

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
House Judiciary Committee

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Public Hearing on H. B. 1382 :
Consideration of Probation or :
Parole for Life Sentenced Inmates :
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Pages 1 through 76 Institutional Chapel
State Correctional Institute
Muncy, Pennsylvania

Wednesday, August 5, 1992

Met, pursuant to notice, at 1:02 p.m.

BEFORE:

THOMAS R. CALTAGIRONE, Chairman
DAVID L. KRANTZ, Executive Director
ANDREW J. CARN, Member
GERARD KOSINSKI, Member
GALINA MALAHOF, Research Analyst

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C O N T E N T S

<u>AGENDA</u>	<u>PAGE</u>
Welcome remarks (Chairman Caltagirone, Superintendent Byrd)	3
Comments by Representative Carn	4
Oral Testimony by Betty Heron	6
Oral Testimony by Kimberly Joynes	17
Oral Testimony by Sharon Wiggins	19
Oral Testimony by Jane Doe	34
Oral Testimony by John Kramer	47
Oral Testimony by Angus Love	57
Oral Testimony by James Dunning	62
Oral Testimony by Dr. Harry Little	72

E X H I B I T S

<u>NUMBER</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
<u>House of Representatives</u>		
No. 1 (Agenda)	75	75
No. 2 (House Bill 1382)	75	75
No. 3 (Written statement by Elizabeth Marsh)	75	75
<u>Inmates</u>		
No. 1 (Written testimony of Betty Heron)	76	76

P R O C E E D I N G S

1
2 CHAIRMAN CALTAGIRONE: Good afternoon.

3 We would like to open the hearing of the Pennsylvania
4 House Judiciary Committee, the Public Hearing on House Bill
5 1382, Consideration of Probation or Parole for Life
6 Sentenced Inmates; and I'd like to recognize Scott Thornsley
7 from the Department who will introduce the Superintendent.
8 They have been very, very gracious and good hosts in
9 inviting us here and letting us use their facilities. We
10 certainly would like to have them make a few comments.

11 MR. THORNSLEY: Thank you very much.

12 I'll just introduce to you the Superintendent of the
13 Facility, Mary Leftridge Byrd.

14 SUPERINTENDENT BYRD: Thank you.

15 Good afternoon. I'd like to take this opportunity to
16 welcome you all to SCI-Muncy.

17 I thank Chairman Caltagirone and Representative Carn
18 for their interests in this issue.

19 All of you are the advocates of the possibility of
20 parole for lifers. I encourage you to make comments that
21 are appropriate to make and to continue to support the quest
22 of these women who represent, no doubt, all women who were
23 convicted and serving life sentences in Pennsylvania.

24 Welcome to Muncy. Make yourselves at home, and we
25 thank you for being here.

1 CHAIRMAN CALTAGIRONE: Thank you, again,
2 Superintendent. We appreciate your very kind considerations
3 for the hearing to be held today.

4 At this time we would like to have Representative
5 Andrew Carn from Philadelphia, the prime sponsor of the
6 Legislation, make some comments for the record.

7 REPRESENTATIVE CARN: Thank you, Mr. Chairman.

8 I do want to thank you, as Chairman of the Judiciary
9 Committee, for allowing this hearing to take place. I know
10 being a Member of the House of Representatives that issues
11 dealing with prisons, lifers, are not issues that many of
12 our colleagues like to discuss and take action on. So I'm
13 truly indebted to you and those who are encouraging us to
14 have these hearings on this Bill.

15 The reason that I took the initiative to introduce
16 House Bill 1382 was because it became clear to me through
17 the information and education that I received that there is
18 an unfairness in the process that needs to be addressed.

19 I'm not absolutely certain that I have the answers to
20 this issue but I felt it was necessary for the issues to be
21 placed on the agenda of the House of Representatives because
22 we are responsible for the correctional system in
23 Pennsylvania and we must look at the realities that we are
24 faced with because it affects all of our lives.

25 The fact that we have a system that requires persons

1 to spend all their lives in prison without any alternatives
2 except clemency raises concern in my mind when I look at the
3 history of their options.

4 Presently, in Pennsylvania, the only way lifers are
5 given the opportunity to leave prison is through Executive
6 Clemency. The records have shown to me that that is not
7 necessarily a fair system.

8 Reports show that while Governor Shapp was Governor
9 for eight years he commuted 317 persons -- excuse me, he
10 provided clemency to 317 persons and commuted their
11 sentences; and while Thornburg was Governor he commuted only
12 seven sentences.

13 That raises some questions as how do you make such
14 decisions in my mind and were these decisions fair; and I
15 would like to see a system established in Pennsylvania where
16 the opportunity for a release has a non-political basis
17 because it seems to me that any Governor of this
18 Commonwealth has to consider the political ramifications of
19 such decisions, and I really would like to see us move
20 towards a method by which decisions on whether or not
21 persons are paroled as lifers or provided clemency would be
22 decided on the basis of their change in life and the
23 education and progress that they have made and the
24 considerations of the families that it occurred as a result
25 as opposed to whether or not it's politically sensible and

1 timely to do that.

2 For today -- so with that we would begin and
3 hopefully through this hearing we can receive information
4 and education to move the idea forward so that we can, in
5 fact, correct the system a little further and a little
6 better so that fairness, in my mind, will be the prime
7 purpose or goal to make these kinds of decisions.

8 CHAIRMAN CALTAGIRONE: Thank you, Representative
9 Carn.

10 We next move to the life sentenced inmates who are
11 going to be addressing the Committee, and they would be
12 Sharon Wiggins, Kim Joynes and Betty Heron.

13 If you'd like to start, and please identify yourself
14 for the record.

15 I may add that for the court stenographer to get
16 accurate information he had asked that each of the --
17 whoever is going to be testifying also later, hold the mic a
18 little bit closer because it doesn't carry too well in the
19 open room here.

20 MS. HERON: Good afternoon, and I thank you very much
21 for coming and for giving us the opportunity to have a
22 voice. This is something that women lifers have not had and
23 we really do appreciate your concern and interest.

24 My name is Betty Heron and I'm a 52 year old mother
25 of five, grandmother of seven, who is serving a life

1 sentence in the conspiracy death of my husband. 4,015 days
2 ago he died and I am paying for his death and I will for the
3 rest of my life.

4 I was asked to come here and elected by the members
5 of the PLA who voted on the three of us and asked us to come
6 and represent them because they felt we could best represent
7 their views and the things they wanted to say but don't have
8 an opportunity to say. So today I'm speaking for those
9 women.

10 In these hills of northeast Pennsylvania reside a
11 resilient group of women. They live in a community behind
12 walls of steel and stone, 836 strong, 92 of whom are labeled
13 individually and collectively as lifers.

14 The term lifer represents a sentenced term for taking
15 someone's life. We have sinned publicly and the public
16 views us with suspicion, avoidance and misunderstanding.
17 Therefore, we are alone, abandoned and anonymous. Someone
18 has died and we women live on. Our identify is linked to
19 that status.

20 I have the awesome responsibility to speak for all
21 women lifers. I present myself to you as every woman, every
22 woman serving a life sentence in Pennsylvania.

23 Crime among women was not the result of long term
24 goals but the lack of such goals. It was more about
25 immediate survival from complex social problems. Imprisoned

1 women were caught in nets, nets of thoughtlessness, greed;
2 nets of poverty, another's snare was drug addiction or love
3 addiction.

4 The nature of women's crimes suggest hidden stories
5 of desperate socio-economic circumstances; an inability to
6 make prudent and informed decisions and a limited source of
7 resources upon which to call in their time of need; social
8 problems defined in the terms of individuals. Commissioner
9 Joseph Lehman is quoted as saying, "We, as a nation, define
10 problems around the individual. So long as the sins of the
11 world lie at the feet of individuals, we don't have to deal
12 with them."

13 Women in prison for life for the most part were women
14 in crisis, but it's psychologically comforting for society
15 to believe that we are somehow different, a breed apart.
16 However, this is not the case. Before that one moment in
17 time that rendered us murderers and outcasts, we were
18 neighbors and friends. We lived in your communities as your
19 teachers and nurses.

20 We are women who are mothers, sisters, aunts;
21 daughters, grandmothers and great-grandmothers. Beyond the
22 publically assigned status of criminal, we women are human
23 beings with virtues and vices just like everyone else.

24 We are selves with life histories, quirks, talents
25 and fears. When you listen to our stories rather than

1 analyze statistics, generalizations are much harder to make.

2 We are as varied as any group in size and shape and
3 lifestyle and heritage, but what we 92 lifers have in common
4 are our life sentences and our pursuit of our number one
5 priority: our freedom.

6 Female lifers are unique and highly invisible; an
7 isolated and unknown group. Therefore we have become
8 insignificant in the overall scheme of things.

9 The causes of our crimes are rooted in social
10 problems that in part contributed to our criminal behavior:
11 the difficulty of the single mother to support her children;
12 the impossibility of economic survival for the undereducated
13 woman; substance abuse; domestic violence; broken homes and
14 poverty.

