

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY

* * * * *

In re: HB 1382 - Parole for Life Inmates

* * * * *

Stenographic report of hearing held in
the State Correctional Institution,
Pittsburgh, Pennsylvania

Tuesday,
December 17, 1991
10:10 o'clock A.M.

HON. FRANK DERMODY, ACTING CHAIRMAN

MEMBERS OF COMMITTEE ON JUDICIARY

HON. GREGORY C. FAJT
HON. CHRISTOPHER K. McNALLY

Also Present:

David L. Krantz, Executive Director

Reported by:
Lisa J. Berkey, Reporter

ANN-MARIE P. SWEENEY
3606 Horsham Drive
Mechanicsburg, PA 17055
717-732-5316

1991-123

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PAGE

Milton Brooks	5
Robert Wideman	19
Joseph Romer1	37
Michael Clate	56
Kenneth Perkowski	62
Joseph Heckel	64
Terry Grimm	75
Henrietta Morris	82
Ron Barr	84

1 REPRESENTATIVE DERMODY: I'd like to get
2 started if we can. My name is Frank Dermody. I'm acting
3 chairman here today for the Pennsylvania House Judiciary
4 Committee and we're here today for a hearing on House Bill
5 No. 1382 which is a bill introduced by Representative
6 Andrew Carn of Philadelphia. This bill -- this is the --
7 first of all, this is the second of a series of three or
8 four hearings that are being held at state correctional
9 institutions throughout the Commonwealth to discuss and
10 gather information on this bill.

11 What this bill basically provides, after a
12 series of very stringent and detailed requirements, would
13 provide for the parole of life prisoners under various
14 certain, limited circumstances, and we'd like to get
15 started as soon as we can.

16 First of all, I would like to thank Andrew
17 Domovich, the superintendent of the Pennsylvania State
18 Correctional Institution of Pittsburgh for allowing us in
19 here today. He's been very hospitable to us and I would
20 like to ask Mr. Domovich to say a few words for us now.

21 MR. DOMOVICH: Thank you. I'm sure you
22 didn't come here to hear the superintendent speak today so
23 this will be short. I certainly want to welcome the House
24 Committee and also the other special interest groups that
25 are present. Hopefully you'll have a profitable hearing.

1 Thank you.

2 REPRESENTATIVE DERMODY: I also -- one more
3 thing. I was a prosecutor in Allegheny County for several
4 years and had the opportunity to work with the staff and
5 the administration here at the State Correctional
6 Institution in Pittsburgh. I now -- I live in Oakmont and
7 I'd like to thank them and commend them on the fine job
8 that they do here.

9 Our first witness today -- Andrew Carn is
10 unavailable today unfortunately, the prime sponsor of the
11 bill, so he will not be speaking with us today. Our first
12 witness today will be Milton Brooks. Well, there are three
13 inmates -- current inmates at the State Correctional
14 Institution who are scheduled to testify. Would all three
15 of you like to come up at the same time and sit, or would
16 you like to do it one at a time?

17 MR. BROOKS: Whichever way is fine.

18 MR. WIDEMAN: Whichever way you feel is more
19 appropriate.

20 REPRESENTATIVE DERMODY: Why don't you all
21 three come up and then we'll go one at a time, we'll go Mr.
22 Brooks and then down the line.

23 (Brief pause.)

24 REPRESENTATIVE DERMODY: Whenever you're
25 ready, Mr. Brooks.

1 MR. BROOKS: I'm -- I must apologize because
2 I don't have a prepared statement. I think my fellow
3 inmates might have prepared statements for you.

4 REPRESENTATIVE DERMODY: Yeah, okay.

5 MR. BROOKS: I guess I should introduce
6 myself. My name is Milton Brooks. I have been in prison
7 for nearly fifteen years now. I was arrested in November
8 of 1977. My crime is identified as felony murder, which I
9 believe the state recognizes as second degree murder as
10 well. It was murder in the course of a robbery.

11 I suppose I'm supposed to be representing a
12 certain class or category of inmates. I'm not sure. I
13 believe I'm here because my crime happened when I was
14 approximately twenty-seven years of age. I had no subse --
15 or no prior criminal history. I had a good family life and
16 a good work history prior to my crime, military record
17 outstanding.

18 I had no subsequent criminal activity. That
19 might sound odd, but even in prison there are people who
20 commit crimes while in prison, but the fifteen -- the
21 nearly fifteen years I've been in prison I had no real
22 infractions or criminal behavior. So I suppose I'm
23 representing that class or category of inmates.

24 I tried to in preparation for this hearing
25 prepare a statement and I had a statement prepared. I read

1 it and re-read it and I threw it out. I could not find a
2 persuasive -- and I'm going to get in a lot of trouble for
3 this -- a persuasive argument either intellectually nor
4 morally for releasing people who have taken another
5 person's life. I really, really looked at the issue and I
6 thought about it and even in my commutation applications I
7 have given it a lot of thought and I've always had trouble
8 with that, releasing an inmate who has committed a murder
9 or taken another person's life.

10 That's not to say that there aren't arguments
11 that would support release of life sentence prisoners. I'm
12 sure there are. I just couldn't find any. I believe
13 though that the question is one of compassion and mercy. I
14 believe that what we're doing is we're asking the citizens,
15 through their representatives I imagine, to exercise a
16 certain level of compassion on behalf of our family
17 members, and oddly as it may seem, the victim's family as
18 well.

19 My family were made victim by my crime and,
20 of course, I made the victim's family terrible victims of a
21 crime as well. I -- there's nothing I can do or there's
22 nothing I can -- there's nothing I can do to undo my crime.
23 I wish there was, I really do. I caused a lot of people
24 pain, a lot of people.

25 If I was alone in this world, I could suffer

1 prison. Prison is a harsh reality. What you see on TV and
2 what you hear about prison being a country club or
3 whatever, you know, you might envision prison to be, let me
4 tell you, it is a very harsh reality. For instance, we
5 don't have any trees behind the walls. After fourteen
6 years of being here, you can't imagine what that does to
7 the soul. No trees, barely a blade -- blade of grass and
8 there are other things that makes prison a very, very bad
9 place.

10 My family needs my -- needs relief. I have
11 four grown children, my youngest being twenty years of age
12 now. My father and my mother are in ill health and if I
13 was to be released, I probably would want nothing more than
14 just to look after them.

15 About the victim's family. I believe they
16 too can be served by the release of the person that caused
17 them such grief, inasmuch as they -- they suffered a
18 terrible loss and they experienced a normal grieving
19 process. When we go up for commutation, we go up and
20 they're notified that we're being reviewed or considered
21 for release and they're asked to make some sort of
22 statement I believe or present some sort of written
23 statement. I don't know if that's healthy to experience
24 that every year after a certain amount of time or certain
25 period.

1 I believe that they would be best served if
2 they were allowed to grieve their loss in a normal sort of
3 way without having to be reminded of the circumstances of
4 the terrible tragedy of their loss. I don't know if that's
5 true. I just in my heart believe that what the state asks
6 them to do in the consideration of commutation is to vent
7 anger year in and year out. I don't know if that's
8 healthy.

9 I just would like to say that compassion to
10 me is the issue and I would like -- I'm sorry if I can't
11 put anymore light on it other than that.

12 REPRESENTATIVE DERMODY: That's fine.

13 MR. BROOKS: Thank you.

14 REPRESENTATIVE DERMODY: You've done fine.

15 BY REPRESENTATIVE DERMODY:

16 Q Tell me, you served in the military prior to
17 your involvement with the criminal charges?

18 A Yes, sir.

19 Q How long? What were you in, the Army?

20 A I was in the Marine Corps for three years.

21 Q Honorable discharge?

22 A Yes, sir.

23 Q How old were you when you were discharged?

24 A Twenty -- twenty-one, twenty-one.

25 Q Did you have -- were you employed after you

1 got out of the service?

2 A Yes, sir, a week after my discharge I was
3 employed. I was a manager trainee for G.C. Murphy Company
4 and subsequently I became a manager for the G.C. Murphy
5 Company.

6 Q Where are you from?

7 A Pittsburgh.

8 Q How long were you a manager for the G.C.
9 Murphy Company?

10 A Five years, and then I went and sold cars for
11 awhile, I was an automobile salesman.

12 Q If you don't mind me asking, how did you end
13 up with a robbery that -- was there more than one person
14 involved in the robbery, first of all?

15 A No, sir, there was just myself.

16 Q What happened? If you had a job, you were
17 working -- were you married at the time?

18 A Yes, sir, I was married.

19 Q Do you have a family?

20 A Yes, sir, I have a family. My situation back
21 then was one that I -- I had married a lady that had three
22 children from a prior marriage. We had one child from our
23 marriage. Things were tight and I thought I needed the
24 money and I thought I needed relief in terms of that so I
25 went and committed a robbery. There was no intention to

1 hurt anyone. I mean the gun was there and the gun was in
2 my hand and the gun was loaded.

3 Believe me, if I could take all that back, I
4 would, I certainly would. I -- you know, I -- I've never
5 felt malice towards anyone. Even in Vietnam I never wanted
6 to hurt anyone. I -- I've never hurt anyone since and I
7 never hurt anyone prior to my crime. I think it's a
8 terrible crime and there's just -- you know, there's no way
9 that I can tell you how sorry I am. Words just, you know,
10 aren't adequate enough.

11 Q '77 was a second degree murder at that point?
12 Did they have it defined like that?

13 A Yes, sir. I think they changed the Criminal
14 Code in '72.

15 Q You were convicted, or did you have a trial
16 of second degree --

17 A Yes, sir, I had a trial. I had a trial by
18 jury and was convicted of second degree murder.

19 Q That was -- you had no prior record before?

20 A No, sir.

21 Q No involvement?

22 A No involvement in crime whatsoever.

23 Q You seek commutation every year?

24 A Since what, on my tenth year. This is my
25 fifteenth year I'm on now, so yeah, since my tenth year I

1 sought commutation.

2 Q Is that when you were discussing the problems
3 each time you applied, the people contacted the victims and
4 the victim's family?

5 A Yeah. That sort of like plays on your mind
6 because it's a rather long application and you have to give
7 it a lot of thought and you don't know what to say in terms
8 of approaching the victim and their family. You can't find
9 the words to say I'm sorry. I mean, you know, you can say
10 it but, you know, it's not the same as, you know, if you
11 were in the same room and you could reach out and touch
12 them and you could get to know them and have them to get to
13 know you and share some sort of experience that maybe can
14 convey your feelings a little better than the printed word.

15 You know, I've always had that problem and
16 I'm concerned about them receiving the commutation
17 application and reading it and, you know, having to relive
18 the tragedy, you know, having to cause them more pain and,
19 you know, I just don't want to do that.

20 But, you know, the dilemma is I want relief
21 for my parents, you know, and my children. I want them
22 to -- you know, my parents experienced a great deal of
23 grief. You know, my mother's obligated to come down here
24 once or twice a month, you know, try to -- you know, well,
25 mom, I'm okay. You know, I really don't want visits, mom.

1 I can make -- you know, that sort of thing and she comes
2 down anyway. She's obliged to do that, as mothers are. My
3 sisters and my brothers are the same way, you know, and
4 this goes on for year in and year out and, you know,
5 there's no end. You know, there's no light at the end of
6 the tunnel.

7 Q How does that -- what have you been doing
8 since you've been in the institution? You've been here
9 fifteen years?

10 A Yes, sir.

11 Q All of it served at Western Pen?

12 A Well, I served ten months in the county jail,
13 Beaver County Jail. I -- well, most of it is -- I went to
14 school and I got a degree in psychology, I got certified by
15 University of Pittsburgh to teach psychology courses so for
16 the past eight years I've taught psychology.

17 Q Inside the institution?

18 A Inside the institution. It's a University of
19 Pittsburgh Outreach Program, support program, so I teach
20 psychology and I maintain a job during the day. Just
21 recently I got transferred to a job on the outside where
22 you have outside clearance in the parking lot. We're still
23 in the prison, on the prison compound, but I'm out in the
24 parking lot maintaining state vehicles. Just prior to
25 getting that, I worked in the correctional industries as an

1 inventory clerk, but I've maintained two jobs throughout my
2 prison stay.

3 Q You mentioned you didn't see any light at the
4 end of the tunnel. I mean I guess you know how it affects
5 you and people in similar situations. How does that affect
6 your attitude and ability to cope inside? What kind of
7 light are you talking about?

8 A Well, it -- it -- it affects people
9 differently. Me, it's -- you know, I've pretty much
10 resigned myself to -- to being in prison but, you know,
11 it's getting more and more difficult to face my parents, my
12 mother and my father and, you know, my siblings and my
13 children. You know, I see my -- I see the pain in my
14 mother's face and I see the pain in my son's face when he
15 comes down and when I talk to him on the phone but, you
16 know, I -- I try to maintain the role of the strong parent
17 and the strong son and the strong -- you know, all right,
18 I'm tough, you know, I'll do this, don't worry about me,
19 you know, I'm doing just fine, you know, but everybody
20 seems to worry anyway, but you handle it.

21 Some men it's a little different. Some men,
22 you know, I watch them deteriorate. When they lose hope,
23 they turn to drugs, deviate -- all kind of deviate behavior
24 and they just go rapidly downhill. I know one young man
25 who's been in jail for twenty years and I think he came to

1 jail when he was like sixteen or something like that. He
2 went to college for awhile, he was in a number of my
3 psychology classes and he was doing fine. Then just
4 recently, within the last year or so, he took a nose dive.
5 I think he just lost all hope and I don't know why but, you
6 know, he just started taking drugs and a number of
7 overdoses in the last year and I think he's pretty much
8 through. I don't see a recovery for him.

9 I know there's one guy that I work with out
10 in the garage, he's fifty-seven years of age, he lives for
11 the visits that his grandchildren bring him and his
12 children, they come down to see him, and he works sixteen
13 hours just so he can sleep at night. I mean he's like a
14 fifty-seven year old man and he's going sixteen hours a
15 day, everyday, seven days a week working and it's just so
16 he can lay down and sleep at night.

17 BY MR. KRANTZ:

18 Q Mr. Brooks, you mentioned reality.

19 A Yes, sir.

20 Q What -- can you further expound on that?

21 A The reality of prison life?

22 Q Yeah.

23 A Well, it's extremely difficult. I -- you
24 know, from my perspective, you know, I -- I grew up in a
25 good home and I was never really exposed to a criminal

1 element, all right, and I guess I came to jail a little bit
2 naive. Okay. Jail, prison isn't what I thought it would
3 be, but that isn't good or bad. You know, it's sort of
4 like it's as bad as I thought it would be but in a
5 different sort of way.

6 What prison represents is a -- well, of
7 course, isolation, but this particular prison because of
8 its age doesn't present a whole lot for -- well, okay. My
9 biggest fear was losing my soul in prison, okay, my -- my
10 ability to appreciate life and that's what this prison has
11 done. It robs you of your soul, okay. It's a fate worse
12 than death. You know, I hate to say that. I've never
13 really felt fear of death, you know. I've always had a
14 reverence for life, but I never really feared death and
15 what I feared most is the reality of prison, a loss of
16 one's soul.

17 If you can imagine a person with Alzheimer's.
18 You know, this might not be an appropriate analogy, but
19 when a person loses his mental faculties, as would be the
20 case in Alzheimer's, his family experiences a loss that's
21 protracted, okay. You know, the person dies essentially at
22 the onset of the severity of the disease, but the person's
23 physical being is maintained for a number of years, ten to
24 fifteen years, okay, but they, in essence, have lost their
25 loved one some time ago, okay.

1 Well, that's what prison does. Prison robs
2 you of your soul. My family has lost me, you know, a
3 number of years ago, but yet they feel obliged to support
4 me and they go through that, you know, process of visiting
5 me and that sort of thing. But you lose your soul in
6 prison.

