



POSTER

It was easy falling in love with a drug dealer.
The hard part was paying for his crimes.

CHILD

THE KEMBA SMITH STORY

By Kemba Smith with Monique W. Morris

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*To anyone who said a prayer, wrote a letter, signed a petition,
came to visit, shared my story, gave a financial contribution,
called in a favor to help me seek justice and freedom.*

*To all my brothers and sisters who are currently
incarcerated under mandatory minimums, drug
conspiracy and crack cocaine-sentencing laws. My soul
aches knowing that others should be home, too.*

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Introduction

Writing this book about my story has been a long time coming. For various reasons it has taken me ten years to finally get my story out there. If you were to Google my name, there are over 60 publications that have mentioned my story. Books such as, *The Best of Emerge Magazine* by George Curry, *The Covenant With Black America* by Tavis Smiley, *The Coldest Winter Ever* by Sister Souljah, *The Race to Incarcerate* by Marc Mauer, will appear. Although there are scholars, lawyers, political figures, and journalists who have written about my story in their publications, this is my story coming from me. One reason for the delay has been that I realize I am opening up a can of worms again by putting my past life out there for public scrutiny.

In May 1996, *Emerge* magazine (now defunct) published an extensive article titled, “Kemba’s Nightmare,” written by Reginald Stuart. That article was only part of my story of how I went from being a college student to inmate #26370-083. I was pictured on the cover of the magazine with my high school graduation cap and gown. Agreeing to do the interview and posing for a cover photo shoot while in federal prison was probably one of the most difficult decisions of my life. I knew there would be criticism, but more importantly, I did not want my parents to be subjected to additional pain or ridicule. After all, I was my parents’ only child and had made some poor choices that had put me in the position I was in, which was a first-time, non-violent drug offender serving a twenty-four-and-a-half-year prison sentence. Yet, I agreed to do the story because I knew then that if my story could help another young person from going down that path, then I had to put it out there. Fortunately, the decision to do the article is ultimately what led my case to be covered by the mainstream media and receive national attention.

That same national attention was there the minute I stepped out of prison. I had to make a conscious decision of whether I wanted to walk away from it and try to forget the past or follow through with what I prayed and asked God for, which was to educate young people about the importance of making good choices and to warn other people about how easy it is to get caught up in the criminal justice system's so called "war on drugs." I chose the latter and since my release from federal prison, I have continued to share my story.

Poster child, as defined at Merriam-Webster.com, is a person having a public image that is identified with something (as a cause). So, I, Kemba Smith, became known as the poster child for harsh mandatory drug sentencing laws. Occasionally, when I'm out in public, I will get a stare from someone who will walk up to me and ask, "Are you that girl who was in prison with a long prison sentence because your boyfriend sold drugs and President Clinton freed you?" It is a hard pill to swallow to be known as "that" girl who was in prison for drugs.

On the other hand, my case has been mentioned frequently during hearings on Capitol Hill in Washington, D.C., with regard to the needed change in drug policy and sentencing. Congressman Bobby Scott mentioned my case in a statement after the passage of the Fair Sentencing Act of 2010. This bill reduces the 100-to-1 sentencing disparity between crack and powder cocaine in federal law to 18-to-1. Congressman Scott stated: "Studies have shown that there are no pharmacological differences between crack and powder cocaine. Yet, crack offenders are serving extremely long sentences, while people who have committed more serious drug offenses, or serious violent crimes, are serving shorter terms. Kemba Smith, a college student in my Congressional District who had a very minor role in a crack conspiracy involving her boyfriend who was a drug dealer, was sentenced to twenty four and a half years and served seven years before her sentence was commuted by President Clinton." Press Secretary Robert Gibbs responded in a daily briefing about the Fair Sentencing Act of 2010 saying, "Look, I think if you look at the people that were there at that signing, they're not of the political persuasions that either always or even part of the time agree. I think that

demonstrates the, as I said, the glaring nature of what these penalties had — the glaring nature of what these penalties had done to people and how unfair they were. And I think the President was proud to sign that into law.”

