

1 COMMONWEALTH OF PENNSYLVANIA
 2 HOUSE OF REPRESENTATIVES
 3 COMMITTEE ON JUDICIARY

4 In re: House Bill 1382

5 * * * * *

6 Stenographic report of hearing held
 7 at SCI-Graterford, Graterford,
 8 Pennsylvania

9 Friday,
 10 December 13, 1991
 11 10:00 a.m.

12 HON. THOMAS R. CALTAGIRONE, CHAIRMAN

13 MEMBERS OF COMMITTEE ON JUDICIARY

14 Hon. Jerry Birmelin Hon. Robert D. Reber
 15 Hon. James Gerlach

16 Also Present:

17 Hon. Andrew Carn, Prime Sponsor of HB 1382
 18 David Krantz, Executive Director
 19 Galina Milahov, Research Analyst
 20 Paul Dunkelberger, Republican Research Analyst
 21 Kathryn Manucci, Committee Staff
 22 Sonia Allen, District Office
 23 Susan Wright, Republican Staff

24 Reported by:
 25 Ann-Marie P. Sweeney, Reporter

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1 CHAIRMAN CALTAGIRONE: If I could have
2 your attention, we're going to open this House
3 Judiciary Committee hearing at Graterford. It's
4 concerning House Bill 1382. Prime sponsor Andy Carn is
5 with us and will be the first testifant.

6 I would just like to introduce myself for
7 the record and for the public that's here. I am
8 Chairman Tom Caltagirone, Chairman of the House
9 Judiciary Committee. I come from the 127th Legislative
10 District, Reading, Berks County.

11 I want to thank the Superintendent and
12 the staff and the corrections officers and the public
13 for being so cordial and patient in waiting. We had a
14 few delays. And this is the first in a series of
15 hearings that we're having on this legislation. We do
16 plan to hold one Tuesday in Western State Penn, and
17 there's also another one that's being scheduled for
18 Muncy. So this is the first of three public hearings
19 that we are having concerning this legislation.

20 And I want to say that we have striven to
21 find the results of the work that we do in Harrisburg
22 by touring yesterday we were just up at the Youth
23 Detention Facility in Loysville, Perry County, and we
24 have been to almost every prison that the State
25 operates over this last year, and over the last two

1 years we have been in many of the county prisons and
2 many of the youth detention facilities. I think it's
3 extremely important for those of us that help to write
4 the laws to see the effects and results of the laws
5 that we write in Harrisburg, and part of that has been
6 to bring the committee out into the field to visit the
7 institutions, to visit some of the results of the
8 legislation that either we've been directly involved in
9 or we'll be taking a look at reforming in some way.

10 For the record, I would like the members
11 and staff that are present to introduce themselves, and
12 if we could start at my left and just go right across,
13 I would appreciate it. And if the members would like
14 to make any comments as we come across, please feel
15 free.

16 MR. DUNKELBERGER: Paul Dunkelberger,
17 Republican staff.

18 MS. WRIGHT: Susan Wright, Republican
19 staff.

20 MS. MANUCCI: Kathryn Manucci,
21 Democratic staff.

22 REPRESENTATIVE BIRMELIN: Representative
23 Birmelin from Wayne, Pike and Susquehanna Counties.

24 REPRESENTATIVE REBER: Representative
25 Reber, Minority Chairman of the Subcommittee on Courts

1 of this committee from Montgomery County, immediately
2 west of the institution.

3 MS. ALLEN: Sonia Allen from the district
4 staff.

5 MS. MILAHOV: Galina Milahov from the
6 Democratic staff.

7 MR. KRANTZ: David Krantz, Executive
8 Director, House Judiciary Committee.

9 CHAIRMAN CALTAGIRONE: And with that, I'd
10 like to start off with our first testifant, who also
11 happens to be the prime sponsor of this legislation,
12 Andy Carn from Philadelphia.

13 REPRESENTATIVE CARN: Yes. Thank you,
14 Mr. Chairman. I'd like to thank you and the other
15 members from the House Judiciary Committee that are
16 here today for taking this time. I would like to also
17 thank Commissioner Lehman and Superintendent Vaughn for
18 the opportunity to use this facility for having this
19 public hearing on this issue.

20 I have for three sessions now introduced
21 this bill or some semblance of it for the purpose of
22 trying to bring a little more justice from our
23 perspective into the issue of life sentencing in the
24 Commonwealth of Pennsylvania. I was very surprised
25 myself after becoming a legislator to find out that in

1 Pennsylvania when someone receives a life sentence it
2 is until they die. I wasn't aware of that myself. I
3 always thought, before becoming a legislator, that
4 there was some way that lifers had the opportunity to
5 be paroled or to have an opportunity for consideration
6 to be released. I thought that because of other State
7 laws that I have seen enacted and being implemented.

8 And what concerns me more than anything
9 else about the need for reform in this regard is that I
10 personally have seen many persons being dealt injustice
11 in our system, and not to say that our system is
12 perfect or should be perfect. I know it's not perfect.
13 And that's why I've taken this kind of initiative.
14 Many of my fellow colleagues question my reasons for
15 taking such a position when politically they don't
16 think that it's a popular issue. And I can agree that
17 in our society today that prison issues are not popular
18 issues. As a matter of fact, we live in a society that
19 has, and even in our own legislature has increased
20 penalties, has increased mandatory sentencing, and as a
21 result has increased the populations in our prisons.
22 And as a result, we as legislators are faced annually
23 with a budget problem as a result of this. We just
24 allocated dollars to build more prisons. What concerns
25 me is where are we going to get the money from to even

1 operate these prisons, as I look at the budget problems
2 that we face with every year and the struggles that we
3 go through trying to pass these budgets.

4 So there are many levels of concerns that
5 I see that brings me to the need to introduce such
6 legislation for us to consider. Not as an emotional
7 issue, but as an issue of practicality, as an issue of
8 justice, as an issue of fairness, as an issue of what
9 is right. We are paying tremendous amounts of money to
10 keep people incarcerated that can, in fact, be
11 productive citizens, that can, in fact, produce incomes
12 and pay taxes themselves if given the opportunity, at
13 no threat to society. And that's really what the
14 question in my mind becomes. Should we be paying for
15 incarceration of persons who have proven not to be a
16 threat to society? As I look at our State budgets, I
17 say we really cannot afford to continue to do this.
18 But again, emotionally and politically, we live in a
19 society that has promoted the concept of lock 'em up
20 and throw away the key, and as a result, in America we
21 have more people locked up per capita than any other
22 country in the world, and that's something that we as
23 Americans need to think about, we as Pennsylvanians
24 need to think about, because under the trend that is
25 presently put forth, our population of incarcerating

1 persons will increase in the Commonwealth of
2 Pennsylvania, and that concerns me.

3 One of the things that I always looked at
4 when I became a legislator is what we called our
5 system: The Department of Corrections. The Department
6 of Corrections. Somehow those legislators before us
7 felt that the system of incarceration was for the
8 purpose of corrections. I'm assuming that's what they
9 assumed the responsibility was to correct, and I'm
10 assuming that's because they did not want to lock
11 people up and provide for them without any recourse of
12 these persons getting a chance to rehabilitate
13 themselves and become productive citizens.

14 Now, the lifers' situation, which House
15 Bill 1382 attempts to address, is my version of saying
16 to the Commonwealth of Pennsylvania, saying to the
17 people and saying to my colleagues, let us look at
18 whether or not we can come up with a way in the system
19 to determine whether someone is a threat to society or
20 not that is a lifer and whether or not we can safely
21 find a way to release some of them so that they can
22 become working citizens and tax paying citizens.
23 That's really my objective. And I don't want to take
24 anything away from the crime itself. There's no doubt
25 in my mind that some of the crimes that have been

1 committed are ghastly and need to be punished. I'm for
2 punishment. I think people need to be punished. But I
3 also realize that they need to be rehabilitated. The
4 Department of Corrections, I understand from my own
5 observations that there's not very much corrections
6 going on, and one of the reasons is because of
7 overcrowding. We're in the warehousing business. I
8 mean, let us be honest with ourselves. We are in the
9 warehousing business. And I noticed that because I'm a
10 frequent visitor of Graterford in particular and other
11 institutions, and I have seen that. I at one time
12 taught GED in Graterford years ago, so I understand the
13 reality that we're faced with.

14 So as a legislator, I have to take this
15 initiative because again, only but by the grace of God
16 go I, and I felt committed that me knowing what I know
17 and seeing what I see, that I have to take this effort
18 to try to assist not only those who are subjected to
19 our laws but to assist all of Pennsylvanians in our
20 problem with budgetary restraints that we are faced
21 with. I don't know what the future holds for our State
22 budget problem, but I know that there's no way in the
23 world as a legislator that I can see us continually
24 building and operating prisons without creating more
25 taxes in order to afford it. And I'm against that. I

1 mean, all we talk, anti-tax, sure I'm anti-tax just
2 like anyone else, but we have a situation where we as
3 legislators must look logically at the systems and find
4 out ways in which we can affect cost reductions and
5 changes possibly in the policies that affect our
6 criminal justice system.

7 I have taken the personal observation of
8 looking at different cases of inmates who have been
9 sentenced to life. There is so much discrepancy
10 situation in the sentencing process, as well the
11 results of different individuals in their trials. For
12 instance, you're going to hear from all Steve Blackburn
13 who has just been commuted, and when I read the facts
14 of his case and realize that he was not the triggerman
15 but the triggerman has long been on the street, you
16 know, it raises a question of fairness in my mind as to
17 how fair the system really is. So we are trying to
18 address some of those fairness questions.

19 House Bill 1382 tries to lay out a plan.
20 It's a plan that takes a minimum 15, 20 years or more
21 for anyone to be able to complete. Again, punishment
22 is necessary, but rehabilitation is also necessary. I
23 don't know if we are ready to start rehabilitation as a
24 correctional facility or as a criminal justice system
25 in Pennsylvania because of our overcrowdedness, but I

1 have also determined some costs that have ranged from
2 the area of \$15,000 to \$29,000 a year that we're paying
3 to incarcerate individuals. I'm tired of paying for
4 that. My constituents complain to me about spending --
5 why the State is spending so much money to incarcerate
6 people. I get questions like that. You know, why are
7 we spending \$25,000 to incarcerate someone when they
8 see that, well, if someone had a job making \$25,000
9 they could in fact take care of themselves and their
10 families, because many of these same persons that are
11 incarcerated who are no threat to society have children
12 out there who we are also supporting through our
13 welfare system. I have documented those kinds of
14 statistics that are coming right out of our State
15 budget. So it gets beyond the costs of incarceration.
16 We're then also forced to take care of children of
17 these individuals and their families. So I have
18 documented about seven or eight cases where we are
19 spending in excess of \$70,000 for a family. A lifer,
20 his family on welfare, and the costs related to that.
21 It's costing us as taxpayers \$70,000 a year. Now, that
22 bothers me. Again, because I went through that whole
23 budgetary process and I'm saying, when are we going to
24 look at this? When are we going to take this out of an
25 emotional view and look at the practicality of it? And

1 the reality and statistics reflect that lifers who have
2 been commuted across this country have a lower
3 recidivism rate than other inmates who have been
4 released. That's a fact. We can see that. Again, we
5 can talk about why that is, but again, it's still a
6 fact.

7 So again, in Pennsylvania, I'm trying to
8 take the politics out of the issue of lifers. I'm
9 trying to make it a decision based on facts and not a
10 position based on politics. Statistics show that
11 governors of Pennsylvania commuted more persons in
12 their second term once we created a law that limited
13 the terms of governors, they commuted more lifers in
14 their second term than in their first term. Now, that
15 was a political decision. Purely a political decision
16 understandably a political decision. You know, no
17 Governor wants to be faced with running in a second
18 term with opposition saying that he released lifers.
19 You know, that whole Willie Horton concept that was
20 used in the presidential campaign really raises these
21 emotions in people's minds and their hearts that cause
22 us as politicians not to do what is logically correct
23 but to do what is emotionally and politically feasible.

24 So I'm trying to get us away from that
25 kind of decision when it comes to making a decision

1 about whether someone should be placed on parole who
2 has been given a life sentence. Let the facts of each
3 individual case be the determining factor. Let it not
4 be a political decision by a governor. And that's
5 really all I'm trying to do. Right now we have a
6 commutation process. Governor Casey, like I say, I'm
7 watching him. He's commuted more in his second term
8 and he's doing it based on the facts. But those facts
9 were there before he ran for his second term, but now
10 he's using those facts as the basis for making his
11 commutation decision. I'm saying, let's eliminate that
12 political decision. Let's put it in the hands of
13 persons who are professional at the business of
14 re-evaluating inmates and making decisions based on
15 facts.

16 So that's the objective of House Bill
17 1382, to take the politics out of the decision, to come
18 up with a feasible way that persons can be logically
19 considered, and let's take the tax burden off the
20 people and keep the emotions out of this decision.

21 And I want to thank you, Mr. Chairman,
22 for allowing me to have these remarks. This is an
23 uphill struggle. I know that it is. This is my third
24 section introducing this bill. This is the first time
25 I've been given a public hearing and I am thankful for

1 that. I know it's a struggle and I've said to the
2 supporters of the lifers that we have an uphill battle.
3 I'm committed to this as long as I'm a member of the
4 legislature, and in some way hopefully members of the
5 Judiciary Committee can see fit to make some
6 considerations, if not of the bill itself but of the
7 concept that the bill is promoting, and I want to thank
8 you very much.

9 CHAIRMAN CALTAGIRONE: Thank you,
10 Representative Carn.

11 Representative Birmelin.

12 BY REPRESENTATIVE BIRMELIN: (Of Rep. Carn)

13 Q. Representative Carn, I think I picked up
14 somewhere in your earlier testimony about where your
15 bill could be enforced in law that a prisoner would
16 still be in prison for 18 or more years?

17 A. Fifteen or more.

18 Q. And then he would qualify through the
19 provisions that you would have?

20 A. Under this bill, if this bill was law, it
21 would take a minimum of 15 years for a person to
22 complete the program.

23 Q. Fifteen?

24 A. Minimum of 15.

25 Q. From beginning of the sentence?

1 A. Yes.

2 Q. Okay, thank you. That's the only
3 question I have.

4 A. But there are provisions for those who
5 have already been incarcerated and would shorten that
6 time period because they have already been in for a
7 while.

8 CHAIRMAN CALTAGIRONE: Thank you,
9 Representative Carn.

10 REPRESENTATIVE CARN: Thank you.

11 CHAIRMAN CALTAGIRONE: We would next like
12 to hear from Donald T. Vaughn, Graterford
13 Superintendent, and a very gracious host.

14 SUPERINTENDENT VAUGHN: I'm not going to
15 sit down. I just wanted to take this opportunity to
16 welcome everyone to the community here at Graterford.
17 I see a lot of familiar faces in the audience, and
18 we're here for a good purpose today. Graterford is
19 part of the community, and we must always remember
20 that. And when the Honorable Caltagirone visited the
21 lifers here at the institution and we talked about the
22 public hearings, I couldn't think of a better place to
23 have the hearings than right here at Graterford where
24 we house most of the lifers that are in the State of
25 Pennsylvania.

1 So I just wanted to welcome you to
2 Graterford, and remember that this is part of your
3 community, and the people that live here came from your
4 community.

5 Thank you very much.

6 CHAIRMAN CALTAGIRONE: Thank you,
7 Superintendent.

8 And I do want to mention that it was at
9 the suggestion of the Superintendent to afford us the
10 courtesy to be here today and it really worked out
11 fine. I want to thank him again.

12 The next testifants who will be
13 testifying will be Tony Tyrone Werts, Brian Wallace,
14 Bruce Bainbridge, Kenneth Tervalon, and Omar Ali.

15
16 If you would like to please come forward
17 and you can be seated right here, and we can start off
18 with Tyrone first and we'll take them in the order that
19 they are on the sheet then.

20 MR. WERTS: I have a statement here I
21 would like to read.

22 First of all, I would like to express our
23 deep appreciation for this opportunity to be heard. We
24 would also like to thank Andrew Carn for his diligent
25 support and his courageous effort in trying to educate

1 the public and the legislature on this issue. I would
2 further like to thank the Department of Corrections and
3 Donald T. Vaughn and his staff for permitting the
4 hearings to be held here.

5 Mr. Chairman, my name is Tyrone Werts.
6 I'm 41 years old, and I've been in prison for 16 1/2
7 years for a conviction of second-degree homicide as a
8 result of my participation in a robbery where someone
9 was unintentionally killed. Before coming to prison, I
10 lived at 8645 Forrest Avenue in Philadelphia; was
11 married, and the father of one child. At present, I
12 have the fortune, or misfortune, based on how you look
13 at it, of being president of the largest inmate
14 organization in the State, Lifers Incorporated, a group
15 comprised of 550 life term prisoners here at
16 Graterford.

17 Our organization was formed in 1981 for
18 purposes of securing, through legislative action,
19 meaningful change in the laws of our life term prison
20 sentences to become eligible for parole review on a
21 case-by-case basis. Over the years, our goals and
22 objectives have grown to include extensive community
23 service projects which foster community responsibility
24 and civic pride for incarcerated people. This has led
25 to development of broad-based programs to solve

1 problems in both internal and external communities.

2 I sit here today as a representative of
3 the 2,200 life sentence prisoners in the Commonwealth
4 of Pennsylvania who are not eligible for parole nor
5 allowed to participate in a number of pre-release
6 programs. Contrary to common opinion by lawyers,
7 judges, prosecutors, the general public and the media,
8 lifers are not released after 10 or even 15 years. In
9 Pennsylvania, life means just that - life; a concept
10 that is outside the mainstream of correctional thought
11 in the United States.

12 It is our position that legislation must
13 be adopted to change the law as it applies to the
14 release of life term prisoners. This legislation must
15 establish a case-by-case review where each lifer will
16 be considered for parole review with the judgment based
17 on a rigid criteria of case history, psychological
18 profiles, personal development, and
19 behavior/attitudinal adjustment.

20 In 1972, there were only 400 life term
21 prisoners in Pennsylvania. However, in 1974 a change
22 in the penal code established two categories of murder
23 which now carry mandatory life sentences - first and
24 second degree. Prior to 1974, the only person to be
25 convicted of first degree murder was sentenced to life

1 without parole. As a result of the change in the law,
2 the number of lifers in the State of Pennsylvania has
3 increased at an alarming rate, exceeding 2,200 to date.
4 With the average of 100 new lifers coming through the
5 system each year, there will be well over 3,200 by the
6 year 2000. With no lifers being released, the cost of
7 maintaining this population will continue to grow. At
8 \$20,000 per year per lifer, by the end of the century,
9 the costs will soar to over \$64 million just for this
10 population, without taking inflation and geriatric care
11 into consideration. Factor in the 50-year life span
12 per lifer, and the cost boggles the mind, not to
13 mention the wallet.

14 This tax burden on Pennsylvania citizens
15 seems unnecessary, when in actuality a very small
16 percent of life term prisoners have crimes that fall
17 into the category of sensational. Many lifers were
18 first offenders, many were involved in crimes of
19 domestic violence, crimes that were committed in a
20 moment of passion and whose histories were heretofore
21 free of criminal violence. Add to this number the many
22 lifers who were not the actual perpetrators of the
23 crime, or who played minor roles as knowing or
24 unknowing accomplices, and you have a large population
25 of life term prisoners whose consideration for

1 conditional release at some point in their
2 incarceration is not only consistent with correctional
3 standards but also practical for the management of the
4 prison system. But with 2,200 life term prisoners in
5 the State of Pennsylvania, the Commonwealth has in
6 effect a permanent prison population without the hope
7 or possibility of parole. Not only is this situation
8 inconsistent with the theory of corrections, but it
9 also presents a control problem for correctional staff
10 since the system that maintains life term inmates is
11 deprived of the incentive element for behavior control.

12 The Public Safety and Rehabilitation Act,
13 House Bill 1382, when made law will not release lifers
14 back into society en masse. It should not be confused
15 with the establishment of a minimum sentence for life
16 term prisoners by which lifers would automatically be
17 released after serving a definite number of years.

18 What this bill will do is:

19 To allow an existing classification
20 process within the Department of Corrections to be used
21 to determine the suitability and acceptability of life
22 term prisoners for parole review on a case-by-case
23 basis.

24 Make the time served on a life sentence
25 dependent upon the circumstances of the individual

1 subject lifer with regard to public risk, behavior
2 adjustment, socialization, and the ability to thrive
3 psychologically and economically in the free society.