7 MR. KRANTZ: Thank you.

8 REPRESENTATIVE DERMODY: Any other questions?

9 REPRESENTATIVE McNALLY: Yes.

10 REPRESENTATIVE DERMODY: There are two other
11 representatives that are members of the committee that have
12 just arrived and I'd like them to introduce themselves for
13 the record.

14 REPRESENTATIVE McNALLY: Representative Chris
15 McNally.

16 REPRESENTATIVE FAJT: Representative Greg
17 Fajt, Mount Lebanon.

18 REPRESENTATIVE McNALLY: I guess Mr. Brooks?

19 MR. BROOKS: That's right.

20 BY REPRESENTATIVE McNALLY:

21 Q I'm sorry I didn't get to hear all of your
22 statement, but what I did hear and your ending comments
23 about the effect that the prison life has upon your soul
24 and also your comments about individuals you've known
25 who've slipped or who have gone downhill, it made me wonder

1 in terms of the people -- kinds of people we're talking
2 about, are we certain that it is the prison life that
3 caused them to have drug overdoses, to give up hope, or is
4 it indeed possible that they might have experienced that
5 loss of hope even if they had been released?

6 A I suppose anything's possible. I -- I really
7 don't know. I've looked at -- I tried to look at, you
8 know, those people that I'm concerned with and have watched
9 this happen to and analyze what it is that they're going
10 through. The person that I spoke about, the young person
11 that went downhill rather rapidly, you know, he had made an
12 attempt to be a productive inmate, he had went to college
13 for a number of years, he had maintained a job inside the
14 prison, he had maintained his appearance.

15 As far as I know, he wasn't taking any drugs
16 when he -- you know, when I knew him earlier. He had a
17 good outlook on life I -- I would think because he
18 participated in a lot of physical activities, basketball,
19 boxing, that sort of thing. I don't know what caused his
20 rapid downfall. I just assumed that it was some sort of
21 loss of hope and, you know, I can't imagine anything else
22 that it could have been, given you know, the circumstances.

23 Q I guess one of the things that concerns me --
24 and I'll be happy to hear the comments of the other
25 gentlemen later -- is that as I understand it, we're

1 talking about changing the provisions for life sentence in
2 Pennsylvania, and what concerns me is the possibility that
3 people who have been -- who have received a sentence of
4 life might be released pursuant to the conditions that are
5 set forth in the -- in this bill and then experience, after
6 they've been released from prison, the same kinds of
7 decline in their behavior that they -- that you're
8 describing they experience within prison.

9 A I don't know --

10 Q I mean it's a big risk to take for -- and I
11 guess what I want to know is how do you know what's -- what
12 causes this kind of change in behavior, whether it is
13 prison life or is it something else?

14 A I don't know. I -- I would -- I would
15 suggest, however, that should they be released, the
16 likelihood of such a decline, such a rapid decline would be
17 lessened because they would be closer to their support
18 systems, their family, they would have more alternatives,
19 better alternatives. They would be in an environment more
20 conducive to recovery.

21 You know, like I said earlier, inside the
22 prison there is not one tree, inside this prison. It is
23 congested, I mean extremely overcrowded. I don't think
24 people can survive in that environment without losing
25 something, you know, something inside and I think that's

1 what happened to my friend. I think that's what happens to
2 a lot of us.

3 That was my biggest fear, losing my soul, and
4 if it wasn't for my recent transfer to the outside of the
5 wall and I'm still on the prison compound, but I'm outside
6 the wall, there are trees, there's grass, there's birds,
7 other than pigeons, we do have pigeons inside, but you
8 know, there's -- you know, there's a world out there that's
9 green. Inside the prison it is not green and the soul just
10 won't survive in that sort of environment.

11 REPRESENTATIVE McNALLY: Okay.

12 REPRESENTATIVE DERMODY: Any other questions?

13 REPRESENTATIVE FAJT: No.

14 REPRESENTATIVE DERMODY: Thank you, Mr.
15 Brooks. Robert Wideman.

16 MR. WIDEMAN: Yes. As Milton said, I had a
17 lot of trouble preparing a statement also, but I -- I did
18 prepare one. I'm at this point not sure if it's
19 appropriate, but I'll still read it, and excuse me if I
20 embellish on it a little bit because at this point I feel
21 there might have been some things I missed and some things
22 I put in I shouldn't have said.

23 But my name is Robert Wideman. I grew up
24 here in Pittsburgh. I'll be forty-one years old in about
25 two weeks. I was convicted of second degree murder in 1976

1 and subsequently sentenced to life in prison in 1979. The
2 circumstances of my case are as follows:

3 My two accomplices and I devised a
4 scheme to set up a car dealer that we knew bought stolen
5 goods. This car dealer was the victim, Nicholas Moreno.
6 We planned to tell him that we had a truckload of stolen
7 TVs so that he would have a substantial amount of cash on
8 him. We then robbed him of the money -- we would then rob
9 him of the money. The date and the time for the bogus deal
10 was set up and we proceeded to commit the crime.

11 On the evening of the crime when I arrived to
12 check out the place, I was surprised to find the victim had
13 two male friends with him at the car lot. He re-assured me
14 that they were not the police and were there to help unload
15 the TVs. I then phoned my two accomplices to bring the
16 truck they had parked up the street to the car lot. When
17 they arrived the driver parked the truck and got out of the
18 truck. He was also alarmed because of the other two people
19 being present and asked me if did I think they were trying
20 to rob us. I responded that I did not think so.

21 Next we all proceeded to go to the back of
22 the truck and to look at the TVs. When we opened the
23 truck, my second accomplice jumped out with a shotgun and
24 told them to freeze and to give me the money. The victim
25 at this point threw the money on the ground. The wind was

1 blowing so I bent over and was scrambling to pick it up.

2 At this point I heard feet shuffling and I
3 heard my accomplice say Robbie, he's running. I responded
4 get him. As I got up, I heard what sounded like someone
5 falling. I ran around the opposite side of the truck from
6 where I heard the fall. At this time I heard the shot.
7 When I got to the front of the truck, I saw the victim
8 running down the street. I had a clear shot at him, but I
9 did not shoot.

10 We then put the other two men in the back of
11 the truck. In our panic, we forgot to lock the door of the
12 truck and at the first stop light the two men jumped out of
13 the truck and ran. We did not pursue them. These facts
14 were corroborated at my trial and are part of the public
15 record.

16 While in prison, I started off bitter and
17 disillusioned. I got several serious misconducts for the
18 first five years I was incarcerated. Then after I spent
19 seven months in solitary confinement, I realized I had to
20 change my life from the inside out, stop blaming society,
21 accept my own blame, my faults and make my peace with God
22 by being a better person.

23 After I was released from the hole, I
24 enrolled in school, rejoined the religious community,
25 started a regular physical fitness program and began the

1 sometimes painful process of remaking my life so I could
2 prove to myself, if no one else, that I was deserving of
3 another chance at life.

4 And by that statement there I'm not really
5 meaning another chance at going home. What I meant, and
6 I'm embellishing here on the statement, is a chance at
7 life, at a life that I appreciated, that I could love
8 myself and appreciate myself. In that sense I mean another
9 chance at life, and if given that chance would be able to
10 take it and use it to be a productive citizen.

11 I graduated from Allegheny Community College
12 with an Associate Degree in Technical Engineering -- I mean
13 Engineering Technology, with three belated drafting
14 certificates. I took some courses at the University of
15 Pittsburgh and began to teach for the university which I
16 have done now for ten years teaching Algebra and
17 Trigonometry. I am set to graduate from Garfield Business
18 Institute this March with a diploma in how to run your own
19 small business. Afterwards I intend to go back to Pitt and
20 finish a degree in Computer Science.

21 I also work in the visiting room institution
22 as a child monitor which necessitates a security clearance.
23 In addition to these accomplishments, I was given a
24 supervised leave to attend the Lifers Conference held at
25 LaSalle University and helped my brother write a best

1 selling book that dealt with our unique relationship. I
2 have participated in other prison organizational activities
3 too numerous I think to mention now.

4 My stand on the Bill 1382. Of course, I have
5 a very subjective view of this bill because it affects me
6 so closely. Instead of giving my view on Bill 1382 and its
7 particulars, please let me give my views and feelings on
8 lifers in general.

9 I've spent all of my time which is sixteen
10 years in SCIP, except for approximately one month I spent
11 as SCIG, which is Graterford, at which time I attended the
12 Lifers Conference which was held at LaSalle University. In
13 both of these institutions I saw that lifers are in
14 positive leadership positions in all aspects of the running
15 of the institution. Here at a SCIP, and I'm sure at all
16 state prisons, prisoners run the school program. By run I
17 mean working for or through the university that institutes
18 the school programs by enlisting students, doing paperwork,
19 handling computer work, teaching or para-teaching.

20 Invariably, in every shop or work area there
21 is a lifer that the civilian supervisor depends on to keep
22 things running smoothly. Lifers are the most stable of the
23 prison population. I have taught for the University of
24 Pittsburgh for ten years in the institution and my best
25 students have been lifers.

1 In contrast, there's a minority of lifers
2 that go the other route. They become caught in the cycle
3 of bitterness and hopelessness that leads to them being
4 very unruly and self-destructive. And if I could pause on
5 the statement there. I think that the loss of hope in any
6 human being in any position in life is sort of what I think
7 Milton was talking about as the loss of your soul and
8 there's nothing to look forward to, why do you get up in
9 the morning. So I think the loss of hope kind of explains
10 what I think Milton was talking about, losing of the soul.

11 So I believe that all lifers should not be --
12 and my statement's incorrect there. That should be all
13 lifers should not be given parole, but there should be some
14 way to evaluate those that deserve another chance.

15 There's also a large group of lifers that are
16 sentenced to life and the principals in their case were
17 given a lighter sentence. By the principals I mean the
18 trigger man or actually the perpetrator. I think this
19 smacks us all in the face in our sense of justice and
20 fairness. I was sentenced to life while the other
21 accomplice in my case is now out on parole. These types of
22 inequities should be addressed by our society and remedied
23 I believe.

24 A life sentence in Pennsylvania means just
25 that, life. There is no parole for life in Pennsylvania,

1 contrary to what a lot of people believe. There is no
2 other state in the union except for Louisiana that has this
3 type of Criminal Code. Some states have life with parole
4 as well as life without parole, but none except
5 Pennsylvania and Louisiana have only life without parole.

6 This from a state as progressive as ours I
7 believe would be unacceptable to most of our citizens if
8 they knew and understood all of the ramifications. One of
9 these being the amount of money it takes to keep a man or a
10 woman in prison for twenty, thirty or forty years or more;
11 the overcrowding that it causes by a population that
12 continues to grow with no chance of diminishing.

13 How far do we go with society? How much can
14 we spend on punishment? The amount of money spent on an
15 inmate in a Pennsylvania state prison is over \$20,000.00 a
16 year. How much can we pay? Well, as much as need be in
17 some cases.

18 But isn't there a way to recognize those that
19 have changed, a way to recognize those that can go out and
20 become law abiding and productive? I'm sure there is. We
21 can find a way to stop burdening society with those that
22 have already burdened it enough. I believe this Bill 1382
23 and this hearing is a large step in finding that way to
24 remedy and change the way lifers are dealt with. Thank
25 you.

1 REPRESENTATIVE DERMODY: Thank you. I just
2 have a few questions. I'm sure there are several others.

3 BY REPRESENTATIVE DERMODY:

4 Q You were not the trigger man in your crime,
5 is that correct?

6 A Correct.

7 Q What -- what happened to the trigger man?
8 Was he -- was he caught?

9 A Yes, yes. He's doing a life sentence. He's
10 in Graterford.

11 Q All right. There were three or four -- you
12 had three or four accomplices?

13 A There were three of us altogether.

14 Q Did one of the accomplices testify against
15 you at trial? Is that why --

16 A No, we all had separate trials. No one
17 testified against --

18 Q What were they all convicted of?

19 A As I said, the trigger man was convicted of
20 life, I was convicted life sentence, and the third was
21 convicted of robbery and third degree homicide.

22 Q So a jury found your other -- the one who was
23 on parole was found by a jury to be guilty of third degree
24 murder?

25 A Yes.

1 Q So there wasn't a commutation by a governor
2 of a life sentence in this case or anything else, is that
3 right?

4 A No, no, he made parole.

5 Q Based on your experiences in the institution
6 -- I know Mr. Brooks has been convicted of second degree
7 murder, you've been convicted of second degree murder. You
8 believe there's a distinction maybe between first and
9 second degree murder?

10 A Well, the law makes the distinction. I'm not
11 sure if I understand your question.

12 Q Well, is there a difference between -- your
13 case there was -- was it a premeditated intentional
14 killing?

15 A No, no, absolutely not. As I said in the
16 statement, I heard a fall. I wasn't on the side of the
17 truck when my codefendant shot the victim, but I do know
18 from what he tells me, and that's not public record, but he
19 did fall down. He says he shot as he fell, the man was
20 shot in the shoulder. He didn't mean -- he meant to run
21 and catch him, what he tells me. That's all I can say.
22 And as I said, I had a clear shot and -- he was shot in the
23 shoulder, he ran down the street. I was as close as I am
24 to -- well, let's say twenty yards away and I had a gun and
25 I didn't want to shoot him, I just wanted to catch him, but

1 he was so far gone that I just ran back.

2 Q Were all three of you armed?

3 A Yes, yes, sir.

4 Q All with guns?

5 A Yes, sir.

6 REPRESENTATIVE DERMODY: That's all I have.

7 Any other questions, Mr. McNally? Mr. Fajt?

8 REPRESENTATIVE FAJT: Yeah, I have a
9 question. Thank you. You know, I must say that when I
10 came down here today, I wasn't predisposed in my opinion of
11 this bill, but I had my doubts about it and certainly
12 listening to two of the three, and I'm sure when you
13 testify I'll feel the same way, but I am moved by -- by
14 your testimony.

15 The problem that we have as legislators is
16 that, you know, people out in the general public don't look
17 kindly on -- on prisoners in general and certainly don't
18 look kindly on people who have been involved in crimes
19 where somebody has died and you're serving a life sentence,
20 to be quite honest with you, and we're entrusted with the
21 responsibility of making laws and enacting sentences to --
22 you know, to justify the crime, and certainly when there's
23 a murder involved, the general public I feel thinks that
24 life imprisonment is an appropriate punishment.

25 But I have to say to you that listening to

1 you today, I think that we do need to look at this issue
2 and I am moved by your testimony. I think that, you know,
3 in my short time here this morning it's apparent to me that
4 you gentlemen have -- have made amends and I am deeply --
5 deeply moved by what you've had to say here today and I
6 congratulate you for pressing this issue and we'll see what
7 we can do about this legislation.

8 REPRESENTATIVE DERMODY: Representative
9 McNally?

10 REPRESENTATIVE McNALLY: Yes.

11 BY REPRESENTATIVE McNALLY:

12 Q Mr. Wideman, at the end of your testimony you
13 asked isn't there a way to recognize those that have
14 changed and it's an appropriate question and I don't
15 imagine it's meant to be rhetorical, but it's interesting
16 that you should ask that question because earlier this year
17 we had before this committee a bill to change our probation
18 and parole system and, in fact, substantially limit the
19 powers and responsibilities of the Board of Probation and
20 Parole.

21 And in rather extensive testimony before this
22 committee, one point that was really hit home is that the
23 Board of Probation and Parole is really incapable of
24 recognizing those individuals, regardless of what crime
25 they've committed, who are likely or unlikely to experience

1 some recidivism; that, in fact, while they could predict
2 statistically various groups based upon the crime committed
3 and the behavior in prison, the number of -- and other
4 aspects of the criminal record, as to specific individuals
5 they found that they could not predict effectively those
6 that, as you put it, have changed.