15 Most women are first-time offenders and many are
16 themselves victims of devastating and dehumanizing
17 emotional, mental and physical abuse.

18 A common thread that was woven into the tapestry of
19 our lives was our tendency to be 'other focused', which
20 colored our thinking and rendered us unable to make
21 independent decisions.

22 Most women here did not independently commit their
23 crimes; our identities were centered in others. Many crimes
24 have been committed more in a condition that is more for a
25 psychiatrist than a judge and jury.

1 Those same judges and juries have sentenced one in
2 every 11 women here at Muncy to life. We have become the
3 backbone and the stabilizing force within this institution.
4 We have not responded to subliminal institutional pressures
5 to concentrate on ourselves only as prisoners; neither do we
6 concentrate solely on our criminality nor our exclusion from
7 free society at our own hand.

8 We do not respond to the temptation to wallow in
9 self-pity. As a group we have risen above that temptation
10 and have become a multi-faceted pool of women who have
11 superior maturity, higher educational levels, heightened
12 awareness of ourselves and have exhibited a willingness to
13 become cooperative and flexible.

14 How were we transformed?

15 In spite of present day legislation that dictates we
16 have little chance of ever leaving prison, we persevere in
17 our quest for higher education.

18 I would venture to say that two-thirds of us are
19 actively seeking expanded knowledge. We are criticized by
20 our free world counterparts for taking advantage of grants
21 in pursuit of these goals and are perceived as gaining more
22 than we are losing.

23 Excuse me.

24 Yet studies show that education not only increases
25 job skill options but hooks education with reduced

1 recidivism. Education further enhances life skill options
2 and decision making and thorough thought progression. It
3 offers an opportunity for the creation of an expanded sense
4 of options, thus control over one's life.

5 Lastly, it anchors a sense of self that is
6 autonomous, strong and non-self rejecting. A new woman
7 emerges steeped in the belief of the existence of choice and
8 positive change. Education isn't coddling criminals;
9 education is a true public safety investment. The
10 continuing education that propels a person out of ignorance
11 is a catalyst for change. In change lies our hope.

12 Prior to the introduction of House Bill 1382, appeal
13 and commutation offered the only mirage -- only a mirage of
14 hope. Few life sentences have been affected by either of
15 these carrot-on-a-stick options. When reality sets in about
16 the hopelessness of the avenue of appeal, the only hope
17 left, ten years down the road at least, is commutation.

18 That bubble, too, is doomed to burst. The political
19 nature of the commutation process again pricks any belief
20 in any forthcoming change.

21 With statistics from governor to governor fluctuating
22 from a 94 percent acceptance of commutation applications
23 brought before Governor Shapp to a mere acceptance by
24 Governor Thornburg -- not one of whom was a woman -- hope
25 dims.

1 In Governor Casey's seven years 18 lifers have been
2 commuted and two of those being women; one was terminally
3 ill. This reluctance of Pennsylvania governors to follow
4 the recommendations of their constitutional Commutation
5 Board represents a punitive view of corrections that is fed
6 by the media's feeding the frenzy of society's right to know
7 ever sordid detail of the crime while destroying us and
8 automatically assuming guilt instead of innocence, all the
9 while knowing nothing of mitigating circumstances.

10 This media blitz feeds the public's perception of
11 criminals as caged animals. This leaves lifers who have
12 grown up in prison who have become virtually different
13 people during their many years of incarceration little
14 chance to redefine themselves or to interact with society.
15 Life sentenced citizens who express remorse for their
16 crimes, who have acknowledged the severe criminal nature of
17 their acts, accept the faults in their past lifestyles,
18 thinking and behavior; who educate and enrich themselves and
19 others while shut away from society, find themselves at a
20 loss for outlets for their energies, education and acquired
21 wisdom.

22 Attempts to communicate these kinds of issues to
23 anyone in the outside world falls on deaf ears. Our group's
24 attempts to negotiate new relations and relationships are
25 stonewalled.

1 The real world doesn't think we belong; citizens
2 treated as unwanted immigrants in their own country. We are
3 an unaccepted minority.

4 Lifers' hopes were rejuvenated by the sponsor of
5 House Bill 1382, Representative Carn, and sponsors
6 Richardson and Acosta, the courageous sponsors of House Bill
7 1382.

8 This proposed legislation would establish a program
9 to grant parole for all life sentenced inmates. This Bill
10 offers answers to inordinately long sentences, overcrowding
11 and big spending in the Pennsylvania corrections system by
12 offering a comprehensive program with the ultimate goal of
13 parole to only those lifers who have successfully completed
14 the prescribed programming. This 15 year long-term
15 treatment program is individually prescribed; a plan that
16 includes extended psychological evaluations, vocational and
17 educational requirements, with periodic review by a
18 committee established by the Department of Corrections
19 Commissioner. Our conduct records must be above board; no
20 infractions of any kind.

21 With this Bill we would earn our parole. We must
22 want it so badly from our core that we are willing to focus
23 our whole selves on this goal.

24 We don't expect you to hand this to us. Let us know
25 how far and how fast and how high we must climb. Give us

1 goals and expectations and we'll exceed them. Give us only
2 one chance and we'll seize it.

3 Pennsylvania is only one of six States which offers
4 no help -- no hope for the release of lifers. In
5 Pennsylvania, life means life. Not sentences of seven years
6 or 15 years, not even 20 years.

7 Lifers in Pennsylvania are four times as likely to
8 die in prison than to be commuted. In the other 44 States
9 in the United States of America they grant parole to all
10 lifers; those lifers who have committed crimes of equal
11 seriousness and degree are given another chance. We, too,
12 would like that chance.

13 Conversely, it is important to note what House Bill
14 1382 is not. It is not about compassion. It is not handing
15 lifers anything we don't have to earn.

16 It does not open up all the prison gates and let us
17 all come tumbling out. This Bill provides for a long-term,
18 high expectancy, closely monitored, on-going program.

19 It further requires notification and input by the
20 victim's family. Even then parole is not guaranteed. It
21 must be earned step by step at three five-year increments.
22 If we fail any phase, we lose.

23 It ultimately places the decision squarely in the
24 hands of the Department of Corrections personnel who know us
25 best and a less politically motivated parole board.

1 Furthermore, it limits the total number of inmates
2 who can be paroled from a life sentence per year. This Bill
3 is a beginning. It is the only way to begin; one step at a
4 time.

5 House Bill 1382 is also about justice. All want
6 justice to be served because it is one of the most
7 fundamental principles and traditions of our nation and
8 State.

9 Justice of old meant an eye for an eye. I humbly
10 remind you of what Gandhi said about that philosophy. He
11 said, "An eye for an eye ultimately results in the whole
12 world becoming blind." We're headed in that direction.

13 Justice should be a balance; a life giving balance of
14 punishment and mercy, retribution and forgiveness,
15 deprivation and restoration.

16 The highly punitive criminal justice system of
17 Pennsylvania concentrates on punishment while excluding the
18 possibility of mercy; deprivation which denies restoration;
19 and retribution which ignores forgiveness. Justice is not
20 one without the other.

21 "Pennsylvanians have come to so narrowly define
22 incarceration, only equating punishment with incarceration.
23 Sentencing policies are fashioned out of the perceived fear
24 of crime, not out of what is best for society. We need to
25 decide who goes to prison based on what prisons can and

1 can't do, not on policies based on fear."

2 Those are not my words. Again, those are the words
3 of our Commissioner Joseph Lehman.

4 At the present time, however, our State Law mandates
5 that a maximum and minimum prison sentence be given to
6 everyone convicted of a felony. This is true for all except
7 lifers; because we have taken a life, we don't get a
8 minimum.

9 But we're not the only ones who have taken another's
10 life. The public believes that the worst criminals are
11 locked up but approximately 50 percent of those who have
12 taken another's life get a minimum and are paroled within
13 ten years of their sentence. Most of those inmates with
14 third degree murder convictions are first degree cases which
15 received a plea bargain or just had a better lawyer, and
16 which directly affects women of color and minorities.

17 Lifers worlds have been dysfunctional but there is
18 nothing we've been through or seen or done that cannot be
19 used to make our lives more valuable.

20 All are capable of growing from experience, even us.
21 The experience of the journey inward is the longest journey
22 but outward process is measured by that inward progress. We
23 have made that journey, have returned, and have changed for
24 the better. Lifers have transcended our experience.

25 Victims families have endured the horrible wrongs of

1 our crimes. Our release should in no way be interpreted as
2 diminishing the seriousness of our acts, but hopefully and
3 prayerfully they can realize that after so much time
4 incarceration forever is not the only answer. If life
5 sentences could bring back our victims, then the severity
6 and indefinite term of our sentences would be
7 understandable. Unfortunately, this is not the case.

8 The victims families and the lifers will live the
9 remainder of their lives with what has happened; the
10 survivors with their loss and their memories; the murderer
11 with the consequences and her conscience, both with the pain
12 that has no cure.

