

Testimony of Willie M. Aikens
Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Of the
House Judiciary Committee

“Unfairness in Federal Cocaine Sentencing:
Is it Time to Crack the 100 to 1 Disparity?”

Thursday, May 21, 2009

Thank you Chairman Scott and members of the Subcommittee for inviting me to testify before you today. My name is Willie M. Aikens and I am here to tell my story about the direct effects of crack cocaine on my life. I will also testify about how the mandatory minimums and especially the sharp disparity between the penalties for crack and powder cocaine have touched me, my family, and friends I left behind in the Federal Prison System.

I grew up in Seneca, South Carolina without ever seeing or knowing who my biological father was. My stepfather was very abusive and was an alcoholic, and so was my first cousin who lived in the same house as me. They both died in 1968 from alcohol related deaths, so at an early age I saw the devastating effects of drugs and alcohol. Later on in life I didn't believe the same thing could happen to me, though it did. I didn't let any of this stop me from pursuing my goal of being an athlete. I truly believe playing sports kept me out of trouble. I went on to finish high school and I earned a football scholarship to South Carolina State College. Since baseball was my favorite sport, I asked the coaches if I could play baseball and they all agreed.

While at South Carolina State College I went on to do well in football and baseball. After my freshman year, I dropped out of college and was drafted by the California Angels in the first round. The Angels offered me a good signing bonus, so I took it. I went on to play three years in the minor league system before I was promoted to the Major Leagues. I had my first taste of the big show in 1977. I also had my first taste of powder cocaine that same year. This was my first encounter with drugs. I played for the Angels until 1979, and then I was traded to the Kansas City Royals.

My first year in Kansas City was a great one. My team had an outstanding season and we went on to play in the 1980 World Series. I also was introduced to cocaine once again and my usage increased because of my social lifestyle. I used cocaine after each game of the 1980 World Series as a member of the Kansas City Royals. We lost the series to the Philadelphia Phillies, but I became the first player in Major League history to have more than one multiple homer game. I hit two home runs in game 1 and two home runs in game 2. That had never been done before and still today no one else has done it.

During my second year in Kansas City, I was using cocaine regularly along with several other Royals players. Our supplier was a guy who was a Royals fan, and we all would go over to his house at least five days out of the week. This guy would follow us on road trips to watch us play and he would bring cocaine along too. Most of the guys on my team who used drugs knew other players on other teams that used drugs also, so we always had a way of getting cocaine. This began in 1981 and went on until 1983, when our supplier got busted with four ounces of powder cocaine. The FBI had been watching him and they put a wire tap on his telephone. Three of my teammates, Vida Blue, Willie Wilson and Jerry Martin, and I had made telephone calls to this guy. We got indicted for attempting to procure cocaine over the telephone and we eventually pled guilty to misdemeanor drug charges. At our sentencing hearing none of us thought jail time was a possibility, but the judge sentenced us to three months in prison. We were the first active Major Leaguers to serve jail time for drugs. All four of us were suspended for the entire 1984 season, though the suspensions were later reduced and we were allowed to return to our teams in May 1984. Even though I had my best season in 1983, my attitude with my manager was bad, and I have no doubt that my cocaine usage was the direct cause. After the 1983 season, I was traded to the Toronto Blue Jays and my baseball career went downhill. After playing two years in Toronto, I got released and could never find a job playing baseball again in the United States. I ended up playing in Mexico for the next six years and I started back using drugs again in 1987. While playing in Mexico two beautiful daughters were born to me.

I retired from baseball in 1990, and returned to Kansas City. For the next four years I became a recluse in my own home, going out mainly to buy cocaine. I had started smoking cocaine in Mexico, so I knew all the ins and outs of preparing the drug. I went through two bank accounts of over three-hundred thousand dollars and didn't think twice about what I was doing. I was living a destructive lifestyle and was enjoying every bit of it. Finally in 1994, all of this came to a stop.

One day out of nowhere this girl arrived at my house in a car looking for Cherry Street. I was in my yard on my way to buy some cocaine. I took her to Cherry Street, but she didn't turn off there, she kept following me. I pulled into this gas station and asked her why she didn't go to Cherry Street. She didn't give me an answer. I started rapping to her, asking her if she had a boyfriend. She said sort of, so I asked her for her telephone number. I ended up giving her my number and within the next week she called me. I asked her if she did drugs. She said she sat around on weekends and played cards with her girlfriends and got high. She told me she was looking for someone to get her drugs. I told her I knew someone who had all the drugs she wanted. That was exactly what she wanted to hear.