7 I guess my question to you is apparently you
8 dispute that finding of this Department of Corrections and
9 the Board of Probation and Parole and the other so-called
10 experts. You know, explain your reasons why you -- why you
11 would dispute that contention.

12 A Well, I'm not -- it's -- it's a tricky
13 question I believe because I do believe it is extremely
14 difficult to diagnose future behavior, so I don't think we
15 can diagnose future behavior, but I can -- I do think that
16 we can judge whether a person has changed from how they
17 were to how they are.

18 Now, whether that means they, you know, as --
19 if we believe that people can change, then we can also
20 believe that they can change back or they can change again
21 and -- and what I'm saying is recognizing that people have
22 changed -- I'm not saying that we can recognize what a
23 person will do because no one can predict someone else's
24 behavior, at least I don't believe so, but I think we can
25 make a -- a good judgment on how much progress a person has

1 made.

2 And I'm not sure that the Parole Board or
3 Probation Board or people that don't know us like inmates
4 that see us everyday, but I believe that the people that
5 run the institutions and the people that are in contact
6 with us everyday and have been here for years -- and there
7 are guards in here that have been here since I've been
8 here, there's administrators that have been here since I've
9 been here and they know that I have changed from how I was.

10 Now, I'm -- again, they can't say well, he'll
11 never commit another crime. No one can say that, who will
12 or who won't commit a crime, but I think you can make a
13 judgment on that. And the fact that I believe our society
14 is based on the idea of tolerance and people can change and
15 that we -- we always believe in giving someone a second
16 chance, so many of our institutions' beliefs are based on
17 those kinds of principles, that if we do see change in a
18 person at some point, and whatever point that may be, I
19 don't think I'm the one that should make the judgment on
20 that.

21 But I think at some point, you know, we -- we
22 need to say well, let's look at this whole case again, what
23 kind of person was he, what kind of person is he, what did
24 he do, what has he done since and -- and make some
25 judgments on what to do with him, not only for that

1 individual, myself or whoever, but like I was trying to say
2 in -- in my statement, for society as well, not only for us
3 morally, but financially. And the fact that I truly
4 believe from being in here as long as I have that there are
5 some of us in here that would make very productive tax
6 paying citizens and to just say well, we're just not going
7 to look at this issue at all, and even though there may be
8 a few that would make it outside, we won't take the chance
9 and we'll just spend the money, well, that's a way to go.

10 And, you know, society has to weigh that
11 option and say well, do we waste those few lives, you know,
12 just to make sure. Maybe so, but I believe that the people
13 of our state aren't that hard, that they don't want to see
14 any lives wasted and so I believe we have to find a manner.

15 Q Let me ask you this question: Why do you
16 think that the process of commutation of sentence through
17 the Board of Pardons is inadequate as that kind of
18 mechanism?

19 A Well, as someone that's petitioned the
20 Commutation Board for relief, I hesitate to throw dirt at
21 them, but it's -- it's very hard for people that haven't
22 had any contact with us, the Commutation Board, to make
23 that judgment and -- and rightfully so. I don't downplay
24 them for that. They never meet us. They don't -- when we
25 go to the Commutation Board it isn't as if you were the

1 board, like we're sitting in front of you now. We don't
2 have a chance to even have any personal contact.

3 And, you know, maybe that would help in the
4 commutation process, but the commutation process have let
5 some people go and so I can't do anything but be thankful
6 for that. I just believe that if there was some sort of
7 way to legislate the Department of Corrections to have a
8 bigger role in that I think, you know, that would help.

9 You know, because personally I'm not sure if
10 this bill is the exact right bill. I don't know if these
11 are the exact right ways to go about it. I think my whole
12 point is that we do need to find some sort of new ways to
13 go about it. If this isn't it, then maybe there'll be
14 another way.

15 As I said, maybe the institutions could have
16 more input in the commutation system, but it seems to me
17 that we -- we as a state need to find some other
18 alternatives.

19 BY REPRESENTATIVE DERMODY:

20 Q The -- the commutation process, you have
21 input with the department -- the Department of Corrections
22 has input now, correct?

23 A Well, the institution either recommends you
24 or you don't.

25 Q Don't they have a lot more detail put in that

1 report that goes before the Board of Pardons?

2 A Well, they take some psychological tests of
3 us and talk to us, a few different things.

4 Q They're reporting progress at the
5 institution? They would tell --

6 A Yes.

7 Q -- what work you've done here and the
8 schooling you've participated in and the fact that you
9 teach and that type of thing?

10 A Yes.

11 Q You've been in the institution for how many
12 years now?

13 A Going on seventeen.

14 Q I've had some experience, you know, with the
15 system and you hear sometimes professionals talking about
16 people becoming institutionalized; that is they're so used
17 to the way of life inside the institution, it's hard to say
18 whether they'll ever be able to function in the outside, in
19 the real world. Do you have any comments about that or any
20 thoughts or feelings about that?

21 A Oh, I think there is some validity. I think
22 anyone that gets caught up in any sort of routines are hard
23 to break, and this is such a routine sort of life that no
24 doubt it will be even harder to break and I think that's
25 another thing that would need to be addressed, that there

1 should be some way of re-adjusting not just lifers, but
2 inmates in general because we do get caught in the routine.

3 We do -- we -- all responsibility is taken
4 away from us. We are children. We are prisoners, but we
5 are treated as children. We pay no bills, we pay no taxes,
6 we're fed on time, we're put to bed at night, so we have no
7 -- we've -- we lose our ability to go out in the world and
8 care for ourselves I believe to some extent, and I also
9 believe that there should be some way to sort of re-adjust
10 us to that and maybe some way to keep us a little more in
11 touch with those sort of realities while we are in prison.

12 REPRESENTATIVE DERMODY: I think my
13 experience with the people of the Commonwealth, they
14 understand the parole process and there is -- the sentence
15 of various crimes, some are worse than others and that the
16 people will eventually be released, but when it's a
17 homicide, when it's a murder, they also perceive it as a
18 great risk, and you're asking us as legislators to pass
19 some bill to allow part -- we're trying to get a feel for
20 some re-assurances that that won't happen, that it won't
21 happen again. That's obviously the worse crime and society
22 perceives it as such.

23 MR. WIDEMAN: Absolutely. When I try to
24 speak about remorse, I sort of feel as Bill did, it's --
25 remorse, I don't believe it's something -- you know, we get

1 -- I think our society now with all the court TV trials and
2 things, that society looks for someone to show our remorse
3 by crying on the stand and, you know, people can fake
4 crying on the stand, you know, and I can sit here and build
5 up my emotions and fake some tears and say how bad I feel,
6 but how bad I feel is something I have to deal with with me
7 and God everyday and I think that you show that remorse by
8 changing.

9 You show no remorse if you just stay that
10 person you were and stay in the same activities. I believe
11 remorse isn't something that comes overnight or shows
12 overnight. I think, you know, that any of us that did
13 commit the crime where another life is taken deserves
14 punishment, serious punishment, no question about that.
15 Society's absolutely right in that belief. I'm sure if I
16 was on the other end of this I would feel the same way.

17 And so you try to speak of remorse, you know,
18 and all I can do is say I'm sorry and mean it from the
19 bottom of my heart. Somebody may say well, he didn't look
20 it. That's hard. You know, that's everybody's opinion,
21 but I think what really shows is you did try to change, you
22 did become a person that tries to help other people.

23 It isn't just about yourself all the time, it
24 isn't selfish and bitter and blaming the world and saying
25 oh, it's because I was in this place or I was a poor kid

1 from Homewood, I never had a chance. I mean I could go on
2 with those kinds of gripes, but to me I was involved and a
3 man was killed, a man is gone now for fourteen years and I
4 imagine his family and his mother -- I mean I know how my
5 mother would feel. I mean all I can think to them is I'm
6 sorry.

7 And to your question how can we guarantee,
8 there's no guarantees. I mean we can let a guy off for
9 driving without a license tomorrow and he can go out and
10 kill. You can't guarantee it. I don't see any way you can
11 make guarantees. I think we have to try to find some sort
12 of ways to make a little more sense out of some of the
13 inequities of life sentences, different ways they're given
14 out and the different ways that we're let out.

15 REPRESENTATIVE DERMODY: Thank you, Mr.
16 Wideman. Joseph Romani.

17 MR. ROMERI: It's Romeri, R-o-m-e-r-i.

18 REPRESENTATIVE DERMODY: Whenever you're
19 ready.

20 MR. ROMERI: First of all, I'd like everybody
21 from the Judiciary Committee, as well as all concerned
22 groups, thank you for being here today. I've heard these
23 two gentlemen speak and I still am a little nervous, so
24 hopefully the nervousness will go away as I speak. It's
25 quite an honor to have the opportunity to address you upon

1 this matter ahead.

2 I'd like all of you to imagine for a moment
3 that your sixteen year old teenage son calls you and says
4 he was arrested for taking someone's life. How would you
5 feel? What might be your reactions? If he actually did
6 commit the crime, what do you think should happen to him?
7 These questions, along with others, truly reflect my
8 situation.

9 My name is Joseph Romeri. I'm currently
10 serving a life sentence for second degree felony murder.
11 This took place in November 1978. I was sixteen years old
12 at the time as well as being very confused and mixed up.
13 My best friend Michael Reinhard and I grew up together.
14 Mike was two years older than I and was the big brother I
15 never had. We did so much together growing up. I always
16 felt very impressionable with Mike, even during some of the
17 wrongdoings. I felt it was okay because Mike was there.
18 We did -- we also did what many rebellious teens do, that
19 is smoke marijuana, drink alcohol, venture into trouble.

20 One particular night in November after a
21 night of getting high and intoxicated with our girl
22 friends, we decided to break into an elderly woman's home.
23 We knew some of the habits that this woman had. One was
24 that she stayed overnight at a friend's house on Friday
25 evenings. The problem was this was Thursday evening so we

1 thought -- we were confused on the night of the crime. We
2 dropped off our girl friends and Mike drove us back to our
3 neighborhood. We actually thought no one was home so we
4 were quite noisy during this break-in.

5 This next part is very difficult for me to
6 explain. While in the house I started going upstairs to
7 see if I could find any money. It was very dark on the
8 stairway. I started stumbling around at the top. I
9 thought then I felt a hand at the side of my face. In my
10 -- if my mind would have been clear that night or the
11 circumstances would have been different, I may just turned
12 around and ran or simply just fall back down the steps, but
13 I reacted in a much cowardly way by striking Stella Bremmer
14 with a bar I used to pry the window open. In my mind I
15 wanted to knock her unconscious. I really don't know why I
16 struck her a couple more times. I'm sorry to say that Miss
17 Bremmer died during that night.

18 I wanted to get help. I was so scared I
19 could hardly breath. I picked up -- I went downstairs and
20 picked up the phone and dialed 911 and my hands shook so
21 much I couldn't turn the rotisserie (sic) dial. Mike
22 wasn't much help either. He was yelling that we had to get
23 out of there.

24 The few days that passed were very intense.
25 I thought about driving my car over a bridge or simply

1 running away from the situation. I wanted to talk to
2 someone about what had happened, but there really wasn't
3 anyone. A few days later I was picked up for questioning.
4 The guilt was very severe. I first confessed to my
5 juvenile probation officer, then she suggested I tell the
6 detective what happened.

7 Months later, through the advice of my court
8 appointed attorney, I went through jury trial. Mike
9 Reinhard had earlier made a deal with the District
10 Attorney's office for a plea bargain in third degree
11 murder. To do so, he had to give testimony against me.
12 Mike was given a nine year sentence and has been on the
13 outside for nearly three years now. As you learned, I was
14 convicted of second degree felony murder and given a life
15 sentence. I'm sure everyone here remembers what it is like
16 to be sixteen. Everything in the adult world seemed so
17 confusing.

18 At my trial I had totally entrusted my
19 attorney. I didn't even know what most of the procedures
20 were. I entered the prison system not really knowing who I
21 was. I had a tenth grade education, very little work
22 skills and no idea of what was going to happen to me. I
23 felt that there was a need to understand myself, develop my
24 personality and to understand my situation that caused my
25 wrongdoings.

1 Through the years I've accomplished many
2 goals. I developed a good work ethic which enabled me to
3 train and be an electrician. I've worked in this field for
4 the last eight years. I involved myself in college
5 education. This spring I will take my final required
6 information science course and earn a Bachelor's of Science
7 degree from the University of Pittsburgh.

8 I have to thank many of the staff members who
9 work here or have worked here at one time. Through their
10 counseling groups I have developed a positive outlook on
11 myself and life in general. These groups, along with
12 personal interactions, have helped me to mold my
13 personality.

14 Perhaps the most important fact I have
15 learned was something I didn't discover in a textbook or
16 wiring diagram, nor in a counseling group, and this was the
17 true realization of taking a precious life of another human
18 being. Stella Bremmer didn't die with the dignity and
19 respect that she deserved to have. I truly realized that
20 my deeds did deserve to be punished. I've accepted that
21 and have strived to make my existence as rewarding as
22 possible.

23 For years I couldn't fully comprehend what
24 this life sentence truly meant. Maybe I simply couldn't
25 accept the fact that I could spend the rest of my life in

1 prison. I always had hope that all this would someday
2 miraculously disappear and that I would go home. My
3 attorney had my case nearly in every court, but nothing
4 ever came of it.

5 Many of my family members, as well as many
6 friends I've established since coming to prison, always
7 asked if I were coming up for parole soon. Many of them
8 felt that with a life sentence one does come up for parole
9 after a period of time. I could only express to them, as I
10 can tell you here today, that there is no parole for us
11 here doing life, there is only one avenue for freedom, and
12 that is being commuted by the Governor through the
13 procedure of commutation.

14 It isn't that uncommon to meet someone inside
15 that has spent twenty to thirty years of their life
16 sentence and are still here. I know everyone here brings
17 forth their own set of circumstances, but I feel that there
18 are some who deserve a second opportunity at life in the
19 real world, a second opportunity to share with society the
20 best qualities that I've learned and adopted.

21 Over the years I've become very close with
22 relatives and have made family-like ties with the friends
23 I've made in this area. All of these people have helped me
24 realize that there is so much good in peoples' hearts. My
25 future goal is probably shared with many of the lifers

1 you've spoken to already, and that is to go out into the
2 real world and begin a brand-new life. The most difficult
3 part of this goal is not knowing whether this will ever
4 become a reality.

5 If I may go off of this a little bit, I've
6 added something to the speech; is that I'd like to put
7 something back to society. I took somebody's life and
8 that's very heavy in my heart and I think my actions, as
9 far as my goals and thoughts, is to put something back into
10 society. I can't ever replace that woman's life no matter
11 what I do or for how long I do it, but I know that if I
12 could help others, whether it was troubled teens, the
13 elderly, any group whatsoever, to let them realize that,
14 hey, you know, people do care and you can find help if
15 you're in trouble. I think putting that back in society is
16 very important.

17 It's been quite an experience to literally
18 grow up in prison. I truly believe that I made the best of
19 a tragic situation. I've become a well-rounded, caring and
20 sensitive person. I don't know if these qualities would
21 have existed had I not come here. There are many here who
22 share this outlook and like me are putting the most use of
23 their lives, but we also see the years pass by and the
24 light at the end of the tunnel does not seem to get much
25 brighter.

1 I believe that forgiveness is an essential
2 part of growth. The most difficult case of forgiveness are
3 reserved for us who have taken another person's life. This
4 is certainly understandable, but there should be that time
5 when change is recognized and with that recognition the
6 reward should be the same opportunity in life.

7 By no means should life on parole minimize my
8 action or any of the men's here of the past. These
9 memories will always live with me, but I want everyone to
10 know that I don't want to die in here. I don't want to
11 leave here having no chance of putting together a somewhat
12 normal life. If you people are truly the ones that can
13 help make a change, please let my testimony as well as the
14 other gentlemen's be your guide.