4 Add consistency and objectivity to the
5 process of releasing life term prisoners on parole.

6 Under the context of House Bill 1382,
7 every life term prisoner will not qualify for parole
8 consideration. It is not formulated with the intent of
9 releasing every lifer confined in the prisons of
10 Pennsylvania. Such a proposal would be absurd and
11 ludicrous and dangerous to the general welfare of the
12 Commonwealth. In essence, what it does accomplish is
13 an objective and standardized method of parole review
14 consideration for those lifers who would otherwise be
15 excellent candidates for Executive Clemency.
16 Furthermore, it would give the Department of
17 Corrections the leverage to include life term prisoners
18 within the parameters of its treatment process with
19 educational, occupational, and social rehabilitation.
20 This aspect has been lacking in the Pennsylvania
21 corrections system as the lifer population has been
22 neglected as a class for such institutional
23 programming. This is primarily due to the fact that
24 the Department of Corrections has not had a policy or
25 strategy or a specific goal objective in dealing with

1 its life term inmates.

2 Parole review on a case-by-case basis
3 will serve to bring Pennsylvania in line with the
4 overwhelming majority of States in the United States by
5 providing a form of conditional release for life term
6 prisoners. This is the goal of House Bill 1382, to
7 bring case review into reality for the men and women
8 serving life terms in this Commonwealth, with the
9 determination based on the criteria of social,
10 educational and personal development. The Public
11 Safety and Rehabilitation Act, House Bill 1382, will
12 incorporate these concepts.

13 We would like to make it plain that
14 support for case-by-case review and the needs of
15 victims are not mutually exclusive. As a matter of
16 fact, House Bill 1382 includes provisions that allow
17 the family of victims to be heard and play a role in
18 determining whether or not a lifer is released. In
19 addition, this legislation will require the lifer, if
20 paroled, to pay into the Victim's Compensation Fund for
21 five years, a situation which is not required by any
22 other parolee.

23 As human beings, we are sensitive to the
24 needs of victims. Since most of us come from the inner
25 city where our own families are victimized by crime, we

1 can imagine the pain and anguish that victims feel,
2 that we are sorry and deeply regretful for our actions.
3 The majority of lifers who in one day, or in one
4 fleeting moment, through blind rage, uncontrollable
5 passion, accident or fear performed an irrevocable act
6 that he or she is genuinely sorry for. We have been
7 living with our grief, sorrow and punishment, and many
8 of us will carry the weight of our remorse for the rest
9 of our lives. Many of us have contemplated life and
10 death over several decades and no one knows more about
11 the preciousness of life than those of us who have
12 taken it and are truly repentant.

13 While there is a provision to pay into
14 the compensation fund, we fully understand that there
15 is no medium of exchange, no weight in gold that can
16 serve as just compensation for the life of another
17 human being. We want families of victims, the
18 legislature, and the citizens of Pennsylvania to know
19 with certitude, and understand clearly that the
20 concepts and development stages that advances one
21 towards parole review is not derived from any false
22 idea that this will make all things smooth, level, or
23 square. It is an expression of our faith derived from
24 our remorse, the sincerity of our repentance for our
25 actions, and compassion in our hearts for both the

1 victim and their survivors.

2 We understand that crime continues to be
3 a problem in our communities, and the public has a
4 right to demand safe streets. Support for this
5 comprehensive bill will not make one soft on crime.
6 Those individuals who commit crimes against society
7 must in some way pay for their actions. However, we
8 can no longer continue to overburden the system, drain
9 vital resources when many men and women can be released
10 back into society as law-abiding, taxpaying and
11 productive citizens again, without increasing risk to
12 the public.

13 In conclusion, we would like to thank you
14 for giving us this opportunity to educate you and the
15 public concerning this issue. Your attention and
16 consideration in this matter is a courageous and noble
17 step toward addressing one problem associated with our
18 criminal justice system. We hope that we are able to
19 shed some light on this subject. Lifers across the
20 State, as well as their families and supporters have
21 worked hard for this opportunity to be heard and are
22 watching and hoping with eager anticipation. We pray
23 that the wisdom of this legislative body will recognize
24 the need for reform on this particular issue.

25 CHAIRMAN CALTAGIRONE: Thank you.

1 If we could hear from Brian next, what I
2 would like to do is have everybody present their
3 testimony and then I'll open it the up for the panel
4 for questions.

5 MR. WALLACE: First of all, I would like
6 to say good morning to the members of the Judiciary
7 Committee, distinguished guests. I would like to thank
8 you all for being here today. Thank you for making it
9 possible for me to be here today to speak at this
10 hearing. I have some copies. I would like to pass
11 them out.

12 My name is Brian Wallace. My age is 34.
13 At the time of my arrest I was 14. My charge was
14 robbery/murder. Date I was convicted was July 7, 1972.

15 Brief outline of my case, as you noticed,
16 on August 10, 1971, I and two co-defendants entered the
17 business of Mr. Guido Zanni, a variety store owner,
18 located at the intersection of 15th and Wharton
19 Streets. We entered with the intent of only to rob
20 Mr. Zanni. Unfortunately, upon leaving Mr. Zanni fired
21 one shot, and as a result of his firing one shot we
22 panicked and one shot was fired back. Mr. Zanni was
23 unfortunately hit, resulting in the loss of his life.

24 After being arrested on August 13, 1971,
25 only days after being detained at the Youth Study

1 Center, I attended a preliminary hearing at 1801 Vine
2 Street. Since only a juvenile at the time, and soon to
3 be 15 years old, February 8, 1972, it was recommended
4 that I be certified as an adult, and a hearing was held
5 February 10, 1972. And so were my co-defendants. We
6 were charged with robbery, conspiracy, murder, and
7 violations of the Firearms Act. I was found guilty of
8 all charges. One of my co-defendants was found not
9 guilty, the other co-defendant was sentenced to an
10 indefinite sentence, 18 months to 3 years.

11 Since then I have been incarcerated at 19
12 years now. I have involved myself in a number of
13 academic programs, schooling. As you noticed down at
14 the bottom, some academic achievements I've
15 participated in since being here at this institution
16 and Camp Hill. My current activities within the
17 institution is down at the bottom - Al Kafarrah Drug
18 Substance Abuse Program, which keeps me from the ills
19 of drugs. I've been blessed fortunately not to be
20 involved with drugs and I've been free from it, but
21 this keeps me mindful of the use of drugs since a lot
22 of friends that I do know and have known over the years
23 I've seen the results of what drugs can do to you. And
24 the NAACP program, the Jaycee's organization,
25 Communications Group that Dr. Lance Cook here, chief

1 psychologist here. I'm continuing to further my
2 education in academic and business education with Mr.
3 Wallace Lab.

4 CHAIRMAN CALTAGIRONE: Bruce.

5 MR. BAINBRIDGE: Good morning, ladies and
6 gentlemen. My name is Bruce Bainbridge, and I'm glad
7 to have this opportunity to stand before you and speak
8 with you on the lifers' plight.

9 As I said, my name is Bruce Bainbridge.
10 I am currently age 37. At the time of my arrest I was
11 24. I was arrested and charged with criminal homicide,
12 general criminal homicide, and convicted on January 10,
13 1980. I had a jury trial and I was convicted of first
14 degree. The county in which I come from is Schuylkill.

15 A brief outline of my case is that on
16 July 16, 1979, I, with a few others, were out partying.
17 Later on that day, someone in my car, while at a
18 convenience store, got in an argument with my alleged
19 intended victim, one David Dunsavage. Somehow I was
20 pulled into the argument, for which I broke it up and
21 continued on to party the rest of that night.

22 I ended up in Pottsville earlier that
23 evening where we came upon the intended victim again in
24 a high speed chase between two vehicles. I was driving
25 and shooting a .22 caliber pistol while on Route 61 at

1 the car in front of me. Upon re-entering the
2 Pottsville city limits, there was a final shot from my
3 gun for which a ricocheted bullet had hit a bystander,
4 one John Grivnovics. He was standing at a sidewalk
5 near a bus terminal. The man died a short time later,
6 as a direct result of that gunshot wound.

7 On January 10, I was convicted of first
8 degree murder and related charges. June 23, 1982, I
9 was sentenced to life in prison at Graterford.

10 To date, I have been incarcerated almost
11 12 years. January 10 it will be 12 years. My academic
12 achievements while here, I acquired my GED. Vocational
13 training called for electronics, and I was certified in
14 electronics, and air conditioning and refrigeration. I
15 currently, while I have been stockpiling college
16 credits, I have 42 credits toward an associate degree
17 in business management from Montgomery County Community
18 College, and am currently enrolled in Villanova's
19 Bachelor's program here at the prison, for which I have
20 54 credits toward that.

21 Currently, my activities within the
22 prison are that internal coordinator for the Family
23 Resource Center. We deal with the children of the
24 incarcerated to maintain the family unit as much as
25 possible during their stay here. Coordinator of a

1 Reading is Fundamental Project, which also is currently
2 involved with the Family Resource Center. That deals
3 with providing books to the youngsters that come here.
4 The unfortunate youngsters that come here. I'm kind of
5 high on the literacy rate, and this is one way of
6 stemming the tide there.

7 I'm also a coordinator of the Great Books
8 Discussion Program, which functions here on a monthly
9 basis between a group of inmates and community
10 volunteers that come in together and talk about
11 reading. An active member of the Holy Name Society
12 here. Treasurer of the Educational Council here.

13 My prison job is I'm a clerk for
14 correctional industries, and I'm currently involved
15 with the Victim Offender Recollection Project.

16 Thank you.

17 CHAIRMAN CALTAGIRONE: Thank you, Bruce.
18 Kenneth.

19 MR. TERVALON: My name is Kenneth
20 Tervalon, and I want to thank the members of the
21 committee for giving me this opportunity to speak.

22 I am going to read what I wrote here and
23 then I'll tell you a little bit about myself.

24 Honorable members of the House Judiciary
25 Committee, thank you for allowing me to speak with you

1 today concerning House Bill number 1382. The two
2 topics which I wish to bring to your attention are:
3 The usefulness of House Bill 1328 as a management tool
4 of the Department of Corrections and the point of view
5 of the client, and the conditional release aspect of
6 the proposed bill as a management tool.

7 All inmates are reviewed annually to
8 determine what their program participation has been and
9 needs to be. This review lets the inmate know what he
10 has not done and what he needs to do in order to meet
11 the programming needs which the Department of
12 Corrections sees that the inmate needs. The reasons
13 for participation in programming can be many, depending
14 on the individual. One of the reasons that surely to
15 insure that the inmate will be acceptable for parole
16 when a parole review occurs. In the case of the inmate
17 sentenced to life in prison, the programming review
18 must surely be intended to be used for parole review at
19 some time.

20 The goal of program participation for the
21 inmate in most cases is to be an appropriate candidate
22 for parole review. For those inmates without the
23 opportunity for parole review, what then is the goal of
24 program participation? The point that I am trying to
25 make, gentlemen and ladies, is that there exists a tool

1 to encourage program participation by all clients in
2 the system. However, the tool is only applicable to
3 all clients in the system as this bill becomes law.
4 Indeed, in the past few months there have been four
5 persons who were life sentenced inmates one day who
6 were not life sentenced inmates on the next day. The
7 sentence status of two of these inmates was changed by
8 the courts, and the other two were changed through the
9 commutation process. In these cases, the goal of the
10 management tool, namely parole review, was met for
11 individuals on one day when they were not eligible for
12 that same review the day before.

13 What had happened? Were they different
14 men in the sense that they were not the same persons
15 who had been sentenced to life in prison? Obviously
16 not. They were, each one, the same human being.
17 However, their status had been changed and parole
18 review became possible. Passage of this bill would,
19 for a few, make possible a status change and parole
20 review.

21 Conditional release. This bill does not
22 let inmates go carte blanche. Currently, prior to
23 their conditional release, all other inmates convicted
24 of all other crime category offenses are reviewed by
25 the Department of Corrections and the Board of

1 Probation and Parole. Not all of those inmates
2 reviewed are granted conditional release. In the same
3 manner then, those inmates currently not eligible for
4 conditional release in certain crime categories would
5 become eligible for conditional release as this bill
6 becomes law. That is not to say that all inmates
7 eligible for conditional release will be released.
8 Rather, it is to say that the privilege of conditional
9 release will be able to be earned by all clients in all
10 crime categories. Conditional release provides a means
11 for the client to re-enter society gradually, under the
12 supervision of the Department of Corrections and the
13 Board of Probation and Parole through the mechanisms
14 already in place and already used to assist in the
15 re-entry of all other persons who are released from
16 prison.

17 Conditional release is one of the goals
18 that the long-term inmate reaches for as a means of
19 displaying himself or herself as an appropriate client
20 for consideration for parole review.

21 My name is Kenneth Tervalon. I'm serving
22 a life sentence for first degree murder. I became
23 involved in this crime by going to a meeting with some
24 people who purported themselves to be black activists
25 in the late '60's. They were an urban militant group.

1 They planned a robbery. As a result of the robbery,
2 two of the participants kept some of the funds. The
3 group met, decided to kill those two men. Those two
4 men were killed. I am the man who left my apartment
5 and lured one of the men out of his house so that he
6 could be killed by the other members of the conspiracy.
7 I have deeply regretted that act for 20-some years, and
8 I regret it every day. It's not something I'm proud to
9 say. I hope that one day I will be able to do
10 something for the gentleman's family, and that I will
11 be able to pay my debt to society in a very realistic
12 way. This bill will give me the opportunity to do
13 that.

14 In the meantime, while I've been in jail,
15 I have earned an M.A. in social psychology. I'm
16 currently working in the carpenter's shop here. In May
17 I'll have 4,000 hours in as an apprentice. I worked
18 for the correctional industries here on the dairy for
19 seven years, which gave me an 8,000 hour certificate
20 for learning that job. And I am currently in the
21 Pennsylvania Business Institute School here earning a
22 degree in accounting management.

23 I worked with a number of programs in the
24 prison. The Jaycees, the Holy Name Society. The
25 Knights of Henry Kristoff, the Lifers Incorporated, and

1 I'm currently working with a group called the Youth
2 Project. We work with children from Wordsworth
3 Academy. They come here and we talk to them about the
4 choices that they have available to them at this time
5 in their lives.

6 There's not too much that a man in prison
7 can do that reaches out to the community. We have to
8 work within the community here, within the walls, to
9 display to each other and to society our remorse and to
10 make some contribution to society. It's not easy, but
11 then nothing is easy when you get right down to it.
12 But we try our best. We try our best. And if we can
13 keep one kid from coming to jail, then we're doing a
14 good job. We're doing a good job.

15 I want to say something else, and this is
16 a little off the cuff. It recently became possible for
17 me to get out of jail. I have a sentencing judge who
18 said that he wants to help me get out of jail, and for
19 20 years I had said, well, one day I'm going to get
20 out. I'm going to get out one day. But there was no
21 real mechanism for me to get out, other than
22 commutation. So I was working a fantasy. But when
23 this gentleman told me that he really wanted to help me
24 get out of jail, the fantasy became a reality, and in
25 that moment my outlook on everything I did changed.

1 Okay? The way I behaved towards the officers, towards
2 my family, towards work, everything I did took on a
3 different point of view because release becomes a
4 reality. When release becomes a reality for men, they
5 change. Those four men I spoke about, when it's time
6 for them to go, they are not the same guys we've known
7 for 15 or 20 years. They don't want to play games.
8 They want to get serious. They've got to live when
9 they get out. They've got to worry about am I going to
10 have a skill to get a job? What am I going to do about
11 where I'm going to live? It gets real serious when you
12 know that there's a date. Okay. And I tend to think
13 that it gets easier for the staff, because they don't
14 have to make up a stick and a carrot. It's there.

15 I think that this bill will provide the
16 Department of Corrections with the management tool that
17 they need, and I don't say that to cow-tow you to them.
18 When I first came here I wasn't a good guy, okay, and
19 God is not finished with me yet, but these people
20 changed me. They did their job. And I have to give
21 them credit for that. They changed me. And I think
22 that with this tool they can change other people, and
23 that will be a benefit not only to individuals like
24 myself but to society as a whole, and that's why I'm
25 going to ask you to please support this bill, please

1 support this bill. Because it means a lot to you as
2 well as to the men here and to their families, and I
3 want to thank the honorable members of the House
4 Judiciary Committee for allowing me to speak with you
5 today concerning House Bill 1382.

6 CHAIRMAN CALTAGIRONE: Thank you.

7 Omar.

8 MR. ALI: Yes. My name is Edwick
9 Systrom, when I was brought to prison, that's my birth
10 name. Since being incarcerated, my name was changed
11 because of religious preference. Omar Eski Ali is the
12 name that I go by. I've been in prison -- January
13 1992, the 7th of January I will be incarcerated 21
14 years in the State prison system. Before coming to
15 prison I am the father of nine children, I owned my own
16 home and I was in business before I came to prison.
17 I'm presently in court in the Federal court and I
18 should be going to court shortly. I'm a lifer at this
19 time.

20 Like Kenny was had just stated, I feel
21 different because a law had just been passed called the
22 systematic excluding black people from the jury system
23 and I was a victim who was tried twice by an all-white
24 jury and this is one of my reasons why I'm in prison at
25 this particular time and I'm before the courts to prove

1 my innocence. Cases of people who have a life
2 sentence, they vary. And oftentimes people don't
3 understand that a person could be in a car with three
4 other people, someone could go into a store or whatever
5 the establishment is and commit a crime, the person
6 that's driving may not even know what had transpired in
7 the establishment or where the robbery would have
8 occurred, but if all those people were apprehended,
9 each one of them would get a life sentence. I think
10 with the perception of people of a person in prison for
11 a life sentence was that that person actually was the
12 shooter, but all three people or four people could
13 become one who can wind up with a life sentence in the
14 State of Pennsylvania as we.

15 As we know, in 46 States of the United
16 States they have a mechanism for parole eligibility on
17 a case-by-case basis, and this is the thing that we
18 want to point out to people that we are not talking
19 about a floodgate, we are talking about one's own
20 merit, individual's own merit. I've been in prison, as
21 I've stated earlier, 21 years in next year, 1992. I
22 presently, like Mr. Tervalon, develop a society known
23 as the OSU, the Outside Service Unit. This has
24 afforded people who have jumped through a number of
25 hoops that qualified them, their attitude and their

1 progress while in prison. As a lifer, to get that
2 opportunity to live outside of the prison walls, it's
3 an unbelievable experience and a relief that to be a
4 lifer you would have to understand it. We have certain
5 freedoms and liberties who are not afforded to people
6 behind a prison wall. I lived out there almost two
7 years out in the OSU area. But to -- the point that I
8 really want to make here is that you have lifers, you
9 have 33 lifers that live outside of the prison wall.
10 You have a man, two people who live, that I know
11 particularly that I wanted to bring their names and
12 have it read into the record. One name is Withers
13 Ponton. He's lived in the OSU area for 12 years. He's
14 been in prison for 25 years. You have another person
15 named Thomas, and we refer to him affectionately as
16 "Pop" Burns. He's 66 years old, and he's lived in the
17 OSU area for 12 years. He was 35 when he came to
18 prison, he has 33 years in prison. He's an elderly man
19 and it may become a time where this particular
20 individual you would like to see for yourself, he's an
21 elderly man, he can just barely get around. And when
22 youngsters come through the prison system and see this
23 sort of thing and see people of this caliber who have
24 accomplished a number of things, they wonder why they
25 should go through the school system and acquire a

1 certain awards and things of that nature if we are
2 still here. We were selected to come here and
3 represent the population here at Graterford Prison. We
4 are considered, pardon me I'm losing my voice because I
5 have a cold, we are considered as representatives of
6 the population here at the Graterford Prison.

7 Now, if we do represent as defined to be
8 as the best of what we have here, what hope or what
9 example is set for the rest of the guys who are just
10 coming into the system? And I don't want to get away
11 from the point that we have forgotten the victims of
12 crime. This is one of the things that has a tendency
13 to get side stepped, your discussing the parole
14 eligibility. You hear what we have accomplished since
15 we have been in prison and that sort of thing. We
16 could go and be an asset to society and we have proof
17 like Jake Anderson sitting back here and Steve
18 Blackburn, but I'm saying that the point that I'm
19 trying to make is that while we are here in prison, we
20 have tried to extend ourselves to the outer community
21 in any fashion that we have that we can. There are
22 people probably here today who are victims of crime,
23 and when they see us sitting here speaking of what we
24 have accomplished and what not, I know that they feel
25 that even though you have accomplished this, that you

1 shouldn't be out of prison. And I can understand that
2 as being a factor. What I've tried to do since I've
3 been in prison as an individual was tried to extend
4 myself to the parole community. I was abled by the
5 business people in the community to set up an
6 organization in the community that caters to the youth.
7 As a matter of fact, there are two people from my board
8 of directors sitting here right now. One happens to be
9 or had his son taken from him and his son's killer came
10 here to this institution, and this person still comes.
11 At first, that wasn't his position, but his position
12 came because of our relationship, and he thought that I
13 was one that should be not in prison. And after he and
14 I had some dialogue or he and I went through the
15 dialogue of my behavior and what not, he since has
16 changed his mind about the situation and has become a
17 supporter of this parole eligibility, based on our
18 relationship. But I just wanted to get in the fact of
19 the victims of crime and I don't know how you can
20 really tell a person who has lost a loved one that
21 you're sorry, that you're remorseful and that sort of
22 thing. But we live in a forgiven society, and I think
23 that we have to think more in that area of the people
24 who are victims and try to bring them face to face with
25 us at forums like this so that we can have an

1 understanding of how we are and that we are not just a
2 number or a face in the newspaper, and I think the fact
3 that you people came here, it's overwhelming. I mean,
4 you're almost speechless when you can look like a forum
5 like -- this is almost unheard of, and I think
6 Superintendent Vaughn and all the folks that are
7 involved in this situation and the guys who are here
8 that we were able to sit here. As a matter of fact,
9 when I first heard this, I didn't believe that it would
10 actually happen. But I guess after communism in Russia
11 is being dismantled, anything can happen. And I would
12 like to say sincerely that I sincerely appreciate each
13 and every one of you here, and thank you very much.