The signing of this bill was a historical change, but unfortunately it isn’t retroactive and doesn’t affect those who were already sentenced under these harsh penalties. I’m committed to speaking for those who I left behind in prison who have similar stories and deserve another opportunity at life. Essentially, I was and still am the “poster child” for the War on Drugs gone wrong and its unintended consequences.

Despite being placed in the public spotlight, I chose this path and take full ownership of being in this position for a variety of reasons. In doing so, God has given me the opportunity to change many lives and to be a catalyst for drug policy reform. I am thankful that I am not the woman I once was, and I’m in a better place in life. In retrospect, I cannot take offence to the public scrutiny. Like Kanye West says, “*Anything that doesn’t kill me, can only make me stronger.*”

Dear Mr. President

I could not leave out a section dedicated to President Clinton. I am forever grateful to this man. Even though he may have forgotten about me, I sometimes drift in disbelief that it actually took the President of the United States to sign a document that allowed me to be a free woman. Otherwise, I would have been 45 years old walking out of federal prison instead of 29. I have never personally met President Clinton, but we have had communications since my release. Below is a transcript of an NPR radio interview by Tavis Smiley of former President Bill Clinton on May 9, 2002 in Beverly Hills, CA. (<http://www.npr.org/about/press/020510.tavisclinton.html>)

Tavis Smiley: *Mr. President, finally, one of the people you pardoned is Kemba Smith, a young, first-time offender sentenced to nearly 25 years in prison for conspiracy to distribute crack cocaine. On Saturday, tomorrow, I don't know if you know this or not, she's graduating from Virginia Union University, with honors. Kemba was on our program yesterday, and afterwards, she sent a special message to you. I'd like to play it for you and get your reaction, sir.*

Kemba Smith: *Mr. Clinton I am so grateful for God having moved you to among the many petitions that came across your desk that you signed mine. You have given back to me so much, and you have allowed me the opportunity to raise my son. Also, to allow me to be productive, to allow my parents to be proud of me and my accomplishment of graduating from undergrad and receiving my diploma, you've given back to me so much. And I just wanted to thank you from the bottom of my heart, my parents and I and my son have personally wanted to thank you and I'm grateful for this opportunity to finally do so. And I pray that God continues to bless you and your family because you have done so much for mine. And I will continue to represent your good works for what you have done for me. And*

I just pray that God will continue to guide me and guide my path and do whatever it is that is of His will and again thank you and my blessing to your family.

Tavis Smiley: *How do you feel about that?*

President Clinton: *Well first of all, I'm very proud of Kemba Smith. Her case was brought to my attention by a number of African American leaders around the country and it was obvious to me that she'd been in prison too long. And I later learned that she was part of a general class of women, some of whom were African Americans, but several of whom weren't, who came to be known together as the so called "girlfriend cases." Where these young women, at some point in their lives, had been involved with somebody who was dealing drugs, or doing drugs, and very often they weren't involved at all, and if they didn't rat their boyfriends out, they got stronger sentences than their boyfriends did. We had one young woman who was in prison who had nothing to do with her boyfriend's drug dealing and he'd been out of prison and dumped her and married someone else, walking the streets. So, I pardoned Kemba Smith and several others, I gave executive clemency to shorten their sentences to get them out of the penitentiary, because I thought they had served more than enough time and the system of justice—you know you can understand a zealous prosecutor says "if you don't give up this person I'm going to bust you." Then the person turns around and gives him somebody else, and they send these women to jail for years and years and years, and it's just wrong. So, one of the things I was proudest of and the way we did this comprehensive review of the prison system was that we were able to bring some justice to women like Kemba Smith, and that fact that she's graduating with honors, she's taking responsibility for her child, she's gonna have a future. I can't tell you how it makes me feel. I'm proud of her, and all I want her to do for the pardon is to be a good citizen and a good mother, and do a good job with her life, and I want her to have a good time and be happy being glad she's free.*

Thank you Tavis for that moment and Thank you Mr. President ... I am doing all of the above. Thank you God for your grace and favor!