15 I realize that this was somewhat lengthy, but
16 these were the words of my heart. These were words that
17 reflect both sides of the issue and were the words that
18 hope someone can realize that there are men and women who
19 have changed their lives inside these walls and simply hope
20 for an opportunity to show that change.

21 Again, one of the teenagers can be one of
22 your own. One can end up in a similar situation as mine.
23 Many are heading down this road as I once did. Please let
24 -- please be the voice of change today. Thank you.

25 BY REPRESENTATIVE DERMODY:

1 Q Mr. Romeri, when you were tried, how old were
2 you when you were tried?

3 A Sixteen.

4 Q Were you in a juvenile facility before --
5 while you were awaiting trial?

6 A No, sir, I was in the county -- Lehigh County
7 Prison.

8 Q Lehigh County Prison?

9 A Yes.

10 Q Where are you from?

11 A I'm from Allentown.

12 Q And you were tried as an adult?

13 A Yes, sir.

14 Q And then you were sentenced to the State
15 Correctional Institution in Pittsburgh after your trial?

16 A No, I was at Graterford for seven days. I
17 was so young though they sent me to Camp Hill. I did a few
18 years there and was transferred here.

19 REPRESENTATIVE DERMODY: Representative Fajt?

20 REPRESENTATIVE FAJT: Thank you. A couple of
21 questions for you. How were you gentlemen selected to
22 testify here today? What separates you from the rest of
23 the lifers? Who made the decision that you three would
24 testify in front of us today?

25 MR. WIDEMAN: Well, I think the institution

1 chose us based on the qualifications that I believe this
2 committee asked for; one of us not being the shooter in the
3 case, one being a juvenile, and one being someone who
4 committed a homicide and got a lot of time in, who were I
5 think the words were articulate and could express our
6 views, and I think that our director of treatment, knowing
7 us and knowing most of the lifers in the institution, chose
8 us on -- I guess on that criteria, on his knowing us.

9 REPRESENTATIVE FAJT: I want to touch on a
10 point that Representative McNally hit on earlier and was
11 followed up by Representative Dermody about commutation.
12 You know, that -- that is a viable option. It may not be
13 realistic to most inmates, but it is a viable option. And
14 have all of you gone down that road and tried to have your
15 sentences commuted, and what -- what has prevented you from
16 accomplishing that goal, and what do they tell you as a
17 final denial I guess, if you have a final denial?.

18 MR. ROMERI: That's the problem, sir. Well,
19 I'm going to go up this is my first time this year -- or
20 next year rather, but a lot of them I've seen, most of them
21 didn't get a hearing. Really, they just -- they give you
22 no reason why they didn't get a hearing or what can they
23 change or what can they add to their progress in prison. I
24 wish they would give an answer and say well, you're lacking
25 in this area, why don't you try to do this. That seems to

1 be the problem.

2 REPRESENTATIVE FAJT: How often can you go up
3 for commutation?

4 MR. ROMERI: Every -- well, it's year, year
5 and then you have to wait two years.

6 MR. BROOKS: I would like to add that, you
7 know, I'm going to probably get in trouble again for
8 opening my mouth, but I think that the commutation process
9 is overly politicized, and here I am slinging mud at the
10 people that are --

11 REPRESENTATIVE FAJT: We need to hear these
12 comments. You know, you're not going to get into trouble
13 from us and we need --

14 MR. BROOKS: Well, I realize that and that's
15 why I'm opening my mouth, but I believe that it is overly
16 politicized. I don't think that the -- I believe when the
17 commutation system was set up, I don't know, two hundred
18 years ago, when they wrote the Constitution of Pennsylvania
19 that, you know, we had a smaller population, two, three
20 million people in Pennsylvania. The Governor was to
21 exercise compassion. He was to have the help of the
22 Lieutenant Governor and this board. We've since grown to
23 twelve million in the state.

24 The commutation, you're talking about
25 reviewing -- I don't know how many people. You're talking

1 a hundred a year. They're probably overwhelmed. Then
2 there's the political climate. You know, no one wants to
3 address the issues of someone who killed another, took
4 another's life. The political realities of these are that,
5 you know, I'm not going to let them out, I need to get
6 re-elected so that I can address some of these other
7 serious issues that my party represents. That's what I
8 believe.

9 REPRESENTATIVE FAJT: Thank you.

10 MR. ROMERI: Mr. Dermody, can I address you
11 for one second?

12 REPRESENTATIVE DERMODY: Sure.

13 MR. ROMERI: I remember when you were talking
14 to Mr. Wideman about -- you were saying well, how can you
15 guarantee that you won't go back out there. Like, part of
16 this bill is parole.

17 REPRESENTATIVE DERMODY: Yeah, it's parole.

18 MR. ROMERI: I've given that a lot of
19 thought. You know, I can say personally I know myself
20 personally. I know I can walk out of these doors and under
21 no circumstances will I ever take another person's life. I
22 know this. I don't care what the circumstances would be.
23 To realize how precious that someone's life actually is,
24 you know, to gain that experience, it's just a feeling --
25 it's a known feeling that I can never do that again, no

1 matter what the circumstances would be. I don't know if
2 that -- you know, you can't measure that or anything, you
3 can't measure that on paper, but you know, it's just one of
4 those things that, I don't know, comes from within side me.

5 REPRESENTATIVE DERMODY: I understand. You
6 know, it's difficult for us and I think it's difficult for
7 a Parole Board or a Board of Pardons to make those
8 decisions, but you have to balance the risks that are
9 involved.

10 MR. ROMERI: I understand that. I also
11 wonder this, you know, through the years of being here,
12 thirteen years, I've seen men come and go, come and go,
13 okay, they haven't taken anybody's life, but their behavior
14 hasn't changed, they commit the same crimes and society
15 says, hey, okay, we forgive you, you're allowed to go back
16 out there. It's like wow. I can't understand why they
17 can't look at us and say well, what are the chances of that
18 happening again.

19 REPRESENTATIVE DERMODY: You're right.
20 Unfortunately, the way society has developed and the way
21 the system has developed, the recidivism rate for all
22 crimes is high and there's nothing to lead anybody to
23 believe that it would not be the same for lifers, and
24 that's the problem I think we all have to address and deal
25 with when you're talking about this and I think after the

1 Board of Pardons looks at it, and I don't --

2 MR. ROMERI: Can I ask this? Can I ask when
3 they do look at that, do they look at say states like Ohio
4 and California that do let their lifers out after a
5 predetermined amount of time? Do they -- do they say well,
6 look at -- let's look at their recidivism rate, do they go
7 back out and do they kill again, do they go out back out to
8 an environment which they came from, do, you know --

9 REPRESENTATIVE DERMODY: I think that's
10 probably the key, is where do you go to when you get out,
11 what do you have out there waiting for you. Maybe that's
12 something to look at for follow-up programs probably for
13 all inmates, but that also costs a lot of money.

14 MR. ROMERI: I just have one final --

15 REPRESENTATIVE DERMODY: No, you're right,
16 and I don't know what those rates are in Ohio and
17 California.

18 MR. ROMERI: I was fortunate to receive this
19 bill today from the Pennsylvania Prison Society spokesman
20 and after I read the bill I said wow, isn't this something,
21 they put together this -- these are things that most of us
22 have been doing in here, education, counseling, therapy,
23 work ethics, you know, these are like, wow, this is
24 designed for us, these are things we have been doing on our
25 own initiative because we see that -- the change within

1 ourselves, these are the areas that we have come into. I
2 think it's kind of coincidental that these are the areas
3 that the bill was designed for us to do, so --

4 REPRESENTATIVE DERMODY: It speaks well for
5 all of you, that you've done it on your own without the
6 so-called light at the end of the tunnel, right, because
7 there is nothing out there.

8 MR. ROMERI: Exactly.

9 REPRESENTATIVE DERMODY: Are there any other
10 questions? Representative McNally?

11 REPRESENTATIVE McNALLY: Mr. Romeri --

12 MR. ROMERI: Yes.

13 REPRESENTATIVE McNALLY: -- you used a word
14 that I don't think had been brought up yet and that's
15 forgiveness and I guess maybe I have a different
16 perspective on why we have any kind of correctional system
17 at all and why we let people go and I don't think that
18 either a pardon or a parole or probation to me is not a
19 form of forgiveness. I mean that's not something that we
20 as lawmakers or this Department of Corrections can give
21 you.

22 One thing that has kept coming back into my
23 mind is a statement that I think someone named Voltare
24 made; that it's better that ten guilty men go free than
25 that we convict one innocent man, and that's always been in

1 this country I think why we have all the defendants'
2 rights. But I -- the other thing that I keep thinking
3 though is that having proven that the person has committed
4 a crime such as a murder, a felony murder, proven it beyond
5 a reasonable doubt, then why should we take the risk then
6 with this person who's proven what they're capable of doing
7 to give them a chance that they might do it again?

8 The reason -- I guess I have always felt that
9 the reason this prison is here is to protect the people on
10 the outside from those who've shown that they can be
11 violent, that they can take peoples' property, that sort of
12 thing, and it's -- it's not to punish people here and it's
13 certainly not my intention, but it's simply to protect
14 other people outside, the other twelve million people in
15 Pennsylvania.

16 MR. ROMERI: You know, I think through
17 development I've always tried to look at both sides of the
18 issue, from our side here and from those out on the street
19 and I can certainly understand how anyone can say well,
20 sure, he's taken someone's life, he didn't deserve to be
21 back out.

22 But then on the other hand, you have to look
23 and see, that person, if he does go through a metamorphosis
24 of change and has become a totally different person, that
25 person, although true, is possibly capable of it, but I

1 think he will not commit it. I think he can come out and
2 be a productive member of society and can be responsible
3 and has possibly a better edge on those who have never been
4 through this experience.

5 Again, I use the word forgiveness because I
6 think, you know, in my life anyway, I can forgive anybody.
7 I feel that way, even if I have no grudges to anybody for
8 anything and I think that we're a better society because we
9 can tell a person, okay, we know what you've done, you've
10 shown us that you can become something different and now
11 here's your second opportunity to prove yourself as a
12 second person. I don't know if that answers your full
13 question -- your question fully, but --

14 REPRESENTATIVE McNALLY: I think it's a good
15 answer. Thank you.

16 MR. KRANTZ: Mr. Chairman.

17 REPRESENTATIVE DERMODY: Mr. Krantz.

18 MR. KRANTZ: Either one or all three can
19 answer this question, gentlemen. It's been suggested that
20 the possibility of either commutation or parole with an
21 individual who has taken the life of a breadwinner or
22 family supporter that the individual who was released who
23 has committed the murder or accessory to murder be
24 responsible financially for the support, particularly of
25 dependent children. Do you have any feelings on this?

1 MR. WIDEMAN: I think it's a very good idea.
2 How that would be done or how that would be legislated I
3 think is a tricky question, and I think maybe Milton talked
4 about this before and we talked about it. I just think
5 it's a tricky question on how we would legislate doing it.
6 I think it's a wonderful idea. I think it's something that
7 should happen and maybe not just in homicide cases, but in
8 property cases also. But Milton might want to say
9 something.

10 MR. BROOKS: I do not like that particular
11 aspect of the bill. I have a thing with placing a monetary
12 value on a human life and I know that's not the intent, but
13 I just get the sense that that's what we're doing when we
14 -- when we make those provisions. There's not a one of us
15 I believe that wouldn't offer or volunteer financial help
16 to our victim's family, but I don't think it should be
17 legislated. I don't, I really don't. I have a problem
18 with -- and this is only me personally -- with the idea of
19 placing some sort of monetary value on a human life. You
20 know, I would do anything to support the family of my
21 victim in any way possible, and that would include paying
22 for college or anything.

23 MR. KRANTZ: One more question, Mr. Chairman.
24 Mr. Brooks, I interpret your feeling as you feel that the
25 crime of murder is unforgivable?

1 MR. BROOKS: Yes.

2 MR. KRANTZ: Then how can you expect the
3 Commonwealth as the representative of society to release
4 you?

5 MR. BROOKS: I think we have to, in our
6 collective humanity, move on with our lives and learn to
7 trust even those who have previously offended us, and I use
8 the analogy of -- well, I do this with my commutation thing
9 and then I get in trouble. Nazi Germany, you know, you had
10 a psychotic society who murdered millions and millions of
11 people, either directly and indirectly during the course of
12 World War II.

13 We forgave Nazi Germany, we gave them back
14 their country, we rehabilitated the country and we got
15 along with the business of building a global society. Not
16 everybody likes Nazis or Germans because of what happened
17 during World War II, but they learned to live with Germans
18 and I think that's what we have to do with people who
19 commit murder. At some point I think that we should allow
20 the healing process to begin, let our society begin to heal
21 itself, you know.

22 MR. KRANTZ: Thank you. Thank you, Mr.
23 Chairman.

24 REPRESENTATIVE DERMODY: Any other questions?

25 (No response.)

1 REPRESENTATIVE DERMODY: Gentlemen, I'd like
2 to thank you on behalf of all of us. It was fine testimony
3 today. It was moving testimony as Representative Fajt
4 stated, and I'd like to commend all of you on what you have
5 done inside the institution. I wish you all good luck.

6 MR. WIDEMAN: Thank you.

7 MR. BROOKS: Thank you.

8 MR. ROMERI: Thank you.

9 REPRESENTATIVE DERMODY: The next witnesses
10 will be Michael Clate, Kenneth Perkowski and Joseph Heckel.
11 Mr. Clate.

12 MR. CLATE: Good morning. First of all, I
13 want to thank you individually for taking the time out of
14 your schedule to come. It's really appreciated. I'd like
15 to thank Chairman Caltagirone and members of the
16 Pennsylvania House Judiciary Committee for holding public
17 hearings on life sentence prisoners and for inviting me to
18 testify.

19 My name is Michael Clate and I am the
20 co-convener and chair of the Allegheny County Chapter of
21 the Pennsylvania Prison Society. The Prison Society now
22 has thirty-five chapters throughout the state. Our
23 particular chapter monitors conditions at the Allegheny
24 County Jail here in Pittsburgh. We also work on issues
25 such as AIDS, hepatitis, women in business, overcrowding

1 and more. Recently, in conjunction with numerous other
2 agencies, we completed a resource guide which we brought
3 copies if you would find one that you wanted to take, it
4 would be helpful for you.

5 Today's hearing is examining life sentence
6 prisoners in Pennsylvania, prisons and specifically House
7 Bill 1382. The Prison Society has worked with many lifers.
8 In recent years we co-sponsored a conference on lifers in
9 1987 with a coalition of organizations. More than two
10 hundred people had attended it. We reviewed life and
11 debated parole mechanisms on a panel including
12 representatives of the Philadelphia District Attorney's
13 office, victims groups, families of lifers and through
14 lifers. Robert Wideman, who you heard from today, was
15 present to deliver a speech, while his brother, author John
16 Wideman addressed the audience later. In 1989, again as a
17 coalition effort, we co-produced a documentary Life
18 Sentence. We have copies of it by the way and I --

19 MR. KRANTZ: The committee has a copy of it.

20 MR. CLATE: Does the committee have a copy of
21 it?

22 MR. KRANTZ: Yes.

23 MR. CLATE: Great. On its opening night five
24 hundred people attended to view the film and to hear from
25 Lieutenant Governor Mark Singel and lifers who appeared in

1 the video, Charles Slater from Huntingdon and Sharon
2 Wiggins from Muncy. This past summer the Pennsylvania
3 Prison Society sponsored an exhibition of art by lifers
4 from Graterford and Muncy. More than two hundred people
5 saw the exhibit during the opening reception and heard from
6 four lifers involved in the arts and humanities program.

7 We work with and support many lifers, but we
8 also sympathize with victims of crime. There are no words
9 that can ease that pain and no words should diminish the
10 tragedy. The society works with and supports many lifers,
11 but we do not advocate an open door, nor do we suggest that
12 every lifer should be granted a second chance. The crimes
13 are horrendous and horrible. We know these men and women
14 are -- as people who have made grave mistakes, but also as
15 people who have changed, people who we feel deserve a
16 second chance.