13 MS. JOYNES: Mr. Chairman, my name is Kimberly
14 Joynes. I'm 32 years old and I've been incarcerated since
15 I've been 19. I was sentenced on first degree murder
16 conspiracy.

17 I am here today to support Bill 1382 for eligibility
18 for lifers and to express the urgency of it for female
19 lifers.

20 Bill 1382 would serve as a balance between lifers who
21 seek an end to their imprisonment and society who seeks
22 justice for the crime committed. Bill 1382 would ensure an
23 equitable disposition for all lifers and will satisfy the
24 public's need for justice.

25 The women who chose me are in the Pennsylvania Lifers

1 Association at Muncy, and we constantly talk about our
2 victims on a day to day basis. We are very much aware that
3 we can't bring the victims back nor can anyone with a lesser
4 degree of murder bring their victims back but we are in
5 hopes of that the women that follow us are given some sort
6 motivation and belief and hope in the system that has some
7 sort of compassion and rationale for the punishment opposed
8 to retribution.

9 Many of us who receive life sentences -- women lifers
10 -- who have spent close to 30 years of incarceration and no
11 hope of clemency feel cast out, like there's no hope. We
12 want to assure them that through legislation that there is
13 some hope and that one day they can be reunited with their
14 families.

15 My situation is this: at the age of 19 I was
16 pregnant and I never got the opportunity to spend any time
17 with my daughter. She has been with me only through
18 visitation.

19 Most women here are conspirators. They aren't
20 actually perpetrators. Not that there's a difference
21 between that but most crimes were based on what another man
22 did to another person, helping or hindering the situation,
23 causing a great amount of fear.

24 I, myself, had agreed and -- I did not actually
25 commit the murder -- and therefore suffered with a life

1 sentence due to an economical background in our community,
2 and for those women there's still no hope.

3 We have no access, nothing in wording, nothing that
4 would give us any hope except our belief and our faith in
5 the Lord that there will be some justice, and we leave our
6 lives in the hands of those that our families and the
7 taxpayers still vote for. So I'm here today to represent
8 those of hope, and our hopes we leave solely up to you.
9 Thank you.

10 MS. WIGGINS: My name is Sharon Wiggins and I'm 41
11 years of age. I was convicted of bank robbery and first
12 degree murder at the age of 17.

13 What I'd like the Chairman and this Board to
14 understand is that I'm here today because I believe in House
15 Bill 1382.

16 There is no lifer who believes there's a simple
17 equation that will provide equal justice for the victims.
18 For some victims' families the only solution for the
19 individual who caused them so much pain is for the person to
20 rot behind bars.

21 I know that they will have a lot of comments to this
22 Bill and will say that we never gave our victims a second
23 chance. There's nothing I can do to bring back my victim
24 nor can any other lifer bring their victim back. However,
25 neither can any other inmate serving time for a lesser

1 degree of murder, but this punitive philosophy does not
2 apply to everyone serving a life sentence or for others who
3 have taken a life.

4 If whether I'm released depends on the length of time
5 that I'm incarcerated or the political climate, I will learn
6 nothing from the experience, and should I be released to
7 society there will be no gain.

8 I've personally been up for commutation ten times and
9 in those ten times I've been recommended by the institution
10 nine. I've been recommended by the Board of Pardons once,
11 in 1987, during Thornburg's administration and he refused to
12 sign my commutation papers. A year later I went before the
13 Commutation Board again and was granted a public hearing and
14 I was denied by the same Board that recommended me the year
15 before.

16 The Commutation Board and the way it's run today for
17 most of us is more political than it is fair or equal. What
18 happens is we never get an answer as to why we're being
19 denied. In most case, our lawyers or our representatives or
20 people who support us say that the political climate is not
21 correct, that the case is too high-profile, but to this
22 Committee I'd like to say that those were none of the
23 reasons that I was placed in the State Correctional
24 Institution at Muncy; and when a person is serving a life
25 sentence and you look at those types of decisions, you say

1 to yourself -- well, it's like being told two different
2 stories.

3 I mean, you come here and the staff and
4 administration, they try to help you with the things that
5 they believe brought you to prison. You talk about it, you
6 discuss it. You learn to be motivated and responsible and
7 mature only to find out 21 years later that none of those
8 things matter, that the probability of me getting out of
9 jail will depend more on being infirmed or burned out or a
10 new political nuance will come on and they will do things
11 that will precipitate my release from prison and it kind of
12 negates everything that happens in the past.

13 For these reasons and for other reasons that lifers
14 feel would at least make the situation equitable in some
15 kind of way and fair, is that there's some type of Bill,
16 there's some type of objective way to determine whether a
17 person should get out or not.

18 It's like Ms. Heron said, this Bill does not say that
19 every lifer will leave. This does not necessarily say that
20 Sharon Wiggins will leave. What it does say is that I will
21 have an opportunity, in an objective way, to secure my
22 release.

23 Ms. Heron said that this Bill also didn't just open
24 the gates to allow people to be free and yes, for most of us
25 freedom is the upper most thing in your mind but along with

1 freedom everybody believes that: well, if we let these
2 people go, then in some way you've negated the original
3 reason that I was there, that I was originally in prison and
4 that was for taking a life.

5 What I want to tell you today is that there is
6 nothing that anyone can do that could make me forget the
7 last 24 years and that my moral obligation to my victim, to
8 those of you sitting here today, to all the people who judge
9 me, will not go away just with my freedom. My freedom only
10 allows me to grow and be helpful in a different kind of way.

11 There were a lot of things that I wanted to say about
12 the things that lifers do in prison. We save lives
13 sometimes. We encourage other individuals to adhere to what
14 we believe would make a better life for themselves once
15 they're released. We're teachers; we're their nurse's
16 aides.

17 Like Betty said, we're grandmothers and they're
18 children. Some of us will never have the opportunity to be
19 mothers or grandmothers but that's a part of this sentence
20 and we understand that and we realize that maybe that's the
21 way it has to be but what we would like to say to you today
22 is that if you could just give us a chance, that's all we're
23 asking for.

24 I mean 24 years today, if any of you could think back
25 to then and think about now, how many of you haven't

1 changed?

2 Well, I say that I'm just as human as you are and
3 that in 24 years I have changed along with a whole lot of
4 other lifers. Thank you.

5 CHAIRMAN CALTAGIRONE: Thank you.

6 For the record I'd like to note that Representative
7 Gerry Kosinski from Philadelphia has joined the panel.

8 Are there questions from Members of the --

9 REPRESENTATIVE CARN: Yes.

10 CHAIRMAN CALTAGIRONE: Representative Carn.

11 REPRESENTATIVE CARN: When you say you changed, what
12 kind of change?

13 MS. WIGGINS: Like I said, I came to prison when I
14 was 17 years old and most of the change that occurred to me
15 was just a maturing process.

16 I'm more responsible than I've ever been. I'm more
17 motivated than I've ever been. I think that the way I've
18 handled my life in the last 20 years will attest to the fact
19 that I'm a different person than I was when I walked into
20 this prison.

21 Most people believe that in some way you can't
22 contribute to the betterment of society but -- and that
23 there's nothing that we could possibly do to make things
24 better.

25 What I'd like to say to you is that there have been

1 lifers who have gone out. Just recently one lifer that I
2 know, Angela Jacobs, is a prime example of somebody who went
3 through the system and became the best that this system
4 could offer, you know, and what we're really asking you is
5 to trust in the people that you have to watch our lives.

6 These administrators are people who scrutinize us
7 every day and who recommend us and it's like what they say
8 doesn't count.

9 MS. HERON: I was married at 18 and had five
10 children. I never really grew up and I think it hit me when
11 I was 36 and thought that the world had so many things that
12 it could offer me that I had missed, not realizing that I
13 had everything that I needed.

14 I got involved with in a second marriage and moved
15 away from the State of my birth, which is Maryland, to
16 another State, Pennsylvania.

17 I was alone and abandoned and I consider myself as
18 being in jail for the last 16 years because of the abuses
19 and inhuman conditions I let myself be kept in.

20 I was allowed to -- I allowed myself to be
21 dehumanized. I allowed myself to be battered and abused
22 because I thought I deserved it because I couldn't make a
23 marriage work; because it must be me if I can't make it
24 work. I couldn't make the first one work and I was going to
25 make this one work.

1 I hung in there in a prison that was in many ways far
2 worse than this prison. I wasn't allowed -- I was allowed
3 to work but if I was home late, I was battered and abused.

4 When I found myself retaliating toward his children,
5 by that time my children had left and gone back to their
6 father because they knew what was happening to their mother,
7 but when I saw myself turning around and becoming as bad as
8 the one who was abusing me I knew it was time to get out of
9 that situation.

10 I was filing for divorce. I was in the process of a
11 divorce when I became involved with someone who I really
12 didn't even know as a person but who got to know me and had
13 seen me day in and day out battered and abused.

14 He killed my husband and when he did I was accused as
15 being the reason for that, and I suppose in omission as much
16 as commission I am involved in that.

