

Testimony of Cedric Parker  
To the Senate Judiciary Committee  
Subcommittee on Crime and Drugs

“Restoring Fairness to Federal Sentencing:  
Addressing the Crack-Powder Disparity”

Wednesday, April 29, 2009

Thank you Chairman Durbin, Senator Graham and members of the Subcommittee for inviting me to testify before you today. I am Cedric Parker from Alton, Illinois. I am here to tell you the things that my sister, Eugenia Jennings, would say if she could be here today. The severity of mandatory minimums and especially the sharp disparity between those for crack and powder cocaine have touched my family directly. Eugenia cannot be here because she is in federal prison for selling crack cocaine.

I spoke with my sister when I learned you wanted to hear from me and these are the things she would like you to know. I want to say first that Eugenia does not excuse her conduct or hide behind her problems. She took immediate responsibility for her actions and I know a day does not go by that she is not sorry for what she did. She has learned her lesson.

Eugenia is the youngest of seven and our mother's only daughter. She was born and growing up as I was leaving Alton first for college and then for the military. As I began to hear about the things that were happening to my little sister, I tried repeatedly to intervene from overseas and find a safe harbor for her. But I could not.

Our mother was terribly challenged by illness, poverty, and other problems that made it difficult to provide us a stable family and safe environment or to get help. When Eugenia was very young, our mother would leave her with the Smiths, family friends in the projects, when she would go to work. The visits lengthened until she stopped bringing Eugenia home much at all.

Eugenia had an unspeakable childhood. Her surrogate mother, Annie, beat her and emotionally brutalized her from the time she arrived. She was surrounded by Annie's children, all of whom abused drugs and alcohol. When Eugenia was only seven years old she was left for days with a prostitute who sexually assaulted her, as did a teenage neighbor of the Smiths. A year later one of her half-brothers sexually abused her and when she became a teenager, her step-father tried to rape her.

Eugenia tried to escape but found only another set of problems. She left the Smith household when she was only 13, dropped out of school, and went to live with her boyfriend in a house where drugs and alcohol were the norm. She began abusing drugs and became addicted to crack by the time she was 15. She stopped using when she learned she was pregnant but after she

gave birth at age 16, desperate for money to support her and her daughter, she began selling drugs. Of course, she was eventually caught.

Eugenia was convicted in Illinois in 1996 for two drug sales totaling less than 2 ½ grams of crack cocaine. While in prison she sought treatment for her drug addiction and resolved to remain drug free. She studied for and completed her GED. She gave birth to her youngest son Cardez while she was incarcerated.

Eugenia tried to live up to her commitment. But this young woman had never had anyone around her who believed in her and who she could count on for support. Following her release from prison in 1999 she relapsed and began using drugs and alcohol again.

In June 2000 Eugenia was arrested for trading crack cocaine on two different occasions for designer clothing. One sale involved 1.3 grams and the second, a few days later, involved 12.6 grams.

Eugenia was charged in federal court with two counts of distributing crack cocaine. She accepted responsibility and pleaded guilty. The federal prosecutor decided to charge her as a so-called "career offender." A career offender is someone who has two or more prior felony drug offenses. Her two Illinois state prior convictions for small amounts of drugs were enough to treat her as a major drug kingpin, driving her sentence from the mandatory minimum of five years to a sentence of almost 22 years. My sister was barely 23 years old and the mother of three young children when she was sentenced in January 2001 to over two decades behind bars.

Had Eugenia been sentenced for powder cocaine instead of crack cocaine, even as a "career offender," her sentence would have been less than half the one she received for crack cocaine. Today, she would be getting ready to come home, probably already in the halfway house. But, because she was sentenced for crack cocaine she will not be released from prison until 2019.

Eugenia has worked very hard while in prison to better herself and maintain her ties to her children. They correspond regularly and what little money she has managed to earn, she has sent home to them for birthdays and holidays. My sister has never been in trouble in prison and is very well regarded by staff and other prisoners. She is an avid student and model employee. She is involved with supporting battered women and is a member of the Youth Awareness Program, speaking with young people about the dangers of drugs. After a lifetime of substance addiction, Eugenia is proudly sober.

It strikes me that whatever the government had hoped to achieve by locking Eugenia up has been accomplished and yet she has ten more years than someone convicted of powder cocaine. My sister's children, 11, 14 and 15, have only seen their mother once since her imprisonment.



My sister is a remarkable woman of courage and principles. I would give anything not to be here telling you this sad story but I hope that my words will help convince you to change this terrible law.

I want to leave you, not with Eugenia's words or mine, but with the words of the Honorable G. Patrick Murphy, who sentenced my sister. Here is what he told her:

Mrs. Jennings, I'm not mad at you. . . . The fact of the matter is, nobody has ever been there for you when you needed it. Never. You never had anyone who stood up for you. All the government's ever done is just kick your behind. When you were a child and you had been abused, the government wasn't there. When your stepfather abused you, the government wasn't there. When your stepbrother abused you, the government wasn't there. But, when you get a little bit of crack, the government's there.

"Now is that fair? No. It's not. And have you been punished? You bet. Your whole life has been a life of deprivation, misery, whippings, and there is no way to unwind that. But the truth of the matter is, it's not in my hands. As I told you, Congress has determined that the best way to handle people who are troublesome is we just lock them up. Congress passed the laws.

"And it is an awful thing, an awful thing, to separate a mother from her children. And the only person who had the opportunity to avoid that was you. . . .At every turn in the road we failed you. And we didn't come to you until it was time to kick your butt. That's what the government has done for Eugenia Jennings."

I am not here to ask the government to make it right for Eugenia. It is too late for that. I am here to bring you her message to end the sentencing gap between crack and powder cocaine. It causes racial disparity in sentencing that Eugenia witnesses every day. It also results in unduly harsh sentences for people whose only crime is selling the same drug in a different form. The fact that the 13 grams of drugs that my sister sold were the crack and not the powder form of cocaine surely cannot be enough to justify adding a decade onto an already lengthy sentence.

Thank you for hearing me.