

Nightmare ends for Kemba, but her concern for justice continues

BY HAZEL TRICE EDNEY
NNPA NEWS WIRE

Kemba Smith is finally free from the 24-year prison sentence that she and her parents never accepted. But as she begins the new year with her family in Glen Allen, Va., near Richmond, she said she is feeling "mixed emotions" because of continuing injustices against others.

"It feels good. It feels great, but I'm going through a lot of mixed emotions," she said in a telephone interview the day after Christmas. "It's wonderful to be home. But I think of the people I left behind and wonder who else will be pardoned."

Having served six years behind bars, mainly at a federal prison in Danbury, Conn., the young woman, who came to be affectionately known around the nation by just her first name, was one of 62 people who received clemency from President Clinton three days before Christmas.

As she explores returning to college to finish her bachelor's degree, Smith said she is organizing and prioritizing and will factor in "continuing the struggle that my parents have started" - bringing attention to the injustices of mandatory minimum sentences.

Smith was sentenced in 1994 for low-level involvement in a drug ring led by her late boyfriend, who physically abused and threatened her. Although all admit she never sold or handled any drugs, she was sentenced to 24 years - her age at the time - because of the mandatory minimum sentences for drug offenses.

Smith's story, broken by veteran black journalist Reginald Stuart of the now-defunct Emerge magazine, has become an icon for the injustices of mandatory minimum sentences. Mandatory minimums have caused the incarceration of thousands of first-time, nonviolent drug offenders for extreme periods of time with no consideration of their non-criminal history - and in

Smith's case, no possibility of parole.

"Answered Our Prayers"

"It is God who has answered our prayers. We are so thankful and so grateful to President Clinton. We actually love the man for getting our baby home," said Odessa Smith, who with her husband, Gus, fought, sacrificed and prayed six years for their daughter's freedom.

"I can't describe it," Mr. Smith said. "Things have just happened so fast. God works in his own time and in his own ways. He's always on time."

The couple praised all the people who prayed for and supported them, including U.S. Rep. Robert C. (Bobby) Scott (D-Va.), whose office closely assisted the Smith family in their push for clemency.

"I'm delighted she's out. I am very pleased," Scott said. "This has been quite an ordeal for them."

Civil rights advocates also praised Clinton for his holiday action.

"He has shown mercy and integrity" by releasing Smith and the other inmates, said Laura Sager, director of Families Against Mandatory Minimums.

Smith has started a new life with her family, including William Armani, 5, the son she birthed behind bars.

"I want to be responsible and a good mother to him," she said. "I'm going to need God's guidance. I just thank him for touching President Clinton's heart."

Kemba's nightmare

Smith was a 23-year-old student at Hampton University when she received the excessive prison sentence for her non-violent role in a crack cocaine distribution ring led by her boyfriend. The sentence shocked her parents and many - even judges - in the criminal justice community.

Her parents passionately fought the sentence, telling their daughter's story to all who would listen.



Kemba Smith poses with the son she had behind bars.

File Photo

Search

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Municipal ABC Law Enforcement and the Winston-Salem Police Department which has led to the arrest of over 20 persons on alcohol and drug charges."

Ross, a nursing assistant at Forsyth Memorial Hospital, said that officers were in her house during the search on Dec. 30 about 40 minutes. She said officers found no alcohol, and that she knew they wouldn't, because she doesn't drink liquor in her house. She said she lives in the home with her two sons, Xavier Ross, 9, and Joe Fleming, 16.

She said that she was alone in the home when the search began. (Her youngest son had gone to spend the weekend with his father). She said her oldest son arrived at the house during the search, but officers made him wait until they completed the search. Ross said, "He (her oldest son) was hollering, 'What's going on?' I said, 'They said, 'I'm selling white liquor.'"

Ross said that, at times, she

was hysterical, humiliated and terrified during the search.

"They humiliated me," Ross said. "They were making comments, 'Do you drink liquor in your home? If so, where do you drink liquor.' I said, 'I don't drink liquor in my home.'"

"They came in, terrorized me, humiliated me, scared me half to death," she said.

"I said as soon as they came in, I said, 'Oh God, don't let one of their guns slip. I was crying.'"

And when officers left, after not finding any liquor, "they didn't say anything. They just left, no apology or anything," Ross said.

"They didn't fix my door. They didn't care," she said.

"It was a whole week. I had to sleep with a couch in front of the door," she said.

Finally, she got her father, who lives next door to her, to fix the door.

It has been a traumatic experience for Ross, who has lived in the home for 10 years. "I think about this every day," she said, adding that she has crying spells and has trouble sleeping.

She said she also fears that law

enforcement officers might be following her or might come to her home again.

"That night (the night of the search), my oldest son (and Ross) - we were both paranoid, scared to death," Ross said.

She said her youngest son has been sleeping with her ever since the day of the search because he is frightened.

In addition to the officers who came in her house during the search, there were officers in the yard and some of them had police dogs, Ross said. She said her father and some neighbors congregated outside her house during the search and told officers they were searching the wrong house.

Ross believes officers may have searched the wrong home. One place in the search warrant refers to a home at 520 E. 17th Street. (Ross lives at 520 W. 17th Street.)

However, the search warrant refers to a home at 520 W. 17th Street six times, and a house at 520 E. 17th Street only once. Also, the description of the house described in the search warrant matches Ross' house at 520 W.

17th Street, Ross said.

According to the search warrant, officers were looking for "tax paid alcoholic beverages, documents, keys, photographs, money, showing possession, control, and/or ownership of the alcoholic beverages and/or premises."