17 Over 2,300 men and women are serving life
18 sentences in Pennsylvania which is nearly ten percent of
19 the state prison population. We strongly recommend that
20 the lifer population be reviewed, that it is time to give
21 deserving lifers a second chance.

22 In drafting legislation it may be helpful to
23 review life sentences in other states. According to
24 Drysart's Opinion (phonetically) who study lifers in this
25 nation, in October 1990, at least fourteen states have life

1 without parole provisions while many states have life with
2 and without parole sentences. Others know the sentence of
3 life as a sentence of their maximum time, but with parole.
4 Definitions vary and it's difficult to conclude which
5 states fall into which category. Many states allow
6 community release for lifers. Pennsylvania does not. Many
7 states involve lifers in programs. Pennsylvania does so
8 only when there is room, which is now clearly limited due
9 to overcrowding and limited resources.

10 Lifers are the back bone of the prison
11 system. They are the stabilizing force. They are the role
12 models for other prisoners. In the early seventies and
13 prior to that commutation of a life sentence was nearly
14 guaranteed. Now it is rarely used. You are seeing more
15 lifers die in prison than leave prison. You will soon see
16 nursing home prisons for the 2300 lifers who have no second
17 chance.

18 We support parole review for life sentence
19 prisoners. In keeping with this we support the concept of
20 House Bill 1382, as we did last session with House Bill
21 1581. We do feel, however, that not all provisions of the
22 bill provide the best mechanism for parole review. We
23 would welcome the opportunity to work with the committee in
24 revising it. We urge you to look at these individuals and
25 make a change to make hope possible to provide a true

1 second chance to lifers.

2 A personal note if may on this. I've been
3 here in Allegheny County, coming here for about four years
4 now and I've had an opportunity to meet not just with these
5 gentlemen but other lifers, and when I go back and share
6 with other people in the community about my experiences
7 here. I think that one of the things that I learned was
8 that they're not lifers, these are people and I look at
9 myself and realize that it's very easy, I could have been
10 in their shoes.

11 I also can realize that I'm here, this
12 coveted Department of Corrections, that if we operate under
13 the idea that people can change, I think that we -- it's --
14 that we have to afford the opportunity for these people to
15 have a chance. You have a copy of the lifers film. I
16 assume that a lot of you've seen it. Do you remember the
17 part in the film where the man has a son here and he says
18 look, I'm glad I got out, I have a son, he's going to
19 college, whatever, because he gives me the opportunity to
20 put something back into society that I took out, a
21 productive person, someone that might be able to contribute
22 to society in a great way. I think I'm just going to leave
23 it there, let you think about that.

24 REPRESENTATIVE DERMODY: Any questions? Mr.
25 Krantz?

1 MR. KRANTZ: Yes. Could you provide us --
2 you mentioned that there are some sections in 1382 that you
3 would alter one way or another. Could you provide us with
4 these suggestions and may I suggest doing it page one, line
5 five, or whatever?

6 MR. CLATE: At this point --

7 MR. KRANTZ: No, not right now.

8 MR. CLATE: Oh, okay. Good.

9 MR. KRANTZ: In the future, in the future.

10 MR. CLATE: Sure, that won't be a problem.
11 You're familiar with Anne Swartzman?

12 MR. KRANTZ: Very much.

13 MR. CLATE: I think that's someone that
14 you'll be able to work with.

15 MR. KRANTZ: And also we'll be very happy to
16 receive -- you mentioned a manual you had or --

17 MR. CLATE: Well, I have -- I have one copy
18 that I brought. Our -- in Allegheny County there is a
19 coalition of social agencies that have come together to
20 help with the discharge planning and we've put together
21 this directory with United Way helping to pay for the
22 printing to give to prisoners.

23 MR. KRANTZ: You can also -- you can send us
24 a copy. That's no problem.

25 MR. CLATE: Sure.

1 MR. KRANTZ: Thank you, Mr. Chairman.

2 REPRESENTATIVE FAJT: No questions.

3 REPRESENTATIVE DERMODY: Mr. Clate, thank you
4 very much. Kenneth Perkowski.

5 MR. PERKOWSKI: Gentlemen, I'd like to thank
6 Mr. Krantz and the Judiciary Committee for scheduling these
7 hearings and also personally to you three representatives
8 who have taken the time and the interest regarding this
9 bill.

10 My name is Ken Perkowski and I reside at 237
11 Logan Street here in Pittsburgh. I'm a member of the
12 Association of Pittsburgh Priests, a group of forty priests
13 of the Pittsburgh Catholic Diocese. I am a lay member.
14 I'm here to put the Association of Pittsburgh Priests on
15 record in support of the program for prisoners sentenced to
16 a life term. House Bill 1382 affords a carefully drawn and
17 well supervised program by which life prisoners can earn a
18 parole, the final decision being made by the Parole Board.

19 We base our support on our faith that every
20 man and woman can change. The system outlined in House
21 Bill 1382 assures that a life prisoner who earns parole
22 will have changed greatly, as far as human beings can
23 judge. We all live by hope. This bill, if enacted into
24 law, will give hope to life prisoners. These prisoners
25 must then take steps outlined in the bill to make their

1 hope come true.

2 Thank you for your consideration of House
3 Bill 1382, and please keep us posted as the legislative
4 process moves along. Best wishes to all of you and our
5 sincere appreciation for your work, whether you agree or
6 disagree with our support of this bill.

7 REPRESENTATIVE DERMODY: The organization
8 that you belong to --

9 MR. PERKOWSKI: Yes.

10 REPRESENTATIVE DERMODY: -- is recognized by
11 the Diocese, or what is it? Pittsburgh Catholic Priests,
12 what exactly -- can you describe it for me a little better?

13 MR. PERKOWSKI: Well, they're a group of
14 priests who are ultimately morally concerned on peace and
15 justice issues, church related issues.

16 REPRESENTATIVE DERMODY: You're a lay member
17 of that?

18 MR. PERKOWSKI: Yes.

19 REPRESENTATIVE DERMODY: Thank you very much.
20 Mr. Krantz.

21 MR. KRANTZ: I'm going to further question.
22 Do you have the sanction of Bishop Wuerl?

23 MR. PERKOWSKI: The association -- Bishop
24 Wuerl is aware of the Association of Pittsburgh Priests.
25 Father Donald McIlvain who has some experience with the

1 prison system here in Pennsylvania, together we drew up
2 this statement, and insofar as that, I really don't think
3 he's aware of, you know, the statement.

4 MR. KRANTZ: Okay. Thank you.

5 REPRESENTATIVE DERMODY: Any other questions?

6 (No response.)

7 REPRESENTATIVE DERMODY: Thank you, Mr.
8 Perkowski. Mr. Heckel.

9 MR. HECKEL: Mr. Dermody, Mr. Fajt, Mr.
10 McNally, Mr. Krantz, I want to express my personal
11 appreciation and the appreciation for all of us for your
12 being here today. You're to be commended for your
13 willingness to listen. I join all the others today in deep
14 appreciation for what you're doing and have been doing.

15 The Judeo-Christian tradition is one of many
16 that has given our nation and state a good foundation. One
17 of the most fundamental principles of that tradition is
18 justice. Justice is the life giving blend of punishment
19 and mercy, retribution and forgiveness, deprivation and
20 restoration. Justice is not one extreme or the other,
21 justice is balance.

22 Sometimes the scales of justice are tipped,
23 even heavenly weighted -- heavily weighted to one side or
24 the other. It seems to many that the criminal justice
25 system in our nation and state is overburdened with

1 punishment and very light on mercy. There is a great
2 imbalance between retribution and restoration.

3 One example of this imbalance is a sentence
4 of life imprisonment which provides no opportunity for
5 parole. That is punishment which excludes even the
6 possibility of mercy, deprivation which denies restoration,
7 and retribution which ignores forgiveness.

8 I'm sure the committee has considered the
9 position of Pennsylvania as one of only four states in the
10 Union that have such a sentence. I'm sure you've
11 considered the state law which mandates that a maximum and
12 minimum sentence must be given whenever a prisoner is
13 sentenced for a crime punishable by imprisonment in a state
14 penitentiary. To those considerations I would ask you to
15 consider the imperatives of justice which are such an
16 integral part of our religious and social heritage.

17 It's hard to imagine a more drastic example
18 of punishment and rejection than that described in the
19 story of Hosea. God told Hosea to call his daughter Not
20 Pitied, for God said I will no more have pity on the house
21 of Israel. And Hosea was to call his son Not My People,
22 for God said you are not my people and I am not your God.

23 It is hard to imagine a more drastic example
24 of mercy and restoration than that described in the story
25 of Hosea, when God said the day is coming when I will have

1 pity on Not Pitied and to say to Not My People you are my
2 people. There is no doubt that the Biblical story
3 describes a people who deserve condemnation. There is no
4 doubt that the Biblical story describes a God who comes to
5 us not to condemn us, but to save us.

6 Moses, in the heat of anger, rose up and
7 murdered a man. Saul, with malice in his heart toward the
8 victim, held the coats of those who murdered Stephen.
9 Tried and convicted under the Pennsylvania state law, Moses
10 and Saul would have spent the rest of their lives in
11 prison. Consider the Old Testament without Moses.
12 Consider the New Testament without Paul.

13 I don't mean to be melodramatic. I don't
14 mean to cheapen the Scriptures or to minimize the
15 complexities of our modern social circumstances, but I do
16 mean to hold up the concept of justice. Not only
17 punishment, not only mercy, but the balance of the two.
18 Indeed, perhaps many of us would agree that if God had not
19 tipped the scale toward mercy, none of us would have life.
20 Respectfully.

21 REPRESENTATIVE DERMODY: Thank you. Any
22 questions?

23 MR. KRANTZ: I'm still going to clarify.

24 BY MR. KRANTZ:

25 Q You're speaking on behalf of the Presbytery

1 ministers of the Pittsburgh area?

2 A No, sir.

3 Q Can you expound?

4 A I'm chairman of the Criminal Justice
5 Committee of the Pittsburgh Presbytery.

6 Q Okay.

7 A I'm speaking as myself. This report has been
8 circulated to the committee, they are aware of and approve
9 of it, but I in no way speak for the Presbyterian Church.

10 Q Okay. Is -- can you tell me, because I'm
11 not -- I'm Catholic so can you tell me what the
12 Presbytery -- I mean --

13 A Pittsburgh Presbytery is all the Presbyterian
14 churches in Allegheny County --

15 Q Okay.

16 A -- the ministers, elders and constituents.

17 Q Okay. It would be like the Diocese?

18 A Correct.

19 Q Okay. But they have not sanctioned your
20 statement?

21 A That's correct.

22 Q Okay. Similar to the Diocese?

23 A Right.

24 MR. KRANTZ: Okay. Thank you.

25 REPRESENTATIVE DERMODY: Representative

1 McNally.

2 REPRESENTATIVE McNALLY: A question for all
3 three of you. The -- a common theme in your statements is
4 a theme of forgiveness and -- or mercy and while I'm
5 inclined to agree with that theme or concept, the question
6 isn't whether we should show mercy, but the question is to
7 whom, to which individuals. And for me, my hesitancy in
8 supporting this bill is that if we just make one mistake,
9 then there may be one innocent person who dies that -- you
10 know, we've heard from three very remarkable gentlemen, but
11 if one person who appears to have changed is released under
12 this legislation and, in fact, they are not ready, then it
13 will be our responsibility to answer to that family for
14 having released a person who -- who really ought to have
15 remained in prison. How do we know which ones to show
16 mercy to? How can we be sure?

17 MR. CLATE: If I may. You know, first of
18 all, too, I'm a member -- you know, I'm a part of the
19 community as well. I -- I think that, first of all, that
20 there are no guarantees, period, no matter what you do, we
21 know that. We can't even -- we can't even guarantee that
22 because this person has this type of behavior in the past,
23 we can't even guarantee that they're going to have the same
24 behavior in the future.

25 But my experience this year working with a

1 man who just recently received a commutation from this
2 institution, and I'm watching him, how he's dealing with
3 society, it's really simple. I think that if the support
4 is there for them, I mean and you're aware of how that --
5 they have furloughs and then there's a halfway house type
6 of thing and then they're on an intensified type of
7 probation kind of thing, I think those -- you know, those
8 are some things that will work and they are working.

9 Do we have -- do you have stats on the lifers
10 that have gone out and what the percentage is, you know, as
11 far as re-offending? I mean those are the kind of stats
12 that we need. I think there's less likelihood of somebody
13 who commits this type of crime to re-offend than someone
14 who's dealing in drugs actually.

15 So, you know, I think there's mechanisms in
16 place. I think we have -- we can do a lot, but you're
17 never -- no matter what you do, you can -- you can't
18 guarantee that the person isn't going to commit the crime
19 and you can't guarantee that because he did have this
20 background that he's going to either, you know.

21 MR. HECKEL: I want you to know that I really
22 appreciate your dilemma and your sense of responsibility,
23 the fact that if one innocent person is hurt why, you know,
24 that's a grave responsibility. I appreciate that, and
25 again, I don't wish to demean it, but isn't that the face

1 -- isn't that the decision that you have with everything?

2 If we would base our foreign policy on -- on
3 the premise that we're not going to hurt one innocent
4 victim and, you know, how in the world can we conduct war
5 against anybody, but -- but that's too far away. We have
6 Welfare programs, we have health programs, we have
7 education programs, and if a legislator's chief concern was
8 if one innocent person is going to be hurt or not helped by
9 this why, you know, we -- we are totally frustrated, we
10 can't do anything, it paralyzes us.

11 You know, we won't do anything if we -- but
12 my point is this situation is where we're talking about
13 individual people, not talking about statistics, we're not
14 talking numbers, not talking about probability, we're
15 talking about human beings, human people, and we have the
16 opportunity. We have met and we know these people, you've
17 listened to them, and we have to respond the way we need to
18 respond to those individual people.

19 I have to say that the whole system neglects
20 this whole -- a couple of the witnesses testified to this,
21 what about the victims. You people become -- the state
22 becomes the person that seems to be hurt by this. What
23 about the woman that was killed, what about the families?
24 They are removed from this whole position. They just come
25 to testify every year when the idea of commutation comes

1 up, that's all.

2 There is never an opportunity -- I shouldn't
3 say never. There are lots of things going on now in
4 restorative justice and so forth, but the idea should be to
5 show mercy, to have forgiveness, to have healing take
6 place, not just with an offender in the crime, but the
7 so-called victims in the crime. We can't do everything at
8 once, but I'm with you, you know, I understand this.

9 But there are so many opportunities for us to
10 show mercy, to forgive, to restore and I see our present
11 system not doing that. We are -- I know the victims suffer
12 tremendously -- I mean the offenders suffer tremendously
13 and I don't want to minimize that, but the victims -- the
14 state has put the victims outside the whole process.
15 That's not right either.

16 REPRESENTATIVE DERMODY: Process of what?

17 MR. HECKEL: Pardon me?

18 REPRESENTATIVE DERMODY: Outside what
19 process? Where has the state put the victims?

20 MR. HECKEL: Criminal justice. The victim --
21 who prosecutes these people? The state. They have
22 committed a crime against the state.

23 REPRESENTATIVE DERMODY: You understand, of
24 course, the state -- you know, the state prosecutes whoever
25 and the victim is an integral part of the whole system and

1 is involved in every decision --

2 MR. HECKEL: Sir, I'd like to hear from some
3 victims who don't feel they're a part of the process.
4 There's never been a restoration, there's never been a
5 closure. There's never been any --

6 REPRESENTATIVE DERMODY: Closure between?

7 MR. HECKEL: The crime. When a crime is
8 committed, when something happens, the offender is put away
9 in prison and the victim is left out there just thinking
10 about this the rest of their lives.