14 CHAIRMAN CALTAGIRONE: Thank you.

15 Members from the committee, we do have
16 Representative Jim Gerlach from Chester County joining
17 the panel. Welcome, Jim.

18 Any questions from any of the members?

19 Representative Birmelin.

20 REPRESENTATIVE BIRMELIN: I have a
21 question for four out of the five of you, and if it's
22 all right with you, I'll call you by your first names.

23 BY REPRESENTATIVE BIRMELIN: (Of Mr. Wallace)

24 Q. Brian, I have a question for you on your
25 testimony that you handed out here. You said,

1 "unfortunately, upon leaving Mr. Zanni fired a shot at
2 us and we panicked and shot back out of fear." You
3 have said one shot was fired, is that correct?

4 A. Yes. Upon leaving, one shot was fired.

5 Q. Who was the person that fired the gun?

6 A. At him.

7 Q. Yes.

8 A. That was me.

9 Q. Okay, I suspected as much from what
10 happened to you as compared to the other two people.
11 Were you aiming to kill him?

12 A. No, it was more so my intentions was to
13 get away. That came from fear, just hearing the shot
14 and I'm on my way out the door. I was running and the
15 shot was like ricocheted, and really like reflex
16 trigger there. You know, unintentional reflex that I
17 pulled the trigger.

18 Q. Where did you get the gun from that you
19 committed the crime with?

20 A. Ah--

21 Q. Was it yourself?

22 A. No, no. I got it from a lot in a paper
23 bag.

24 Q. You got it from where?

25 A. Around a lot, like an old lot, with tires

1 and--

2 Q. You found it?

3 A. It was in a paper bag.

4 Q. Would I assume then that you took the gun
5 with the intention of committing the robbery with it?

6 A. Yes, sir, that was my intentions.

7 Q. It wasn't just something you were on the
8 way to rob the store and you said, hey, here's a gun,
9 let's take it with us?

10 A. No. I didn't find the gun that day.

11 Q. Okay. All right.

12 BY REPRESENTATIVE BIRMELIN: (Of Mr. Bainbridge)

13 Q. I had a question for Bruce as well. In
14 reading your testimony, it sounds to me from what
15 you're saying here you were following this David
16 Dunsavage shooting either in the air or at him
17 directly, and yet one of the shots you fired at him
18 ricocheted and hit an innocent bystander, is that
19 correct?

20 A. Yes, sir.

21 Q. My question to you is why were you
22 convicted of first-degree murder when he was not the
23 intended target of what you were doing?

24 A. I don't know. I was shooting at a car,
25 and because David Dunsavage was in that car he was

1 supposed to be my victim. He testified he wasn't, you
2 know, there was no animosity between us and I wasn't
3 trying to kill him. It was -- I don't know. I'm not
4 up on the law. For 12 years I don't understand.

5 Q. I would think your attorney would have
6 been.

7 A. Well, the attorney said I should have
8 never been convicted of first degree, but that's why.

9 Q. I just question that. It would be my
10 understanding that the motivation for first degree
11 murder would be a prime reason for that conviction, and
12 you did not have the motivation to kill an innocent
13 bystander.

14 A. Clearly, I do not know John Grivnovics.
15 I know John Grivnovics now in my mind, but I never had
16 no ill will toward him.

17 BY REPRESENTATIVE BIRMELIN: (Of Mr. Werts)

18 Q. I have a question for Tyrone.

19 A. Yes, sir.

20 Q. Of the people that you represent in this
21 lifers association, does that also include death row
22 inmates or not?

23 A. No, sir. Just lifers.

24 Q. None of the people that you represent
25 would have a death sentence, capital punishment?

1 A. No. Well, we would like to say that
2 everyone who has a life sentence really has a death
3 sentence, but we don't represent the death row inmates.

4 Q. Okay.

5 BY REPRESENTATIVE BIRMELIN: (Of Mr. Tervalon)

6 Q. And I only have one other question,
7 that's for Kenneth. What is the book that you carried
8 with you here today?

9 A. This is the Bible.

10 Q. Ah--

11 A. Why do I carry it?

12 Q. Yeah, that's the next question.

13 A. About four years before the institution
14 let me move outside there was an officer on the block
15 who carried a Bible like this, and I'm not a religious
16 guy, okay, I would like to said I'm a spiritual guy,
17 I'm not a religious guy, and I thought it would be nice
18 to have a Bible that I could put in my pocket, because
19 I see this guy always carried a Bible in his pocket,
20 and he didn't fit the form of a religious fanatic kind
21 of a fellow. So I asked my parents if they would get
22 me one that was like that, and they did. And since
23 that time I've been fortunate to meet a lot of
24 religious people, some spiritual people, and they got
25 me interested in reading it.

1 I read a lot of books, but I never read
2 this book all the way through, and it's not that long.
3 So after I had it a couple of years, and it took a
4 couple years, I decided I was going to read it, and the
5 more I read it, the better off things get. There's a
6 lot of good stuff in there. I don't understand it all,
7 but there's a lot of good stuff in there. It talks
8 about guidance, wisdom, understanding, reproof. A
9 prison sentence is reproof. It's correction. And I've
10 come to understand from reading some things in here how
11 much I hurt people and how much I hurt my family, all
12 the people that helped me through the years, and how I
13 need to give something back. And it gives me a lot of
14 guidance. Keeps me on the straight track. There's a
15 part in here where it cease from anger. And threaten
16 not thyself, cease from anger, threaten not thyself to
17 do any evil thing, I don't quote it very well, but
18 there are times when I have to remember that. The
19 steps of a good man are ordered in the Lord. You know,
20 there's a lot of things in there that help me to live
21 right, the Lord's Prayer. It just helps me. This is a
22 better book for me to read and follow to make sure I do
23 what I have to do to get out of jail and do what I have
24 to do to stay out of jail when I get out of jail.

25 Q. As an editorial comment on what you just

1 said, I appreciate your honesty and your sharing that
2 with us and I'm sure that you're sincere in the fact
3 that you carry it with you, but we also occasionally
4 hear at other public hearings and tour prisons and talk
5 to people who instantly get religion, if you will, and
6 I am not accusing you of that, so don't misread my
7 comments, so I appreciate the honesty with which you
8 shared that, but I wanted you to be aware that that
9 often happens. I've been on the Judiciary Committee
10 for I think five years now and I've toured many of
11 those same prisons that the Chairman has taken us to
12 and people in administrative positions in the prisons
13 will indicate that sometimes people do that.

14 A. I know some of those people.

15 Q. Yeah.

16 A. I've lived with them for 20 years, and I
17 can appreciate your position, why are you carrying it?
18 I don't think I'm one of those people. I think some of
19 these fellows will tell you I'm not one of those
20 people. But it's been good for me. It's helped me.

21 Q. I appreciate you telling me.

22 A. It's not the solution to every problem,
23 but it helps me.

24 REPRESENTATIVE BIRMELIN: I would ask one
25 thing of all of you in general, and this is my last

1 question. Omar apparently of you five is the only one
2 who claims not to have committed the crime that he was
3 convicted of. I don't know if that is an accurate
4 assumption or not, but how many people do you think of
5 your 550 lifers who are here in Graterford today would
6 fit his category, where he honestly believes that he is
7 innocent of the crime that he was convicted of and
8 should not be here?

9 MR. WERTS: Representative, I can't
10 really give you any statistics on that.

11 REPRESENTATIVE BIRMELIN: No, I don't ask
12 for an exact number. But here's one of five that's
13 saying this, and if I'm reading you wrong, tell me, but
14 I think the other four of you are saying I committed
15 the crime, I was convicted of it, I am guilty. He's
16 not saying that. He's saying I was convicted of a
17 crime that I don't think I was guilty of, and that's
18 why he's fighting it. But I just wonder how that 550
19 number breaks down into people that think that they
20 never got a fair deal through the judiciary system and
21 how many of you are saying, yeah, I was convicted, I
22 really did it, but I still think I should be eligible
23 for parole?

24 MR. WERTS: Well, see that's one of the
25 reasons why House Bill 1382 makes so much sense,

1 because every individual lifer would come in with
2 different circumstances. There are some men who are
3 here who are not guilty. There are a lot of men here
4 who are guilty, and there are a lot of men here who
5 feel that they are guilty of something, but are they
6 guilty of murder? Like Omar, the scenario, I can give
7 you some real life cases of they already mentioned
8 Steve Blackburn. We have another fellow named Earl
9 Rice who is out of Chester. He was 15 years old, him
10 and another juvenile were walking down the street, Earl
11 stopped to talk to a female friend, the other
12 individual juvenile went around the corner and while he
13 was around the corner he snatched a woman's pocketbook,
14 the woman fell and hit her head and she died. He came
15 back around the corner and they were arrested some time
16 later. The individual that snatched the woman's
17 pocketbook was certified as a juvenile and he served a
18 minimal amount of time and got out. Earl has been in
19 prison for 18 years.

20 We have another situation named Robert
21 Rowe, a man who is on medication now who was an
22 innocent man. He drove two individuals to a store, to
23 a bar, and while he went to park the car they decided
24 to rob the bar and killed a man, came back, jumped in
25 the car, and someone identified the car. Robert Rowe

1 was arrested, and when the police told him about the
2 incident, he said hold it. He said, no, no. You can
3 ask my two friends. I just drove them to the store.
4 That's how the police got the other two individuals.
5 He thought that he was giving himself an alibi that I
6 was with two friends at that particular time. Those
7 two individuals were arrested but they were found not
8 guilty, and Robert Rowe was found guilty.

9 So that's why we said everyone has so
10 many different circumstances, and you hear cases like
11 that, you say, well, that's just one case. There are
12 many cases like that where the perpetrator, the man who
13 actually pulled the trigger will make a deal with the
14 district attorney's office to testify against everyone
15 else.

16 REPRESENTATIVE BIRMELIN: But if you were
17 to estimate how many of those 550 lifers would fit into
18 that category, what would you say? Half of them? A
19 third? A fourth?

20 MR. WERTS: I can't even think about it.
21 I just know that from dealing with the lifer population
22 here at Graterford, there is a large percentage of men
23 who have circumstances which under different
24 circumstances they wouldn't even be here. I know that
25 there are some men here who I know personally who are

1 not guilty who are serving life sentences. I know that
2 there are men who sat in a car where the perpetrator
3 has been since released and are still here in prison.
4 I know some men who were -- killed someone who got
5 found in the third degree, and they are eligible for
6 parole, they go out and they're able to maintain their
7 family ties, where someone who may not be as culpable
8 is still here suffering, and that's basically why I
9 really feel that the system needs to be changed so we
10 can look at each individual case. This is an
11 individual situation. And we can say just because
12 there is a heinous crime that happened that we have to
13 continually punish the 2,000 men and women in prison
14 10, 15, 20 years. A lot of things that's going on out
15 in community today have no reflection on what someone
16 did 20 years ago.

17 So to answer your question, I really
18 don't know what the statistics are, but I could just
19 say that everyone has varied circumstances and that's
20 why we really need to add a mechanism where those
21 circumstances can be looked at in a fair way and a
22 determination based on that.

23 MR. BAINBRIDGE: Can I answer that,
24 please? On Tyrone's piece, this is a big prison.
25 There are over 4,000 people in here. 550 of those are

1 lifers. It is really impossible for all lifers to know
2 all lifers' case.

3 REPRESENTATIVE BIRMELIN: No, I
4 understand that, but I also know that he's the head of
5 the association and there may be some information that
6 he's aware of, maybe a survey of these guys or what, to
7 know where they stand.

8 MR. WERTS: Well, we did have a survey,
9 but, you know, a lot of people say they're not guilty.
10 It's the level of guilt. That's what it is, you know.

11 REPRESENTATIVE BIRMELIN: I just find it
12 refreshing to find that there are people who are here
13 who say they belong here and should have been
14 convicted. I mean, you've heard the old story, the new
15 superintendent goes into the prison, lines everybody up
16 and says why are you here? And they all say, I'm
17 innocent, I'm innocent, and he finds one guy that's
18 guilty, he says, well, you better leave. You're
19 corrupting all these innocent people.

20 So I appreciate your testimony,
21 gentlemen. Believe me, I really do. And that's not to
22 discredit what you're saying.

23 MR. ALI: What I was trying to point out
24 was that not only myself, I would said who fall in the
25 category that I do, that there are about 15 people that

1 I know personally who are on a class action suit for
2 this very situation that I had, concerned the same
3 circumstances that I had. The law came from the United
4 States Supreme Court in 1986, if the jury was an
5 across-the-board jury, then a lot of the decisions may
6 have been different, and this is what the court has
7 said, and I fall in that category, along with the 10 or
8 15 other individuals that I know personally in this
9 situation in Graterford Prison. Now statewide, I
10 couldn't give you statistics on that, but that's what I
11 know here.

12 REPRESENTATIVE BIRMELIN: Thank you,
13 gentlemen.

14 CHAIRMAN CALTAGIRONE: Representative
15 Reber.

16 REPRESENTATIVE REBER: Just real quick,
17 because I know some of the other gentlemen want to have
18 as much time or close to as much time as you fellows
19 did. Just raise your hands, how many of you had court
20 appointed counsel in your trials as opposed to counsel
21 of your own choosing?

22 (No response.)

23 REPRESENTATIVE REBER: Do you understand
24 the question?

25 MR. WERTS: Yes. It's obvious we all had

1 private.

2 REPRESENTATIVE REBER: You all had
3 private counsel?

4 MR. WERTS: Yes.

5 REPRESENTATIVE REBER: Your organization
6 and I have something in common: You started in 1981
7 and I started in this job in 1981. I've gotten a lot
8 of correspondence over the years from the lifers. I've
9 been a member of this committee for going on 12 years.
10 I think of all the colleagues here, you're looking at
11 the ones that have been serving the longest time.

12 Just by way of information, it might be a
13 good idea, because if this bill is ever going to have a
14 chance of, one, getting out of committee; and two,
15 being looked at by the full House, I get a lot of
16 dissertations from lifers over the years. As a result
17 of this bill and maybe some follow-up correspondence
18 that you might have, try and keep it as short as
19 possible and to the point, because it's voluminous the
20 amount of letters that we get, and obviously you have a
21 lot of time, you really put a lot of time into it, but
22 I'm just thinking for the purposes of the General
23 Assembly, and we need 102 people that are going to have
24 to say yes for something like this to at least pass the
25 House and 26 in the Senate, try and really get your

1 point as succinct as possible and, you know, we're
2 going to try and be able to do a lot of the
3 amplification for you as to it and that's the reason
4 for these hearings. But I do know that when somebody
5 takes the time, the correspondence we get is so
6 voluminous and in the minds of a lot of people I don't
7 think it might rise to the height of urgency where they
8 are going to read a 35-page epistle, so just pass that
9 along by way of information.

10 And it's been quite enlightening, the
11 documentation that has come to us over the years from
12 the organization, and I do commend Representative Carn
13 for working on this. I am an attorney and I have been
14 counsel in two homicide cases, so I do appreciate some
15 of the ramifications and I know a little bit more than
16 some people, and it's one of the reasons why I've been
17 very anti-mandatory sentencing because in some
18 instances, not in all, but every case is different, and
19 I think everything has to be looked at on a
20 case-by-case approach, and I do think there is some
21 merit in this for a lot of reasons that were stated by
22 the representatives.

23 Thank you, gentlemen.

24 MR. DUNKLEBERGER: I am going to throw
25 this out, whoever wants to answer it may.

1 I notice when I read the resumes you have
2 a number of academic achievements as well as your
3 involvement with other very worthwhile activities here
4 in the institution. When you were all incarcerated,
5 you were incarcerated serving a life sentence with the
6 knowledge, I assume, that there was no probation, no
7 parole. Why did you, when you first came into the
8 institution, I guess my question is, did you start to
9 participate in these activities, or why didn't you just
10 say the hell with it, I'm going to be here the rest of
11 my life, why do anything?

12 MR. ALI: We never lost hope. I know not
13 just myself but others, there was never a hopeless
14 feeling. I believed that there would be change. I
15 can't give you the date, the time or whatever, but
16 there was always hope. And you went on in hoping that
17 something like this would occur.

18 MR. DUNKLEBERGER: Are there some lifers
19 in the institution that had that mentality like I'm
20 never going to get out unless I do anything?

21 MR. ALI: In any given -- yes, you have a
22 few that can't see the light at the end of the tunnel,
23 so to speak. They still function, but they might not
24 have the enthusiasm that some have, like ourselves,
25 because we are directly involved. And we believe that

1 you have to make it happen, that you have that reality.

2 MR. TERVALON: May I speak to that? When
3 I came to prison 20 years ago, there was a different
4 gubernatorial administration, and release of lifers was
5 to be expected, but in order to be released, you had to
6 participate. You had to prove yourself. So many of us
7 began participating in programs with the expectation
8 that that same process would continue. It did not.
9 But because we continued, we saw that there was a
10 possibility of the law being changed, and in order to
11 work towards getting the law changed we had to continue
12 our education, continue to get involved with the
13 community. So that was why many of us at that time
14 continued.

15 MR. WERTS: And another reason, sometimes
16 the seriousness of a charge or seriousness of a
17 sentence crystallizes before an individual and it makes
18 someone look back at his life and see where he's coming
19 from, where he's going, and at times it's that point
20 where change happens. Kenny had stated here earlier
21 about the rehabilitative process. Superintendent
22 Vaughn and his deputies and ORU education department do
23 a great job. The system works in terms of
24 rehabilitation. Sure, we could do better, but with the
25 limited resources that they have available, I think

1 they do a good job. And basically, rehabilitation
2 starts with the individual. And that's what happens.
3 Sometimes like the seriousness of the crime,
4 seriousness of the circumstances make you really look
5 over your life and say, I got to make a change in my
6 life. And so you move in that direction.

7 MR. BAINBRIDGE: If I may add to that.
8 When I was convicted, I wasn't yet sentenced and I
9 seen, I heard of Graterford as being the big house, and
10 it scared the hell out of me. My attorney turned to me
11 and said, you're eligible for commutation in two years.
12 Articles showed up in the newspaper after my conviction
13 that I was going to do at least seven years, so I came
14 in Graterford with an attitude. I was angered. I was
15 pissed off. There was a lot of junk that had to go
16 through me before I collected myself. And it was that
17 that I went through, my anger stage, I went through my
18 worthless stage, I met beautiful people here, both
19 fellow inmates and volunteers, who gave me self-worth
20 back. And that's what brought me back around. It's
21 not the fact that I'm never getting out of here,
22 because at this point I don't see myself getting out of
23 here because my sentence is life, and that's where it's
24 at. But what keeps me going now is my own self-worth
25 with a good support system around me, and that

1 continues to work on me each day that I live.

2 MR. WALLACE: Myself, I come from this
3 perspective here. I felt when I was incarcerated, I
4 mean, when I first entered the institution, I was kind
5 of young. I know I needed a lot of things, especially
6 like schooling, and I was around, you know, people,
7 fellow inmates, you know, older guys and they were
8 pointing out, giving me basically a sense of direction,
9 and at the same time I was blessed with and had some
10 good counselors. The staff members, they would put in
11 their performance report and directed me that, Wallace,
12 enter such and such.

13 So I got into school, a few programs to
14 help me since the years was lapsing and I said this is
15 time I can use to do something positive with hopes and
16 prayers one day I'll be blessed to get my freedom
17 again. So I look at all of it as like a preparation
18 stage, going through a process of preparation so when I
19 am afforded the opportunity to get my freedom, then
20 I'll be prepared for it. And if not, still this kind
21 of preparation keeps me alive. It keeps my hope up.
22 It keeps my faith going. And when I stop, it's like
23 everything stops, so I die. So as long as this is
24 going on in my life, then I'm going on. So I keep it
25 going on.