In closing, Ross said, "I thought the police are supposed to protect the citizens. In my case they terrorized me and it's wrong."

According to Ross, no one else besides her and her two sons had access to her house.

Capt. Pat Norris of the Winston-Salem Police Department said in a telephone interview Tuesday, "ABC (Forsyth Municipal Alcohol Beverage Control) are the people you need to speak with. It was their operation." She added that the Winston-Salem Police Department did assist the ABC, by helping secure the scene. From looking at police reports, she said, to her knowledge only

one Winston-Salem police officer entered the home. "One of our officers might have searched in the front bedroom," she said.

She and Sgt. B.L. Macy said that no frisking is documented in Winston-Salem police reports. "She (Ross) may be referring to an ABC officer," Macy said.

Macy said the Winston-Salem Police Department tries to avoid male officers frisking females, but sometimes it's unavoidable. "We are trained on that in our recruit school. We try to be non-invasive," he said.

Norris said if Ross believes there was misconduct by Winston-Salem police officers, that Ross needs to contact her and file a complaint so that Norris can investigate. "(Ross needs to) come on in so we can look into whether our folks did any misconduct," Norris said.

Macy said that the Winston-Salem Police Department doesn't have a SWAT team, but it has the equivalent of one, called SET,

which stands for Special Enforcement Team. He said the Special Enforcement Team wasn't involved in the operation at Ross' house. The Police Department's 100 unit foot patrol was involved in the operation, he said.

When asked to respond to Ross' allegations, Lester Russell, chief of Forsyth Municipal ABC Law Enforcement, said in a telephone interview Tuesday, "This is the first I've heard of this."

"It's not a lot I can comment on until I talk to her or her attorneys," he said.

"I can confirm a search was made of her house.... We did search the place, our agency and the Winston-Salem Police Department," Russell said.

He said that officers searched two houses that day. The second house, on Lincoln, is located a short distance behind Ross' house, Russell said. He said he would need to look at ABC reports before commenting further.

King, Brooks call for economic boycott until Ga. flag is changed

THE ASSOCIATED PRESS

KEYSVILLE, Ga. - Not changing the state flag means Georgia will face an economic boycott similar to the one in South Carolina, Martin Luther King III said before the 13th Annual Martin Luther King Jr. March and Celebration.

"I hope Georgia understands what happened in South Carolina, because Georgia is a much bigger convention state," King told a capacity crowd of about 150 people at Mount Tabor African Methodist Episcopal Church on Saturday night.

"Economics is what the power structure understands."

State Rep. Tyrone Brooks, D-Atlanta, who filed a change-the-flag bill again this year, joined King at the march and echoed sentiments calling for the boycott.

"This the number one issue of the Georgia General Assembly," Brooks said. "I am cautiously optimistic that the General Assembly of Georgia will not allow this state to be hit with major sanctions and endure the economic loss that South Carolina has endured."

Brooks and King, president of the Southern Christian Leadership Conference, said the state flag should be changed to the pre-1956 version that did not feature the "Stars and Bars" of the Confederate battle flag.

"We want to return to the pre-1956 flag - that's the flag that all of us can salute proudly," Brooks said. "We can never salute the current flag, just as Jewish people would never salute the swastika."

The previous state flag featured the state's coat of arms on a vertical blue band and first

flew in 1902. In July 1956, at the urging of Atlanta attorney John Sammons Bell, the current flag was created.

"This flag specifically was put there to protest activities of the civil rights movement, and it certainly is repulsive," King said. "It sickens me."

But he remains confident the boycott will work.

"It's going to work, there's no question about it," he said. "The better question is, how long will it take?"

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DRACULA 200 (R, SR)	1:30 3:30 5:30 7:30 9:30
WHAT WOMEN WANT (PG-13, DTS)	1:15 4:00 7:00 9:30
FINDING FORRESTER (PG-13, TH)	1:30 4:15 7:00 9:45
SAVE THE LAST DANCE (PG-13, TH)	1:15 4:15 7:15 9:40
CASTAWAY (PG-13, D)	1:00 4:00 7:00 9:30
TRAFFIC (R, D)	1:00 4:00 7:00 9:30
ANTITRUST (PG-13, DTS)	1:30 4:00 7:00 9:30
DUDE WHERE'S MY CAR (PG-13, SR)	7:30 9:30
EMPORER'S NEW GROOVE (G)	1:15 3:15 5:15
MISS CONGENIALITY (PG-13, DTS)	1:45 4:15 7:00 9:30
SNATCH (PG-13, TH)	1:30 4:00 7:00 9:30

Carmike 10 922-1301

FINDING FORRESTER (PG-13, DTS)	1:00 4:15 7:00 9:45
MISS CONGENIALITY (PG-13, SR)	1:45 4:15 7:00 9:30
ANTITRUST (PG-13, SR)	1:30 4:00 7:00 9:30
TRAFFIC (R, DTS)	1:00 4:00 7:00 9:30
THE GIFT (R, TH)	1:15 4:00 7:00 9:30
THE PLEDGE (R, TH)	1:15 4:00 7:00 9:45
DOUBLE TAKE (PG-13, DTS)	1:00 3:00 5:00 7:00 9:00
EMPORER'S NEW GROOVE (G, SR)	1:15 3:15 5:15 7:15 9:15
THE FAMILY MAN (PG-13, SR)	1:15 4:00 7:00 9:45
CASTAWAY (PG-13, DTS)	1:00 4:00 7:00 9:30

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"All you need in the world is love and laughter. That's all anybody needs. To have love in one hand and laughter in the other."

- August Wilson