POSTER CHILD

THE KEMBA SMITH STORY

LABOR OF LOVE

I didn't know what to expect. "Lights Out" at the Western Tidewater Regional Jail in Suffolk, Virginia had been called hours before I felt my first back pains. I'd just fallen asleep when my eyes opened from the lingering discomfort that was crawling up my back and into my weighted abdomen. My heart was racing with worry and anticipation, as I lay on the cot in my dark cell and thought about the journey ahead of me.

At first, I didn't move. At nine months pregnant, the slightest movement took the greatest effort, and I didn't want to unnecessarily ruffle any feathers.

As it was, the prison had granted me special privileges. In the months before my due date, I started to get larger portions at mealtime, nighttime snack bags, and just two weeks before, my cell door—a row of steel bars that stood seven feet high—had been left open just in case I went into labor in the middle of the night. Even though these were considered "special privileges" because I had to make a written request, you would have thought it would have been common sense and automatic.

I remember a female lieutenant who walked me around in the facility. She was old school and believed I needed to move around so I wouldn't

still be with my baby past my due date. In my cell, I was allowed two mattresses on the bunk bed instead of one, which I stacked on top of each other in order to keep my legs from being scratched by the steel spikes that poked out. Still, getting up from the mattresses wasn't easy.

I remember thinking that the pains in my body could be the beginning of my labor, but this being my first child, I really had no idea. And after lockdown, there was no one else to ask. I thought I might have been feeling the same mild pressure pains that I'd been feeling for the past several days. Of course, I'd been up with the rest of my pod at five-thirty that morning to clean the cell block, so part of me thought I might be feeling pressure from that.

I slowly rubbed my stomach, thinking that maybe I could calm the storm brewing in my womb. The thought of disturbing everyone for a false alarm wasn't something I wanted to do. Under normal circumstances, this might not have been a big deal, but as a prisoner, it was. Not only did I have to get up in the dark and find the bell to alert the correctional officers that I was in pain; I also had to figure out the timing of my contractions without a watch, without my parents, without a coach, and without my freedom. But when I realized that these cramps were more serious than the others, I knew my baby was on his way.

From their bubble in the middle of the block, the correctional officers could see me as I walked up to the door of my cell. I took a moment to breathe, then pressed the intercom.

"Hello?" I asked. When they answered, I continued. "I'm cramping, I think I'm going into labor, but I'm not sure."

I spoke softly into the intercom after realizing that the pains in my back had crawled around to the front. I was starting to get scared.

"Okay, we'll get the P.A. to your room," an officer responded.

"Thanks."

I returned to my cell shaking and rested on my bunk, anxious about the fact that this was the last time I'd have my baby as my special cellmate. Really, I was scared to death. At 23, never in a million years would I have imagined being in such a crazy situation, being locked up and having my first child while in jail.

Months before I was incarcerated, whenever I would watch Aaron Hall's (formerly with the old R&B music group Guy) music video, "I Miss You," I cried almost hysterically as the pregnant woman in the video died from complications associated with the delivery of her baby, but the baby survived. While incarcerated and pregnant, I think that video was heavy on my mind as my spirit tried to help me deal with the separation anxiety I felt from what was happening with my baby—knowing that eventually in the hospital I would have to leave him, plus what had already happened with my baby's father, Khalif, who was murdered. Not to mention, I was in a deep pit of uncertainty. I hadn't yet received my official prison sentence and didn't know what was going to happen to me. So, I cherished these moments with my unborn son by sitting quietly and caressing my stomach. The movements inside fascinated me, even though his birth meant that for the first time, I would be left alone to face what my pre-sentence report said would be between twenty-two to twenty-seven years of federal imprisonment.

Fifteen minutes later, the physician's assistant—or the P.A.—appeared at my cell door. He was the same man who had been giving me the required prenatal vitamins, so he had been expecting me to call him at any time with the announcement. He was a tall white man with a receding block of dark hair. He was usually an aggressive prison-type, but on this night, he tried to assure me that he cared about my best interest.

"So, Miss Smith, are you ready to have this baby?" he asked, adjusting his glasses.