17 But that point in my life was the lowest point I have
18 ever been and when I came to prison -- when I was convicted
19 and came to prison -- I thought I knew everything. I
20 thought I was fine, but I realized that were -- that there
21 was something inside that was broken and through years of
22 work here at the prison through their -- through psychiatric
23 help -- there is a wonderful psychiatrist who really
24 believed in me and my circumstances and worked with me for
25 three years. From then I went on to other counseling. I

1 also started helping others through their adjustment. The
2 administration thought enough of me to let me have two
3 groups a week in adjustment because they figured I had
4 really worked hard to try to make this work and that what I
5 had done would really be helpful to other people.

6 I have followed through with that and I have -- once
7 I had fixed myself as best as I could then I had something I
8 had to give back, and I try day in and day out through
9 groups, through organizations, to give back something that I
10 have taken.

11 I don't know, one of my favorite -- what I have done
12 here is start a program for older women which really -- the
13 way things are going, there's going to be a lot of us here.

14 So we started up through the administration with
15 backing and we've really become a wonderful group here and
16 that's something that even though you're locked up, you
17 still are innovative and creative, and we're allowed to use
18 those talents and I think that proves that I've been able to
19 grow without becoming rooted in this place and I have not
20 taken the shape of my environment. I think that is one of
21 my greatest accomplishments.

22 MS. JOYNES: I've changed a great deal in all
23 actuality and factually. I grew up in the ghetto with a
24 poverty background, drug infested environment, and I've
25 always believed that I come from a home of hatred in my

1 society.

2 It was full of hate, revenge and fear; and had I
3 known then what I know today and not being afraid of our
4 street of ethics as opposed to the law enforcement, I would
5 have actually called the police and identified the severity
6 of the crime, but being 19 growing up in the ghetto we have
7 a code of ethics which still stands today, that you not tell
8 'The Man' on your brother. You just don't, whether it's
9 good, bad or indifferent.

10 Growing up in the ghetto and going to school they
11 tell you these things are bad; and you see the adults around
12 you, you see the policemen and the drug dealers and drug
13 addicts around you saying this is not bad. Growing up as a
14 child, even for a young adult, you see there is a
15 controversy between the system and the community.

16 During the course of my crime I thought about what
17 would I have done if it would have been someone I loved, had
18 it not been a neighbor, which in fact my deceased was a
19 friend of mine.

20 I changed from the viewpoint that I no longer feel
21 that I can't turn to an official and ask for help. During
22 my term if I did turn to a law enforcement, I would be
23 turned away or probably dead today. I really felt like that
24 then.

25 Now I'm not ashamed that if I need help to go to an

1 officer or someone in administration, nor to tell my
2 neighbor it is wrong.

3 Today -- well, as a matter of fact, in July of this
4 year -- we have a construction site across -- it's about a
5 mile away.

6 A caucasian male that was between the age of 25 and
7 30 was trapped under a steel beam. While in my cell my
8 roommate and I were talking and I heard a cry for help and
9 you could hear the agony very strong. She said, "Maybe it's
10 just somebody playing." I said, "No, I can hear the agony
11 in their voice."

12 Immediately, without thinking, I alarmed the officers
13 and I gave instructions to where I heard this voice; and I
14 asked the man to not move and to take deep breaths and talk,
15 and through my helping him it helped me to my conscious
16 state of what happened 13 years ago in my life.

17 Had I thought then what I know today, maybe I
18 wouldn't be sitting in front of you. For myself and other
19 people, I'm saying situations do occur in your life. Some
20 you can change and some you can't but should we not have a
21 Bill that will help those who have been through trials and
22 tribulations, who should be aware that change comes every
23 day, and out of 13 years of my life I've done a great
24 changing.

25 I grew up in the system. I'm a product of the system

1 and I am now mature.

2 EXECUTIVE DIRECTOR KRANTZ: My name is Dave Krantz
3 and I'm Executive Director of the Committee.

4 You said your crime was as an accessory?

5 MS. HERON: Well, I've been convicted of first degree
6 murder. The conspiracy charge was dropped. I don't know if
7 that --

8 EXECUTIVE DIRECTOR KRANTZ: But you didn't actually
9 do the --

10 MS. HERON: No, sir, I did not.

11 EXECUTIVE DIRECTOR KRANTZ: How about Kim and Sharon?

12 MS. WIGGINS: No, I'm not the actual perpetrator of
13 the crime.

14 EXECUTIVE DIRECTOR KRANTZ: An accessory?

15 MS. WIGGINS: Yes, sir.

16 MS. JOYNES: Yes, I'm the actual perpetrator of my
17 crime.

18 EXECUTIVE DIRECTOR KRANTZ: You're the actual
19 perpetrator; okay.

20 Sharon, was yours a domestic problem or --

21 MS. WIGGINS: Honestly I can't tell you how the
22 situation began. I came behind the situation and as far as
23 I know by notes of testimony that there was some abuse and
24 drug dealing.

25 My participation in the crime was loaning the

1 deceased some money and in turn, when I came back to
2 collect, he was dead. So in all actuality I tampered with
3 the court.

4 EXECUTIVE DIRECTOR KRANTZ: Do any of you feel that
5 your representation at the time of your trial was --

6 VOICE: We can't hear you back here.

7 EXECUTIVE DIRECTOR KRANTZ: I'm sorry.

8 At any time or at the time of the trial did you feel
9 that your representation was inadequate?

10 MS. WIGGINS: Yes, I definitely do.

11 EXECUTIVE DIRECTOR KRANTZ: Thank you very much.

12 MS. HERON: May I answer that question, please?

13 CHAIRMAN CALTAGIRONE: Go ahead.

14 MS. HERON: I would like to point out for all women
15 who are victims of abuse, myself included, that 11 years ago
16 or 12 years ago when all these things were happening, it was
17 not even a choice of a defense.

18 I'm sure that there are no records available that
19 would go back that far because there were no records kept
20 that far back. It was viewed upon as something that would
21 be more the reason to convict somebody. In fact, I think
22 that's what the lawyer said, that there was more reason to
23 convict. He said we were going to play this down, we're not
24 going to mention this, and I think that there's a time that
25 it became -- that it rose up and reared its ugly head and

1 people began looking at it but in that respect I think that
2 there are some women caught in that web, too, of not being
3 able to even have it as part of their transcript and part of
4 their defense.

5 EXECUTIVE DIRECTOR KRANTZ: Thank you.

6 CHAIRMAN CALTAGIRONE: Gerry.

7 REPRESENTATIVE KOSINSKI: Thank you.

8 Thank you for your testimony today.

9 Would you agree to a stipulation that you would not
10 go back to the same area where the crime was committed? How
11 do you feel about that?

12 MS. JOYNES: Yes, I would agree to it.

13 MS. HERON: No doubt in my mind. I would not want to
14 go anywhere near the place.

15 Even it had been my home -- my home doesn't happen to
16 be in that State but I think that it would be -- sitting
17 here speaking for all women here today -- I think in some
18 cases that would be extremely difficult because that's the
19 only place they've ever known. Some of them were so young
20 when they started and have had no opportunity to develop
21 relations and relationships, as I mentioned in my speech
22 here, and that it really would be difficult but nothing is
23 impossible and if we want something bad enough we'll work
24 for it.

25 MS. WIGGINS: I definitely would leave there.

1 REPRESENTATIVE KOSINSKI: Now let me tell you why I
2 asked that.

3 I was involved in the commutation of Cleveland
4 Butler, who you probably know. Cleve grew up in the area
5 that I represent. His family is in the area that I
6 represent but Cleve has relocated to Harrisburg and is doing
7 quite well. I see him about once every three months when he
8 stops by the office and we chat, and he sends his regards,
9 but we talk about the neighborhood a lot and when he goes
10 back to visit Mom and the family most of his friends are
11 either dead or in jail and he feels that if he were to go
12 back to the same area it would be the same cycle and his
13 chances of success are not as great.

14 I feel that when you go through the experience you
15 have in prison and when you're either commuted or have a
16 1382 process, if we ever pass it and sign it into law, that
17 you would really want a fresh start and with all the
18 experience and knowledge and other aspects that you've
19 picked up in prison, that you'd probably be able to start
20 very well anew somewhere else.

21 I'm sort of torn on this. I was one of your typical
22 conservatives when I first came into the House about ten
23 years ago and the more I see of lifers the more that I'm
24 impressed, and the Cleveland Butler experience has left me
25 very, very zealous in my actions to tell people that your

1 best prisoners are your lifers and in your situations I feel
2 that in the number of years you have spent that you have
3 matured and it's about time we let some real criminals come
4 into jail.

5 We can't forgive you for your crime as far as -- as
6 you said, the victims are active -- the victim's families.
7 There's nothing that will ever change that but one thing we
8 can change is I think you would be very productive citizens
9 and I think you deserve that chance after a number of years
10 in Muncy and at other places.

