

Testimony of Michael Short
Before the Judiciary Committee of the House of Representatives
Subcommittee on Crime, Terrorism and Homeland Security
February 26, 2008
Hearing on Cracked Justice – Addressing the Unfairness in Cocaine Sentencing

I want to thank Chairman Scott, Ranking Member Gohmert and members of the Subcommittee for giving me this opportunity to testify. My name is Michael Short. I am here because in 1992 I was sentenced for selling crack cocaine. Before then I had never spent a day in prison. I came from a good home and a good family. I had no criminal history. I was not a violent offender. But, on November 13, 1992, I was sentenced to serve nearly twenty years in federal prison. I was 21 years old.

In prison I worked hard and achieved a lot. I earned my Associates degree in Business Management from Park College in 1995. I also earned my Nutrition Specialist degree, Core Conditioning Exercise certification, and am certified in CPR-AED. I became a certified personal trainer, completing the coursework through the National Federation of Professional Trainers, and last week I started my new job at a health club in Prince Georges County. I did everything I could to improve myself and use my time well.

In 2001 I asked the President of the United States to grant me executive clemency. I asked him to recognize that I was sorry for my actions, that I had done all I could to improve my life and that more time in prison would serve no further purpose. I am deeply gratified to tell you that President Bush granted my petition on December 12, 2007.

To be clear, I know what I did was wrong. I sold illegal drugs and I deserved to be punished. But what I did and who I was did not justify the sentence I received. And while today I am telling my story, it is also the story of the many men that I know in prison – nonviolent offenders serving ten years, twenty years or longer for crack cocaine offenses.

I did not need twenty years to convince me of the error of my ways, to punish me or to set me on the right path. My sentence was altogether too long. It was too long because of the way the law treats crack cocaine.

Twenty years is the kind of sentence that drug kingpins should get – big time dealers. But I was no drug kingpin. I was sentenced like one because the drug I was convicted for was crack cocaine. The law treats one gram of crack cocaine the same as 100 grams of powder cocaine. If I had been sentenced for the same amount of powder cocaine, I would have left prison roughly seven years ago after serving nine years, which is still a very long time in prison.

I have heard some of the comments some people in positions of power have made about crack cocaine prisoners – that we are violent gang members and that is why our sentences have to be so much longer. I am not that person and most of the people I leave behind in prison aren't either. I grew up in a warm, close, supportive family. I had all I needed and, though I made a terrible mistake, there was no violence in my crime. I was not a gang member. I was sentenced for such a long time because of a stereotype.

People like me, convicted of crack cocaine offenses, are serving years longer in prison than they would serve were they sentenced for powder cocaine. They keep hearing how wrong this is and cannot understand why, if so many people including the Supreme Court, the Sentencing Commission and even some presidential candidates feel this way, does nothing change. It made us all feel that the system itself was stacked against us or that no one cared enough to right a wrong. My sentence was too long and yet no one in the criminal justice system seemed to be able to do anything to shorten it.

I also see the racial disparity that is reflected in this system. While I believe that it was not intended to punish people who look like me more harshly, I can tell you that in prison there is a sense of a terrible unfairness and imbalance in who goes away for the longest sentences. It makes a person distrustful. There was a lot of talk among prisoners about how our system is anything but colorblind.

I think your job is to be sure that punishment is adequate but not excessive. As someone who has spent so much time in prison, I can tell you we are aware of every hour, every day and every month. It is tough. Certainly it hurts us; there is a point beyond which the lessons that could be learned and the punishment that could be extracted are well past – they are lost. And beyond that point it makes no sense to warehouse those humans.

But even worse, I think, is what it does to the people who love us on the outside. Not a day passed that my mother did not worry about me getting harmed in prison. And she felt the injustice of this sentence very much. She was in prison just as surely as I was. I lost my mother during those years; in all I lost ten family members while I was away. I will never replace those people and they will never know me as I have become. But I will tell you that I want to do all I can to convince you to save other families from what mine had to endure.

As you consider correcting the injustice of crack cocaine sentencing, I want you to know that if you do, it will be a tremendous gesture to all the people who are serving unduly long sentences. That said, I can see no reason to do anything other than make crack sentences the same as those for powder cocaine and best of all, get rid of mandatory minimum sentencing once and for all. It is a terrible system that ignores the individual and sentences based only on the weight of some drugs. Mandatory minimums forbid a judge from taking the whole person into account. Remorse, acceptance of responsibility, the influence of coercion or poverty, addiction, all of it gets swept aside in favor of one measure: the weight of drugs. It makes the small fry as liable to serve extremely harsh sentences as those who actually deserve them.

I received the gift of freedom when President Bush commuted my sentence. I cannot begin tell you what that meant. You have that same power. You have a tough job, but fixing this disparity is just the right thing to do. If you correct this one injustice you will help correct a terrible injustice and at the same time restore some of the lost faith in the criminal justice system.

Thank you.