"Well, I *think* I'm in labor," I said. I tried to show no emotion, because I didn't want anyone—let alone the prison staff—to know how scared I was.

"Okay, so how far apart are your contractions?" he asked.

"I don't know," I said. "I don't know what time it is."

He handed me a watch.

"Here," he said. "Time your contractions with this. I'll come back in a few minutes."

I took the watch, and held it tightly as I tried to write down the times when I thought I was having contractions.

Since the seventh month of my pregnancy, I had been making weekly visits to the Women's Clinic in Suffolk, Virginia. For weeks, I endured the humiliation that came with being a pregnant shackled prisoner with two armed guards by my side being seen as a spectacle the moment I stepped foot into the clinic. I did my best to hang on during those times so I always made sure that my hair was done neatly, and that I didn't look raggedy. Even though no matter how hard I tried to put canteen hair gel on my hair so I could brush it back into a ponytail and to make sure my orange jumpsuit wasn't dingy and wrinkled, enduring the humiliation was only half the battle. After following legal advice that led me to believe that I'd be able to deliver my baby as a free woman, I already felt slammed. I was trying to work my way through it, but the last thing I wanted was for the weight of injustice and dishonor to taint the birth of my son. So, I did my best to keep it together and still hold my head up. I constantly had conversations with God and asked him to give me strength so that I would have a healthy baby; I took it a day at a time.

A jingle of keys and footsteps brought me back to the moment. I recognized the sound, so I turned to look through the bars. Lieutenant Lewis, a tall, brown-skinned man whom I guessed was in his early forties, walked up to my door with the P.A. From inside my cell, I watched as they approached my door with an empty wheelchair. The P.A., who was pushing the chair, was silent as Lieutenant Lewis began his usual playful prodding.

"Kemba Smith!" he called from outside of my cell.

"Hi," I said, smiling. For weeks, Lieutenant Lewis had been teasing me about how he wasn't going to allow me to go into labor on his shift. He had joked with me in the halls of the cell block, mocking my slow movements late in the pregnancy. I always appreciated his humor, even though it made me feel embarrassed; and I was relieved that my labor *had* actually begun on his watch. I knew that he cared about my safety—and that's what I wanted and *needed*.

"So, you thought you'd have this baby on my shift, huh?" he asked.

I didn't say anything. I just kept smiling.

“I don’t think so,” he said, sliding open the cell door.

“I don’t know if this is really labor, Lieutenant Lewis,” I said. “But I’m cramping.”

“Hmmm, well, I’m not taking any risks. Sit in this wheelchair and we’ll get you to the hospital.”

A few moments later, I found myself in a wheelchair rolling down the cement hall. I was scared stiff as I rolled along the cell block, past the other inmates’ steel doors, past the steel tables and seats in the common area.

On the surface, the ride to the hospital was no different than any other. My hands were cuffed like any other day, and my clothes bore the name of the county jail, like they had for months. But this time, as I sat in the back seat of the sheriff’s squad car staring at the back of two officers’ heads, I wondered what kind of labor was ahead of me. Would it be easy? Would my parents be able to come into the room and help me through this?

All of these questions were still unanswered when the car finally pulled into the parking lot of Obici Hospital in Suffolk, Virginia. One of the officers ran into the building, while the other opened the door for me and helped me out of the car and into the hospital. I suppose the fact that I was so calm led everyone around me to think that maybe I was a little *too* relaxed for someone about to deliver a baby. But the truth is, I was very concerned about how the staff at the hospital was going to treat me. I was already ashamed to be walking into the hospital in handcuffs. So, even though I was nearly overcome with fear, I didn’t show any emotion at all. I buried my feelings, and immersed myself in the uncertainty of the moment.

As I followed the guards down the hospital corridor and into an empty room, I wondered what was next. I also wondered whether my parents even knew that my time had come. The other people in the hospital vanished from my view, as I began to focus and wrap my mind around the delivery of my son. I entered the room, glad to finally be in a place where I could safely deliver my child.

