



RESEARCH AND ADVOCACY FOR REFORM

Testimony of William R. Underwood

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***On Undoing the Damage of the War
on Drugs: A Renewed Call for
Sentencing Reform***

**Before the U.S. House of
Representatives' Committee on the
Judiciary, Subcommittee on Crime,
Terrorism and Homeland Security**

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I first want to thank Chairwoman Jackson Lee and the members of this committee for holding this hearing today, and for sharing this space to hear stories about the impact that the war on drugs has had on people like me and families like mine. My name is William Underwood and I am a Senior Fellow with The Sentencing Project's Campaign to End Life Imprisonment.

Fifty years ago today, President Nixon declared the war on drugs. I was a 17-year-old father at the time; there was fast money to be made, and I was not going to allow my son to grow up in the world of hunger and pain that I had.

Just like any other war, this one has eviscerated entire generations in communities like the one where I grew up in Harlem. While it's called the war on drugs, its disparate impact over the decades has made clear that this is actually a war on the poor, a war on inner city youth, and a war on Black people and other communities of color.

If this were actually a war on drugs, it would not be true that while white Americans engage in drug offenses at similar rates to Black and Brown Americans, over half of the 250,000 people imprisoned nationwide for a drug offense are African American or Latinx.¹

I witnessed that reality every day of my 33 years of incarceration, after being sentenced to life without the possibility of parole and a concurrent 20-year sentence for leading a violent drug operation during the 1970s and early 80s in New York City.

From the beginning of my incarceration, I was surrounded by other men of color serving lifelong and other extreme sentences, including for drug offenses — handed down under a mandatory minimum sentencing structure that never accounts for an individual's growth, rehabilitation and transformation while incarcerated.

This experience wasn't unique to the prisons in which I served time. In fact, one in every seven people in U.S. prisons are serving a life sentence or virtual life sentence of at least 50 years. Nearly 4,000 of those people are serving life sentences for a drug-related offense, 38 percent of whom are in the federal prison system in which I served.² Men like Wayne Pray, Todd Vassell, Thomas Jackson, Steven Petersen, Darryl Riley, and Steven Brown.

I was lucky that I was granted compassionate release in January at 67 years old. Judge Sidney H. Stein found my sentence reflected the seriousness of my criminal behavior when I was convicted 33 years ago, but its extremeness did not account for the person I am today. Judge Stein's release order cited letters from the men I mentored while in prison, including this excerpt:

I watched him mentor other young men in prison and it was a well-known fact and still is that when you speak to Mr. Underwood and are around him, "no nonsense is allowed!" This

¹ Carson, A. (2020). *Prisoners in 2019*. Bureau of Justice Statistics.

² Nellis, A. (2021). *No End in Sight: America's Enduring Reliance on Life Imprisonment*. The Sentencing Project.

brings about a culture of responsibility of all the men that he comes into contact with and I can attest that not only other prisoners respect each other, but respect the staff there as well. In turn the staff respects the prisoners.³

I was not the exception in prison. Many others like me remain and will take their last breaths there.

Like me, those men have also spent decades having to get to know their children through 15-minute phone calls. Like me, they have had to see their grandchildren grow up through nothing but photographs. And after each rare in-person visit, they have had to return to the same prison cell while their families return to the quickly changing and developing world outside.

Since so much of the justice system's resources go toward warehousing people serving life sentences, there is a completely inadequate amount of resources being spent on preparing people to return to this quickly changing world. It's no mystery as to why those fortunate enough to get out of prison and re-enter their communities struggle to handle a computer, find work and housing, secure health insurance, claim Social Security, or open a bank account.

I'm lucky to have four successful children who have always fought for me, supported me, and helped me maintain a piece of the music publishing rights that I owned before my incarceration. While it has been a struggle, my support team, my children, have given me the tools I need to survive in the 21st Century. But it comes as no surprise that the lack of preparation provided in prisons leads so many young people returning to their communities to end up on the streets or back in prison.

There's got to be a better way.

For one, our criminal legal system must move away from mandatory minimums.

Regardless of their intended purpose, mandatory minimums go against the rule of law by perpetuating disproportionate prison sentences and exacerbating racial disparities in the criminal justice system. A wealth of research shows that prosecutors bring charges carrying a mandatory minimum sentence against Black defendants at higher rates than white defendants.

Second, there is absolutely no need for lifelong sentences.

As criminological research illustrates, people age out of criminal conduct as they get older, and lengthy prison terms keep people behind bars well after they are no longer likely to commit another crime. Life sentences do nothing to promote public safety, and only perpetuate cycles of poverty and trauma.

³ *United States v. Underwood*, 88-Cr-822 (SHS) (S.D.N.Y. Jan. 15, 2021)

Extreme sentences also ignore people's capacity for change. During my incarceration, I thought daily about the moments I was missing out on with my children and grandchildren, and dreamed about the man I could be for them if I could just find a way out. My desire to be that man inspired me to spend every day of my time in prison educating and working on myself, and educating and mentoring others.

As human beings, we are capable of painful yet transformative self-reflection, maturity, and growth, and to deny a person this opportunity is to deny them their humanity.

Finally, ten years is long enough to be able to reevaluate someone's growth and rehabilitation, and to begin to consider their release.

There's no reason to wait decades into a person's sentence to begin evaluating their growth and readiness to rejoin their families and communities. By granting a second look after ten years, and releasing those who have proven they have worked for it, deserve it, and are ready for it, we can reunite families and free up resources in the justice system to prepare those inside for successful release.

So, I come before you a reformed man, an atoned man, with the hope that you will hear my words, hear the honesty and commitment in my voice, and be moved to understand why each and every one of us, when given the chance, can be better than the worst thing that we have ever done. That we all deserve a Second Chance; a Second Chance which is the promise of America.