1 MR. DUNKELBERGER: I would like to thank
2 you for your testimony and commend you on your
3 achievements.

4 MR. WERTS: I would just like to say one
5 other thing, and it has to deal with the question are
6 their lifers who have just given up? That's one of the
7 biggest problems that as an organization that we have
8 to deal with, especially as Omar said earlier, when
9 young guys come in, 17, 18, 20, 21 years old and they
10 see us walking around the prison doing a lot of
11 positive things, being role models. And they see that
12 we have no opportunity to be released, they again ask
13 that question, why should I go to school? Why should I
14 be good? What reason do I have if I'm never getting
15 out? Here's a guy, when we try to explain to young
16 fellows that, look, you've got to go to school, you've
17 got to get involved. I tell the guys a lot of times,
18 you got to go to impulse control, things of that
19 nature, but they don't see the worth because there is
20 no situation where they feel they can really get out of
21 prison.

22 And basically, people say that we have
23 the commutation process. Commutation process is not a
24 release mechanism for lifers. It hasn't worked these
25 last 13 years. More lifers have died in prison than

1 have been released, and it's really not a criteria.
2 Any time the Governor feels he wants to let this person
3 out, he can let them out. But this bill will set up a
4 criteria, it will set up a criteria where guys have to
5 meet a certain standard. That doesn't exist right now.

6 MR. DUNKELBERGER: Thank you, Mr.
7 Chairman.

8 CHAIRMAN CALTAGIRONE: Representative
9 Gerlach.

10 REPRESENTATIVE GERLACH: No.

11 CHAIRMAN CALTAGIRONE: Representative
12 Carn.

13 REPRESENTATIVE CARN: I would just like
14 to get some of your responses to the issue on victims
15 and victims' families. I remember quite vividly when I
16 was 7 years old watching my uncle killed in Augusta,
17 Georgia, and that's something that's stuck with me all
18 my life, watching someone close to me killed. I still
19 have not been able to live with that in my own mind,
20 and I feel that I'm a victim, too. But, you know, I
21 want you to explain how you think victims should
22 respond to this kind of bill.

23 MR. ALI: You know, I would truthfully
24 like to see the victims and the accusers in a forum
25 similar to this. If not like this, something similar

1 to that where they could confront one another and have
2 some dialogue where all the questionings, all the
3 guilt, all the emotions that are there could be laid
4 out on the table where we can hash this thing out, so
5 that we could see one another and share in one
6 another's burden. If some sort of forum like this
7 could be set up, I think there would be benefits to it.

8 Initially, we would probably have
9 problems because there would be a lot of emotions
10 involved. You can never really compensate a person for
11 the loss of a loved one. You can never really do that.
12 But the attempt, even in governments they give out a
13 form of relief and what not to show the remorse in a
14 sense. We attempt to do that with walkathons and
15 recycling of cans and Big Brother and Big Sister and
16 donate money, statewide, the Lifers Organization, we've
17 been doing that for a number of years, but it doesn't
18 totally compensate. But there's an attempt to change
19 or to bring in the hurt, to cover the wounds as much as
20 possible, and I think intent carries a long way. The
21 same way of receiving a card, the message carries more
22 weight than the actual just the material there.

23 And if something like that could be done,
24 I don't think there's a cure-all response to that. I
25 don't think I can see one thing that's the actual

1 answer. I think it's a conglomerate of factors that
2 can make this thing become whole toward a degree. If
3 we could explore this situation, perhaps we could come
4 up with a solution on down the line, and that's just
5 the way I'm seeing it now. And I don't know what my
6 thinking is tomorrow, but I do know that we have to
7 start somewhere with this, and the mere fact that you
8 have some people sitting here that I know who have lost
9 a loved one, who are here, who are ready to testify to
10 how they feel, I think it's an indication of what I'm
11 trying to get across here, that if we could have a
12 face-to-face sit-down and start the dialogue and see
13 what can transpire from this.

14 MR. WERTS: I would just like to say that
15 that's a very tough question. I really don't know
16 about what we would say, except that no matter what we
17 do, whether we remain in prison for the rest of our
18 lives, whether we are given the death sentence and die,
19 it is never going to bring that person back. The most
20 that we can say is that we're sorry. You know, a lot
21 of our actions were not intentional.

22 I also know that there are a lot of
23 victims who it's part of the healing process, who has
24 forgiven. And this bill would allow a victim to have a
25 say-so, to have a voice and to speak of their feelings.

1 Each man has to stand on that. Each individual person
2 has to stand on that.

3 MR. BAINBRIDGE: I think also that to
4 bring victims together or attempt to bring victims
5 together in our cases is a tremendous step and it's a
6 giant risk taker from both sides, because to hopefully
7 bring some sort of closure to, you know, a tragic
8 situation as we're faced with here that we have before
9 us is a lot. There is a lot there. And just to sit
10 down and try to communicate, to listen, I think is a
11 key, you know, to be a tremendous listener right now,
12 because there's a lot of facts here, sidebars here that
13 go on in each individual's case that, you know, like it
14 will show that a lot of victims in cases are not
15 intended victims. Now, there are circumstances that
16 always happen and, you know, like we're tremendously
17 sorry for stuff like that, that a tragic situation like
18 that could happen and that we are responsible people
19 and, you know, acknowledge and stuff like that.

20 I personally have to live with my victim
21 for the rest of my life, whether -- and I don't think
22 there will ever be a real closure, but I would still
23 like to express to the family, my victim's family, how
24 I feel, how, you know, how I didn't want to hurt him,
25 that I'm terribly sorry for this. And if they could

1 just hear that, they can do whatever they wish to me,
2 as long as I'm able to express myself in that fashion.

3 MR. WALLACE: I also, I would like, it
4 is, like Tyrone said, it's a tough question to answer,
5 like touch on it and touch on it. But I would like to
6 be given the opportunity to talk to the victims'
7 families myself, just to talk to them face to face. It
8 would give me some consolation, it would give me some
9 relief because I went through a number of changes, a
10 number of changes, and now, you know, I read newspapers
11 and see the news and I talk to different guys.
12 Killing, you know, it's a feeling that you can't even
13 describe, and it hangs on you and you live it, you live
14 it, you live it, and people who know you or know about
15 it, they look at you with that. They look right at you
16 with it, and you know it's on their minds, and like
17 you're trying to say like, you're striving, constantly
18 striving, striving, striving. You say, well, I won't
19 try to kill myself as well as show other people I'm a
20 better person. You know, that right there is not, you
21 know, the direction I want to go in. I want my life to
22 go in that direction.

23 It was judgmental error that took place
24 in my life and I'm sorry for it, I would like to
25 apologize, I would like to confront these families and

1 just let them see now where my intentions was then at
2 what took place, where my heart is at now and just for
3 us to like share that data. I think just the feeling
4 we would give to one another, me receiving that feeling
5 as well as extending it, that would give me some
6 consolation, and I think would give the deceased family
7 some consolation also. It would give them a
8 description like. I get a chance look at you
9 face-to-face and actually talk to you. Even though I
10 know some emotions are there, I can identify with that
11 because since my incarceration I lost five family
12 members myself, and one was a friend of mine who shot
13 my brother, and I wound up being in the company of him
14 down in city hall while I was on trial. And we like
15 grew up together and there was something I tussled with
16 and tussled with it, and I'm saying, you're like a
17 brother to me. I used to eat in your house, your
18 mother would call my mother on me - I seen your son,
19 he's out there doing something, little small stuff. So
20 I felt the closeness with him like he was a brother of
21 mine. Even though I'm mad at him and what he done to
22 my brother, but after time went on, time went on, years
23 went on, I think that hurt healed. I said now I
24 forgive him. I don't forget it, but I forgive him.
25 Since then we don't talk or stuff, but still, I'm

1 mindful of what he done. But I know I got to forgive
2 him to continue to grow. Then I really come to the
3 realization I understand what I done. So I would want
4 the deceased family to forgive me also.

5 So like, okay, now you've done that and
6 it took place in your family, so now then you get a
7 chance to deal with that. And still I tussle with it,
8 still tussle with it, but as long as I can continue on
9 the positives and doing positive things, I'm saying I'm
10 a better person now. There's no way in the world that
11 somebody can pull me in that direction there. No way
12 in the world. No way. I got a nice direction now, I
13 got a nice sense, I use good judgment. I like to think
14 that I use good judgment doing what I'm doing before I
15 do it, think it over, then I go in and proceed. Then a
16 lot of negative stuff, you know, that's happened over
17 there, I'll go in this direction.

18 But it's really a tough question to
19 really touch. I would like to speak to my deceased
20 family.

21 MR. TERVALON: It's a hard question.
22 It's a hard question.

23 MR. WERTS: But the fact of the matter is
24 we have a couple of people in the audience who are also
25 victims in the past, you know, that's why I tried to

1 make it plain off my opening statement that we are all
2 victims. It's a really an ugly thing. Like Brian
3 earlier this year, my baby sister was murdered, my
4 wife's brother was murdered. We have some supporters
5 back there who also had people murdered who support
6 this bill who were able to deal with that pain and let
7 it pass. So being a victim, it's a very tough thing
8 and the only thing we can do is just add to that part
9 of the healing process of victims.

10 MR. TERVALON: Let me say something about
11 that, too. When someone dies, when someone passes,
12 there's a thing called the mourning process that we all
13 go through. My father died recently and I went through
14 the mourning process. When I was involved in this
15 murder, that mourning process for the victim was
16 interrupted. I didn't go to his funeral, I didn't get
17 a chance to say to his family I'm sorry. So everything
18 stopped right then the night I got arrested, that
19 entire process stopped. And I've been going through it
20 for 20 years at that point. I need to get that out of
21 me. And I need to get it out of me with the victim's
22 family because it's a participation. I was part of his
23 death and I need to heal that and I need to heal that
24 with his family. And that's why in our civilization,
25 in our culture, we have the traditions that we do

1 surrounding death so that we can all grow through it,
2 so that we can get through the process.

3 When people are involved in killings,
4 some of them, for example these five men and the other
5 men who are serving life, do not have the opportunity
6 to continue the process. I can't speak for those
7 persons who are convicted of a lesser crime category
8 who get bail and come out of jail and are able to go
9 see the victim's family and say, listen, I'm sorry for
10 what happened. Perhaps some of them do. All of us who
11 have been here for a long time want to do that. Those
12 of us who are right thinking people want to do that.
13 We know what we've taken. We know that the victim's
14 family is angry, because most of us, if we're honest,
15 get angry at ourselves. I get angry at myself for what
16 I did. And we have to let them know, we're as angry at
17 ourselves probably more than they are. But they are
18 the person who suffered the loss, and we want to let
19 them know that we want to help them in their loss. We
20 want to help them to get through their loss. Even at
21 this late date, if there's something that we can do to
22 help you get through your loss, let us help to do it.

23 MR. ALI: I would just like to say
24 something. Tyrone mentioned the thing about his
25 sister, and he and I were on the phone because I lived,

1 as I said, in the OSU area and he's inside, but we
2 communicate because I head the Judiciary Committee out
3 there in the OSU. Kenneth is also on the same
4 committee. He and I were talking about the bill, and
5 Tyrone said, by the way, would you tell my brother that
6 my sister just got killed? Brother-in law. Pardon me,
7 his brother-in-law. His brother-in-law and I work on
8 the same detail out in the OS Unit, and it was like I
9 had to be somewhat of a clergy person to tell his
10 brother-in-law, who I worked with. When Tyrone told
11 me, he really put something on me and I had to handle
12 because to tell someone that death has come into their
13 lives is not really an easy thing to do. And when I
14 told him, his response that his wife was just killed,
15 and the type of thing that -- he since went home, and
16 he was somewhat taken back by it, like any human being
17 would be. But the thing that sticks in my mind
18 foremost when he was going home, the first thing he
19 said is that I still support that bill, even though
20 what happened to my wife. And I'm just saying that,
21 and this has only been a short period of time because
22 this only happened about a couple of months ago, you
23 see.

24 REPRESENTATIVE CARN: Thank you.

25 Thank you, Mr. Chairman.

1 CHAIRMAN CALTAGIRONE: Thank you. Thank
2 you very much. We appreciate it.

3 MR. WERTS: Thank you. Thank you very
4 much.

5 CHAIRMAN CALTAGIRONE: Please introduce
6 yourself for the record, and if we could start from
7 there here and just go over, and then we'll come back
8 to this gentleman.

9 MR. JOHN WATTS, SR.: My name is John
10 Watts, grandfather of Sherilyn Good.

11 MR. JOHN F. WATTS: Yes, my name is John
12 Fortune Watts. I'm Sherilyn Good's brother.

13 MR. JOHN WATTS, JR.: My name is John
14 Watts. I'm Sherilyn Good's father.

15 MS. WATTS: My name is Patricia Watts,
16 and I'm Sherilyn Good's mother.

17 MS. HANNIGAN: I'm Sarah Hannigan. I'm
18 the sister of Patrick Hannigan.

19 MR. HANNIGAN: I'm Bill Hannigan. I'm
20 the brother of Patrick Hannigan.

21 CHAIRMAN CALTAGIRONE: I am sure there's
22 statements that you want to make for the official
23 record, if you would like to just start with your
24 comments.

25 MR. JOHN WATTS, SR.: Okay.

1 Unfortunately, a few years back my granddaughter was
2 murdered by her husband. He knew before he committed
3 this crime the consequences, and he was found guilty of
4 first-degree murder, sentenced to life in prison with
5 no parole. I agree wholeheartedly with that sentence.
6 He knew before he killed the young lady that he was
7 going to be punished for it. He did the crimes, served
8 the punishment. There's no way that I can see if I
9 take your life that you will never come back to your
10 family and I only spend 15 years possibly in jail.

11 That's all.

12 MR. JOHN F. WATTS: Well, I would just
13 like to say that this caused a lot of grief in my
14 family, and the most thing that really hurt my feelings
15 was that my nephew and niece, my nephew is 8, my niece
16 is 4, they were outside of the room when this happened.
17 My nephew tried to call my sister, there was no answer,
18 so he called my mother and father. He was that smart
19 to know our phone number.

20 This caused a lot of grief in our family.
21 This has caused me to have a breakdown, and at the time
22 I did not believe that it had happened. It was not
23 real to me until a couple of hours later it sunk in
24 that it really happened. And what he did was a
25 lifetime thing. She cannot come back to life. And I

1 also in my heart believe that there should be some kind
2 of action taken place for this. You cannot get away
3 with something that's no punishment. If you don't get
4 it here on this earth, when it comes time for you to
5 leave you'll get it.

6 MR. JOHN WATTS, JR.: My daughter,
7 Sherilyn Good, was born January 6, 1964. She died
8 January 6, 1989. She was 26 years old. We just had
9 her birthday party. The man that killed her was her
10 husband. He planned it, he hounded her, he harassed
11 her, only because she did not want him anymore. This
12 was not something that came out of the heat of passion
13 but because she would not support him, because she
14 would not be with him. He would rather see her dead
15 than to be with someone else.

16 I listened to the testimony of the other
17 inmates here today and to the gentleman that was
18 speaking on behalf of the inmates that's a part of the
19 Judiciary Committee, and I can understand where maybe
20 there have been some inmates who have been committed to
21 life for crimes that they haven't committed or their
22 sentences should be reviewed, but I do believe that
23 life in prison without parole is life in prison. Why
24 use the word "life in prison" if it means nothing? If
25 life in prison means that they can access parole after

1 15 years or 20 years, why use the word "life"?

2 When this man took my daughter's life, it
3 was gone. There was no more life. She ceases to exist
4 except in our imaginations and our memories and our
5 thoughts. I hear her calling my name. I can hear how
6 she used to refer to me. I can see her standing in
7 front of me and many of the things that we have done in
8 the past. These things are still vivid in my memories,
9 and they will always be. But for the person who took
10 her from us so devastated our home, left us with two
11 grandchildren who are well adjusted now, who have been
12 able to overcome this tragedy even though they were
13 there and present at the time it took place. Shawn is
14 9, Salina is now 6. They are both adjusted, they are
15 doing well in school. The thought of this man coming
16 out of prison and being able to access them horrifies
17 me. Horrifies me to know and to think that he can
18 commit a murder, he can kill their mother and then he
19 can come out and confront them at some future date
20 before they are adults horrifies me. And I am totally,
21 100 percent against it.

22 MS. WATTS: I agree with my husband. Our
23 daughter, she was murdered, and not only did he murder
24 her, but he robbed her of her jewelry, he put a pillow
25 over her face, padlocked the door and left the two

1 children downstairs. It was our grandson who called to
2 let us know that he heard his mother scream. My
3 husband had to go there and literally kick down the
4 door to get in to her. I proceeded to do CPR because I
5 thought maybe, maybe there was that possibility of
6 life. Okay?

7 She left two children behind. That puts
8 me in the role of not only the grandmother but a
9 mother, too. I have to assume this position. It's
10 been a hardship for us. As my son spoke, he had a
11 nervous breakdown. We're going through a very trying
12 time adjusting.

13 We don't want anything from the system as
14 far as welfare. I taught my daughter to work hard.
15 You have a sound mind, a strong heart, two strong
16 hands, work for your living. Pull yourself up. It's
17 okay for those who have to be on it, but it's the idea
18 that her husband did not want her to work. He wanted
19 her to be on welfare. She tried to pull herself up,
20 get a job, she was going to go on to school for R.N.,
21 and he saw that he was losing his meal ticket, so
22 that's why he killed her. This was premeditated. He
23 went for months saying he was going to kill her.

24 My husband and I, we work overtime, 16
25 hours two and three times a week so we can make ends

1 meet. As far as these families of these prisoners
2 being on welfare and they can get out, they are
3 rehabilitating themselves, fine, this is all well and
4 good, but how come they didn't think before they did
5 this crime?

6 It's just that I just feel as though the
7 crime should fit the punishment, and I don't feel that
8 they should be allowed to be out in society. If they
9 did it once, who's to say they might not do it again?
10 I don't want to be harassed. We get threatening
11 letters from him now while he's incarcerated, and I
12 don't think it's fair. I don't want to have anything
13 to do with him, I don't want to ever confront him in
14 the future. The wound that he put in my heart will
15 last forever. Time will heal it, but it will never
16 take away the pain and grief that he has caused our
17 family to suffer.

18 MS. HANNIGAN: I'm here with five members
19 of my family representing our entire family and my
20 murdered brother. We're here to voice our opposition
21 to this bill mostly because you took 12 people, 12
22 normal people from society and asked them to give up
23 two, three, four weeks of their time to hear testimony,
24 to make a judgment on this person and then to decide
25 what punishment would fit this crime. My concern is

1 that this seven-member committee that's going to make
2 these decisions are not average people. These are
3 people who probably lean towards the criminal, with the
4 exception of the Attorney General's Office. I'm not
5 sure what the people are exactly, but I'm assuming two
6 of them will be social workers or the type of people
7 who wanted to get involved in this type of thing, and
8 you already have a different way of thinking than the
9 average person.

10 Our country and our criminal system and
11 our jury system is made up to say 12 normal people will
12 decide after hearing all this testimony if this person
13 is guilty and what this person should have to get as
14 punishment, and I think that's the way it should stand,
15 unless you want to rewrite the whole Constitution,
16 which I don't think you should be getting into.

17 Also, these people, the murderers decided
18 to take it upon themselves to end someone's life. I
19 just don't see where -- the victim had no shot at
20 making any kind of a decision about this. They weren't
21 able to voice their opposition to this sentence they
22 were getting. Someone decided to end their life. Now
23 these people, I mean, it's just that I think it's
24 indicative of how far the country has gone towards the
25 criminal's rights that these people would even have the

1 audacity to come up here and ask that their punishment,
2 they should not have to pay for what they did. They
3 should be able to be reviewed. The Governor is
4 probably a normal person, didn't want to be a social
5 worker, was elected by normal people to take this job,
6 I think it should be left in his hand to review any
7 cases.

8 That's really all I have to say that you
9 would be interested in hearing. Do you want to say
10 anything?

11 MR. HANNIGAN: Okay, I just want to say
12 that if someone deliberately takes someone else's life,
13 then they should pay with their own life. The
14 government is unwilling to use the death penalty, or
15 the court system is not willing to enforce it, the
16 least you can do is to protect the rest of society by
17 leaving that person in prison where they can't harm
18 anybody else. Just because somebody is a model
19 prisoner, he's in a controlled environment. You take
20 away those restraints and put them back in society, why
21 won't he go out and just do the crimes again? You have
22 statistics on people who leave prison for lesser
23 crimes, over 50 percent of them return to jail for some
24 reason or another. Why would the percentages be better
25 for murderers? These are guys that did the worst

1 possible crime, and now you want to let them walk the
2 streets again where they may have a chance to do it
3 again. I say no way.

4 CHAIRMAN CALTAGIRONE: If I could, I
5 think most of you were here during the testimony that
6 was given previously, and as was stated, cases are
7 different, circumstances are different. If in the
8 case, let's say, where someone is in a car and a couple
9 of his friends are--

10 MR. HANNIGAN: Well, can I say something?

11 CHAIRMAN CALTAGIRONE: Sure.

12 MR. HANNIGAN: That's something that
13 should be decided at the trial. That's something where
14 people have the evidence in front of them, they should
15 weigh all that right there. That shouldn't be
16 something for the prison system to handle. The act was
17 done before they were in prison, so the jury should
18 decide whether or not they're a first-degree,
19 second-degree or third-degree murderer.