11 REPRESENTATIVE DERMODY: You're not
12 suggesting a closure between the offender and the victim,
13 are you?

14 MR. HECKEL: Absolutely.

15 REPRESENTATIVE DERMODY: I don't know any
16 victims I've met who are interested in that.

17 MR. HECKEL: Well, that's a subject for
18 another hearing. My point is you are talking about
19 individual people here. Consider your own family, consider
20 your own self. If you are -- if you are -- you know, had
21 the chance to do something differently, if you -- if you
22 would be asking for a second chance, would you want someone
23 to give you that chance?

24 REPRESENTATIVE McNALLY: Absolutely. Well --
25 Mr. Perkowski.

1 MR. PERSKOWSKI: Yeah. I think we're
2 dealing, you know, with a very, you know, human situation.
3 As I stated in the statement that, you know, we're all
4 subject to change and, you know, certainly, like it's been
5 said previously, there are no guarantees when it comes to
6 human behavior.

7 And I just personally, you know, I spent
8 three days in a county jail and it wasn't through my own --
9 necessarily through my own fault and I'll tell you what, it
10 was probably three of the most eye opening days of my life.
11 I mean I just started climbing the walls, and I can't begin
12 to even feel what these people go through.

13 And, you know, with this House bill here, you
14 know, it's a start in the right direction. Like I said
15 earlier, we're all subject to change and, you know, some of
16 the situations that these people have put themselves in are
17 unfortunate. You know, let's just not close the door on
18 them, you know, permanently.

19 MR. CLATE: I think, too, that you need a --
20 you know, I think you brought up something earlier about
21 that we have a process of commutation, why -- why can't
22 that be just used, we have something there already.

23 I think when we look at the stats, we look at
24 that ninety-five lifers were commuted from a life to
25 minimum term and then paroled by Governor Shaffer in one

1 term, Governor Shapp commuted what, three hundred lifers in
2 two terms, Governor Thornburgh commuted seven lifers in two
3 terms, Governor Casey has commuted eighteen lifers as of
4 March 31st of this year. You can see how, you know,
5 there's no continuity, and I just want to say again why
6 that's important.

7 Get involved with having a lot of contact
8 with some of these people who have already been on the
9 outside, see how they're doing, see how they're adjusting.
10 I know I do and I see, and that's information that we'd be
11 more than willing to give to you. The science is there,
12 the science is there. We just need to utilize it, that's
13 all.

14 REPRESENTATIVE DERMODY: Any other questions?

15 (No response.)

16 REPRESENTATIVE DERMODY: Thank you all very
17 much. I appreciate your coming by. We're pretty close to
18 adjourning. Before we wind up the hearing, I was wondering
19 if there's anybody out here who would be interested in
20 making a presentation before we go. Why don't the three of
21 you come forward and we'll finish it up?

22 (Brief pause.)

23 REPRESENTATIVE DERMODY: Why don't we start
24 with you. Please introduce yourselves and tell us why
25 you're here today.

1 MISS GRIMM: My name is Terry Grimm and I am
2 here today, I'm married to a man who resides here. He's
3 been here for fourteen years, we've been married almost
4 nine.

5 REPRESENTATIVE DERMODY: He's been here
6 fourteen?

7 MISS GRIMM: Yes. We have filed for
8 commutation twice so far and there were several questions
9 brought up that I would like to address. I think it was
10 you that asked why commutation was not an adequate
11 procedure. Number one, the Commutation Board -- first you
12 go to a review board, you have to pass that, then you go to
13 the Commutation Board. They decide if you get a hearing.
14 Then if you get a hearing, fine, and if they pass you, you
15 go to the Governor. In no place in this process does the
16 inmate see any of these people.

17 You commented how moved you were at the man's
18 statement. How could anybody possibly make an intelligent
19 decision on someone's life by just reading a piece of paper
20 and without seeing him? You can't have that emotional --
21 how can you tell if you think he's remorseful? They never
22 see the man. He is not permitted to go to the hearing.
23 This is one draw back.

24 The second very terrible thing that I think
25 about commutation is they will not, will not give you a

1 reason why they turn you down, absolutely. You're out
2 there in limbo. You know, the man has to go back to his
3 cell and guess at what it is they want from him. You know,
4 that doesn't even make sense if you're never going to let
5 the man out and tell him so he can resign himself to that.
6 If he has to do ten more years, tell him that. If he needs
7 to go through programs, tell him that, but they tell you
8 nothing. You can't -- you have to play a guessing game,
9 you know, and I think that's one of the reasons that
10 commutation doesn't work. You know, that -- you have to
11 know the man.

12 Also you asked a question who do you think it
13 best to determine whether a man or woman deserves another
14 chance, and I think the people at the institution where
15 they are incarcerated are the best to judge that. They see
16 these people everyday, they work with them, they give them
17 security clearance, they know if they've had misconducts,
18 they know their behavior, they know if they've changed from
19 the time they get here until today. The Parole Board can't
20 know that as you pointed out, and certainly the Commutation
21 Board can't know that just by reading a bunch of papers.

22 We would be well satisfied with the
23 commutation system if there was anything there that gave us
24 any hope, but you go up year after year -- and by the way,
25 you can't -- you also asked this. You can only file for

1 commutation twice in a three year period. You may file
2 after twelve months, but then if you're turned down, you
3 have to wait two more years again to file. You know, and
4 you keep going up with that hope that these men express and
5 you keep getting nothing. They don't tell you anything.

6 It's -- the remorse they feel, my husband
7 feels, it can't be put into words. It's something that he
8 lives with everyday of his life. He tells me there's not a
9 day that goes by that he does not think of this man. He's
10 not the one -- the felony murder thing, he isn't even the
11 one that killed the person, but yet the felony murder
12 mandates that he has a life sentence. That also doesn't
13 seem fair to me since you can commit murder and be charged
14 with third degree and get ten years.

15 All in all, what it boils down to is, yes,
16 they're guilty and, yes, they should be punished, but
17 shouldn't there be a limit if you've changed your life? A
18 chance, that's all we ask for is a chance. Commutation
19 seems to afford no chance because you don't know what they
20 want, they don't tell you anything, they don't see the man
21 or woman. It just doesn't make any sense.

22 All we ask for is a chance to be seen and
23 heard. Look at what he's done since he's been here, not
24 just at the rap sheet. These are people, some of them have
25 changed, some of them have not and they should not go free,

1 but give a chance to someone who deserves one. That's all
2 we ask.

3 REPRESENTATIVE DERMODY: Any questions?

4 BY MR. KRANTZ:

5 Q You mentioned your husband is in prison for
6 fourteen years, Mrs. Grimm, and you married him nine years
7 ago?

8 A Yes.

9 Q I know I should -- maybe it's none of my
10 business or anything like that, but why would -- knowing an
11 individual is going to be in prison for life, why -- I mean
12 other than love and love is a unique thing -- would you
13 marry someone knowing that you're never really going to be
14 totally together?

15 A Because I felt this man was special. He --
16 he went through a lot of ugly things in his life, child
17 abuse, horrible child abuse, he was in Vietnam. There was
18 something in this man that was good, very good and he
19 worked like hell to bring it out after all the tragedy that
20 he had been through and I saw that in him and I felt that
21 he deserved someone, everybody deserves someone, and we
22 hoped that someday we could have a life together.

23 Q How -- did you know him prior to the
24 murdering?

25 A No, I did not.

1 Q Then how did you get to -- to the point --

2 A I had a friend who had a friend who said
3 would you want to write to somebody.

4 MR. KRANTZ: Oh, I see. Okay. Thank you.
5 Thank you, Mr. Chairman.

6 REPRESENTATIVE DERMODY: Representative
7 McNally.

8 REPRESENTATIVE McNALLY: Yes.

9 BY REPRESENTATIVE McNALLY:

10 Q Mrs. Grimm, I thought it was interesting that
11 you mentioned that it should be the people who work at the
12 prison who evaluate whether a person's ready, and the
13 reason I found it interesting is that it actually conflicts
14 with testimony that we've heard before on other issues,
15 other legislation and actual conversations and visits to
16 other facilities within this correctional system.

17 One common or frequent expression that I've
18 heard from corrections officers and probation officers,
19 parole officers is that people that have been convicted of
20 a crime who -- correction -- for example, a corrections
21 officer would swear would never commit another crime, were
22 just the folks that did, and people that they thought were
23 sure would never make it on the outside, were the ones who
24 were successful that -- you know, one comment that I've
25 heard repeatedly from people who are working in these

1 institutions is that their predictions were wrong. And in
2 terms of giving folks a chance -- I mean, you know,
3 certainly I would want to be given a chance, but I mean the
4 chance that -- we're taking a chance with lives outside. I
5 mean that's a big risk to take. How can we justify it? Is
6 that chance worth this -- you know, that hope?

7 A Well, first of all, I didn't mean to imply
8 that they should be the only judges.

9 Q Right, I understand.

10 A But there should be a lot of input from them,
11 these people, and not just guards because, you know, this
12 guard may see him once every year. I'm talking about
13 people that work closely with them, the administrative
14 staff, the counselors, things like that.

15 My husband's been a trustee for years, you
16 know. And as you say, you can't justify if somebody gets
17 out and commits another crime, and it has been said here
18 today many times nobody can guarantee that, but you can't
19 continue to keep everybody here forever and ever and give
20 nobody a chance because of something that might happen
21 once. I don't know.

22 You need -- I mean you have the commutation
23 process and they do commute people. However, infrequently
24 have any of those people -- you know, I'm not saying let
25 everybody out. I don't believe that everybody should be

1 out, but look at the individual, look at what they've done
2 since they've been here, how they've changed their lives.
3 Nobody can make the guarantee that you keep asking for.

4 (Brief pause.)

5 REPRESENTATIVE FAJT: I have no questions.

6 REPRESENTATIVE DERMODY: I think part of our
7 problem is that we've heard testimony at hearings on other
8 bills is that the Parole Board, Department of Corrections,
9 they can't predict what will happen with people convicted
10 of all sorts of crimes, convicted of rape, robbery or
11 burglary. Inmates who have acted tremendously, they've
12 gotten educations while they were inside the institution,
13 behaved perfectly, and yet those same people on the outside
14 were back in the institution within a month of being
15 paroled.

16 Part of the concern though I think we're
17 dealing with -- you know, this is -- everybody else -- we
18 don't keep everybody here forever. The only ones who
19 unfortunatly are, are lifers, those who are sentenced to
20 life for committing a murder and I think something should
21 be different among prisoners.

22 MISS GRIMM: I understand that, but we don't
23 keep everybody here forever and some of the -- most of
24 those people who get out and re-commit crimes aren't here
25 as long as the lifers are, they're here two and three

1 years, maybe they can't make that judgment. Lifers are
2 here fifteen, twenty, thirty years. Certainly in that
3 length of time you can't -- you can't carry on an act for
4 so long. You know what I'm saying? These people are here
5 so many years that over these years they've got to, you
6 know, show their true behavior. You can't play a game for
7 that many years and you have to look at that too when
8 you're saying, you know, they've made mistakes. Well, how
9 long are these people here, how long were they, you know,
10 overseen.

11 REPRESENTATIVE DERMODY: Okay. Thank you
12 very much, ma'am.

13 MISS MORRIS: I'm Henrietta Morris and I'm
14 here to ask a few questions that's really bothering me. I
15 have a friend up in Muncy and her name is Betty Legg and
16 she's been up there I guess about six years, and I can't
17 understand why these rapests and murderers get put in
18 prison and then turn around and they let them out and they
19 do the same thing over again. Even with the drunken
20 drivers, they put them in, leave them in awhile, leave them
21 out, they go and do the same thing again.

22 You had mentioned awhile ago about mercy. I
23 think you should have mercy on a person that's sixty-five
24 years old and it's the first time she ever committed a
25 murder. I think that she ought to have a chance to be on

1 the outside to get her life straightened out again. She
2 didn't mean to do this. I know -- I'm sure that she did it
3 in shock. And the attorneys that she gets, they don't seem
4 to -- to want to keep -- continue on with the case and
5 stuff like that. I don't know why. But why do they leave
6 these murderers and rapers out and leave the lifers in? I
7 can't understand that. It bothers me.

8 BY REPRESENTATIVE DERMODY:

9 Q Henrietta, how old is your friend?

10 A She's about sixty-five.

11 Q She's been in Muncy for six years?

12 A For about six years.

13 Q For committing murder?

14 A (Witness nods head.)

15 Q Where is she from?

16 A Here in Pittsburgh.

17 Q What is her name?

18 A Betty Legg.

19 Q L-e --

20 A -- g-g. Can you understand why they leave
21 the rapests and murderers out and the lifers in? I can't
22 understand it and that really tears me apart.

23 Q If you're convicted of something less than
24 first or second degree murder, your sentence will be less
25 than life. Therefore, you're eligible for parole in that

1 period of time.

2 A I said what I feel I had to get out. Think
3 about it, give it some thought.

4 REPRESENTATIVE DERMODY: Appreciate that.

5 MR. KRANTZ: Mr. Chairman, we are going to
6 Muncy and we'll try and hear from Betty.

7 MISS MORRIS: Thank you.

8 MR. KRANTZ: But we are going to Muncy.

9 REPRESENTATIVE DERMODY: Yes, sir.

10 MR. BARR: I'm Ron Barr. I have listened to
11 this and talked a little bit before the hearings and during
12 the hearings. Many statements were made about society and
13 the men on the street, so I -- I sort of would say that I'm
14 representing society and the man on the street. I
15 represent no group, I'm not a bleeding heart, I'm not
16 naive. I took some notes here. I'm not a social activist,
17 but I'm this lady's son-in-law and we've been up to Muncy
18 many times to visit Betty.

19 She's a wonderful -- excuse me -- she's a
20 wonderful black grandmother type person and -- but even --
21 even that, so I'm sort of -- I'm not a relative. This
22 lady, if she gets out on parole or commuted, she'll live in
23 my house, that's the faith we have in this lady. She's an
24 individual and we got to get living, breathing people back
25 in the system and not just papers, you know.

1 Like she said, we got to realize these are
2 individuals. My -- my best thought is that we got to get
3 the hamster wheel out -- out of this system with lifers.
4 It's just around and round and round. When we go up to
5 Muncy to visit Betty, there's not a time my wife doesn't
6 start crying when the door slams when we're leaving because
7 of the frustration, the despair.

8 The -- my whole thing is I'm here to speak
9 for hope. These people need hope. I think the one -- the
10 one young fellow who committed the crime where he hit the
11 old lady, that could have been me. I was brought up on the
12 North Side. We did things under dares and everything. But
13 I mean I was thinking if you asked that old lady today what
14 do you think that you should do with that man, I don't
15 think she would say throw the key away. I think she'd say
16 what he did was wrong, he was scared and he was young and
17 he should be given, you know, a time, but he should have
18 hope. And the whole thing is we need to put hope, and
19 that's what this bill is, it's hope.

20 We were up at Muncy for a picnic and they had
21 a -- they brought -- a lady was being commuted by the
22 Governor and it was a wonderful time and the wardens up
23 there said this proves the ice has been broken, it can be
24 done and it can be achieved and there was just such hope
25 among the prisoners, it was just great. I just hate to see

1 society become the criminal and the prisoners become the
2 victims, and that's what it is when there's no hope for --
3 for prisoners.

4 I know there's all -- all kind of problems
5 that have to be ironed out with who -- who's eligible, and
6 I'm sort of back there laughing about tests. If you give
7 psychological tests on the street to the average guy, they
8 would stick him in jail and let some of the prisoners out.
9 You know, it just -- the tests, we think with our brains
10 and sometimes we have to think -- and I also thought of
11 that commercial, a mind is a terrible thing to waste. So
12 is a body, soul, spirit and a mind, it's terrible to waste.