11 CHAIRMAN CALTAGIRONE: Thank you.

12 Thank you very much for your testimony.

13 MS. HERON: Thank you for listening.

14 May I present, please, to the Board for their -- Mr.
15 Carn, these are some graphs that I had made showing the --
16 how it looks in black and white -- the number of States that
17 allow people to go and those that don't and exactly how it
18 looks in graph form to see first and second degree murderers
19 who can't go home and these can. It's exactly -- in my pie-
20 graph here -- exactly half are allowed to go and we have to
21 stay.

22 Sometimes when you visualize it and can see in black
23 and white like our 92 lifers here -- 95, three came in the
24 last week -- in front of you here, sometimes it --

25 (Documents handed to Chairman Caltagirone.)

1 MS. HERON: Thank you.

2 CHAIRMAN CALTAGIRONE: We'll next hear from commuted
3 life sentencer, Jane Doe.

4 MS. DOE: Hi.

5 I am not here to speak on the specifics of this Bill
6 but for the eligibility for parole for lifers.

7 24 years ago -- excuse me.

8 24 years ago I was sentenced. There was a horrible
9 crime committed. I had just turned 21 and was involved with
10 the wrong man. The man killed his wife and I was part of
11 it.

12 I made a phone call that lured her to the alley. I
13 did stab the person but I did not kill the woman. They
14 determined all this in the courtroom.

15 What did come out was the fact that I ended up
16 pleading guilty to a general charge of murder to save my
17 life. During the testimony it was brought out that I had
18 been beaten. I had a two and a half month old son whose
19 life the night of the homicide had been threatened.

20 I had lived with this man for over a year. I guess I
21 had been like terrorized of him. Even though I stayed with
22 him, I was afraid.

23 I was not allowed to see my parents. I had three
24 children by then to my first husband who I was still married
25 to at the time but who I found cheating on me so not knowing

1 any better and being very immature I felt that if you can
2 then I can to.

3 When I became involved with my co-defendant and all
4 this nonsense started, I was not allowed to see my parents.
5 I was not allowed to see my children. If I did I was beaten
6 up, and it came down to the night that the crime happened --
7 it should have never happened but to me I was not given the
8 choice.

9 He had told me I had to go along with it and
10 everything would be fine or if I went against him then my
11 baby would be killed. So either way, if I struck out
12 against him, I would be sitting in jail. If I did what I
13 did, I still sat in jail.

14 The reality of it is I've spent nine and three-
15 quarter years in Muncy. In the first four years I signed
16 all three of my children away for adoption to give them a
17 better life.

18 My baby went first because he was only -- he was in
19 something like ten different foster homes in his first two
20 years of life and I couldn't do that to my child. Whether I
21 was right or wrong for being here, I couldn't let him go
22 through it and I didn't let any of my other children go
23 through it. So I lost my three children anyway.

24 I have had to live with this for 24 years. What
25 happened should have never happened. Nobody has the right

1 to take anybody's life.

2 I'm the one that's got to get up and think about it.
3 I'm the one that's out in society now. I have been out; it
4 will be 15 years this December. I've done everything I can
5 to prove that they did not make a mistake by granting me the
6 commute.

7 It took me four times before the Commute Board to
8 finally make it. I was probably one of the last ones under
9 Milton Shapp to make it before he went out of office.

10 When I did make it on the fourth time it took me ten
11 and a half months to get my answer from the Board because my
12 co-defendant had run away two months before my commute
13 hearing.

14 The Bureau came up here and talked to me. They went
15 and talked to my family. They were trying everything to
16 protect me and I just told them to let me out and I will be
17 fine. I walked around these grounds knowing that if that
18 person was that stupid to come and try to break into an
19 institution more power to him because I knew they wouldn't
20 let anything happen to me; but to go up to the commute we
21 always had to submit -- it was always ten papers that you
22 filled out. Every one of the ten had the same thing so
23 after you got done doing two or three you knew everything by
24 heart for the rest of them.

25 You had to be approved by the staff here at the

1 institution. If you had letters from people at home, your
2 church, whatever, whoever you had supporting you sent
3 letters in but like I said, a lot of times you just went and
4 you got a no and that was it. No reasons, you know.

5 I went through every program here that I possibly
6 could as far as learning. I did come in here with a high
7 school education. I went to beauty school while I was here.
8 The woman that had it then was already to take me for my
9 teacher's license and it fell apart because it was set up
10 under a different system. Instead of the regular hours that
11 was needed at a normal school it was set up as an
12 apprenticeship. So after being all ready to go for my test,
13 the rug was yanked out from under me.

14 I did everything possible to better myself. When the
15 institution at that time ran out of possibilities, I wrote
16 to senators. I even wrote to the Lieutenant Governor saying
17 please find something for me to do or I will sit here and
18 wilt.

19 I think a lot of times that's what happens. You sit
20 here and you can only do so much bettering yourself and I
21 think it's on the person, whether they're a lifer or whether
22 they're somebody with a short sentence, if they don't want
23 to better themselves they're going to stay the way they are.

24 I don't know how accurate my records are anymore but
25 I know before I left here the statistics I always heard was

1 that if you let a lifer go the recidivism rate is one-half
2 of one percent.

3 Now I know from the nine -- almost ten years I sat in
4 here, I saw more short-timers come in and out of here like
5 it was a revolving gate and I used to sit and think, 'Just
6 give me one chance and they will never see me again.'

7 Well, I did not expect to be here today but -- it was
8 a little nerveracking coming through that gate; but I've got
9 out there and I've done it. I've hit low periods where
10 nobody has helped me and I mean literally nobody.

11 It's a thing where -- I went out after I made the
12 commute -- I think I had three or four furloughs to get me
13 readjusted to the community.

14 I did go back to my hometown. The crime did not
15 happen in that town but I went back to my hometown. I had
16 my immediate family there as moral support.

17 While out on my furloughs I did obtain a job on my
18 own, and then I was the first female that the Bureau tried a
19 new program with because -- I don't know if I was pushy back
20 then or it was the fact that the time that I spent in here I
21 got my life together and I knew what I what I wanted to do
22 and I want to do it right.

23 I was the first female that they put in an all-male
24 CSC Center. I did not stay at the center with the men. I
25 lived with my parents and I reported in to the center, and

1 then in March of '78 I made parole.

2 Since then I've been on parole. As far as I've been
3 told by them they have no complaints because I've done
4 everything I possibly can to help.

5 They're the ones that called me about this hearing.
6 They've called me about other things and I just feel that
7 there are people who are sitting in here just like me. I
8 was given a chance and if the chance is given to the right
9 person -- I think the cases should be sat down and looked at
10 individually. I don't think they should be grouped together
11 because it is titled lifers, because I do still have life as
12 far as they're concerned but I'm the one that's out in
13 society and I'm listening to what society thinks, what they
14 feel, and there's a lot of days I either get up and walk
15 away or I'm biting my tongue until it's about to come off
16 because I feel that a lot of it is not ignorance but they
17 don't know because nobody knows what they will do if they're
18 in a certain situation and it is only human nature that if
19 you're put into a corner, whether it's emotionally,
20 physically, whatever, you're going to try to survive.

21 You will come out. Now your judgement may not always
22 be the best on how you do come out. Mine wasn't and I've
23 paid for it; I'm still paying for it to the degree that
24 there are some jobs that I cannot do because the
25 applications will have on them, "Have you ever been

1 convicted of a crime?"

2 I have to write yes. You know, whether they consider
3 24 years ago or not, I still have to write yes. My present
4 employer is different. They have, "Have you been convicted
5 in the last five years?", or some are seven or some are ten.
6 Those I can honestly write no to because I was convicted 24
7 years ago but yet there are a lot of people that have been
8 around me since I've been out that know nothing about me
9 except what they see now.

10 They do not know nothing about my past and I know if
11 they knew some of them would honestly turn around and walk
12 away and have nothing more to do with me because they have
13 no idea -- they could not take what I am now and think, "Oh,
14 you were convicted of what? Well, we don't want to be
15 bothered by you.", and they'd walk away.

16 I did have one relationship that that happened to me.
17 After my second divorce and I finally started dating again,
18 this man knew me for like seven years and when I told him at
19 that while being on parole if you're going to go out of the
20 State or out of certain levels you have to have written
21 permission.

22 Well he was one of these compulsive people that you
23 get up and if you want to go down to Virginia Beach, well
24 you get up and you go, which is normal for any other human
25 being but how do you stand there and say, "No, I can't go."

1 "Oh, well why?"

2 Like I said, he knew me for seven or eight years and
3 when I dropped a bombshell on him he wouldn't talk to me for
4 about a week. It was like total shock, you know, and it
5 makes you really wonder.

6 I've worked constantly since I've been out. I did
7 run into one slack period where I got laid off. I had a
8 really good job but I got laid off.

9 Well, all my unemployment ran out and everything ran
10 out and at that time I had my child, which was small, and if
11 it wouldn't have been for my family -- because I did go in
12 to Welfare even though I didn't want to and I was denied
13 Welfare because I had life insurance on my son and I and I
14 owned my own car. So I made it on my own with just a
15 medical card and the few Food Stamps they gave me, and I
16 brought myself back up.