20 CHAIRMAN CALTAGIRONE: Well, the problem
21 is, and our system is not a perfect system. We don't
22 write perfect laws, we certainly are not perfect
23 people. Circumstances in almost every case can be
24 somewhat different. You and I could be friends, I go
25 in to pull a hold-up, you know nothing about it, I pull

1 the trigger and kill somebody during that hold-up, I
2 come out, we take off, you may not even know that the
3 gentleman was killed. I have a good attorney. I get
4 at hung jury. I walk. You get committed to life. Is
5 it fair?

6 MR. HANNIGAN: It may not be fair, but
7 again, that's the trial and that's something that
8 should be handled at the trial. That's not the
9 prison's determination to make. The trial system, this
10 is the only course the victim has. The victim's
11 family, at least they could see this guy brought to
12 trial and hope for justice, and if the jury, after
13 hearing all the evidence, convicts this man, he gets
14 first-degree murder, in the sentence base of the
15 hearing, the attorney for the defendant will say,
16 please, spare his life. Just give him life in prison.
17 He'll never be able to walk the streets again. They
18 beg you to please give life in prison rather than take
19 his life. So now you're saying, okay, give him life in
20 prison, but, you know, after 10, 15 years we'll let him
21 out again, you know.

22 The fact that that guy was maybe just an
23 accessory or maybe just happened to be a victim of it,
24 you know, everybody convicted of murder in Pennsylvania
25 automatically has a review of his trial. There's an

1 automatic appeal if you're convicted of murder in
2 Pennsylvania, and I feel as though that the court
3 process should be dealing with what sentences people
4 get and not the prison authorities or any legislative
5 board.

6 CHAIRMAN CALTAGIRONE: Questions?

7 MS. MILAHOV: Could you say how long ago
8 it was that your brother was murdered, please?

9 MR. HANNIGAN: My brother was murdered
10 July of '79.

11 MS. HANNIGAN: Twelve and a half years
12 ago.

13 MR. HANNIGAN: His murderer was just
14 convicted in January of 1989.

15 MS. MILAHOV: Do you have any idea why it
16 took so long?

17 MS. HANNIGAN: They didn't have enough
18 evidence.

19 MR. HANNIGAN: They didn't have enough
20 evidence.

21 MS. HANNIGAN: The Attorney General's
22 Office didn't want to bring charges against them until
23 they had an extra witness.

24 MS. MILAHOV: Have either of you or any
25 of your family sought counsel with a minister or with

1 anyone else that would help you deal with your grief?

2 MS. HANNIGAN: No, we deal with it with
3 ourselves. We help each other.

4 MS. MILAHOV: Do you feel that you have
5 dealt with it in a good social way?

6 MS. HANNIGAN: Yes. This is a whole
7 separate matter. Yes. This is a whole separate
8 matter. This is you people deciding to change laws and
9 you people deciding to change punishments that 12
10 normal people decided to impose on someone; people who
11 didn't want to be social workers.

12 MS. MILAHOV: Well, excuse me--

13 MR. HANNIGAN: Also, the people, like we
14 had witnesses at the trial who like they were under the
15 impression that if they testified and this man was
16 convicted that he would never be in a position to cause
17 them any harm. Now 15 years from now he could walk
18 down the street and he could cause harm to these
19 witnesses that we had and the jurors and everybody
20 involved in the case.

21 MR. JOHN WATTS, JR.: We dealt with our
22 grief ourselves also within our own family structure.
23 We have a close family structure, but our major concern
24 I think during the course of the grief was not so much
25 our own feelings, because even though we lost our

1 daughter, we knew where she was. It was the concern of
2 the children, Shawn and Salina, and the anger that my
3 wife and I felt about being pushed into this position.
4 We're in our 40's. We had our children in the 60's so
5 when we got into our 40's we wouldn't have to have
6 children, and now we're starting all over again in our
7 40's with children all over. It's not fair, but that's
8 the way life dealt the cards, so we'll work with it
9 that way. And I feel that if that's the way life has
10 dealt his cards, then he should be where he is.

11 I understand that there may be people
12 there who don't belong, but as the gentleman said
13 earlier, everyone in prison most of the time says they
14 are not guilty of what they did anyway. But then there
15 may be some that are guilty of some lesser crime. I
16 don't know if this is the board that should review what
17 they did or what they didn't do. If they didn't do
18 what they were convicted of, then it should be picked
19 up and appealed and the sentence should be reversed.
20 But I don't think it should be the arbitrary decision
21 of a board of legislators to decide whether the
22 sentence should stand or not stand based on the
23 inmate's description of what happened. We sat here and
24 listened to the inmate's descriptions of what happened.
25 That doesn't mean that it necessarily happened as the

1 inmate described it.

2 The man that was shooting the gun at the
3 car had no business with the gun. And if he didn't
4 shoot the innocent bystander he would have shot the man
5 in the car. You can't shoot at someone and not intend
6 to kill them. I mean, suppose he had just shot the
7 innocent man in the leg. The man could have laid there
8 and bled to death. It wouldn't have been a mortal
9 wound, but he could still have died. Does that make it
10 any lesser crime, the fact that he didn't intend to
11 kill the man, all he wanted to do was scare the man?
12 He shouldn't have had the gun. I do not own a gun. I
13 do not own any weapons. I did not keep them in my
14 home, I do not expose them to them. I try to teach
15 them better than that based on the teachings that my
16 mother and father gave me.

17 REPRESENTATIVE CARN: Can I?

18 CHAIRMAN CALTAGIRONE: There was a young
19 lady.

20 MS. AGNES HANNIGAN: I calmed down. All
21 right, I will tell you.

22 It took 10 years for that hearing to come
23 up, for the trial of the man who killed my brother to
24 come up because they were very, very careful about
25 gathering the evidence and making sure that they had

1 the right person. Everything was brought forth in the
2 trial, and that's when it was supposed to be decided
3 and it was decided and it was decided. And I'm sure
4 he'll have an appeal, and he'll probably have three
5 appeals, but his sentence right now should not be in
6 anyone else's hands except the court system and the
7 jury's.

8 And you spoke of how much it costs to
9 keep these prisoners, if we can't afford them, then
10 maybe we should just put the death penalty back into
11 effect a little more seriously. And that there are 550
12 lifers in the prison, there are 550 dead people because
13 of them, okay? So they're not, you know, we don't have
14 to keep worrying about them and their rights. They
15 gave them up when they took someone else's life. Okay.

16 MS. MILAHOV: Thank you.

17 I would like to make something very, very
18 clear though. This panel does not have the power to
19 change Pennsylvania's law simply by hearing testimony
20 and reviewing the facts as we see them. I do feel that
21 that was a misunderstanding from all of the people that
22 have spoken just now. This is merely a factfinding
23 hearing and we are trying to give equal weight to all
24 people who are here to say, yes, I think this is a good
25 idea, or I think this is a horrible idea, and that's

1 why it's a public hearing.

2 Also, I am not a Representative, but I do
3 want to speak for the Representatives and that is that
4 I do take exception to the idea that everyone on a
5 panel such as this would have social work type training
6 that would lean toward freeing prisoners at per se,
7 because every Representative has been voted in by a
8 constituency of approximately 59,000 normal people.
9 They are representing their constituency, and they are
10 voted in to their office just as the Governor is voted
11 into the office.

12 MR. JOHN WATTS, JR.: But we all know
13 that those who are voted in under a constituency don't
14 always vote the way of their constituency.

15 MS. MILAHOV: And neither does the
16 Governor.

17 MR. JOHN WATTS, JR.: Neither does the
18 Governor. Many of the votes are perpetrated by their
19 own personal experiences or feelings in the matter,
20 regardless of what the majority says.

21 MS. MILAHOV: And we're very pleased that
22 you came and gave your testimony because it gives a
23 much more rounded picture of the whole situation.

24 REPRESENTATIVE CARN: If I may, I deeply
25 have sympathy for all of you, your families, because

1 again, I'm a victim, too, and I felt that pain.

2 One of the things that my pain had me
3 believing should be is the law at the time that I lost
4 my relative was that this individual should die. That
5 was my feeling. Do you feel, given the experience that
6 you have undergone, that from your perspective that the
7 solution was death for the individual?

8 MR. JOHN WATTS, JR.: No.

9 REPRESENTATIVE CARN: Okay.

10 MS. WATTS: No, I don't think so either.
11 I feel as though God is in control of all situations,
12 and if these people come to know the Lord while they
13 are in prison, good. That's the ministry for the Lord,
14 to rehab. They can be a structural force for the
15 younger ones coming in. Maybe they have a chance to
16 get out there into society, but I feel if you do
17 something as devastating as taking a life, then yes,
18 you should be punished for your crime. If it was my
19 own son who took a life, I would not appeal for him to
20 be out. I'd feel as though you did something wrong,
21 you should be punished for it. And I feel the same way
22 for every other person that gets into it, if it's not
23 in self-defense.

24 REPRESENTATIVE CARN: So your position
25 then, if you don't think that it should be a death

1 penalty, you're saying it should be life until they
2 die? Is that what you're saying?

3 MS. WATTS: I feel life instead of the
4 death penalty. And if there's not enough prisons, then
5 build more. I would gladly give half my paycheck. I
6 would gladly work extra hours.

7 REPRESENTATIVE CARN: That day is coming.

8 MS. WATTS: Well, it's just about here
9 now.

10 REPRESENTATIVE CARN: You're right.

11 Could I get your feelings?

12 MS. HANNIGAN: I believe in the death
13 penalty, but everyone in my family does not, so we were
14 satisfied.

15 REPRESENTATIVE CARN: I would just like
16 to share with you a perception of a member of the
17 Judiciary Committee who happens to be from Philadelphia
18 and sits next to me who does not support my bill, and
19 we're friends, and she said to me, and I want to get
20 your reactions to her perception, that the reason she
21 does not support my bill is because she feels that if
22 we allow for this process, there would be more
23 sentencings of death from juries and judges. Now,
24 that's why she said she does not support it, because
25 she feels that if that becomes the law, then juries and

1 judges would sentence more people to death. What is
2 your response to that?

3 MR. HANNIGAN: Well, I know in our case
4 after the man was convicted of first-degree murder, his
5 lawyer assured the jury, please spare his life because
6 he'll never have a chance to walk the streets alone.
7 That's what his lawyer said.

8 REPRESENTATIVE CARN: Right.

9 MR. HANNIGAN: And as a result of that
10 plea the jury said, okay, we'll go with life in prison
11 rather than the death penalty, you know, because they
12 were assured at the hearing that he'll never walk the
13 streets again.

14 REPRESENTATIVE CARN: But do you think
15 their decision might have been different if they felt
16 that he had an opportunity for parole?

17 MR. HANNIGAN: I do.

18 REPRESENTATIVE CARN: Okay.

19 MR. HANNIGAN: I think if they, after
20 hearing how he bludgeoned and murdered my brother, that
21 this is evidence that they heard nine years after the
22 fact and they convicted him, and I feel as though that
23 that would have been strong enough for the death
24 penalty if life imprisonment wasn't the other
25 alternative. If they said 15 years, will you give him

1 15 years, I think they would have said, no, we'll give
2 him the death penalty.

3 REPRESENTATIVE CARN: What do you think
4 in your case?

5 MR. JOHN WATTS, JR.: I think he probably
6 would have been given the death sentence based on that,
7 but in our case it was prearranged during the trial
8 that there would be no death sentence handed down for
9 his willing to cooperate, to cut down on court costs
10 and time. But from what I can understand from friends
11 who are presently in law school and who are lawyers,
12 that the cost of executing a prisoner often outweighs
13 the cost of keeping him incarcerated for the rest of
14 his life because of appeal costs and other judicial
15 costs that we as laypeople are unaware of. I don't
16 know if this is a factor in much of the decisionmaking
17 in reference to not following through the death penalty
18 or is it because Pennsylvania tries to be a more moral
19 State in reference to that type of thing.

20 REPRESENTATIVE CARN: Thank you, Mr.
21 Chairman.

22 REPRESENTATIVE GERLACH: I just have one
23 question for you, and it really deals with a bill
24 that's been introduced, not part of this proceeding
25 today but it relates very closely to what we're talking

1 about.

2 The U.S. Supreme Court held recently
3 under a Michigan case that came before it that evidence
4 at the time of sentencing on the impact of a murder on
5 the family of the murdered victim could be introduced
6 at the sentencing hearing on the question of what the
7 sentence ought to be. And in that case in Michigan, if
8 I recall fairly accurately, a mother and one child were
9 murdered by the accused. The son, who was just a few
10 years old, witnessed the murder and then hence after
11 the murder in living with other family members had
12 nightmares and all that sort of thing, would wake up
13 and ask where his mommy was and all that sort of thing.
14 And in that Michigan case, that evidence was introduced
15 at the sentencing hearing as relative to what the
16 sentence out to be. The Supreme Court held that that
17 Michigan statute is not unconstitutional, and as a
18 result there's a bill before the General Assembly to
19 allow that kind of evidence in Pennsylvania. As
20 members of victims' families, what would be your
21 thoughts on that?

22 MR. JOHN WATTS, JR.: I think it would be
23 a good bill to allow the families to express to the
24 court what their loss or the tragedy has done to their
25 families. Someone here has talked about the accused's

1 rights. When our daughter was murdered, the district
2 attorney represented the State in the matter. He did
3 not represent our daughter. Our daughter had no say in
4 what transpired at that trial. We had no say in what
5 transpired at that trial. So subsequently, my daughter
6 was murdered without any say at all as to what was to
7 happen to the individual that murdered her.

8 I think it's very good, that it would
9 allow the family to speak on behalf of the person or on
10 the behalf of the family as to the extent of this loss
11 in reference to the family, what it has done in the
12 upheaval of that family and almost breaking a family
13 apart at the rift from what was once one is now less
14 than that. Yes, I think the bill would be very good.

15 MS. HANNIGAN: Yes, I think it would be
16 helpful also. In our case we got exactly what we
17 wanted, pretty much, first-degree but life, because my
18 parents do not approve of the death penalty. So in our
19 case it wouldn't have helped us any, we got pretty much
20 what we wanted, but I think a lot of people probably
21 would feel better if they could get up there and
22 express themselves, since his family paraded all these
23 people in front of him that held, well, he's a victim
24 of the circumstances and all. They were allowed to do
25 that, so I think we should have been going up there and

1 saying exactly what my brother had accomplished, how
2 good a person my brother was, and to be murdered in his
3 sleep by someone who decided they needed \$318, I think
4 it should be expressed. I think the victims should be
5 represented by their family, yes.

6 MR. HANNIGAN: I agree.

7 REPRESENTATIVE GERLACH: Okay, thank you,
8 Mr. Chairman.

9 CHAIRMAN CALTAGIRONE: Thank you. Thank
10 you very much.

11 We'll next hear from Sue Beard, Alice
12 Johnson, and Pauline Velasquez.

13 If you would start your testimony from
14 right to left and start your testimony and whatever
15 comments you would like to make.

16 MS. JOHNSON: My name is Alice Johnson,
17 and my husband is serving a life sentence and he will
18 be here 15 years next month. And House Bill 1382 is
19 titled Public Safety and Rehabilitation Act, and I
20 think this bill could do what the people want, the
21 system is meant to do, and that's to rehabilitate.

22 Everyone that has testified for the bill
23 basically said the same thing that I'm about to say.
24 The bill, it's for -- it's not for everyone that has a
25 life sentence, it's a case-by-case, it's on a

1 case-by-case basis, okay? And the criteria in the bill
2 I think are very pronounced because you have to go
3 through a series of programs to be eligible for the
4 program. To become eligible for it doesn't mean that
5 you will be released. It doesn't mean that.

6 And as far as the survivors of victims,
7 they would always have the say-so written in law in
8 someone's release. They would get a report from the
9 parole board -- well, it would be a statement for
10 parole. It wouldn't be that someone is being paroled
11 and the victims would be contacted. If they chose to
12 speak orally or write something, it's their option, you
13 know. It's not just for lifers, it's for survivors of
14 victims also.

15 Like I said earlier, the prison doors
16 will not be open for everybody that has a life
17 sentence. Everyone that has a life sentence didn't
18 commit the act. Everyone that has a life sentence
19 didn't know that someone's life was going to be taken.
20 And in some cases they may have, even though they
21 didn't commit the act. That's why it states that it's
22 a case-by-case basis. The committee, there's different
23 committees on this bill. They would review, you have a
24 major review committee, you have a review committee
25 that's the initial process that the person would have

1 to go to to become eligible, and if they messed up
2 somewhere down the line, they would not have to go all
3 the way back to the beginning if the committee saw fit
4 that they should come through that process again.

5 And by dealing on a case-by-case basis,
6 all individuals involved, all the different committees
7 that are involved get to know the inmates as
8 individuals, not just a name and number, these people
9 have personalities also, okay? And I think that the
10 women and men that are serving life sentences, the
11 majority of lifers in most institutions are, I guess
12 you would say, model inmates, the majority of them.
13 You don't really have any problems from them in these
14 institutions. I think if they were given the
15 opportunity to be put back into the mainstream of
16 society, there are positive and productive people in
17 the penal institution, and if they were given the
18 opportunity to be released into society, they would
19 continue to show how positive and productive they can
20 be. And that way they would be contributing back to
21 what they took from society.

22 It costs money. And this is not all
23 about money because there's so much more involved here.
24 You have lives on both sides as far as the survivors of
25 the victims and the accused murderer or the murderer

1 themselves. I think that 1382, House Bill 1382 I think
2 is the right way to go. You're not changing the law,
3 you're not making laws. I just think that some people
4 should be given an opportunity to put back into the
5 mainstream.

6 CHAIRMAN CALTAGIRONE: Thank you.

7 MS. BEARD: My name is Susan Beard, and
8 I'm the wife of a lifer in the State of Pennsylvania.
9 Forgive me, I have something to read which I'll give
10 you a copy of afterwards.

11 We appreciate the opportunity to come
12 before you to speak about House Bill 1382 which would
13 provide the possibility of parole review to a person
14 serving a life sentence in the Commonwealth of
15 Pennsylvania. To some people lifers are simply
16 murderers. To many people lifers are husbands, wives,
17 fathers, mothers, sons, daughters, brothers, sisters,
18 friends, and fellow human beings. Some of us who care
19 about lifers have even lost someone in our family to
20 murder. We know full well the acts that caused our
21 lifers to be in the position that they are and we are
22 sorry for those acts. If you had a chance to talk to
23 the lifers you would find many of them who are also
24 sorry. And we know that most of them are not
25 cold-blooded murderers who sat back and made great

1 plans to take a life. Some never killed anyone but
2 were simply along with the killer. Some accidentally
3 killed, for example a person dying of a pre-existing
4 condition during the commission of a robbery. Some
5 were juveniles or mentally impaired. A lot grew up
6 poor and disadvantaged and started on this road as
7 children that society failed. Some would say, if we
8 only had the money to retain our own counsel, things
9 might have been different.

10 We realize that this does not diminish
11 the pain felt by family members due to the loss of a
12 loved one. For this we are sorry. We would like to be
13 able to put back what was lost. We can't. We would
14 like to make some contribution to the healing process,
15 but most of us are struggling under the burdens of
16 incarceration. Those of us who are fortunate enough to
17 have the money for private counsel to defend our loved
18 ones are wiped out. A lot of us have lost our
19 breadwinner. Children are being raised without their
20 fathers or mothers. We are struggling under the cost
21 of maintaining our relationship with our lifer, trying
22 to pay for collect phone calls, traveling to distant
23 prisons and subsidizing their meager prison wages.

24 Minorities make up a disproportionate
25 amount of lifers as compared to their percentage in the

1 general population. Why? Read the headlines. "U.S.
2 Incarcerates Most In The Civilized World," "Poverty
3 Rates Increase," "Taxes Raised," "Social Services For
4 Women And Children At Risk Cut," "One In Four Black
5 Youths Under Court Supervision." What's the
6 correlation? How does this apply here? We are locking
7 up our husbands, fathers, wives, mothers in increasing
8 numbers and for longer periods of time. The cost of
9 incarcerating some of the individuals is draining our
10 budget of funds that should be going to take care of
11 our children, our elderly, and other people who cannot
12 take care of themselves.

13 While other programs are cut, we continue
14 to pour money in our prison system. If we had the
15 money spent to incarcerate our loved ones for one year
16 it could be used a lot more productively if they were
17 home just to support our family.

18 Some of our lifers have been locked up
19 for 20 to 30 years. In case anyone might think that
20 prisons are country clubs, they aren't. People in
21 prison and their families are often robbed of human
22 dignity. Achieving humane treatment can be a fight.
23 Overcrowded conditions, medical attention and a fair
24 and just disciplinary system are among the issues.