The room was dimly lit, and filled with electronic devices that I had

never seen before. Next to the delivery bed was a table that had only a telephone on it. To each side of the bed was a chair, and at the foot of my bed were two more chairs. I immediately noticed the television hanging from the ceiling. I finally settled onto the bed. While my eyes were looking at the screen, my mind was elsewhere.

I couldn't stop thinking about what was going to happen to my son after he was born. I was so worried they would quickly take him away from me.

Looking around the room, I wondered when I was going to be with my son again. I knew that the time we'd share in the hospital would be the only quality time that I'd have with him before giving him up. My parents and I had already discussed that they would take on primary guardianship of the baby once he was born. I knew my own ability to raise him was totally dependent on what happened at my sentencing hearing. More and more, I was starting to regret the fact that I pled guilty—along with every decision that had taken me away from my loving home in Richmond, Virginia. At the time, I didn't know what I was doing, but I trusted that my lawyer knew what was best, and that he would help me get out of jail so I could raise my son.

I held on to my faith, even though my lawyer had already let me down. He told me that if I pleaded guilty, I'd be able to reach an agreement with the court and deliver my baby at home. But that didn't happen, and neither did any of the other assurances that were made to me at that time. I couldn't believe this was how I was having my first child.

I undressed, trying to rid myself of the orange jumpsuit that marked me as a prisoner, and slid into the hospital gown. Then I climbed into bed and waited for someone to tell me what was next. The two officers who were with me settled in as well. One sat at the foot of my bed, and the other stood by the door.

Then, a woman entered the room. Her physical appearance reminded me of "Roz" from the popular sitcom back in the day, *Night Court*.

"Hi, baby," the nurse said softly. "I'm Blanche. I'm your nurse. How are you doing?"

"Okay, just a little nervous, I guess."

“Oh, baby, you’re going to be fine. We’re going to take good care of you.”

“Thank you.”

Blanche looked around the room, then picked up a chart and started to read.

“Hmm,” she grunted. “I think it’s ridiculous for these guards to be here like this, but we’ll work around it.”

Blanche looked up from the chart and smiled at me. Then she reached behind my back and propped my pillows.

“Now, you comfortable?”

“Yes, thank you.”

“Mmhmm.”

Blanche handed me a card with a picture of Virgin Mary and Baby Jesus on the front.

“Here, baby, hold on to this.”

I sat back and stared at the picture knowing that I wasn’t alone and began to read the words on the back of the picture. As I read, at that point, I knew that God was with me and with His strength, I was going to be all right.

Blanche was so comforting in a way that only ancestral connections can explain, recalling the days before I pled guilty. She was sweet to me, but testy with the officers. I didn’t mind it. The fact that she could freely speak her mind made her an even more comforting presence. I felt the tension and slight paranoia ease as she worked to make me feel more secure. I loved the pampering, especially after spending months in a jail cell, but I still wanted my own mother to be by my side. I wasn’t sure when that was going to happen, so I sat back on my pillows and watched the lines on the machine that monitored my contractions. The zigzag lines that indicated my baby’s movements formed into periodic mountains, coinciding with the cramping that I felt possessing my body. Blanche watched me as I sat on the bed and stared at the machine. She continued to read the charts, and adjust the contraption she had attached to my stomach, every now and then taking a moment to roll her eyes at my guards. It was clear that for Blanche, this was all routine—another

hour, another baby. But for me, this whole thing was quickly moving from being a terrifying experience to bordering on miraculous.

* * *

Meanwhile, my mom had just finished teaching in the classroom and returned to her office when she got a call from Pat, a woman from the Obici Hospital. Pat told my mom that I was in labor and that she and my dad should come right away if they wanted to be there for the delivery. My mom was so excited that she called her principal right away. The principal immediately excused her, wishing her luck and offering any support she could provide. My mom was grateful, but really, all she wanted was the freedom to see and touch me—her baby—again. In prison, visitors are forbidden to have any physical contact with inmates.

She picked up the phone and dialed my dad. I'm sure he could barely answer "hello" before she blurted out, "Gus, Kem's at the hospital!"