17 I took a job that paid minimum wage, found a better
18 paying one. When that one decided to change things I got
19 laid off for a little bit and I went right back to work.

20 I've been working constantly; and I don't want to sit
21 around. I know a lot of people who think, you know, if they
22 do come out they're not going to do anything. Maybe there
23 are a lot that do come out but they're not lifers because
24 there are too many of us that I know -- I've had a few
25 friends up here that I've lost, that have died while being

1 in here, and never got a chance to get out.

2 I think there are people that deserve a chance. I
3 think each case has to be looked at, yes, closely because I
4 know that they looked at mine. They have to see what the
5 person wants to do and what they want to be.

6 Like I said, I did go back to my hometown. The crime
7 did not happen there. I did go back to my hometown and it's
8 a lonely feeling when you walk out these gates and go home
9 and none of your friends are around. Nine-tenths of the
10 people you knew either don't want to know you or they've
11 moved and nobody cares, so you start all over.

12 You deal with how you are looked at and everything
13 else but you take it a day at a time. I'm still taking it a
14 day at a time and I just made administrative parole. I am
15 hoping that once it comes back to the Commute Board to take
16 me off of parole.

17 Like I said, I walked out of here 15 years ago this
18 December and I don't ever want to see the inside of it again
19 because before I let anything or anybody put me in that
20 position I will be going for help.

21 That's all I have to say. Thanks for letting me
22 testify.

23 CHAIRMAN CALTAGIRONE: Questions?

24 REPRESENTATIVE CARN: Yes.

25 Thank you for your testimony. We really do

1 appreciate it.

2 I'd like to ask you, you said you applied for
3 commutation four times?

4 MS. DOE: Uh-huh. Yes, sir.

5 REPRESENTATIVE CARN: What happened after the fourth
6 time?

7 MS. DOE: The fourth time -- I think I got pretty
8 angry after the third time and what always bothered me was
9 the State has their own lawyer or representative, whatever
10 you want to call him, that represents you at the Commute
11 Board, okay, for these hearings; and it always upset me
12 because my hearings were always in June and when my co-
13 defendant started going up his hearings were in September,
14 this man who was representing me in June had represented
15 this man in September.

16 Finally I said I want my lawyer. So I had my own
17 lawyer. In fact, the lawyer I had was the same one I had
18 for my trial.

19 REPRESENTATIVE CARN: So that made the difference you
20 think?

21 MS. DOE: I don't know if it made a difference. I
22 think he made a better presentation of my accomplishments
23 while being in and people backing me up and stuff because
24 for your commute you needed a psychological work-up. You
25 need -- you do your testing, you know, a psychiatrist talks

1 to you, and my lawyer had brought in our own besides the one
2 that the State gave me. So we used both of them, plus I had
3 a good recommendation from here and I had a lot of people on
4 the outside.

5 The former DA that prosecuted me, I think he's still
6 a Federal Judge. He was promoted to that. He wrote a
7 letter on my behalf. I had the arresting Chief of Police,
8 people like this, that really stood behind me. You know,
9 they were really there for me but I do feel -- to me, I felt
10 I needed something different. There was a conflict of
11 interests and I couldn't see how he could come up here and
12 represent me one month and three months later go represent
13 this guy, and I think he was appointed to represent
14 everybody that didn't have a lawyer. So it wasn't just
15 happening to me; it was happening in the other cases.

16 REPRESENTATIVE CARN: But you can't say whether or
17 not you think that made any difference in acquiring your own
18 attorney?

19 MS. DOE: No, it was just the choice that I made on
20 my own.

21 REPRESENTATIVE CARN: Do you feel then that it was
22 fair -- the four times -- do you feel that the process was
23 fair to you?

24 MS. DOE: I guess by the last one I was -- the
25 process, to a degree, might have been fair. The only thing

1 that ever upset me was when I looked at the docket for the
2 Commute Board. To me, I felt that the Commute Board should
3 strictly be for lifers and people who have no chance for
4 parole, you know, as it stands now, and you'd see people on
5 there for -- short-timers and stuff, that have the chance to
6 go through a Parole Board and just didn't want to go that
7 route. They figured they'd go the other route.

8 The Commute Board, I do feel, should give an answer
9 when they say no.

10 REPRESENTATIVE CARN: You mean give an explanation?

11 MS. DOE: Yes, they should give you some type of
12 explanation because just getting a no, that's the worst two-
13 syllable word you could hear. You try not to build your
14 expectations up. You feel you're doing everything you can
15 to better yourself, to be a more productive person here and
16 when you return to society, and then they shoot you down
17 with one word, you know. On my last one I sat and waited
18 ten and a half months for an answer. You can only apply --
19 I guess it's still the same. It used to be once a year to
20 the Commute Board. So you figure -- I almost had my whole
21 year in again when I would turn around and go right back up
22 but I sat and waited that whole time with no kind of
23 explanation except that I was put on hold.

24 REPRESENTATIVE CARN: Thank you very much.

25 Thank you, Mr. Chairman.

1 MR. KRANTZ: Was your co-defendant ever paroled?

2 MS. DOE: No. In fact, he escaped. He was gone 12
3 years and they just found him five years ago, and this was
4 something else I had to live with because when they released
5 me nobody gave me an up-to-date picture on what this man
6 looked like or anything else. The man could have walked up
7 to me and I would have never known him.

8 MR. KRANTZ: Have you ever had any further contact
9 with your children since the adoption?

10 MS. DOE: I now have my oldest son back, yes. He
11 found my parents and then after a short period of time I
12 finally told him who I was. He just thought I was one of
13 the kids.

14 I worked very long hours with him. He became very
15 abusive through this. I don't know what all the adoptive
16 parents told him or anything else but when I did get him
17 back and he came to live with me he started striking out.

18 I'd been divorced two years before I started dating
19 and I don't know if this was a threat to him or what but it
20 came down to the point that he did start to get abusive and
21 I took him right to mental health and we went to group
22 therapy sessions together and we worked -- we have it pretty
23 well worked out.

24 He has since enlisted in the Army Reserve and he's
25 doing a whole lot better but he had rough times to get

1 through and partially it was my fault. He couldn't
2 understand why -- he was seven years old and the mother he
3 loved all of a sudden no longer knew and he'd never see
4 again. He was jealous of my younger child because my child
5 had -- so we had sibling problems but we worked together.
6 It was a long, tough days that I wouldn't wish on nobody.

7 MR. KRANTZ: Thank you very much.

8 CHAIRMAN CALTAGIRONE: Thank you for your testimony.

9 I would like the next three testificants to come up
10 and be seated: John Kramer, Angus Love and James Dunning,
11 if you would, please, and we'll take them in that order and
12 when you're ready you can start with your testimony.

13 (Pause.)

14 MR. KRAMER: Mr. Chairman, Members of the Staff of
15 the House Judiciary Committee, thank you for the opportunity
16 to appear before you today at the State Correctional
17 Institution at Muncy.

18 I'm not going to spend any time talking about various
19 facts; you know them well enough. The fact that 14 or 15
20 years ago the opportunities for a commutation were much more
21 promising than they are today. I think that speaks well for
22 both the disparity of that particular process and it also
23 speaks that there is some need for legislation.

24 Secondly, you certainly know that the cost of
25 incarcerating people, which I don't think should be our

1 major concern but is certainly a concern.

2 I noticed today in the paper, my local paper, we're
3 talking about that we can't afford to open four
4 institutions. We have over the last ten or 14 years built
5 up more and more of our population being life-sentenced
6 inmates.

7 Therefore, if this issue were a fiscal concern which
8 is certainly important for some, it is not really the most
9 important issue here.

10 I think the major concern is the human costs and I
11 won't speak on that issue. I think you've heard well enough
12 from the individuals who have come before me and I know
13 you've heard this from the institutions at Western and at
14 Graterford.

15 My goal today is to perhaps, one, in which -- my
16 concern is that in the near future, as this Legislative
17 Session comes to an end, attentions will be diverted to
18 other issues.

19 I guess my main goal as I'm talking to you today, as
20 I conclude today, is to say to you: how do we make sure
21 that this stays on the agenda in the next year or two and
22 how do we come back and in a sense distance the political
23 process from this particular agenda?

24 I see it as a difficult political issue and therefore
25 -- and if I'm incorrect, then times have changed and my

1 comments may not be very accurate.

2 I'll begin by just giving you a background on the
3 Commission. The Committee may not understand the Commission
4 and what it does.

5 The Commission on Sentencing was created in 1978 to
6 address the problems of sentencing disparity. Since 1982
7 the Pennsylvania Judiciary has had sentencing guidelines as
8 a benchmark before they even consider a sentence.

9 The guidelines established a benchmark from which the
10 judges can hardly get a statement supporting ones particular
11 defendant who has served his or her sentence, aggravated or
12 mitigated.