It turned out that she was an undercover officer for the Kansas City Police department, which had started their investigation of me because of anonymous telephone calls. The first time I sold drugs to her was in December 1993. I had just purchased 7 grams of powder cocaine to use for myself. She called me over the telephone and wanted an eight ball, which was three and a half grams. I told her to come on by. She wanted rock cocaine, so I cooked it for her. About two weeks later she called me again and wanted to buy 7 grams of cocaine. I told her over the telephone that if she wanted the drugs, we would have to go to my dealer's house to purchase them. She came and picked me up. After arriving at the dealer's house she gave me the money and I purchased 7 grams of powder cocaine. She wanted rock cocaine or crack, so we drove back to my condo and I cooked it for her again. She called me twice more and each time we went to my dealer's house and purchased powder cocaine. After this last transaction, the city police kicked in my door at my condo one week later. After four purchases of crack cocaine, she finally had 50 grams or more, which put me in the mandatory minimum ten years guidelines. The Kansas City police turned my case over to the federal authorities for prosecution to make sure I got the longest sentence possible

I took my case to trial and lost. My lawyer used the entrapment defense at my trial. Because the undercover officer knew crack cocaine carried a stiffer penalty, we wanted the jurors to see that crack was involved in my case only because the officer had asked me to cook it. She testified at my trial that she knew crack cocaine carried a harsher penalty and that was the reason why she wanted it cooked. I was convicted on four counts of distribution of crack cocaine, one count of the use of a weapon during the commission of a crime and one count of obstruction of justice. I received a sentence of 20 years and 8 months, the highest sentence that the judge could give me under the sentencing guidelines. My release date was May, 2012. I didn't believe the next fourteen years of my life would be behind prison's

walls. If I had been charged with a similar amount of powder cocaine, my sentence on the drug charges would have been at most 27 months.

During those fourteen years of incarceration I rededicated my life to Jesus Christ. In other words, I became a born again Christian. I came to realize that being taken off the streets at that time saved my life. It didn't take fourteen years to change me, but it did take being incarcerated to leave that lifestyle behind. I drank and drugged for four straight years in my condo and I had no plans of changing my lifestyle when I got caught. So, I give all honor and praise to God for saving my life. While I was in prison, I completed three different drug rehabilitation programs, which helped me realize that I had an addiction problem, which led to my criminal activity. I came to realize that the foundation of my problems was my drug usage, not the undercover officer setting me up. I came in contact with so many other people that had the same problem I had. I also came in contact with a lot of people that had life sentences because they were convicted of selling crack cocaine. Many of them were first time offenders, had no criminal record and had no violence in their case. My case was very sad, but theirs was sadder. These people were never going home.

After I had spent fourteen years of my life in prison, Congress finally allowed the Sentencing Commission to reduce the crack cocaine guidelines. The Sentencing Commission also recommended that the amended guidelines be made retroactive. In March of 2008, that became a reality. Many people sentenced for crack cocaine now became eligible for a two level reduction on the guidelines. I benefited from this change in the law, and the court gave me almost five years off my sentence. Instead of being released in 2012, I was eligible for release immediately. I got out of prison last June.

Since my release from prison I have developed a relationship with my daughters. I have found a job working construction in Kansas City and I am in the process of getting back into professional baseball. I have been clean and sober for fifteen years and I have a strong spiritual foundation. I am writing a book and I am doing speaking engagements in and around the Kansas City area about the dangers of drugs and alcohol. God has truly blessed my life.

In closing I would like to add that I didn't come to Washington, DC to testify for myself. I came to Washington, DC for all the people I left behind in prison. I made a promise to those people that if God allowed me to leave prison before them, then I would do everything in my power to help them. That is the main reason why I am sitting in this chair today. We have so many sad cases of drug addicts

being locked up and the keys being thrown away. We have so many families that are suffering right now because a son, a father, a mother, a brother and sister will never come home from prison. Look at me and look at the progress that I have made in my life because I was given another chance to live my life as a free man. I believe many more people will do the same thing if they are given a chance. These mandatory minimum laws and the crack cocaine disparity with powder cocaine need to be eliminated. Cocaine is cocaine regardless of the form it comes in. Put the power of sentencing back into the hands of the judges and let them decide what sentence is fair.

I am praying that this will be the last time the Subcommittee will meet regarding these unfair laws. The mandatory minimum laws and the crack cocaine vs powder cocaine disparity need to be changed. I could have gotten probation for 64 grams of powder cocaine, and the most I would have gotten is two years in prison. The fact that it was crack cocaine added ten years to my sentence, which is totally wrong.

Thank you for hearing me.