"Okay, meet me at home," he said.

"Okay."

My mom hung up the phone and looked at her watch. It was nine-thirty in the morning. She rushed to get her things together and headed home.

Once at home, she gathered a few personal items for herself and for my dad. She expected that they would stay a few days with me before coming back, and looked forward to every minute of it. She picked up the small delivery bag she prepared for me. In the bag were a few really nice gowns she picked up, along with other things she thought would pamper me. It still didn't register in my mom's mind that I was a prisoner and that I had certain restrictions. So, my mom continued to pack the things she thought would make my delivery more comfortable. She was determined to do everything in her power to make sure I could enjoy this special time in a woman's life. That was our family's tradition. That's the way my grandmother had treated her, and that's the way she always envisioned treating me. She couldn't see it any other way.

When my dad arrived at home, my mom was ready to go. He hurried into the house and together they celebrated the oncoming delivery of their first grandchild. Then, they threw their things into the car, locked up the house, and pulled out of the driveway. They couldn't get to Suffolk fast enough.

* * *

A new nurse entered my hospital room without identifying herself, so I started to wonder how many other people would make their way into my room. But the news this woman carried was well worth the crowd.

"Hi," she said. "I just want to let you know that your parents are on their way."

A couple of weeks before my labor began, my dad visited the hospital to alert them that I was close to delivery. With my naturally petite build and youthful face, and orange jumpsuit in handcuffs, he thought someone might mistake me for a troubled teenager who was without the support of a family. He wanted to establish, early on, that this was not the case. He sat across from Nancy, the head nurse at the Women's Center, a very cordial young white woman, and shared with her his expectations. He told me about their conversation.

"Good morning, Mr. Smith," Nancy said. "How may I help you?"

"My daughter is incarcerated," Gus said, staring into Nancy's eyes. Knowing my dad, I'm sure his quiet determination lingered as he continued. "She will be delivering in the next few weeks."

"I see."

"Let me just say that Kemba really is not a criminal. My wife and I have always provided the very best for her. We've always been involved in our daughter's life. She went to Hampton University. In high school, she was a good student. I mean, she played the flute in the Hermitage Marching Band."

"Really?" My dad said that Nancy's look of concern faded into one of recognition. "I was in the band and we would compete against Hermitage. They were really good and really competitive."

“She was a regular American girl next door and got wrapped up with this guy and made some bad decisions. She’s never gone through anything like this before. She doesn’t deserve to be where she is, but while she’s there, her mother and I want to make sure she is treated well, especially during her delivery.”

“Mr. Smith, I understand,” Nancy said.

For my dad, the visit and conversation was just one gesture, but it was prompted by more than just preventive planning on his part. There was another incident where the attorney working on my case told my dad that I was at risk of having to deliver my baby at a federal hospital in Lexington, Kentucky, which was at least 500 miles from the Suffolk County Jail. In fact, the prosecutor handling my case had gone to court and tried to move me to that hospital. That would mean that late in my pregnancy, when it was a risk to travel at all, I would have to travel for hours by plane, helicopter, or car to get there. This made my parents nervous. It was too risky.

Luckily, my doctor at the clinic agreed. The moment he received the call from the prosecutor’s office revealing the plan to send me to a federal hospital outside of Suffolk, he was appalled. He was so upset that he immediately came up with his own plan to keep my well-being—not the politics of the prosecutor—at the center of my medical care. Once he found out that I was at risk of being sent far away, he called me back to his office.

Not long after that call, I found myself sitting in the examination room, wondering why he called for me. He told me earlier in the week that everything was fine with the baby, so I was concerned there might be some other emergency. Once in the room with him, I noticed something was not right. As usual, he stood with the nurse by his side, but this time he did not thoroughly examine me. He slowly ran his hand over my stomach and poked around a bit. I quietly followed his movements as he walked around the edge of my bed.

“You’re too far along,” he mumbled.

I wondered what he meant. I could tell something was going on, but I didn’t know what, and I didn’t want to ask too many questions. He looked away from me and motioned to the nurse.