13 And the proof is in the pudding with just
14 these three gentlemen who's here. They've been working
15 hard, but the thing is we have to put hope -- give them
16 some hope. Then you know, like my mother-in-law said,
17 she's sixty years old, sixty-five, it just seems like she
18 should have some hope, rather than thinking she's going to
19 die there with a name.

20 MISS MORRIS: I got a friend here, she's a
21 friend of Betty's and she came to support her, too, and my
22 whole Sunday school class supports her and I want to see
23 her out.

24 MR. BARR: We pride ourselves on being an
25 intelligent society and intelligence dictates that we

1 should have some criteria where -- where men who are
2 given -- just given hope. That's the main thing, is hope.
3 Thank you.

4 REPRESENTATIVE DERMODY: Thank you.

5 MISS MORRIS: Thank you.

6 MISS GRIMM: I would like to say just one
7 other short thing.

8 REPRESENTATIVE DERMODY: Sure.

9 MISS GRIMM: In the nine and a half years
10 I've known my husband and, you know, people ask about the
11 situation and I explain to them and the first question is
12 well, when does he get out, when's he up for parole. I
13 have never met one person who knew that there was no parole
14 for lifers. I don't really think the population of the
15 state knows that. I think they automatically assume that
16 there is parole for our lifers because there is everywhere
17 else almost, and I think that's an issue that should be
18 looked at. If people already think that that's what is
19 happening, you know, and they don't seem to be opposed to
20 it.

21 REPRESENTATIVE DERMODY: You might be right.

22 MISS MORRIS: Can the attorneys go to the
23 guards and the people that work with the inmates and find
24 out how they've improved? I mean she's -- she doesn't --
25 she has good behavior. I said Betty, you'll get out on

1 good behavior. She doesn't do anything wrong, she never
2 gets in trouble, she minds her own business.

3 REPRESENTATIVE DERMODY: All that I'm sure
4 will be documented by the officials at the institution, but
5 if she's serving a life sentence, that won't be before any
6 Parole Board, that will have to be presented before the
7 Board of Pardons and Commutation. Anything else? Any
8 other questions?

9 MR. BARR: Excuse me. We got to meet her
10 through my mother-in-law writing her through a church
11 group, so she's no relative.

12 REPRESENTATIVE DERMODY: You didn't know her
13 before she was in prison?

14 MISS MORRIS: No. I just met her through the
15 church ministry and we became very, very close friends.

16 REPRESENTATIVE DERMODY: Mr. Krantz said that
17 we will talk to her and the possibility of her testifying
18 at the hearing in Muncy.

19 MR. KRANTZ: Right.

20 REPRESENTATIVE DERMODY: I want to thank you
21 all for coming and thank you all for taking time out of
22 your day. I have personally enjoyed this and benefited
23 greatly from this hearing.

24 REPRESENTATIVE McNALLY: Thank you very much.

25 MISS MORRIS: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. BARR: Thank you.

MISS GRIMM: Thank you.

(Whereupon, the hearing adjourned at
12:20 o'clock P.M.)

TO: SENATE JUDICIARY COMMITTEE ON BILL 1382

FROM: AP-3468, ROBERT WIDEMAN

INMATE PROFILE: ROBERT WIDEMAN

I WAS CONVICTED OF SECOND DEGREE MURDER IN 1976 AND SUBSEQUENTLY SENTENCED TO LIFE IN PRISON IN 1979. THE CIRCUMSTANCES OF MY CASE ARE AS FOLLOWS:

MY TWO ACCOMPLICES AND I DEvised A SCHEME TO SET UP A CAR DEALER THAT WE KNEW BOUGHT STOLEN GOODS, THIS CAR DEALER WAS THE VICTIM NICKOLAS MORENO. WE PLANNED TO TELL HIM THAT WE HAD A TRUCKLOAD OF STOLEN TV SETS SO HE WOULD HAVE A SUBSTANTIAL AMOUNT OF CASH ON HIM. WE THEN WOULD ROB HIM OF THE MONEY. THE DATE AND TIME FOR THE BOGUS DEAL WAS SET UP AND WE PROCEEDED TO COMMIT THE CRIME. ON THE EVENING OF THE CRIME WHEN I ARRIVED TO CHECK OUT THE PLACE I WAS SURPRISED TO FIND THE VICTIM HAD TWO MALE FRIENDS WITH HIM AT THE CAR LOT. HE REASSURED ME THAT THEY WERE NOT THE POLICE AND WERE THERE TO HELP HIM UNLOAD THE TVs. I THEN PHONED MY TWO ACCOMPLICES TO BRING THE TRUCK THEY HAD PARKED UP THE STREET FROM THE CAR LOT. WHEN THEY ARRIVED THE DRIVER PARKED THE TRUCK AND GOT OUT OF THE TRUCK. HE WAS ALSO ALARMED AT THE OTHER TWO PEOPLE BEING PRESENT AND ASKED ME DID I THINK THEY MIGHT BE TRYING TO ROB US. I RESPONDED THAT I DID NOT THINK SO. NEXT WE ALL PROCEEDED TO THE BACK OF THE TRUCK TO LOOK AT THE TVs. WHEN WE OPENED THE TRUCK MY SECOND ACCOMPLICE JUMPED OUT WITH A SHOTGUN AND TOLD THEM TO FREEZE AND TO GIVE ME THE MONEY. THE VICTIM MR. MORENO AT THIS POINT THREW THE MONEY ON THE GROUND. THE WIND WAS BLOWING SO I BENT OVER AND WAS SCRAMBLING TO PICK IT UP. AT THIS POINT I HEARD FEET SHUFFLING AND I HEARD MY ACCOMPLICE SAY ROBBIE HE'S RUNNING. I RESPONDED "GET HIM". AS I GOT UP I HEARD WHAT SOUNDED LIKE SOMEONE FALL I RAN AROUND THE OPPOSITE SIDE OF THE TRUCK FROM WHERE I HEARD THE FALL. AT THIS TIME I HEARD A SHOT. WHEN I GOT TO THE FRONT OF THE TRUCK I SAW THE VICTIM MR. MORENO RUNNING DOWN THE STREET I HAD A CLEAR SHOT AT HIM BUT I DID NOT SHOOT. WE THEN PUT THE OTHER TWO MEN IN THE BACK OF THE TRUCK. IN OUR PANIC WE FORGOT TO LOCK THE BACK DOOR OF THE TRUCK AND AT THE

PAGE 2

FIRST STOPLIGHT THE TWO MEN JUMPED OUT OF THE TRUCK AND RAN. WE DID NOT PURSUE THEM. THESE FACTS WERE CORROBORATED AT MY TRIAL AND ARE PART OF THE PUBLIC RECORD.

WHILE IN PRISON I STARTED OFF BITTER AND DISILLUSIONED AND GOT SEVERAL SERIOUS MISCONDUCTS FOR THE FIRST FIVE YEARS I WAS INCARCERATED. THEN AFTER I SPENT SEVEN MONTHS IN SOLITARY CONFINEMENT I REALIZED I HAD TO CHANGE MY LIFE FROM THE INSIDE OUT. STOP BLAMING SOCIETY, ACCEPT MY OWN BLAME, MY FAULTS, AND MAKE MY PEACE WITH GOD BY BEING A BETTER PERSON. AFTER I WAS RELEASED FROM THE HOLE I ENROLLED IN SCHOOL, REJOINED A RELIGIOUS COMMUNITY, STARTED A REGULAR PHYSICAL FITNESS PROGRAM AND BEGAN THE SOMETIMES PAINFUL PROCESS OF REMAKING MY LIFE SO I COULD PROVE TO MYSELF IF NO ONE ELSE THAT I WAS DESERVING OF ANOTHER CHANCE AT LIFE. AND, IF GIVEN THAT CHANCE WOULD BE ABLE TO TAKE IT AND USE IT TO BE A PRODUCTIVE CITIZEN. I GRADUATED FROM ALLEGHENY COMMUNITY COLLEGE WITH AN ASSOCIATE DEGREE IN ENGINEERING TECHNOLOGY WITH THREE RELATED DRAFTING CERTIFICATES. I TOOK SOME COURSES AT THE UNIVERSITY OF PITTSBURGH AND BEGAN TO TEACH FOR THE UNIVERSITY WHICH I HAVE DONE NOW FOR TEN YEARS TEACHING ALGEBRA AND TRIGONOMETRY. I AM SET TO GRADUATE FROM GARFIELD BUSINESS INSTITUTE THIS MARCH WITH A DIPLOMA IN HOW TO MANAGE YOUR OWN SMALL BUSINESS. AFTERWARD I INTEND TO GO BACK TO PITT AND FINISH A DEGREE IN COMPUTER SCIENCE. I ALSO WORK IN THE INSTITUTION'S VISITING ROOM AS A CHILD MONITOR WHICH NECESSITATES A SECURITY CLEARANCE. IN ADDITION TO THESE ACCOMPLISHMENTS I WAS GIVEN A SUPERVISED LEAVE TO ATTEND THE LIFERS CONFERENCE AT LASALLE UNIVERSITY AND HELPED MY BROTHER WRITE A BEST SELLING BOOK THAT DEALT WITH OUR UNIQUE RELATIONSHIP. I HAVE PARTICIPATED IN OTHER PRISON ORGANIZATIONAL ACTIVITIES TOO NUMEROUS TO MENTION

STAND ON BILL NO. 1382

OF COURSE, I HAVE A VERY SUBJECTIVE VIEW OF THIS BILL BECAUSE IT AFFECTS ME

SO CLOSELY. INSTEAD OF GIVING MY VIEW ON BILL 1382 IN ITS PARTICULARS, PLEASE LET ME GIVE MY VIEWS AND FEELINGS ON LIFERS IN GENERAL.

I HAVE SPENT ALL OF MY TIME WHICH IS SIXTEEN YEARS IN SCIP EXCEPT FOR APPROXIMATELY ONE MONTH I SPENT AT SCIG AT WHICH TIME I ATTENDED THE LIFERS CONFERENCE WHICH WAS HELD AT LASALLE UNIVERSITY. IN BOTH OF THESE INSTITUTIONS I SAW THAT LIFERS ARE IN POSITIVE LEADERSHIP POSITIONS IN ALL ASPECTS OF THE RUNNING OF THE INSTITUTION. LIFERS HERE AT SCIP, AND I AM SURE AT ALL PA. STATE PRISON, RUN THE SCHOOL PROGRAM. BY RUN I MEAN WORKING FOR OR THROUGH THE UNIVERSITIES THAT INSTITUTE THE SCHOOL PROGRAMS BY ENLISTING STUDENTS, DOING THE PAPER WORK, HANDLING COMPUTER WORK, TEACHING OR PARA-TEACHING. INVARIABLY IN EVERY SHOP OR WORK AREA THERE IS A LIFER THAT THE CIVILIAN SUPERVISOR DEPENDS ON TO KEEP THINGS RUNNING SMOOTHLY. LIFERS ARE THE MOST STABLE OF THE POPULATION. I HAVE TAUGHT FOR THE UNIVERSITY OF PITTSBURGH FOR TEN YEARS IN THE INSTITUTION AND MY BEST STUDENTS HAVE BEEN LIFERS. IN CONTRAST A MINORITY OF LIFERS GO THE OTHER ROUTE. THEY BECOME CAUGHT IN A CYCLE OF BITTERNESS AND HOPLESSNESS THAT LEADS THEM TO BE VERY UNRULY AND SELF-DESTRUCTIVE. SO I BELIEVE THAT NOT ALL LIFERS SHOULD BE GIVEN PAROLE BUT THERE SHOULD BE SOME WAY TO EVALUATE THOSE THAT DESERVE ANOTHER CHANCE. THERE IS ALSO A LARGE GROUP OF LIFERS THAT ARE SENTENCED TO LIFE AND THE PRINCIPLES IN THEIR CASES WERE GIVEN A LIGHTER SENTENCE. THIS SMACKS IN THE FACE OF ALL OF OUR SENSE OF FAIRNESS. I WAS SENTENCED TO LIFE WHILE THE OTHER ACCOMPLICE IN MY CASE IS NOW OUT ON PAROLE. THESE TYPES OF INEQUITIES SHOULD BE ADDRESSED BY OUR SOCIETY AND REMEDIED.

A LIFE SENTENCE IN PENNSYLVANIA MEANS JUST THAT, LIFE, THERE IS NO PAROLE FOR LIFE IN PENNSYLVANIA. THERE IS NO OTHER STATE IN THE UNION EXCEPT FOR LOUISIANA THAT HAS THIS TYPE OF PENAL CODE. SOME STATES HAVE LIFE WITH PAROLE AS WELL AS LIFE WITHOUT PAROLE BUT NONE EXCEPT PENNSYLVANIA AND LOUISIANA HAVE ONLY LIFE WITHOUT PAROLE. THIS FROM A STATE AS PROGRESSIVE AS OURS I BELIEVE

WOULD BE UNACCEPTABLE BY MOST OF OUR CITIZENS IF THEY KNEW AND UNDERSTOOD ALL OF ITS RAMIFICATIONS. ONE OF THESE BEING THE AMOUNT OF MONEY IT TAKES TO KEEP A MAN OR WOMAN IN PRISON FOR 20, 30, or 40 YEARS, THE OVERCROWDING THAT IS CAUSED BY A POPULATION THAT CONTINUES TO GROW WITH NO CHANCE OF DIMINISHING. HOW FAR DO WE GO AS A SOCIETY? HOW MUCH CAN WE SPEND ON PUNISHMENT? THE AMOUNTS OF MONEY SPENT ON AN INMATE IN A PA. STATE PRISON IS OVER \$20,000 A YEAR. HOW MUCH CAN WE PAY? WELL, AS MUCH AS NEED BE IN SOME CASES. BUT, ISN'T THERE A WAY TO RECOGNIZE THOSE THAT HAVE CHANGED? A WAY TO RECOGNIZE THOSE WHO CAN GO OUT AND BECOME LAW-ABIDING AND PRODUCTIVE. I'M SURE THERE IS. WE CAN FIND A WAY TO STOP BURDENING SOCIETY WITH THOSE WHO HAVE ALREADY BURDENED IT ENOUGH. I BELIEVE THIS BILL 1382 AND THIS HEARING IS A LARGE STEP IN FINDING THAT WAY TO REMEDY AND CHANGE THE WAY LIFERS ARE DEALT WITH IN PENNSYLVANIA.

THANK YOU,

ROBERT WIDEMAN, AP-3468

STATEMENT CONCERNING SENTENCE REFORM FOR LIFERS

GOOD MORNING, FIRST OF ALL. I WOULD LIKE TO THANK EVERYONE FROM THE JUCICIARY COMMITTEE, AS WELL AS ALL INTERESTED AND CONCERNED GROUPS FOR BEING HERE TODAY. IT'S QUITE AN HONOR TO HAVE THIS OPPORTUNITY TO ADDRESS YOU UPON THE MATTER AHEAD.

I WOULD LIKE ALL OF YOU TO IMAGINE FOR A MOMENT THAT YOUR 16-YEAR OLD TEENAGE SON CALLS YOU AND SAYS HE WAS ARRESTED FOR TAKING SOMEONE'S LIFE.

HOW WOULD YOU FEEL? WHAT MIGHT BE YOUR REACTION? IF HE ACTUALLY DID COMMIT THE CRIME, WHAT DO YOU THINK SHOULD HAPPEN TO HIM?

THESE QUESTIONS, ALONG WITH OTHERS TRULY REFLECT MY SITUATION. MY NAME IS JOSEPH ROMERI AND I'M CURRENTLY SERVING A LIFE SENTENCE FOR 2ND DEGREE - FELONY MURDER. THIS TOOK PLACE IN NOVEMBER OF 1978. I WAS 16 YEARS OLD AT THE TIME, AS WELL AS BEING VERY CONFUSED AND MIXED UP.