13 The concept of providing sentencing guidelines has
14 worked very successfully. The process is well accepted
15 within the criminal justice system and the effect is less
16 disparity than in 1982, and that is both in terms of
17 regional disparity, racial disparity and general disparity.

18 Life sentences, however, are not a part of this
19 structure because life sentences have mandated life
20 sentences for murder one and murder two, with murder one an
21 alternative to the death penalty.

22 The fact that we have mandatory life sentences
23 without parole has an inherent disparity. The policy that
24 we've adopted, I believe, has a built in disparity for that
25 function. The fact that we punish murder one and murder two

1 equally, except for the death penalty, is I think an
2 inherent disparity from that process.

3 The policy that offenders convicted of murder one get
4 the same life sentences as murder two, as well as to those
5 who attempt to commit murder who are then convicted by way
6 of a felony-two -- which is a five to ten year max. The
7 only difference between those people is the fact that
8 somebody died. Now I know that is an important difference
9 but when we look at the culpability, the intent, the desire
10 of the person who has committed the crime, there is no
11 difference in culpability. The result, though, is the
12 difference between a life sentence, which has become an
13 infinite number of years under the current policy, versus a
14 maximum of five to ten for attempted murder which is less,
15 by the way, than aggravated assault.

16 The point is that there is more disparity than what
17 exists within the current sentencing system for murder and
18 attempted murder and for murder three and I believe the
19 seriousness of this disparity, regardless of the human side
20 and the fiscal side, is such that legislative action is
21 needed.

22 However, I, like Representative Carn who indicated in
23 his earlier remarks, am uncertain of what the best
24 legislative action is.

25 House Bill 1382 sets forth very specific criteria for

1 life sentenced inmates to earn his or her parole. To a
2 degree, if the Legislature wants to insure that defenders
3 earn parole this Bill will provide such rules. However,
4 this Bill would not totally address my concerns about
5 disparity.

6 Because House Bill 1382 does not address the
7 disparity issue, I suggest the Committee reconsider
8 alternative legislation that would provide parole
9 eligibility and sentencing be primarily determined by the
10 severity of the crime and the culpability of the offender.

11 There are a number of approaches to revise life
12 sentences that would address the problem of disparity and at
13 the same time distance the problem from the political
14 process.

15 Moreover, it is preferable that this decision rests
16 as closely as possible to the community where the
17 (inaudible) to give the authority to those most affected by
18 the crime.

19 It also de-centralizes the decision making from State
20 Bureaucracy and the Legislative Director which is the
21 current approach to the situation.

22 Most importantly, I think, through relating these
23 mistakes, is to suggest that alternative forms of earning
24 parole process and getting parole sentencing has been
25 relatively successful in the sense that a significant

1 proportion are given minimum sentences at the time of the
2 hearing.

3 One proposal to meet this criteria would be for the
4 legislation to provide the jury to recommend or decide to
5 the court for those that are guilty of murder one and two
6 that the defendant should have parole eligibility, and then
7 it can set the minimum or the minimum can be set by statute,
8 either of which choice would be okay, or it could be a set
9 of guidelines which could be drawn up by the Sentencing
10 Commission that would specify some general parameters for
11 the jury's consideration as to whether the sentence should
12 be life with or life without parole, and if it would be
13 responsible for setting parole eligibility what the
14 appropriate length should be.

15 I would assume that any guidelines developed by this
16 Commission would be subject to legislative review, the same
17 as any other guidelines we develop at this time.

18 Such legislation for life without parole for the most
19 serious offenders with life sentences would allow the jury
20 to consider what aggravating or mitigating factors in
21 establishing whether parole eligibility is appropriate.

22 It provides reasonable sentences and discretion to be
23 intrusted to the Citizens of the Commonwealth and takes the
24 Legislature out of the process.

25 An alternative model would provide life without

1 parole for murder one and life with parole for murder two.
2 While this is simple and seems fair, it does have some
3 problems.

4 First, it assumes that murder one is always more
5 serious than murder two. As those who have testified before
6 me had indicated, murder one offenders are in a wide range
7 of severity and it seems to me that therefore has some built
8 in difficulties with it.

9 This issue could be carefully studied prior to
10 suggesting such a policy. It should be carefully studied.
11 I suspect that you would find that the range of severity in
12 both murder one and two are such that it's an
13 oversimplification to assume that murder one is always more
14 serious than murder two.

15 It also presents the problem that only the jury or
16 the court can consider the individual facts of the case in
17 determining whether the sentence should be for life with or
18 life without parole, while it places the responsibility for
19 the sentences clearly in the hands of the Legislature since
20 it would be enacting mandatory penalties for murder one and
21 two convictions and that may also be difficult for the
22 Legislature to face up to.

23 In conclusion, I should go through a number of other
24 problems. I think that the current sentencing trend for
25 murder one and two results in serious disparity. The

1 Legislature should provide some procedures whereby this
2 problem can be rectified rather than leave the problems to
3 the Board of Pardons and Commutations.

4 The current policy of leaving the decision making as
5 to whether a person should be granted parole eligibility to
6 the Board of Pardons leaves the process in the political
7 arena which results in unfair and inconsistent decisions.

8 We need only look at such decisions by the Board of
9 Pardons and Commutation in the past 14 years to confirm that
10 the process is very considerate upon the political
11 environment.

12 The basic issue of this Committee should be how to
13 distance itself from the sentencing process and with life
14 sentences in particular and get it out of the political
15 arena.

16 Therefore, I suggest that this Committee ask the
17 Commission on Sentencing to review the current affected life
18 sentences both in terms of fiscal impact and in terms of
19 fairness and procedure; to study the process in other States
20 and to make recommendations to the Committee as to whether
21 legislation is needed and if so, to recommend specific
22 legislation to the Committee. This would distance the
23 Committee from this very political issue and make use of the
24 expertise of the Commission which has judicial and
25 legislative representation.

1 Moreover, this is a Commission of the General
2 Assembly and is therefore in a strategic position to assist
3 you in making a decision.

4 My point is that if the Commission came back in the
5 spring with some proposed legislation and a recommendation
6 to enact that legislation, it may in a sense give some
7 thrust to the possibilities of enacting such legislation.

8 I'll now conclude my remarks and take any questions
9 that you may have.

10 CHAIRMAN CALTAGIRONE: Any questions?

11 REPRESENTATIVE CARN: Are you proposing that there is
12 a need to use this Commission to change the sentencing
13 structure without using legislative means?

14 MR. KRAMER: No. I think you have to use legislative
15 means. The question is what form -- what form or something
16 along the line of 1382 you should take. I mean, there are
17 different options of legislation.

18 So my suggestion would be that one, you have the
19 current 1382 which is a kind of earning your way out process
20 or mode for getting a release.

21 There are other alternatives which occur in
22 sentencing in which most States have sentences with parole
23 and without parole. In fact, some States don't --

24 REPRESENTATIVE CARN: But that would require
25 legislative action.

1 MR. KRAMER: Right; that would require legislative
2 action.

3 The question is whether or not there are other
4 alternative forms of legislative action that may be
5 preferable or more likely to be passed.

6 REPRESENTATIVE CARN: You also suggest that the
7 Legislature might want to commission the Commission on
8 Sentencing to do a study or --

9 MR. KRAMER: Well, that is based on a certain
10 premise. My premise there is that I do not expect
11 legislation to be passed in the closing days of this
12 legislative session.

13 My concern is that come spring another form of 1382
14 will be reintroduced as a new number; that there will be no
15 particular initiative for this piece of legislation and
16 hearings will be over. The impact of these hearings will be
17 lost, potentially with the new legislative session with the
18 turnover of a large number of representatives this year.

19 It seems to me that the political arena next spring
20 is going to be a new ballgame and with the -- my
21 understanding is we expect about a 30 percent turnover in
22 the House. That means what we've talked about today -- in
23 other areas, concerns have been how to educate.

24 My suggestion -- and I don't really care what happens
25 personally -- but one way of making sure this comes out on

1 the political agenda and part of the legislative agenda for
2 the spring would be to make sure that some recommended
3 legislation be proposed by a bipartisan board, in this
4 particular case the Commission on Sentencing, may be a
5 helpful thrust for the Judiciary Committee in the spring to
6 look at this Bill again, or other forms of the Bill.

7 I'm not really here to say that 1382 is good or bad.
8 I think there are other options. Really, my main concern is
9 that 1382 is going to die at the end of this legislation
10 session and next spring we're going to be faced with an
11 issue of how do we pick this up. Hearings were held last
12 year; do we begin by holding hearings again? What's going
13 to be the initiative to invigorate a very new House with new
14 membership to consider this issue.

15 REPRESENTATIVE CARN: Thank you.

16 MR. LOVE: Mr. Chairman and Members of the House
17 Judiciary Committee, my name is Angus Love and I'm the
18 Executive Director of the Pennsylvania Institutional Law
19 Project and the Vice-President of the Board of Directors of
20 the Pennsylvania Prison Society.