25 Some of us have been told by

1 administrators that we are too involved in the
2 treatment of our loved ones. We decry about conditions
3 of prisons in other countries, yet I don't think that
4 there are many who would look at the inhumanities in
5 our prisons and not feel compassion and say enough is
6 enough.

7 And I would just like to say to the
8 family members that I have felt brutalized by the
9 system and I had to seek help to deal with my anger of
10 what was done to us.

11 Despite all the negative aspects of the
12 prison environment, we have noticed that the lifers are
13 the ones who consistently work to better themselves and
14 positively affect the lives of those in their community
15 both inside and outside the prison. Family programs,
16 literacy programs, charity programs, you look at these
17 and who is in the forefront but the lifer?

18 We also see that they are not the same
19 person as they were when they went into the system but
20 a more responsible person, a more capable person, a
21 person that has changed. Let's look at ourselves. Are
22 we the same person as we were 10, 15, 20 years ago? I
23 hope not. Haven't we learned from our mistakes and
24 become better people as a result of that learning?
25 Yes, we have all made mistakes, and true, given the

1 right moment we are all capable of doing what has
2 landed these lifers in prison, or worse. But people
3 change. We can't undo the past, but we can bring a
4 positive note to the future.

5 Parole eligibility for lifers will
6 provide for those who have demonstrated that they are
7 worthy an opportunity to give back to their families
8 and their victim's families some of what was taken away
9 as a result of their actions to aid in the healing. It
10 would show the ultimate human expression of forgiveness
11 to those of us who struggle under this life sentence.
12 It would provide for the effective treatment and
13 programming for our lifer. Other States have long had
14 a method to periodically review lifers for release.
15 Pennsylvania is only one out of four that does not.

16 This program is sensitive to the input of the victims'
17 families. They are an active part of the process.

18 Lifers in the past who received
19 commutation from the Governor's office have shown to
20 have a far less recidivism rate than people
21 incarcerated for other offenses. Our government is set
22 up on the system of checks and balances, and with the
23 court being the one who decides the sentences, it seems
24 that if the legislator could act as a check to that, it
25 would be good. It's like a living death having your

1 husband incarcerated. You always worry something might
2 happen in these overcrowded jails. You never know.

3 In closing, we would ask you as our
4 legislators to support House Bill 1382, which would act
5 as unbiased evaluator of this situation and would look
6 at all people involved in this difficult situation and
7 create a nonpolitical system to evaluate the
8 possibility of freeing of our loved ones. It seems
9 appropriate as we approach this very special season of
10 the year to a lot of us the topic would be a method of
11 providing forgiveness to our fellow man and their
12 families.

13 Thank you.

14 MS. VELASQUEZ: Honorable
15 Representatives, I thank you for the opportunity to
16 come here today to this hearing. My name is Pauline
17 Velasquez. I'm co-chair of the Pennsylvania Lifers
18 Support Committee. I work with the lifers on the
19 outside and I also come into the prison to work with
20 the lifers. They are human beings just like anyone
21 else. They have been rehabilitated and they're
22 wonderful people. I'm not saying all, I'm saying the
23 majority of them that I have had dealings with.

24 I would like to also say that I have a
25 son with a life sentence who got involved with drugs

1 and the wrong people and there was an accidental
2 shooting. I am also the victim of a shooting. My
3 other son was killed by a police officer by a mistaken
4 identity. But I hold no remorse. I hold no bad
5 feelings. I did at first. I was hateful, I was angry,
6 I was bitter towards the whole world because of it.
7 This police officer still works in the district, he has
8 a desk job, and I don't think that's fair. I
9 sympathize with the feelings of the victims, but as me
10 being also a victim, I want someone to sympathize with
11 me and know that I would like to have my son released.

12 Excuse me, I'm a little nervous.

13 There are many lifers serving a life
14 sentence who were only at the wrong place and received
15 a life sentence. It is not fair they should spend the
16 rest of their life in prison. House Bill 1382 should
17 be passed so these cases can be reviewed. In
18 California, life cases are reviewed every seven years.
19 Pennsylvania is one of four States that does not have
20 some sort of relief mechanism. We have commutations,
21 but with Governor Thornburgh, in his eight years only
22 seven were commuted. Governor Casey has commuted 25,
23 and in his second term. During the Thornburgh and
24 Casey administrations, 81 lifers died in prison.

25 We need this bill passed. It will help

1 the pressure of the family, it will help the prison
2 system. If my son should have to spend the rest of his
3 life in jail, that means I spend my life with him also,
4 and that's not fair. I pray that you will consider
5 this bill and help support this bill.

6 Thank you very much.

7 CHAIRMAN CALTAGIRONE: Thank you. Thank
8 you, ladies.

9 Hugh Colihan, Stephen Blackburn, Anthony
10 Jacobs and Lois Williamson.

11 If you would like to introduce yourself
12 for the record and then make your statements.

13 MR. COLIHAN: Mr. Chairman, thank you.
14 Respected members of the committee, I appreciate the
15 invitation very much. It came as a surprise. I thank
16 Mr. Krantz, and it's a pleasure to be here.

17 My name is Hugh Colihan. I'm the
18 Assistant District Attorney in Philadelphia. My job is
19 in the homicide division. I've worked in the District
20 Attorney's Office for about 17 years, working in
21 various units within the office, spending a great deal
22 of time in the juvenile unit, involved in the
23 prosecution of juveniles for various kinds of
24 delinquency acts or offenses, the rape unit, major
25 crimes unit, finally for the last four or so years

1 homicide, and I guess I probably have a hand in some of
2 the fellas that are in here today. It is a privilege
3 to be here.

4 MR. JACOBS: My name is Anthony Jacobs.
5 Excuse me, I am trying to recover from a cold.

6 I was recently commuted after serving 23
7 years as accessory to a murder. I am now released on
8 parole and I am serving the community. I am a
9 counselor, too. I work at a coeducational school for
10 adjudicated delinquents and also dependent youth.

11 MR. BLACKBURN: My name is Stephen
12 Blackburn. I'm a recently commuted lifer just in March
13 of this year. I am currently on pre-release and am in
14 a halfway house situation in Philadelphia. I was
15 convicted of being an accessory to murder. I am
16 currently a student at Temple University and am working
17 in providing emergency services to needy families in
18 Philadelphia.

19 MS. WILLIAMSON: I am Lois Williamson. I
20 am a victim of murder twice. I am also chairperson of
21 a national group called Citizens United for the
22 Rehabilitation of Lifers, and executive director of the
23 Pennsylvania chapter, and I would like to have my say.
24 Would you like me to rebut first, because I would like
25 to--

1 CHAIRMAN CALTAGIRONE: Well, I think you
2 wanted to -- did you want to make a statement, Hugh,
3 for the record?

4 MR. COLIHAN: Mr. Chairman, thanks very
5 much. I would appreciate an opportunity to make a
6 statement, and I had a loosely organized idea of what
7 to say to the panel this morning, all of which
8 dissipated as I reacted to the statements of the many
9 respected people who came before me.

10 I would like to say a few things,
11 however, if I may, and I will be brief. You've been
12 very patient and you haven't had a break yet.

13 I don't think that the bill ought to be
14 considered, and I do oppose the bill. I don't think
15 that the bill ought to be considered as a way of
16 solving the problem of the cases that were tried, the
17 ones that had unsatisfactory results where years after
18 the verdict is entered people might question the
19 validity of the verdict, the soundness of the verdict,
20 the propriety of the verdict. Efforts to retry cases
21 after the verdict is in are a labyrinth you will never
22 get out of. For example, with the panelists that
23 appeared earlier whose cases have been before the Board
24 of Pardons many times, and I've been up there myself
25 for about seven years running, with one year absence.

1 With respect to these issues that the
2 prisoners bring forward about the quality, if you will,
3 of their conviction, to talk about the conviction by an
4 all-white jury and the Batson issue, as we call it,
5 conjures up notions of Charles Diggs, who recently got
6 himself a new trial after numerous Federal habeases on
7 the accusation that the prosecutor in the case was
8 racist because the jury was all white. It was the
9 third time the case was tried, the guy goes back, and
10 in order to avoid the death penalty he pleads to life.
11 In other words, he admits that he killed the young
12 lady, along with Alfred Clark and Louis Riggins and
13 other people, Clark himself being now dead. So that is
14 an issue, but it is something best left to the courts.
15 It's the Batson issue, we call it.

16 With respect to Mr. Tervalon, an
17 accomplice liability is one of the reasons that so many
18 people are convicted and properly sentenced to life
19 imprisonment. I often argue at the Board of Pardons
20 and before juries that I'm on trial before, in fact I'm
21 on trial now and was excused for the day to be here,
22 that the problem of conspiracy is that where you have
23 3, 4, 5, or 10 people involved in a crime and maybe not
24 one of them has the spine to face somebody face up and
25 do what they are going to do, the 10 of them together

1 or the 3 together or the 5 together may find that they
2 have a spine that will go up against a victim and take
3 the life of a victim. So the law wisely punishes the
4 co-conspirator. It wisely punishes the accomplice,
5 because maybe but for the fact of an accomplice this
6 one person who was the ultimate actor and the taker of
7 the life may not have had the guts to do it himself.
8 So that's why we have that law on the books. I would
9 ask the panel not to reconsider the wisdom of that law.

10 With respect to whether the bullet hits
11 somebody other than somebody who might have been within
12 the scope of intent, like the passerby at the bus stop,
13 the law of transferred intent is clear. If you intend
14 to kill somebody, if it's a malicious and intentional
15 act and you do take a life, even if it's the wrong one
16 you're not vindicated or exculpated, you're not free
17 from responsibility, your responsibility is not
18 mitigated simply because you took the wrong person's
19 life. That law the clear. Please don't consider that
20 when you consider this bill or the propriety of it.

21 Situational developments do abound in the
22 law. They are men that I've had something to do with
23 being in this building and I regret that they are here,
24 but they're here and they must remain here. I think of
25 one young man, Louis Iamo, I assume he's in Graterford

1 now. It's a pathetic thing that he is spending the
2 rest of his life in prison, but the law dictated the
3 wisdom that he should do so, and I ask that these cases
4 not be tried by the bill.

5 Disparate sentencings are horrible
6 things. When a person gets acquitted or a person gets
7 3 1/2 to 10 while an accomplice goes away for life
8 addresses the inequity that the actor, the shooter, the
9 stabber went away to the street, got only 3 1/2 years.
10 There's a prisoner in this building now, Edward Ryder,
11 is doing life. He was an accomplice along with other
12 people. Among the four people, Theodore Brown and
13 Edward Ryder and Kenny Coville and Michael Grant,
14 Michael Grant himself dead, Kenny Coville gets a new
15 trial, got 10 to 20, went out and killed another
16 person, he's back in here right now. Got a new trial.
17 With respect to Mr. Ryder still seeking redress through
18 means outside the judicial system by asking further
19 people to reconsider, reconsider the facts of the case?
20 Never. Please, I would invite you, don't ever do that.
21 Stick with the issue before you.

22 Is there wisdom in this bill? I would
23 submit, with all due respect, that the wisdom lies in
24 the way we are presently constitutionally set up to
25 treat with the cases before us. It is odd that when

1 one drives up the walk here, the drive, that the
2 Department of Corrections' sign will be out there and
3 that that should surprise someone, that they talk about
4 corrections. Is that a euphemism for warehousing or is
5 it really a fact? I'd say if you have corrections up
6 on the sidewalk, then doggone it, make this a
7 department of true corrections. If it is a
8 penitentiary, then call it the penitentiary. Don't
9 drown yourselves in euphemisms.

10 If life is written down on a piece of
11 paper, don't have people questioning whether or not
12 what do you really mean here, and you have to look into
13 the appendix or the glossary to find out what life
14 really means. The dictionary tells us what life really
15 means. Life is that which is imposed for the taking of
16 a life under certain circumstances. I would ask you to
17 allow Pennsylvania to remain one of the few States in
18 the union that does not bury itself with euphemisms.
19 We don't have a subterfuge. When I try a case, the
20 verdict comes back, it's first- or second-degree
21 murder, the family of the victim turn to me, they say
22 to me what does that really mean? And I can now look
23 at them straight in the eye and I can keep my chin up
24 and say, in Pennsylvania, we mean what we say.

25 Why am I so imbued by that? I feel

1 ennobled by the process because as I go to the pardons
2 board month after month I stand up cases that are 10,
3 20, 30 years old. More older cases. The Commonwealth
4 is still on the case. Why? Is it a matter of
5 budgetary concerns? Is it a matter of the cost per
6 annum per prisoner? Is it a matter of the penalogical
7 interest of the prisoner/management situation of the
8 jails? Is it a matter of whether the treatment model
9 works? What's the right for the reformation of a
10 person? What about the rehabilitation concept on the
11 street? No, for me it's much more important than that.
12 For me, it's a covenant, it's a promise, it's a social
13 contract alive and well that when somebody asks me,
14 what does life mean, I can say in Pennsylvania life
15 means life. And I go on to explain that there are
16 certain situations that may emerge in the future where
17 a person's circumstances, unforeseeably changed,
18 drenched with unforeseeable merit, may warrant that the
19 Governor himself, the sovereign, if you will, of our
20 State would step in and say, with the approval of the
21 Board of Pardons, you shall go free. To me, this
22 ennobles the victim of the murder, even however humble
23 he may have been.

24 If you have 500 homicides in
25 Philadelphia, for example, it may be argued that many

1 people in a high risk lifestyle, engaging in things
2 they shouldn't have been doing, got killed may have
3 assumed the risk, might have earned it, people might
4 say. I say, however, that if you do it for the least
5 of these, it's the most important standard that we have
6 as fellows in our society living out our social
7 contract with one another, so that no matter if the man
8 was a street person, if he was involved in drug
9 dealing, if he was a person that we might regard as the
10 leper, if you will, yet he is as important as the
11 person of greatest stature in our society under our
12 law, and later on I can go before the board or I can
13 tell the surviving kin or I can tell the jury in the
14 hallway afterwards, here we mean what we say. We
15 really mean what we say.

16 I would ask you not to allow that word to
17 be depreciated, that word "life," and to allow for the
18 constitutional set-up to remain in place. Here, no
19 matter how humble that victim may have been, here and
20 perhaps here almost alone in the whole 50 States the
21 Governor, the chief executive officer, the sovereign,
22 if you will, of our State will pass on whether or not
23 that covenant shall now be sundered because of the
24 merit of the applicant, because of the change in
25 defense, because it is equitable, fair, and decent to

1 do so.

2 I thank you for your time.

3 REPRESENTATIVE CARN: Mr. Chairman, if I
4 may.

5 MR. COLIHAN: Yes, sir.

6 REPRESENTATIVE CARN: You made a
7 statement about the Governor's right to commute and I
8 agree with you theoretically, you know, that should be
9 a fair approach. My problems have been in reviewing
10 the records of our governors is that they have been
11 making decisions based on politics, not based on the
12 facts, because again, that is my concern. I'm more
13 concerned about the fact that prior to their second
14 election they do not see fit to commute someone and
15 right after that it's fitting. Now, I'm just saying,
16 what is the difference except the election process that
17 makes that Governor make those kinds of decisions? Do
18 you think that is fair?

19 MR. COLIHAN: I think that in the second
20 term of Governor Shapp there was a virtual scandal that
21 caused perhaps numerous chief executives subsequent to
22 that time to perhaps restrain from doing that which
23 might be fair and equitable. There you had 317 life
24 sentence prisoners commuted in his second term and the
25 first term was a wasteland for the commutation process.

1 Why? I agree with you, Representative Carn, there are
2 definitely political overtones, but the redemption here
3 is that politics is the art of the possible, it is a
4 greeting between those who are elected to serve and
5 those who put them there. It is a way of assessing and
6 determining and acting out the general will of the body
7 politic. In that sense, politics is good. And in this
8 sense it is if the chief executive reads the politic to
9 be unwise to release life sentenced prisoners, then so
10 be it, it is the process, it is the system.

11 However, we could jump the current system
12 or at least create a collateral system under this bill
13 and become maybe in time where we have buried the
14 accountability deeply in the recesses and the bowels of
15 an administrative organ, we could perhaps become more
16 like our sister States - New York, California - places
17 where serial killers abound. Why? Because the
18 treatment and rehabilitative model has been exalted.
19 Over all of these other values now there is a dangerous
20 leakage of very toxic mentalities into society coming
21 from the prisons and the failed treatment system. I
22 like the political system if this is the result that we
23 have achieved in Pennsylvania. It seems to me we have
24 achieved it. Occasionally we have our mass murderers,
25 we have our Marty Grahams occasionally, but we don't

1 seem as a State to be afflicted with the Hillside
2 Strangler types, with the ravaging of homeless and
3 destitute people on the streets of New York as they
4 have over there. It's bad.

5 When I read about a crime, for example,
6 Representative Carn, forgive me for taking an extra
7 minute. Four teenage girls shot and killed in a tofu
8 or a yogurt store in Austin, Texas, I lose sleep over
9 those crimes that happened in Austin, Texas or other
10 places, they distract me so. I feel injured by them
11 and I can't do anything about them. But as in the case
12 I have on trial now, when I heard that a marine, on his
13 way to the Persian Gulf, was shot in the back four
14 times, and it happened at 62nd and Callowhill, in my
15 neighborhood, or near where I live, I didn't feel that
16 bad about the helplessness and the futility of it.
17 This is a strange thing to say, perhaps, but why?
18 Because I felt here I might have a hand in doing
19 something to make something a little bit better come
20 out of a horrible evil. So instead of a yellow ribbon
21 and 21 guns, I'll do the best I can to make sure that
22 the man who took his life this coming Monday or Tuesday
23 comes right into this building, maybe to be transferred
24 to Rockview to await his turn on the row or maybe to
25 spend the rest of his life here. There will be, in my

1 estimation of the dynamics of what's going on in that
2 case right now, nothing will ever extinguish the loss
3 that this killer has visited upon our society by the
4 death of one of our brothers in society. Nothing will
5 ever fill the cup of justice. There is a semblance of
6 it with a life sentence.

7 REPRESENTATIVE CARN: But again, with our
8 present system, still the Governor has, under our
9 Constitution, the right to commute that person's
10 sentence sometime whenever the Governor feels it is
11 apropos.

12 MR. COLIHAN: Yes, sir.

13 REPRESENTATIVE CARN: But again, the
14 Governor is listening to his advisors. It's not as if
15 he is making or deciding whether or not this person
16 should be commuted, it is others who are advising him.

17 Now, my only point in raising that is if
18 his advisors, and he has yet, no Governor, from what
19 I've read, has commuted anyone that he wasn't advised
20 to commute, from my own investigation. So why make it
21 a political decision if that has been the history of
22 commutation? Why put the Governor in a position where
23 he has to make a political decision when his own
24 advisors, who he put there, advise him that this person
25 is not a threat to society and should be given

1 consideration for commutation? How do you respond to
2 that?

3 MR. COLIHAN: Well, initially, I would
4 almost reflexively think of the accountability aspect
5 of it, and I concede that there may be more venal
6 people who would do things for less worthy motives,
7 even to deny a man his freedom where he's earned it or
8 where the murderer is there and where the unforeseeable
9 circumstances have arisen such that he ought to be
10 commuted. If he were to be denied that, that would be
11 a wrong. That would be a wrong. There are places and
12 times for commutation. But to put it down, if I may
13 say, in the scale of the treatment model or the
14 rehabilitation order, public confidence would be far
15 greater in the wisdom of the chief executive than it
16 would be in the instruments of government below the
17 Governor's Office, or below the legislative level.

18 For example, I don't know that a lot of
19 people trust all the DAs in the world. Maybe when I go
20 into a courtroom perhaps people think I'm selling them
21 down the river. Maybe I've made a plea bargain. Is
22 there going to be a plea bargain, people ask me?
23 People don't know. I'm to them a bureaucrat and I may
24 very well be just that. But at least in terms of
25 accountability, the Governor's got it. Maybe I don't

1 have quite so much of it. Maybe the people on the
2 Board of Probation and Parole don't have much of it
3 either. Maybe. I don't know.

4 I grabbed a guy in my back yard four or
5 five weeks ago and while I held him for the 25 minutes
6 waiting for the police to arrive I asked him his name
7 and et cetera, and I got some duplicitous answers. And
8 by the time I finally got to run a record check on him,
9 I found out that during the 25 minutes that I'm
10 supervising him by the collar he's under the concurrent
11 supervision of the Board of Probation and Parole and
12 three different courts of Common Pleas judges, but I
13 was the one that was closest to him. I got to
14 supervise him for that 25 minutes.

15 I don't think a lot of people have a lot
16 of confidence in the instruments of public safety and
17 order. I do believe that the Governor at least stands
18 at that point where he may be removed if the consensus
19 of the people in the collective wisdom thinks he ought
20 to be removed, and those of us who disagree with him
21 from time to time on this or that will have to live
22 with it.