MY BEST FRIEND, MICHAEL REINHARD, AND I GREW UP TOGETHER. MIKE WAS TWO YEARS OLDER THAN I AND WAS THE BIG BROTHER I NEVER HAD. WE DID SO MUCH TOGETHER GROWING UP. I WAS ALWAYS VERY IMPRESSIONABLE WITH MIKE, EVEN DURING SOME OF THE WRÖNG DOINGS. I FELT IT WAS OKAY BECAUSE MIKE WAS THERE.

WE ALSO DID WHAT MANY REBELLIOUS TEENS DO, AND THAT IS SMOKE MARIJUANA, DRINK ALCOHOL, AND VENTURE INTO TROUBLE.

ONE PARTICULAR NIGHT IN NOVEMBER, AFTER A NIGHT OF GETTING HIGH AND INTOXICATED WITH OUR GIRLFRIENDS, WE DECIDED TO BREAK INTO AN ELDERLY WOMAN'S HOUSE. WE KNEW OF SOME HABITS THIS WOMAN HAD. ONE WAS THAT SHE STAYED OVERNIGHT AT A FRIEND'S HOUSE ON FRIDAY EVENINGS. THE PROBLEM WAS THAT THIS WAS THURSDAY EVENING SO WE DROPPED OFF OUR GIRLFIENDS AND MIKE DROVE US BACK TO OUR NEIGHBORHOOD. WE ACTUALLY THOUGHT THAT NO ONE WAS HOME, SO WE WERE QUITE NOISY DURING THIS BREAK-IN.

THIS NEXT PART IS THE MOST DIFFICULT TO EXPLAIN. I STARTED GOING UPSTAIRS TO SEE IF I COULD FIND ANY MONEY. IT WAS VERY DARK ON THE STAIRWAY. I STARTED STUMBLING AROUND AT THE TOP. I THEN THOUGHT I FELT A HAND AT THE SIDE OF MY FACE. IF MY MIND WOULD HAVE BEEN CLEAR I MIGHT HAVE RAN, OR FELL DOWN THE STEPS, BUT I REACTED IN A MUCH COWARDLY WAY BY STRIKING STELLA BREMMER WITH THE BAR I USED TO PRY THE WINDOW OPEN WITH. IN MY MIND, I WANTED TO KNOCK HER UNCONSCIOUS. I REALLY DON'T KNOW WHY, I STRUCK HER A COUPLE MORE TIMES. I'M SORRY TO SAY THAT MS. BREMMER DIED THAT NIGHT. I WANTED TO GET HELP. I WAS SO SCARED I COULD HARDLY BREATHE. I PICKED UP THE DOWNSTAIR'S PHONE TO DIAL 911, BUT MY HAND SHOOK SO MUCH I COULDN'T DIAL. MIKE WASN'T MUCH HELP, BY YELLING THAT WE HAD TO GET OUT OF THERE.

THE FEW DAYS THAT PAST WERE VERY INTENSE. I THOUGHT ABOUT DRIVING MY CAR OVER A BRIDGE OR SIMPLY RUNNING AWAY FROM THE SITUATION. I WANTED TO TALK TO SOMEONE ABOUT WHAT HAD HAPPENED BUT THERE REALLY WASN'T ANYONE.

A FEW DAYS LATER I WAS PICKED UP FOR QUESTIONING. THE GUILT WAS SO SEVERE. I FIRST CONFESSED TO MY JUVENILE PROBATION OFFICER, THEN SHE SUGGESTED I TELL THE DETECTIVE WHAT HAPPENED.

MONTHS LATER, THROUGH THE ADVICE OF MY COURT-APPOINTED ATTORNEY, I WENT THROUGH A JURY TRIAL. MIKE REINHARD HAD EARLIER MADE A DEAL WITH THE DISTRICT ATTORNEY'S OFFICE FOR A PLEA-BARGAIN TO 3RD DEGREE MURDER. TO DO SO, HE HAD TO GIVE TESTIMONY AGAINST ME. MIKE WAS GIVEN A 9 YEAR SENTENCE AND HAS BEEN ON THE OUTSIDE FOR NEARLY 3 YEARS. AS YOU'VE LEARNED, I WAS CONVICTED OF 2ND DEGREE FELONY MURDER AND GIVEN A LIFE SENTENCE.

I'M SURE EVERYONE HERE REMEMBERS WHAT IT WAS LIKE TO BE 16. EVERYTHING IN THE ADULT WORLD SEEMED SO CONFUSING. AT MY TRIAL I ENTRUSTED MY ATTORNEY. I DIDN'T EVEN KNOW THE PROCEDURE.

I ENTERED THE PRISON SYSTEM NOT REALLY KNOWING WHO I WAS. I HAD A TENTH GRADE EDUCATION, VERY LITTLE WORK SKILLS, AND NO IDEA WHAT WAS GOING TO HAPPEN TO ME.

I FELT THAT THERE WAS A NEED TO UNDERSTAND MYSELF, TO DEVELOP MY PERSONALITY, AND TO UNDERSTAND MY SITUATION THAT CAUSED MY WRONGDOINGS.

THROUGH THE YEARS, I'VE ACCOMPLISHED MANY GOALS. I DEVELOPED A GOOD WORK ETHIC WHICH ENABLED THE TRAINING TO BE AN ELECTRICIAN. I HAVE WORKED IN THIS FIELD FOR THE LAST 8 YEARS. I INVOLVED MYSELF IN COLLEGE EDUCATION. THIS SPRING I WILL TAKE MY FINAL REQUIRED INFORMATION SCIENCE COURSE AND EARN A BACHELOR OF SCIENCE DEGREE FROM THE UNIVERSITY OF PITTSBURGH.

I HAVE TO THANK MANY OF THE STAFF MEMBERS WHO WORK HERE, OR HAVE WORKED HERE AT ONE TIME. THROUGH THEIR COUNSELING GROUPS, I HAVE DEVELOPED A POSITIVE OUTLOOK ON MYSELF AND LIFE IN GENERAL. THOSE GROUPS, ALONG WITH PERSONAL INTERACTION, HAVE HELPED TO MOLD MY PERSONALITY.

BUT PERHAPS THE MOST IMPORTANT FACT I'VE LEARNED WAS SOMETHING I DIDN'T DISCOVER IN A TEXTBOOK OR WIRING DIAGRAM, OR IN A COUNSELING GROUP. AND THIS WAS THE TRUE REALIZATION OF TAKING THE PRECIOUS LIFE OF ANOTHER HUMAN BEING. STELLA BREMMER DIDN'T DIE WITH THE DIGNITY AND RESPECT THAT SHE DESERVED TO HAVE. I TRULY REALIZED THAT MY DEEDS DID DESERVED TO BE PUNISHED. I HAVE ACCEPTED THAT, AND HAVE STRIVED TO MAKE MY EXISTENCE AS REWARDING AS POSSIBLE.

FOR YEARS I COULDN'T FULLY COMPREHEND WHAT THIS LIFE SENTENCE TRULY MEANT. MAYBE I SIMPLY COULDN'T ACCEPT THE FACT THAT I COULD SPEND THE REST OF MY LIFE IN PRISON. I ALWAYS HAD HOPE THAT ALL OF THIS WOULD SOMEDAY MIRACOUSLY DISAPPEAR, AND THAT I WOULD GO HOME. MY ATTORNEY HAD MY CASE IN NEARLY EVERY COURT, BUT NOTHING EVER CAME OF IT. MANY OF MY FAMILY MEMBERS, AS WELL AS MANY OF THE FRIENDS I'VE ESTABLISHED SINCE COMING TO PRISON, ALWAYS ASKED IF I WERE COMING UP FOR PAROLE SOON. MANY OF THEM FELT THAT WITH A LIFE SENTENCE ONE DOES COME UP FOR PAROLE AFTER A PERIOD OF TIME. I COULD ONLY EXPRESS TO THEM AS I CAN TELL YOU HERE TODAY THAT THERE IS NO PAROLE FOR US HERE DOING LIFE. THERE IS ONLY ONE AVENUE FOR FREEDOM AND THAT IS BEING COMMUTED BY THE GOVERNOR THROUGH THE PROCEDURE OF COMMUTATION.

IT ISN'T THAT UNCOMMON TO MEET SOMEONE INSIDE THAT HAVE SPENT 20 TO 30 YEARS ON THEIR LIFE SENTENCE AND ARE STILL HERE. I KNOW EVERYONE HERE BRINGS FORTH THEIR OWN SET OF CIRCUMSTANCES, BUT I FEEL THAT THERE ARE SOME WHO DO DESERVE A SECOND OPPORTUNITY AT LIFE IN THE REAL WORLD. A SECOND OPPORTUNITY TO SHARE WITH SOCIETY THE BEST QUALITIES THAT I'VE LEARNED AND ADOPTED. OVER THE YEARS I'VE BECOME VERY CLOSE WITH MY RELATIVES AND HAVE MADE FAMILY-LIKE TIES TO THE FRIENDS I'VE MADE IN THIS AREA. ALL OF THESE PEOPLE HAVE HELPED ME REALIZE THAT THERE IS SO MUCH GOOD IN PEOPLE'S HEARTS. MY FUTURE GOAL IS PROBABLY SHARED WITH MANY OF THE LIFERS YOU'VE SPOKEN TO ALREADY. AND THAT IS TO GO OUT TO THE REAL WORLD AND BEGIN A BRAND NEW LIFE. THE MOST DIFFICULT PART OF THIS GOAL IS NOW KNOWING WHEN THIS WILL EVER BECOME A REALITY.

IT HAS BEEN QUITE AN EXPERIENCE TO LITERALLY GROW UP IN PRISON. I TRULY BELIEVE THAT I HAVE MADE THE BEST OF A TRAGIC SITUATION. I HAVE BECOME A WELL-ROUNDED, CARING AND SENSITIVE PERSON. I DON'T KNOW IF THESE QUALITIES WOULD HAVE EXISTED HAD I NOT COME HERE.

THERE ARE MANY HERE WHO SHARE THIS OUTLOOK, AND LIKE ME, ARE PUTTING THE MOST USE OF OUR LIVES. BUT WE'VE ALSO SEE THE YEARS PASS BY, AND THE LIGHT AT THE END OF THE TUNNEL DOES NOT SEEM TO GET MUCH BRIGHTER.

I BELIEVE THAT FORGIVENESS IS AN ESSENTIAL PART OF GROWTH. THE MOST DIFFICULT CASE OF FORGIVENESS ARE RESERVED FOR US WHO HAVE TAKEN ANOTHER PERSON'S LIFE. THIS IS CERTAINLY UNDERSTANDABLE. BUT THERE SHOULD BE THAT TIME WHEN CHANGE IS RECOGNIZED, AND WITH THAT RECOGNITION THE REWARD SHOULD BE THE SECOND OPPORTUNITY IN LIFE.

BY NO MEANS SHOULD LIFE ON PAROLE MINIMIZE MY ACTIONS OF THE PAST. THOSE MEMORIES WILL ALWAYS LIVE WITH ME. BUT I WANT EVERYONE TO KNOW THAT I DON'T WANT TO DIE IN HERE. I DON'T WANT TO LEAVE HAVING NO CHANCE OF PUTTING TOGETHER A SOMEWHAT NORMAL LIFE. IF YOU ARE THE PEOPLE THAT CAN HELP MAKE A CHANGE PLEASE LET MY TESTIMONY BE YOUR GUIDE. I REALIZE THAT THIS WAS SOMEWHAT LENGTHY, BUT THESE WERE

WORDS FROM MY HEART. THESE WERE WORDS THAT REFLECT BOTH SIDES OF THE ISSUE AND WERE WORDS THAT HOPE SOMEONE CAN REALIZE THAT THERE ARE MEN AND WOMEN WHO HAVE CHANGED THEIR LIVES INSIDE OF THESE WALLS AND SIMPLY HOPE FOR AN OPPORTUNITY TO SHOW THAT CHANGE.

AGAIN, ONE OF THOSE KIDS COULD BE YOUR OWN. ONE COULD END UP IN A SIMILAR SITUATION AS MINE. MANY ARE HEADING DOWN THIS ROAD AS I ONCE DID. PLEASE BE THE VOICE OF CHANGE TODAY.

THANK YOU.

December 17, 1991

Thank you to the members of the Judiciary Committee. My name is Ken Perkowski and I reside at 237 Logan St., Pittsburgh, Pa. 15209. I am a member of the Association of Pittsburgh Priests, a group of 40 priests of the Pittsburgh Catholic Diocese. I am a lay member. I am here to put the Association of Pittsburgh Priests on record in support of the program for prisoners sentenced to a life term. House Bill 1382 affords a carefully drawn and well supervised program by which life prisoners can earn a parole, the final decision being made by the Parole Board.

We base our support on our faith that every man and woman can change. The system outlined in House Bill 1382 assures that a life prisoner who earns parole will have changed greatly, as far as human beings can judge. We all live by hope. This bill, if enacted into law, will give hope to life prisoners. These prisoners must then take steps outlined in the bill to make their hope come true.

Thank you for your consideration of House Bill 1382. Please keep us posted as the legislative process moves along. Best wishes to all of you and our sincere appreciation for your work, whether you agree or disagree with our support of this bill.

Chairman Caltagirone, Members of the House Judiciary Committee: Thank you for your concern which has made this hearing possible. You are to be commended for your willingness to listen. I join many others today in deep appreciation to you for what you are doing.

The Judeo-Christian tradition is one of many that has given our nation and state a good foundation. One of the most fundamental principles of that tradition is Justice. Justice is the life-giving blend of punishment and mercy, retribution and forgiveness, deprivation and restoration. Justice is not one extreme or the other. Justice is balance.

Sometimes the scales of Justice are tipped, even heavily weighted to one side or the other. It seems to many that the Criminal Justice system in our nation and state is overburdened with punishment and very light on mercy. There is great imbalance between retribution and restoration.

One example of this imbalance is a Sentence of Life Imprisonment which provides no opportunity for parole. That is punishment which excludes even the possibility of mercy, deprivation which denies restoration, and retribution which ignores forgiveness.

I am sure the Committee has considered the position of Pennsylvania as one of only four states in the Union which have such a sentence. I am sure you have considered the State law which mandates that a maximum and minimum sentence must be given whenever a prisoner is sentenced for a crime punishable by imprisonment in a state penitentiary. To these considerations I would ask you to consider the imperatives of Justice which are such an integral part of our religious and social heritage.

It is hard to imagine a more drastic example of punishment and rejection than that described in the story of Hosea. God told Hosea to call his daughter, "Not Pitied," for, God said, "I will no more have pity on the house of Israel." And Hosea was to call his son, "Not my people," for, God says, "You are not my people and I am not your God."

It is hard to imagine a more drastic example of mercy and restoration than that described in the story of Hosea, when God said, "The day is coming when I will have pity on 'Not Pitied,' and say to 'Not my people' 'You are my people.'"

There is no doubt that the Biblical story describes a people who deserve condemnation. There is no doubt that the Biblical story describes a God who comes to us not to condemn us, but to save us.

Moses, in the heat of anger, rose up and murdered a man.

Saul, with malice in his heart toward the victim, held the coats of those who murdered Stephen.

Tried and convicted under Pennsylvania State Law, Moses and Saul would have spent the rest of their lives in prison.

Consider the Old Testament without Moses. Consider the New Testament without Paul.

I don't mean to be melodramatic. I don't mean to cheapen the Scriptures or minimize the complexities of our modern social circumstances.

But I do mean to hold up the concept of Justice. Not ^{only} just punishment. Not ^{only} just mercy. But the balance of the two. Indeed, perhaps many of us would agree, if God had not tipped the scale toward mercy, none of us would have life.

Respectfully,

Joe Heckel, Chair
Criminal Justice Committee
Pittsburgh Presbytery