I didn't commit a violent crime. Ultimately, I was a college student and girlfriend of a drug dealer who was abusive. I turned myself into the authorities seven months pregnant with my first child and was denied bond. But in the 1990's there was no room to see me as a human being. I was seen as a statistic; another single, young, Black mother who was involved with drugs. I was seen as a disposable, like my life had no value. The judge sentenced me to 24 years and six months. At 23 years old, I was sentenced to more time than I had been living on this earth and I wasn't supposed to be released until my son was a grown man.

There were several factors that led to me receiving executive clemency.

- First, the media, in particular, black media, took interest in reporting my story. There was a magazine called Emerge Magazine that did an extensive article about my story which led to the NAACP Legal Defense Fund (LDF) taking on my case pro-bono.
- I had two parents who were deeply dedicated and sacrificed a great deal to support me, not only by caring for my son, making sure I had money on my books and prison visits, but they traveled across the country advocating for my freedom and educating the public about drug policy and sentencing.
- There were individuals and national organizations who organized rallies and writing campaigns because they thought what happened to me was unjust. In the 90's, black women were one of the fastest growing populations going to prison, so Elaine Jones, Director of LDF enlisted prominent

black women's organizations in which she was a member of to invest in advocating for my release. Organizations such as Delta Sigma Theta Sorority, Inc., Links, Incorporated and the National Council of Negro Women. It became bigger than just advocating for me they were hoping to set a precedent for others to receive their freedom.

- There were even Congressional Members who were on this very committee such as Congressman Bobby Scott and Congresswoman Maxine Waters who were champions in advocating for my release.

The Criminal Justice Reform Movement wasn't what it is today, and after serving 6.5 years, it was a modern-day miracle for President Clinton to grant me executive clemency in December 2000. It was said that he was trying to do a redemptive act during the 25th hour of his presidency to right the wrongs of him signing The Crime Bill that caused the big prison boom. I like Alice Johnson came out singing praises to President Clinton, even though there were some people in the community who felt extremely different than me.

A few days after my release my mother saw me tearing up and she asked me what was wrong. And I told her that I was having a hard time dealing with the fact that I left so many men and women behind bars that deserved to be home, too. One of those women was Michelle West, who is still serving a double life sentence and has been incarcerated for 27 years.

On the day that I was released, I spent all day in the visitation room with my attorneys from LDF. As hours passed by and no prison staff told us anything, I had begun to think, "it" – my commutation, wasn't going to happen. After my visit and going through the squat and cough, Michelle was the first person waiting for me outside the door as I walked back on the yard to tell me "Kemba, you are going home. They said your name on CNN".

I remember vividly to this day how the prison was on lockdown and the women were yelling me well wishes as I walked out of my unit to exit the prison yard. Even though that was a surreal moment for me, the only thing I can remember is the overwhelming feeling of heartache that took over me.

That heartache and survivors guilt motivated me to speak out about my experience and I became a national and international public speaker. My lived experience has led my role as a domestic violence survivor, national advocate and consultant in the criminal justice arena for over 20 years working with women and youth, national organizations, universities, corporations and the media. I held the position of State Advocacy Campaigns Director with the ACLU of Virginia, worked with senior officials at The

White House, the United Nations in Geneva, Switzerland, Members of Congress, and I have led trainings for Federal and State Probation organizations across the country. In 2019, I was appointed as a member of the Virginia Parole Board by Governor Ralph Northern.

Today, I am not here just representing myself. I am representing the formerly and currently incarcerated community. There are some of us that have been in this movement for years. In 2016, President Obama invited a group of us that had received executive clemency from Presidents to the White House. We had the opportunity to discuss our re-entry back into society and our lives now. It was said that it was a historic day because that had never been done.

President Obama commuted more sentences than any President on record, which were over 1,700. Of those there were 568 incarcerated individuals with life sentences who applied. We are grateful for what President Obama did, but we were also disappointed that he wasn't able to do more because there were over 36,000 petitions submitted. We were disappointed that Alice Johnson, Michelle West, William Underwood and other sentences had not been commuted as well.

When President Trump came into office, we assumed that there would be no progress with Criminal Justice reform as it related to drug policy and sentencing especially with Jeff Sessions being the Attorney General. We were wrong. To my surprise, I was invited to the White House to hear President Trump introduce the First Step Act and it evolved to include language in which Congress was able to enact and there have been many beneficiaries of this legislation who are singing praises to this administration. We are all supportive and happy for those that are being released.

My criticism ever since President Trump has been in office is what about The Clemency Initiative and the thousands of people that are still waiting on a response. President Trump has only commuted 10 individuals' sentences since being in office. I was an advocate for Alice Johnson. I am grateful that she has a champion like Kim Kardashian who had access to the President to advocate for her release, but there are others who are deserving of this act of mercy and the President is their last resort. There are shortcomings of the federal clemency process. Even with my own situation, I became the poster child for drug sentencing gone wrong, but I know I received relief because I had the privilege of my background of being a college student, with two middle class parents who were advocating for my release who had support from organizations that typically in past had conservative views when it came to criminal justice. Not everyone has this exposure and access that I had, but they are just as deserving of this presidential act of mercy.

Last year, I was invited to the White House for a Criminal Justice Reform Strategy Session discussing the Next Steps with Clemency. As I sat at the table, I noticed that there was not a representative from any of the national organizations that I have typically been involved with in having these conversations. I participated, even though I must admit I was uncomfortable. I leaned into knowing that Van Jones and Topeka Sam sat at these tables before me in order to generate movement on our issues. Needless to say, after my participation, I heard nothing further.

As this administration moves forward with the New Clemency Initiative and putting the White House more directly in control of the process than the Justice Department. I would strongly suggest that you include organizations that have been working on this issue for decades, and have a diverse group of individuals from attorneys, researchers, social workers, people who are in the media and people who have received commutations. Most importantly, I challenge this administration to break President Obama's record with commutations. Some are critical of how this power is being used to release President Trump's allies, if I am brutally honest, I don't care about them, as long as you are releasing my people out of prison who deserve the same opportunity that I have been given, who are no threat to public safety, which could even mean few "violent offenders."

To this Judicial Committee and Congress, I urge you to be advocates like Virginia Congressman Bobby Scott and Congresswoman Maxine Waters. I am sure you hear from plenty of family members who live in your district. Please bring those compelling stories of individuals who deserve second chances to this administration's attention.

In closing, recently there was a Virginia Supreme Court Judge that told me, the government should not be concerned with being right, instead it should be concerned with making sure "justice" has been served. I thank God that President Clinton didn't adhere to the Department of Justice opinion that I needed to serve my full sentence. There was a President that felt as if Justice had been served. There are many others like me who are waiting on their opportunity to live lives that would overshadow who they use to be if given the opportunity. Like Alice Johnson and I, they would be an asset to our great nation.

Thank you.