23 REPRESENTATIVE CARN: Thank you, Mr.
24 Chairman.

25 MR. COLIHAN: Thank you, sir.

1 MS. WILLIAMSON: First of all, I want to
2 speak as a victim. I'm a victim of a husband killed in
3 1969 and left four children to raise. I'm also the
4 victim of a murder in August 1990 where a nephew was
5 killed. This hostility and anger, I had it. Believe
6 me, I'm no superwoman. But we got to get beyond that
7 and get to a healing process and to a forgiving
8 process, because once we are in that mode of anger and
9 unforgiving, we make our own selves sick. Mr. Colihan
10 and I have quite an argument over this all the time.
11 I'm not a novice at telling people how I feel. I do
12 believe people change. Twenty years ago if you asked
13 me if I would be sitting here today speaking for House
14 Bill 1382 I would have said, hell, no, you think I'm
15 crazy? But I find out that I'm not crazy. I have four
16 children, none of them in the system. They are all
17 productive citizens and they all have a high education,
18 so it can be done.

19 The young lady spoke of her daughter on
20 welfare. Well, you don't have to go on welfare either.
21 We got more people on welfare where the people in the
22 system, where the victim was killed. So I have been
23 there and I plead with you people today to consider
24 this. I hate paying my taxes to take care of people
25 without them being productive citizens. The man that

1 killed my husband, his best punishment would have been
2 to let him stay in jail at night, work in the daytime,
3 turn his paycheck over to my family, pay taxes to the
4 State, and then he would have been punished. You don't
5 punish a man by--

6 REPRESENTATIVE REBER: You would probably
7 have Mr. Colihan supervising.

8 MS. WILLIAMSON: That's right. And Mr.
9 Colihan, I'm glad--

10 REPRESENTATIVE REBER: Unfortunately,
11 there's not a lot of those around, are there, Mr.
12 Colihan?

13 MS. WILLIAMSON: I'm glad you have a
14 perfect DA system, because I want to know what happened
15 to the policeman that shot Pauline Velasquez's son? He
16 also did something wrong. Maybe he shot him
17 accidentally, but also Bruce Bainbridge shot someone
18 accidentally.

19 Secondly, Barbara Christ and the Charles
20 Diggs case, Barbara Christ did not even know where
21 Broad and Susquehanna was. She thought it was in
22 Germantown. So she has a right to new trial because
23 you only picked the people who she thought was in her
24 favor because she figured these people in Germantown
25 would be afraid of Charles Diggs. I was at the Federal

1 hearing and I testified. And I told her that Broad and
2 Susquehanna was in north Philadelphia, and she asked me
3 how did I know?

4 Elizabeth Chambers knows that, and I told
5 her the boundaries of the city, what is north, south
6 east and west. So you don't have a perfect DA system.
7 So there's a lot, none of us, not one of us that sit in
8 this room has not made a mistake, and because of the
9 fallibility of the system it is a reason to have a
10 House Bill 1382.

11 CHAIRMAN CALTAGIRONE: Yes, were there
12 any further comments?

13 MS. WILLIAMSON: I'm finished.

14 MR. JACOBS: I would like to respond to
15 something that the DA said, and first of all, this is
16 the DA that handled my case. I have a lot of respect
17 for him because I know he was doing his job, and it's
18 important that we understand that. We are here for
19 what we believe in, and I think that's also important
20 too, as well as the victim.

21 But on the day that this crime was
22 committed by myself, I was also a victim of my own
23 ignorance. There was a victim who lost his life in
24 north Philadelphia, Charles Savoski. Charles Savoski
25 had a right to life. He had a right to run his

1 business. He had the right to be the breadwinner of
2 his family. But unfortunately, some young man who was
3 ignorant entered into his store and tried to rob him,
4 and in the process of that, Charles Savoski pulled out
5 a gun in defense of his right to have a business, and
6 foolishly and so ignorantly we took his life. When I'm
7 saying "we," I am not the shooter. Let me attest to
8 that. I was the co-contributor, but I was guilty
9 because I agreed to enter his store on the enterprise
10 of robbing him. So I recognize that equal guilt and
11 not try to separate myself from that guilt. But it was
12 unfortunate that I was ignorant to enter a grocery
13 store where there was no more than \$30 or \$40 at the
14 most when I could have went into the First National
15 Bank with some intelligence and maybe robbed them for a
16 little more. So I was ignorant and I was a victim of
17 my own ignorance.

18 Socrates, whose student was Plato,
19 constructed a doctrine that we as human beings all have
20 the ability to do right. We all have that ability,
21 each and every one of us. We have that ability. But
22 until the rational capacities are developed in all
23 human beings to do right, then there are going to
24 continue to be human beings that do wrong.

25 Now, the system comes out with the

1 eloquence of the species, the dynamics. I mean,
2 they're phenomenal if you walk into the courtroom.
3 Anthony Jacobs sat in the courtroom 20 years old. I
4 had a DA there that probably was a Harvard graduate. I
5 was a graduate of Daniel Boone. I had a jury in there
6 that was from the northeast. It doesn't matter whether
7 they were black or white. That was never my argument,
8 okay? But I was in a process that I didn't understand,
9 and I became even another victim.

10 And there's another victim who's called
11 the other side of crime, which is another process, that
12 says that you enter into a prison system and that
13 Anthony Jacobs' life should be written off without a
14 possibility of consideration. So that means that
15 everybody in here, you spoke about parole. He
16 apprehended a guy in his back yard. Yes, that guy was
17 paroled, he was on probation. But the record clearly
18 shows that lifers who have been released represent less
19 than 1 percent of the recidivism of people coming back
20 into this penitentiary. So again, we have to be clear
21 when we define what the problem is. The problem is not
22 lifers.

23 First of all, I would not release all the
24 lifers in this jail if I was the Governor. I would not
25 release the 2,200 men that are in the system. It would

1 be foolish to say that. House Bill 1382 doesn't say
2 release lifers. It says create a process so that we
3 can have a better monitorization of the men who are
4 serving life and that they receive parole eligibility,
5 not parole. But parole consideration, not parole.
6 That's a difference. The process was started through
7 William Penn. The King gave William Penn the authority
8 to pardon. Everything has two crimes - crimes
9 committed against the King and treason. So the process
10 of pardon was created long before Governor Thornburgh,
11 Shapp, and Mr. Colihan and myself. So the process of
12 pardon was also a theory within those people who made
13 decisions.

14 If your son was incarcerated, would you
15 not seek every opportunity to free him? If your
16 daughter was incarcerated for murder, would you not, as
17 a parent and a responsible human being, seek to have
18 your daughter or your son released at such a time that
19 his rational or her rational capacity could prove
20 beyond a shadow of a doubt that there is a minimum
21 chance that they would re-enact the crime that they
22 committed? That's what our system is all about. A
23 system without hope and without mercy and without
24 consideration is no system at all. America cannot
25 continue on to be as callous as we say our evil empire

1 is, or Russia or Iran or Iraq. We keep saying how
2 callous they is when they cut off hands, they cut off
3 necks. But how can we continue to be so callous to say
4 that a human being who has not the rational capacity at
5 14 years old; 14 years old. This kid was 14 years old.
6 He walked into a store and he turned back and he shot.
7 Now he's 35. Is he still the same individual? And if
8 he is, keep him in jail. I am in total agreement with
9 that. But if he has changed emotionally and
10 psychologically and rationally, shouldn't we consider
11 it? I mean, not give it to him but consider him with
12 fairness. No politics, no money involved.

13 And talk about money, let's talk about
14 money. I did 23 years as an accessory to murder
15 because I didn't have money. The judge's son, Herbert
16 Kane's son did 12 years for the same crime. What made
17 him different than me? From a Governor who said he
18 wants all the lifers to do 25 years, what made him
19 different than me? And then his father turned right
20 back around and got busted for a crime himself. But
21 the only difference between him and me, he's playing
22 golf, and I'm walking through Graterford playing a life
23 and death game. That made the difference. So don't
24 give me this bullshit about what's equity and what's
25 fairness, because there's no such thing. It's not a

1 black and white situation.

2 You people are charged with a
3 responsibility based on your intellect, based on the
4 intellect of your learning and your schooling. You
5 didn't follow my road, and I'm glad you didn't, but I
6 don't take anything from you. I respect you. I
7 respect him. It's his job. If I was a DA, I would do
8 the same thing he's doing. I respected him when he
9 went to trial, when he went to my commutation hearing
10 and said don't release him, because had they released
11 me then, maybe I would have went out there and got into
12 all this stuff. But I can lay forth the record and
13 show you that I have done more in my year of release
14 than some of you folks that have been out here 20
15 years. What makes the difference? I was the same guy
16 they called animal. I don't have a gun, I don't have a
17 knife, but I have the money to buy a gun, I have the
18 money to buy a knife, but you know what? Something up
19 there is saying, no, you don't want to do that. You
20 never want to place yourself in a system like this
21 where people don't do nothing but talk about you. And
22 if you do some good, then they forget about you. We
23 always remember the bad, but how many of us really
24 remember the good?

25 There's two masses of black and white. I

1 ain't talking about race. The black mass walked into
2 that store. I ain't talking about black man, I'm
3 talking about the quality of darkness. But once I came
4 into the light, shouldn't I have received that kind of
5 consideration? That's what my argument is. It's not
6 based on politics and who's right and who's wrong,
7 who's up and who's down.

8 The courage of the victims' families to
9 come in here to testify and to re-bring forth those
10 emotions, man, that was awesome. It has an effect on
11 all of us. But they were other victims. They will
12 never regain their loved one. They will never do that.
13 And you signing this bill is not going to help the
14 situation one way or the other. Though the process is
15 still going, it will get bogged down in more
16 demagoguery, it will get bogged down in more politics.
17 So no matter what process you do, but one thing we do,
18 we have the right to come forward and lay forth
19 everything. Everybody has a right to be heard. But I
20 remembered this hearing with Judge Thomas where the
21 chamber said, if you can't hold your comments, then
22 I'll remove you. Because it is not about a boo and
23 applaud thing here. We're talking about human lives.
24 We're talking about people who have lost their lives.
25 This is not a boo or applause situation. This is a

1 real situation. Savoski was real. He was real until
2 we entered his store. But I'm free now. What can you
3 do about it? Nothing. You can't do nothing about it.
4 The only thing you can hope that the process that
5 released me used everything that was available to them
6 to scrutinize, to sift through my life and to make sure
7 that this process wouldn't happen again. So let's talk
8 about that situation.

9 That's all I can say.

10 MR. BLACKBURN: Mr. Chairman, members of
11 the committee, I want to thank you for the opportunity
12 to say my little part in support of House Bill 1382. I
13 was in the beginning stages of development of this
14 movement for this bill. I was a lifer at Graterford
15 and I was commuted after 14 years, which was truly a
16 blessing in comparison to the time that other men who
17 have been commuted, the time that they served. It is
18 truly a blessing.

19 To give you a little background of my
20 case, I was not the triggerman. I was involved in the
21 conspiracy, so the court said, but I know deep in my
22 heart I never conspired with anybody to kill this
23 person. The victim in my case, I knew this man all my
24 life. We both were in the drug game, so to speak. We
25 had a disagreement. That lifestyle has a certain

1 behavior associated with it, and some of it is violent.
2 But when I went to that man, I did not go to him to
3 kill him. I know this in my heart. Whatever the jury
4 said, whatever the court said, in fact they didn't even
5 attempt to prove it in the court. But the conspiracy
6 law is constructed in such a way where they say -- the
7 term they use is "implied conspiracy" by the act or you
8 seem to be in some kind of consort within the act, you
9 know.

10 Now, I will admit though that my
11 participation in the crime resulted in the man being
12 killed, because as Mr. Colihan so aptly described,
13 sometimes within that mob psychology one person feeds
14 off the heart of someone else. He may not have the
15 courage to do it himself, he may do it because he was
16 with someone else, and I think in my situation that
17 person did feed off the violence that I initiated, but
18 I didn't feel that I should serve a life sentence for
19 my involvement. I agree that I was guilty to a certain
20 extent, but I got the life sentence and my codefendant
21 in the crime, he got 18 months to 10 years, and he was
22 out after 18 months. I'm not saying that to condemn
23 him, that he should have got a life sentence because I
24 don't think he should have, because I know the whole
25 situation involved in his background. I know the

1 torment that the victim had put him through as far as
2 fear and intimidation, and this was the culmination of
3 that.

4 I will say that my co-defendant's
5 lifestyle since he's been out has shown that he was
6 worthy of that break. He has a business of his own and
7 he's living a lifestyle, he has a nice family and
8 everything, so I wish him well. I don't blame him for
9 the break he got. But I just want to point out that
10 the system is not always perfect, and it took the mercy
11 of a Governor to look at my situation and see that
12 maybe I should not spend the rest of my life in jail.
13 If I had applied maybe four years earlier, I know for a
14 fact I wouldn't have gotten that kind of consideration
15 because the system is filled with politics.

16 I want to say, we have to understand what
17 goes on in the courtrooms a lot of times. I don't know
18 how Mr. Colihan prosecutes his cases, but I know for a
19 fact that many times in Philadelphia the rights of the
20 accused is violated. I know of instances within my own
21 family where statements are beaten out of people. I
22 know how the police department operates, not always
23 perfect, you know. But I understand that they have a
24 job to do, the district attorney has a job to do, and
25 they pursue their jobs aggressively and sometimes they

1 have to. But what I'm saying is if you begin with an
2 imperfect system, why when the criminal or the
3 convicted person reaches this level, why all of a
4 sudden does the system become perfect all of a sudden
5 and that the convicted person, just because the system
6 said, which was imperfect to begin with, said that he
7 was incorrigible or that he was brutal that he cannot
8 be considered again?

9 I just want to bring your attention to a
10 recent, something that happened recently, I think it
11 was this week. The persons convicted within the Sean
12 Daley crime that was highly publicized, so maybe you
13 might know about that. It was seven Hispanics, five
14 received a life sentence, two got 7 to 20, or something
15 like that. The point I'm making is these men, these
16 young men, I'm not saying that they weren't guilty
17 within their situation. I don't know how many actually
18 participated within that crime, which was horrible. I
19 grieve for the family of Sean Daley, you know. In
20 fact, I hate mentioning that name, really, because it
21 makes it very personal. But the point I'm trying to
22 make is, these young men, some of them were 16, 17
23 years old, when they received that life sentence
24 basically what we said was that these people will
25 never, ever again be able to come back and enjoy life

1 again, that what we said was they are unable to change
2 their lives around. They are incapable of human
3 development, therefore we are going to lock them away
4 forever. Why do we say this? Because we didn't think
5 that we would establish a way that if they did make
6 that development that there would be a mechanism in
7 place to recognize it and they would be considered.

8 Now, having traveled these hallowed halls
9 for many years, I will be the first to say that there
10 are many here that need not be released. In fact, we
11 should write another law that we put maybe an
12 ex-convict on the Board of Pardons because we know them
13 personally. We lived with them. We can give you a
14 total picture because we have a better insight in that
15 life. But what I'm trying to say is if the system is
16 imperfect, let's establish that check and balance.
17 Let's put that into the situation.

18 Now, another thing that hasn't been said
19 with regard to 1382 is we're looking at it in a purely
20 negative light, favorable to the prisoner. But in many
21 ways House Bill 1382 establishes a stringent criteria
22 to be followed. We call it the Public Safety and
23 Rehabilitation Act because we understand that the way
24 the politics is within the system, it is possible that
25 the Governor can release a dangerous person, if he has

1 the right political backing, back into society. With
2 House Bill 1382, we have a stringent criteria
3 established that would require the applicant to go
4 through a very trying process, one that he may not have
5 to go through under a Governor because the Governor's
6 power of commutation is based on this is his decision,
7 or just on maybe the dramatics of a hearing in front of
8 the pardons board.

9 Now, I had a few problems with respect to
10 Mr. Colihan. House Bill 1382 would not re-open the
11 case. We're not talking about re-opening the case.
12 We're talking about establishing a criteria from which
13 you can look at a person to decide if he would be a
14 threat to society again. If he can function within a
15 free society with minimal threat, that he will commit
16 the crime again. Mr. Colihan also said that he felt
17 sorry that a person that was inside here shouldn't be
18 and he can't get out. He said it's pathetic. Why are
19 we going to keep saying it's pathetic if we're not
20 going to do anything about it? We're talking about
21 somebody's life. You know, there are a whole lot of
22 lives involved. You're talking about the life of the
23 victim; that life upstairs is just as important as the
24 life of the victim.

25 I think the problem we have with our

1 criminal justice system is that we try to, being that
2 this is the last stage where a person commits a crime,
3 the crime itself is a reflection of the problems that
4 we have in our society. So instead of us acknowledging
5 the blight in our communities, the problem is not
6 within our community. We take the, shall we say the
7 effect of that condition, which is the crime, which is
8 the criminal, and we try to crucify him and thinking
9 that's going to solve the problem. What we need to do
10 is to try to change some of the conditions within the
11 community that breeds this kind of situation.

12 I know in the neighborhood I grew up in,
13 north Philadelphia, you know, I had certain options as
14 a person, but I knew I had more illegal options than I
15 had legal. We can't say the same thing about in
16 certain suburban communities. A lot of things are not
17 even tolerated there as far as the obvious activity
18 that can go on. And for example, there's a corner in
19 north Philadelphia at Ninth and Indiana, everybody --
20 when I came out on the street I wasn't there two days
21 when I knew what was going on on that corner. It's
22 blatant. The drug selling is blatant. You stop the
23 car at a stop sign, they run to you, what do you want?
24 It's that blatant. Now, I had a suit and a tie on, I
25 could pass for a policeman, I think, under the

1 circumstances, you know. They didn't know who I was
2 when they run to the car. I haven't been there in 15
3 years, nobody recognized me. But the point I'm saying
4 is if the problem is that blatant, why does society
5 allow these things to go on? I knew in two days what
6 was going on there, I'm sure the police with their high
7 technology and investigative ability can solve the
8 certain situations.

9 But for some reason or another certain
10 things are allowed to fester, and then we have
11 criminals that come out of that condition and violence
12 that's perpetrated from that condition, and then when
13 that person comes into the courtroom we say, ah, you're
14 the one. It's you. You're the problem. And this is
15 probably a person that can't read or write. This is
16 the only thing he knows. A man that probably goes
17 hungry. Just like Anthony Jacobs, he probably went
18 next door to get some money. This probably was the
19 only option that this man could see, you know.

20 And the point I'm making is this is the
21 Department of Corrections. This is not a warehouse. I
22 mean, it is a warehouse right now, but the theory is
23 corrections. Let's make it corrections. Mr. Colihan
24 said let's not be contradictory. That's right. Let's
25 make it corrections. That's the name on there. And I

1 know the condition of myself when I came to this place.
2 I needed correcting. Although my involvement may be
3 considered or may not be considered minimal within the
4 crime itself, I know within myself I needed correcting.
5 I know I participated in a process of development in
6 here, and I'm going to tell you, it didn't happen in
7 the treatment department either. It was other men,
8 lifers particularly, who took me under their wing.
9 It's lifers who run the institutions, the nurturing
10 institutions within this institution. The churches,
11 the school. Inmates run the jails. Maybe not here.
12 But this is what happens, and these men that I feel
13 that can come out into the community if given a chance
14 and make that same effect on other lives as it has on
15 mine.

16 I really admire this brother here because
17 he's a model for any community lifer. He came right
18 out and established himself and he's trying to help
19 other people. I'm trying to hold myself behind him
20 because I think he's a model to follow. But the
21 problem is a lot of the young men in our communities
22 don't have these kind of models to follow. They follow
23 a model that brings them here, and so often than not
24 they continue to follow these negative models. But
25 what I'm saying is there are other men here who deserve

1 recognition, and we're not saying let all of them out.
2 No, that's not what we're saying. What we're saying is
3 establish a criteria, a mechanism where they can be
4 viewed and on a case-by-case basis, we keep saying
5 case-by-case. This is what we're trying to do,
6 establish a criteria so each man, personal situation
7 can be reviewed, and if he merits it, don't put it in
8 the hand of a political person, put it in the hands of
9 an expert.

10 CHAIRMAN CALTAGIRONE: Is there a
11 Fletcher Long who is also here? If you would like to
12 come forward. I know you wanted to make a statement
13 also.

14 MR. LONG: I would like to make a
15 statement. I think this is one of the most moving
16 experiences that I have ever had, Mr. Chairman, board
17 members.

18 My name is Fletcher Long, and I'm
19 co-editor and publisher of Night Scene Publications in
20 Philadelphia. I have become involved with the prison
21 system for the last 20 years.

