



Statement of Matthew Charles

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Hearing on “Examining Federal Sentencing for Crack and Powder Cocaine”

Senate Judiciary Committee

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Chairman Durbin, Ranking member Grassley, and members of the committee, good morning. My name is Matthew Charles.

It’s an honor to have this opportunity to speak with you today, just as it was an honor for me to be at the State of the Union address two years ago and receive a standing ovation from members of the House and Senate.

I am only able to be here because you all came together and passed the First Step Act. I urge you now to come together again and pass the EQUAL Act and to eliminate once and for all the disparity between crack and powder cocaine sentences.

Some of you know my story. As a young man, I was on the wrong path. I grew up in a cramped public housing unit in North Carolina with a father who was both physically and verbally abusive. I was angry and lost - and I began to mimic the behavior I experienced at home. I share this not as an excuse, but to help you understand why I made the bad choices that resulted in my incarceration.

At 18, I tried to escape my home life and join the Army, but I was still angry and mad at the world. For the next decade, I was in a dark place. I sold drugs and spent about five years in state prison. But I had not yet hit rock bottom.

In 1995, I was arrested for selling 216 grams of crack cocaine to an informant and illegally possessing a gun. Because of my prior criminal activity – and because I sold crack cocaine instead of powder cocaine – I was given a 35-year sentence. If crack and powder were treated the same, my sentence could have been 15 years, not 35. But the 100-to-1 disparity was in place at that time, and I honestly didn’t seem like someone who deserved a break.

While in the county jail, I met a guy named Jesus Duran. When he was sentenced and transferring, he left me his possessions. Among those things was a bible. I read the Bible for the



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first time in my life and the hard shell I had constructed to protect myself began to crack. I gave up the anger and pain that had controlled me. I surrendered my life to the Lord Jesus Christ.

That decision changed my attitude toward other people and the things I faced and continued to face. I went to federal prison and continued to live out the new life that I had accepted. Doing so allowed me to live a positive lifestyle and afforded me the opportunity to work as a GED tutor, a law library clerk, and to be a mentor to some younger people. Over the next 21 years, I didn't receive a single disciplinary infraction.

When Congress passed the Fair Sentencing Act in 2009, I believed I was eligible for a sentence reduction. I was following the debate at the U.S. Sentencing Commission and in Congress very closely, as were others serving time for crack-related charges, and we knew that the bases for treating us differently had evaporated. We knew that the 1986 Anti-Drug Abuse Act was rushed through Congress with little debate or study, and in the middle of a media frenzy about drugs and crime.

What was clearest of all to us – a fact we saw every day inside prison – was that the stiffer penalties for crack were being applied disproportionately to Black people. People of color have been adversely affected for decades and have suffered grave injustices and irreparable harm through criminal prosecutions of low-level drug offenders and addicts. They have been given very extensive sentences, including life or multiple life sentences for nonviolent offenses involving crack cocaine. We know the harm these excessive sentences cause to our children, our families, and our communities.

We had hoped Congress would eliminate this unjustified disparity in 2010, but we saw a political compromise reduce it to 18:1. The Fair Sentencing Act did not apply retroactively, but the U.S. Sentencing Commission made its changes retroactive. In 2013, I applied for a sentence modification. At my resentencing hearing, the judge commended my rehabilitation and reduced my sentence. I left prison in 2016.

At that time, I moved to Nashville, got a job as a driver, reconnected with my family, volunteered weekly at a food pantry called the Little Pantry That Could, and became deeply involved in my church. I was doing everything I could to make my second chance a success.

But after a year and half of freedom, the Obama administration's Justice Department okayed the prosecutor to appeal my release, and the appeals court reversed the reduction in sentence. I was sent back to prison for 7 months until the passage of the First Step Act. Thanks to many of you, especially Senators Grassley and Durbin, I was spared from spending another decade behind bars. I left prison for good on January 3, 2019, just two weeks after President Trump signed the bill into law.

I have spent the past two and a half years advocating for those I left behind. People tell me my story is unique, but I know there are a lot of people like me who're committed to making changes and finding a new path, and who do not need to spend decades in prison to learn their lesson.

I deserved to go to federal prison for my crimes, but I didn't need a sentence of 35 years, especially when 20 of those years were attributable to the fact that I sold one type of cocaine rather than another.

The Fair Sentencing Act might have been the best political compromise Congress could have reached 11 years ago, but the unfairness it sought to address remains. The U.S. Sentencing Commission recently found that Black people made up 77 percent of all federal crack convictions in 2020, a percentage nearly as high as it was in the years before Congress reduced the disparity to 18:1.

In other words, we used to see a tremendous amount of racial discrimination, now we see a little less. But even a little discrimination is too much. Please reject any new political compromises. It's time for Congress to eliminate racial discrimination in sentencing by ending the disparity once and for all.

Proverbs 11:1 says, "Dishonest scales are an abomination to the Lord, but a just weight is his delight." The difference in crack and powder drug weights wasn't just in 1986. It wasn't just in 2010. It isn't just now.

Finally, I urge you to make sure this reform applies retroactively. It took 8 years for Congress to make the Fair Sentencing Act retroactive. There is no reason to require people to serve extra years or decades in prison simply because of when they went to court. We have seen over the past couple of years with implementation of the First Step Act's crack provision that the courts know how to handle reforms when they are made retroactive. More than 3,700 people – 91 percent of whom are Black – have reunited with their families earlier without jeopardizing public safety. You all should be proud of your support for that reform.

It's time to finish the job. I urge you to pass the EQUAL Act.

Thank you for allowing me the opportunity to testify.