22 My involvement, I have a problem with the
23 prosecutor, not because he's a prosecutor but because
24 he does a job and he sit there and he said they tried
25 cases 25 and 30 years ago and he represents the

1 Commonwealth. It's all well and good, you got a job.
2 46 years ago, at the age of 19, I'm 65 now, I had a
3 prosecutor tell me the same thing in Birmingham,
4 Alabama. I was in the service. He said, "Boy, I got
5 to get you convicted." So they took me and they tried
6 me on 10 charges of burglary and grand larceny. The
7 first case, the defense, which was a court-appointed
8 attorney, now he messed up so bad I said, "Mister, you
9 sit down because I'll be in the chair." I made the
10 court look so bad that the judge said, "Stop it here."
11 He said, "I'll tell you what, sir, you're guilty." I
12 said, "If I'm guilty, what else can I do?" He said,
13 "Well, sit down over there, Boy." This was in
14 Birmingham, Alabama. I never will forget it, and this
15 is the reason I have to reflect this. He said, "You
16 sit down." He said, "I'm finding you guilty in the
17 first case. How do you find the rest?" The prosecutor
18 got up, he said, "Wait a minute. We're going to now
19 pros those other five cases and just take the nigger on
20 the other five cases." And so I said, "Well, Your
21 Honor, but wait a minute." He said, "Wait a minute,
22 this is my courtroom." The prosecutor said, "I got to
23 do my job."

24 So it ended up they give me 5 years in
25 the first case, 6 in the second, 7 in the next, 8 in

1 the next, and 10 in the last case. A total of 36
2 years. That was a life sentence. I was 19 years old.
3 And when I went to go down the hallway, the prosecutor
4 was walking along with this nice white lady and her
5 daughter. I said, "Excuse me, Miss, I want to shake
6 this boy's hand," he said, "because he really got some
7 merits for me today." And the lady looked at me, she
8 said, "Mister, you're a young man about the age of my
9 son." She said, "I feel so bad for you," she said,
10 "because I wouldn't give a dog that kind of time."

11 So I went into the penitentiary at 19
12 years old. I had to do 10 years before I got paroled,
13 but even in Alabama they do get a chance to get
14 paroled. Life system there is 15 years and you get a
15 chance. I don't care who you kill or who you shot.
16 And never get it in your mind that I'm a liberal or
17 bleeding heart. I'm not. I've been in the system here
18 helping. I helped raise that young fellow there. And
19 my point that I'm getting, over two years I have, since
20 I've been in Philadelphia, I've been shot up, I've been
21 stuck up, I was mistaken for being white because I was
22 driving my wife and they thought I was a white boy with
23 this nigger woman. And I was assaulted, shot at, I've
24 been stuck up with guns in my face. My son was
25 murdered in the streets 10 years ago in Philadelphia.

1 But you know what, I still come behind these walls.

2 But the system stinks. It's good people
3 like you that can change it. Here's a gentleman here,
4 and I was in Harrisburg the day that he won an appeal
5 for commutation of sentence. He jumped up and he says,
6 "Look, don't let Stephen Blackburn out. He's a
7 hardened criminal." And he can tell you right there
8 what Attorney General Preate jumped up and said, wait a
9 minute. You mean to tell me that this man has did 14
10 years and he wasn't the shooter and the shooter is
11 walking the street after 18 months and you mean to tell
12 me that that's justice? He said, that can't be no
13 justice. He said this man should have been in the
14 street. He should have never been in the jail for 14
15 years. And it's a shame.

16 If you don't help pass this bill, you're
17 going to have many more people that's in here for 15,
18 20, 30, and 40 years. My son is dead, and both of them
19 got life sentences, and there's nobody that's any more
20 hurt than I am about my boy that's dead. There's
21 somewhere up here, this brother here can testify, I
22 bring children into the prisons and one night I was
23 standing in the middle of the floor and I recognize
24 this guy standing next to me. Omar said to me, he
25 said, what's wrong, Mr. Fletcher, is there a problem?

1 I said, yeah. I said, just get him away from me. The
2 brothers surrounded me and they got this individual
3 away from me. He didn't even know who I was. You
4 understand my point? But as the years and the months
5 go by, I have sort of softened. I said, well, I hope
6 that they can live those 15, 20, 30 years and suffer
7 like I suffered for the last 10 years that I lost my
8 baby, gunned down in the streets of Philadelphia, and
9 the system still permits, as you said at Ninth and
10 Indiana, I can take you to any corner in Philadelphia
11 and show the drugs running rampant, and the system does
12 nothing about it. And they are worse off than anything
13 that we can sit here in this room today and talk about.

14 You people here have a chance to solve a
15 problem. The problem is the system. You're part of
16 the system. I beg you to help them.

17 MR. COLIHAN: Mr. Chairman, may I very
18 briefly comment on the remarks of Mr. Fletcher and
19 other ideas that might be harbored here about what my
20 job is.

21 When I stood at the gravesite of my
22 cousin who was murdered and when I read in the
23 newspapers about the death of a relative in prison
24 awaiting execution, when they were still executing
25 people in Pennsylvania, and today when I hold my

1 grandchild in my arms or when I go to work, it's all
2 part of the same fabric. I am not a mouthpiece for the
3 District Attorney's Office, as might be a convenient
4 way to dispose of my remarks. I am not an organ of a
5 politician. I am simply expressing the perspective of
6 the prosecutor who does not go to court like unto a
7 David Duke or what happened in Birmingham in 1950. I
8 go to court not as a demographic expert, because I
9 represent the underdogs of the society of Philadelphia.
10 Those least of people. Most of the people that I as a
11 prosecutor and most prosecutors represent are people
12 who are truly voiceless, that they are silenced by
13 murder or nobody cares about their crimes. I have seen
14 racism in the court system. I have seen crime indulged
15 because what's it got to do with life in Margate, after
16 all? I've seen that. That is my, if you will, my
17 clientele is the underdog. I must say I disbristle a
18 little bit of comparisons with Bull Connor or whatever
19 reference might have been being made. I don't have
20 that cloth or that fabric in my cloth, and I'm not
21 unlike most of the prosecutors that I know.

22 Thank you for allowing me to say that.

23 CHAIRMAN CALTAGIRONE: Are there any
24 other comments or questions?

25 MR. JACOBS: Okay, I wanted to basically

1 lay out a little scenario here. At the age of 5, I was
2 at the Youth Study Center, okay, and it was for
3 placement. Okay, what I thought was a simple placement
4 turned out to be into a foster home, okay, because my
5 father was killed in the Korean War, and I will try to
6 make the story very short, and from that time on I grew
7 up in north Philly and I involved myself in a street
8 gang and I told the psychiatrist one time we wasn't
9 do-gooders, so we went out and we did our little thing
10 in society. Now today what we did the kids would make
11 it look like it was child's play.

12 I went through the system, okay? I
13 continued to be a delinquent. I had 18 juvenile
14 arrests before I was 16 years old. Okay, I'm talking
15 about the moment of impact. I didn't know that my
16 mother had placed me in the Youth Study Center at the
17 age of 5 for sexually molesting my younger sister.
18 Now, I didn't understand what that meant. I do now as
19 an adult. I have the opportunity to teach college, you
20 know. I taught at Penn, I taught at Bloomsburg
21 University. I helped people throughout the system get
22 their GEDs and also to apply for their SATs and make
23 them eligible for the rehabilitative process, but as a
24 young man I didn't have much education. I came in the
25 system with only a sixth grade education. I had a

1 diploma, I had a college degree in streetology, but not
2 in education, not a secondary education in my ABCs.

3 I then went to Glenn Mills, which was
4 '62, I asked the judge to go to Glenn Mills, and one of
5 the reasons that I wanted to go to Glenn Mills was that
6 a friend of mine in the neighborhood said, you think
7 you're tough? If you ever go to Glenn Mills, somebody
8 is going to make something other than what you really
9 are. You understand what I'm saying? So I went to
10 Glenn Mills with this thing that I want to be tough. I
11 asked the judge to go to Glenn Mills. The judge then
12 sent me to Glenn Mills. I asked the judge to go to
13 Glenn Mills. That's the school for delinquents.

14 I did 18 months there and I proved that I
15 was tough because I was considered running the place,
16 okay? So they said, no, you can't run our place, we're
17 going to ship you out. So I went to the Creek, which
18 is a house of corrections, at 16 years old. The next
19 time I was sent to Camp Hill, which was Whitehill then,
20 which was an industrial school for young boys. Okay.
21 I did four years there. Four years. At 16 years old I
22 walked into Whitehill Industrial School for Boys. For
23 the whole four years I did not go to school. Now, you
24 tell me what system, what process would permit a young
25 man, a young kid, 16 years old not to go to school?

1 I stayed there for four years and all I did was talk
2 about how I was going to go out and we were going to
3 rob people, how we were going to create more havoc or
4 whatever we can do in the community when we get out.
5 How we were going to be bigger jitterbugs.

6 Three months after I was released from
7 Camp Hill, or Whitehill at the time, I committed this
8 crime. And at that point I did 23 years. I applied
9 for commutation since 1979. It wasn't an easy process.
10 I was transferred to Muncy. I was here at Graterford,
11 too, and when I was here at Graterford they considered
12 me one of the tough guys here. If I was not the tough
13 guy, I was one of the tough guys. And I did a lot of
14 negative stuff. The social ills that brought me to
15 jail I continued on with. I mean, this period of
16 rehabilitation is a bunch of junk. Somehow I believe
17 that you have the picture that once a person is
18 arrested he comes to jail, gets a Bible, gets a Koran,
19 he gets a Torah and he's back in religion, he's back in
20 education, he's back in whatever. That's not true. A
21 lot of young lifers that come to jail become major
22 problems in the system. Now it's based on the support
23 systems that are in that system determines whether or
24 how this person is going to wind up years later.

25 In my first nine years I had

1 approximately 20 write-ups. Only had 23 all together.
2 I had 20 write-ups, which was sound. I was a bad guy,
3 I was ugly, I was incorrigible and I was put in the
4 system. Anthony Jacobs deserved to be in that system.
5 If I was a judge and the young kid came before me that
6 had my track record as Anthony Jacobs, I would say to
7 you, send him away. And I went away, and for 9 years I
8 got 20 some write-ups. For the next 13 or 14 years I
9 only received 3 misconducts, and most of them was
10 minor. The DA in the case in one of my hearings
11 mentioned that to convince the panel of the Attorney
12 General, Lieutenant Governor, the psychologist, the
13 criminologist there and also the penologist, they said
14 that Anthony Jacobs should not be released. And they
15 said why? They said because he sexually molested his
16 young sister. Now, remember, I was placed in the
17 system at the age of 5.

18 So what I did, I wrote Arlen Specter,
19 because I know his wife, Joan Specter, and I know some
20 sensitivity would be involved with this, so I wrote him
21 because I had the skills to articulate. I developed --
22 I went to school, I woke up, I said, I better go to
23 college and try to get some education. There was no
24 hopes of getting out, there was no manipulation of the
25 system, didn't have to because I was the greatest of

1 all manipulators. I didn't have to worry about
2 nothing. Anything that I wanted was at my beck and
3 call, you know.

4 There was a time that they said I was the
5 Commissioner of the Bureau of Corrections in all of the
6 jails. Not just one, all of them, okay? And the
7 record bears forward. You got guards here that know
8 me, okay, they know who I was, and some guards here
9 that say, man, you're a miracle. But the point is that
10 no matter how negative you is, there's a possibility, a
11 hope that you may see the light some day. And that's
12 what the Governor freed me on. He didn't free me on
13 the 23 write-ups I got, he freed me on the time after
14 that nine-year period had taken place; he looked at me.
15 But it was a political system. Had not Chuck Stone
16 took up my case and had not Gina Bullion of the
17 Philadelphia Daily News taken up my case, and had not
18 Kendall Wilson of the Philadelphia Tribune took up my
19 case and argued my case and challenged the Board of
20 Pardons, I wouldn't be home today. No one said release
21 him because he had merit.

22 This man here opposed me bitterly. I
23 mean, I respect him. Then he went in there one day and
24 he said, well, the Commonwealth don't oppose. But it
25 became a sword fighting thing between me and him, and I

1 always wondered what he looked like. Now I'm here
2 sitting beside him. I said, man if I get that guy I'm
3 going to choke him. You know. I'm just saying that
4 these are the feelings you have. They are real
5 feelings.

6 But the point I'm trying to make and I'm
7 trying to express to you is that Anthony Jacobs was
8 released on November 5th, and being released, I wanted
9 to show you what I did. I went to, I applied for a job
10 at Sleighton Schools, and that's where the juvenile
11 delinquents and dependent youth are. It's a
12 coeducational facility. And in three months I was
13 promoted to a Counselor II, and I am now on the weekend
14 ground supervisor of a 320-student facility. But had I
15 not been released, this would not have been possible.
16 Had I still been that animal that I was at 20 years
17 old, this wouldn't have been possible. It wouldn't
18 have been possible.

19 I coordinate a staff of 300. I
20 coordinate them. And my education is probably far more
21 better than theirs are because it is a legitimate
22 education. I have a GED. You need 225 points to pass
23 a GED. It's not like a diploma where you get credits
24 for gym, you get credits for going to art class, you
25 get credits for this. And the GED system is a far more

1 better, sound system for education. They have proven
2 that people who fail the GED system are twice as
3 intelligent as those who get a diploma. This is a
4 survey that was put out. I'm talking facts.

5 I go to the school, I tell them that I'm
6 from the penitentiary, I've been there. I try to keep
7 these young kids from coming to where I was at. These
8 process or systems are no more than incubators for
9 young kids to sit there and talk about their little
10 crime theaters and to go out and become better crime
11 participators. And I'm trying to put Donald Vaughn out
12 of business. I'm trying to put the Department of
13 Corrections out of business by working with these young
14 kids. It's a hard process, especially when the role
15 models in their community are so negative. They're so
16 negative. But the only way they have a chance for the
17 apple pie or the American dream is through drugs. The
18 only way. The guy that just went on the roof top and
19 killed someone for a chain, I mean, took two lives for
20 a chain. Just senselessly went up with a
21 semi-automatic rifle and shot two people down over a
22 gold chain. Can you imagine? How many of you all got
23 gold chains on? If you do, do not go down by 15th and
24 Dixon because you will get gunned down.

25 Crime don't stop. We've got to figure

1 out something, some way that we can help our society.
2 But we also got to be sensitive and we also must have
3 the understanding that those people who go astray in
4 our society, is there some way that we maybe can
5 probably look at that person in a period of time, not
6 as soon as they get in there because I'll tell you, if
7 you would have asked me was I sorry for Charles Savoski
8 five years after I was incarcerated, I would have told
9 you no. No. He shouldn't have been in my way. I
10 didn't kill him, but that was the attitude. I'm only
11 playing out the trauma of circumstances that affected
12 my life, that impacted my life.

13 But once that impact was lifted and once
14 that support system you have called Corrections, like
15 vocational training. I'm an electrician. I got the
16 skills at the Graterford. I went over, I was in the
17 projection booth, I went all around. I was up in Muncy
18 with the women. I was one of five lifers in an
19 all-female facility. There was only five men there.
20 Can you imagine, after being incarcerated for X amount
21 of years, being put up there with 900 females? Can you
22 imagine? I mean, it was like a picnic. But I went up
23 there with a mission. I knew that if I got one of the
24 women pregnant, I was out of there. I knew if I was
25 disrespectful toward the staff I was out of there.

1 I went there to a point where the
2 superintendent opposed me coming there because he felt
3 as though I was too political. I was involved with too
4 many organizations. So getting involved with a lot of
5 organizations and a lot of other stuff can have you
6 excluded, but this same woman, after she ran out of
7 denial she allowed me to come to Muncy, and they told
8 the staff there, a guard from Huntingdon came up there
9 to visit and he was on a tour and he seen me and he
10 whispered to one of the females there, he said, watch
11 that man. He is dangerous. He is one of the most
12 dangerous men in the system. So they all got their
13 little guns together, they was trying to shoot me down,
14 but the only thing Anthony Jacobs had was I had a
15 purpose and I had a mission, and I was determined that
16 if I made a mistake it would be a mistake knowingly and
17 intelligently, that it would never be a mistake because
18 I was ignorant. I would never be victimized again by
19 my own ignorance of the law.

20 And I have developed an appreciation of
21 the law. I am now a member of NABCJ, which is the
22 National Association of Blacks in Criminal justice.
23 Probably the only fellow ex-offender that's a member of
24 the organization in Pennsylvania. I am a member of the
25 CEA, the Correctional Educational Association. I'm

1 also, I raise money for the United Negro College Fund
2 of Pennsylvania for NABCJ, the NABCJ branch. I did
3 Walk America with New Jersey Bell and Bell of
4 Pennsylvania. I have walked something like 12 miles.
5 Just walked. I mean, I could have been out there
6 dealing drugs, shuffling or robbing another grocery
7 store, but the same man that walked in was not the same
8 man that walked out. The boy that walked in became the
9 man that walked out.

10 And I believe in the transformation. God
11 has created all of us, and I hate to leave God out of
12 this, but we all profess to be Christians. I mean,
13 it's so easy to say that we're Christians, it's so easy
14 for us to say we're Muslims, it's easy to say that
15 we're Jews, but if you lay down the book of the
16 Muslims, you lay down the book of the Christians, you
17 lay down the book of the Jews, each one of them books
18 says that you have a responsibility of self and you
19 also have responsibility of your fellow man and that
20 you should be forgiven. You should forget. And you
21 should help your fellow man.

22 Why are there doctors? Why are there
23 doctors? If there was no doctors, we would get sick,
24 there would be no one that could mend our sickness.
25 That's our physical sickness. What about those people

1 who are emotionally sick? What about those people?
2 You are the doctors. When he goes to court he
3 represents the doctor side of the Commonwealth. I
4 don't hate him. I respect him. I wish I had his job.
5 Probably be making more money. I only make \$23,000
6 right now, but I respect him.

7 I do seminars in Philadelphia. It's
8 called Crime and Correction. Had I not been released,
9 I wouldn't be able to do these seminars. I am a
10 volunteer at the Youth Study Center. Had I not been
11 released, I wouldn't be there. I wouldn't be there
12 now. I am involved with an Olney section on Super
13 Saturday. It's a big event up there. They invited me
14 to come and speak. I just spoke. I'm a member of the
15 OAR program, the Fitness, Aid and Respiration. I was
16 invited there to speak to the chiefs of the probation
17 and the parole. I was the guest speaker of this
18 program. The keynote speaker was our illustrious
19 mayor, Wilson Goode.

20 So it shows you what I looked like when I
21 came in as opposed to what I was when I went out. What
22 you've seen that came in was the caterpillar. What you
23 seen what went out was the butterfly. And all we're
24 asking you to do is identify the butterflies in the
25 system. If no one deserved to be out, good, keep them

1 the hell in. I would be in total agreement and I would
2 help you bolt the doors. But if someone deserves to be
3 out, allow it to be done. There's too many
4 discrepancies and disparities in the system, and we all
5 know it. We can look up in the sky and turn our heads
6 around and all that type stuff, we all know that, but I
7 also know that if your son was here, you, too, would
8 want to seek some fairness for him. You may want to
9 keep him from people like me, you may want to keep him
10 from people like him, but really, we're all doing our
11 job based on what information we receive, the impact of
12 our lives. It's not about abuse, it's not about
13 prejudice, it's not about all that stuff. And I hate
14 to come on TV because people on the subway will be
15 looking at me all day long. There's people out on my
16 job saying, he's an ex-inmate. I love it. Yes, I'm an
17 ex-inmate and I'm doing better than you. You ain't
18 doing nothing. You're not a role model.

19 Those kids up there need help - black
20 white, Hispanic - they need help, and eventually
21 they're going to build a system where you're going to
22 have to make a decision. Whether you pass House Bill
23 1382, I could care less, but I did come here to make my
24 case known that I was a lifer, I was a murderer, but
25 I'm home now and I'm living a good life. I'm living an

1 upright life, and if I choose to make a mistake later
2 on, judge me based on my merits and judge me based on
3 that mistake, but judge me. Don't judge all men,
4 because we're not equal. All women are not equal.
5 We're different. We come from diversified backgrounds.

6 So I'm asking you, wherever you go,
7 Pittsburgh or Muncy, wherever you go, whether the
8 speakers are good, bad, whether the victims come here
9 and cry, whether the lifers come here and cry, don't
10 base it on that, base it on the need to really look at
11 the system. Whether you change it or not, just look at
12 the system and if you see any flaws, change them. If
13 you don't see any flaws, leave it alone, but at least
14 look. Take the sunglasses off and look.

15 Thank you.

16 CHAIRMAN CALTAGIRONE: We'll adjourn the
17 hearing, and I do want to thank everybody that
18 participated today. Thank you.

19 (Whereupon, the proceedings were
20 concluded at 2:30 p.m.)

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1 I hereby certify that the proceedings
2 and evidence are contained fully and accurately in the
3 notes taken by me during the hearing of the within
4 cause, and that this is a true and correct transcript
5 of the same.

6
7 

8 ANN-MARIE P. SWEENEY
9

10
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