21 The Institutional Law Project seeks to serve the
22 civil/legal means of over 50,000 institutionalized persons
23 in our Commonwealth. It is dedicated to the principle that
24 all people, rich or poor, institutionalized or non-
25 institutionalized, black or white, should have equal access

1 to our judicial system.

2 I'm here today to speak in support of House Bill
3 1382. I had previously submitted written remarks in my
4 letter of December 30, 1991 and I'd just like to supplement
5 them briefly today.

6 I'd like to thank the Chairman for holding these
7 hearings and Representative Carn and Representatives
8 Richardson and Acosta for sponsoring this legislation.

9 In one very narrow view this Bill only affects a few
10 thousand people who are serving life sentences and their
11 loved ones who have continued to support them throughout
12 this ordeal.

13 Many might say why do you care about a few thousand
14 people who have homicide convictions. I would suggest that
15 an injustice to one or even to a few is an injustice to us
16 all.

17 As a rule, we must have a judicial system that has
18 the respect of all segments of society if it is to achieve
19 its objective as an arbitrator of disputes among men and
20 women in our society.

21 It must be especially vigilant in dealing with those
22 that are the most vulnerable: people in prisons,
23 minorities, and the poor. That means, according to Justice
24 Brennan, that they are a socially threatening minority.
25 These are the people that are displaced and easy to treat in

1 an unjust manner.

2 House Bill 1382 has the courage to address the
3 systemic abuses to persons who are serving life sentences in
4 Pennsylvania's prisons.

5 I've been going into prisons for over 14 years and
6 it's been quite an educational process. Over the years I've
7 seen a number of examples of the inequities that have
8 occurred since the system was created.

9 In 1982 I represented an inmate who had been involved
10 in a gang war when he was 16 years old in north
11 Philadelphia. During the course of the gang war a murder
12 was committed. He was first certified as an adult which I
13 found through the years is a process which is uniquely
14 American and not shared by the ancestors of our legal
15 tradition, the British legal system.

16 He was certified as an adult and then tried under the
17 Felony Murder Rule and received a life term. He's now been
18 in jail for nearly 20 years for participation in a gang war
19 as a juvenile with little hope of ever being released.

20 A second group of individuals that I am particularly
21 troubled by are the second-degree murder convictions. I had
22 a case in US District Court a number of years ago where I
23 called Norris Galman to the stand.

24 Mr. Galman was an Assistant District Attorney in
25 Philadelphia before 1980 when he sought to charge an

1 individual -- when he made the decision as to what charges
2 an individual would be brought up on, he was told by his
3 boss in the District Attorney's Office that anyone who
4 received a second-degree murder conviction would be commuted
5 in 10 to 12 years. This was the tradition that existed
6 before 1980, and these were the instructions that Assistant
7 District Attorney's were given during that period of time.

8 Unfortunately, there has been a substantial change in
9 the political winds that have limited the commutation
10 process to an entirely different character.

11 Before 1980, 90 percent of the recommendations of the
12 Board of Pardons were agreed upon by the Governor. Since
13 1980, 90 percent of the recommendations by the Board of
14 Pardons have been rejected by the Governor, and I really
15 feel it's a substantial injustice for these individuals who
16 are sentenced under one concept, believing that they're
17 going to be commuted in a certain number of years, are now
18 left twisting in the wind due to merely a change in the
19 political climate.

20 Another individual that I represented in the past
21 years who finally achieved a commutation was a person who
22 was at a rock concert and involved in a fight with another
23 individual, chased that person out of the concert and the
24 defendant than shot and killed him.

25 His friend then copped a plea and he got out with a

1 five to ten year sentence whereas he was stuck with a life
2 term.

3 Another individual up at Graterford, he and an
4 accomplice were involved in a robbery at a synagogue and the
5 accomplice committed the murder. Again, the accomplice took
6 a plea and got a of term years where this individual went to
7 trial and was given a life sentence.

8 He was so frustrated over the lack of hope for his
9 plight that he took a hostage at Graterford -- clearly a
10 mistake -- a number of years ago and held him for a day or
11 two.

12 That hostage, a Mr. Schmuckler, a teacher at
13 Graterford, has never had any ill-feelings towards that
14 inmate and has no animosity whatsoever to the individual for
15 taking him hostage but is in great sympathy for his plight
16 to try to get some publicity for the injustices that he has
17 suffered.

18 Another individual that I met recently, a woman who
19 has scars up and down her arms and face from an abusive
20 husband, who had committed an act of murder in taking the
21 man's life.

22 As it was mentioned earlier, the idea of a battered
23 woman syndrome is a very recent idea. It was not even in
24 existence when this woman came to trial many years ago.

25 As we all know, we live in a male-dominated culture,

1 a male-dominated judiciary, a male-dominated legislature,
2 and it's only now that we're starting to come to grips with
3 the problems of a woman that faces an abusive husband. I
4 think there are many women that under a life sentence that
5 fall into this category and need to be reevaluated in light
6 of the knowledge that is coming to pass.

7 There are 2,300 lifers that live daily with these
8 injustices. I believe that they are likely indicative of
9 the disparity of treatment by this Commonwealth.

10 I've been amazed to hear support for their plight
11 from many sectors of the prison community: from
12 Superintendents, advocacy groups, lifers' associations and
13 active commissions.

14 Although there are some difference in opinion as to
15 what is the best way to deal with these injustices, I think
16 it is clearly a time that something must be done, and it
17 must be done not just for the lifers, not just for their
18 families, not just for the advocates, not just for future
19 lifers, but it must be done for everyone. Thank you.

20 CHAIRMAN CALTAGIRONE: Questions?

21 (Pause.)

22 MR. DUNNING: Mr. Chairman, Members of the Committee,
23 on behalf of the Commonwealth's veteran's incarcerated
24 community, I appreciate this opportunity to present my views
25 on House Bill 1382, The Public Safety and Rehab Act.

1 This Bill would effectively and efficiently address
2 the critical need for hope and further rehabilitation for
3 the life sentenced prisoners in Pennsylvania who are not now
4 eligible for participation in parole or pre-release
5 programs.

6 My main purpose for coming before you today is to
7 comment on the circumstances of that significantly large
8 percentage of Pennsylvania's approximate 2,000 life
9 sentenced prisoners who are military veterans, many of whom
10 received life sentences for manslaughter, crimes of passion,
11 self-defense or being an accomplice in a crime.

12 Official reports of incarcerated vets that have been
13 contested by human aid and veteran's advocacy groups, and
14 I'll try to sum up what I've been able to find.

15 These groups maintain that Vietnam veterans are over-
16 represented in the prison population, receive sentences for
17 first offenses more often than other criminal offenders and
18 have stress-related disorders that were ignored during their
19 trials and sentencing.

20 The actual number of incarcerated veterans who may be
21 found in Pennsylvania's life sentenced offenders' population
22 is a much disputed issue. Some of the literature and some
23 of those incarcerated veterans with whom I have worked
24 maintain that as many as half of all inmates are Vietnam-era
25 veterans. US Department of Justice's 1981 survey of 12,000

1 randomly selected prisoners in State facilities across the
2 country found that 25 percent of all inmates are veterans,
3 and of this group 60 percent were Vietnam-era veterans.

4 The studies of individual States have tended to
5 support this estimate. Massachusetts, for example, created
6 a need to examine the correctional facilities. In
7 Pennsylvania in 1978, and as a matter of fact, found that
8 approximately one-quarter of the inmates were veterans and
9 that about half of this group were Vietnam-era vets. In
10 California, the results were pretty much the same.

11 As in the Massachusetts system, the incarcerated
12 Vietnam veterans in Pennsylvania tend to have had no prior
13 incarceration and are more likely to be incarcerated for a
14 first offense than other prisoners. Furthermore, virtually
15 all of the life sentenced prisoners in Pennsylvania have
16 been incarcerated 15 years or more -- they are not part of
17 the new crime wave.

18 They have been in Pennsylvania's correctional
19 institutions since before 1980 when the American Psychiatric
20 Association first defined Post-Traumatic Stress Disorder in
21 order to account for and to come to grips with the plethora
22 of stress disorders resulting from what until then had been
23 known as the Vietnam Syndrome.

24 Courts, defense attorneys and veterans alike had no
25 idea that the mental disorder they were seeing and

1 experiencing was a chief contributor to their crimes and
2 thus constituted a significant mitigating circumstance.

3 Clinicians generally agree that prolonged this may
4 profoundly affect the person's sense of identity. Most
5 Vietnam veterans when exposed to the trauma of war were of
6 the age when young men begin to stabilize the basic
7 personality structure in order to progress to the various
8 levels of adulthood.

9 Many 20th century cultures grant youth at this time a
10 psychological moratorium in which to explore oneself and in
11 the process work out a more enduring identity. Our culture
12 tends to allow an extended moratorium, often through the
13 late 20's.

14 The soldier in Vietnam was between the ages of 17 and
15 23, average age 19. Many Vietnam veterans had great
16 difficulty finding their identity and making the transition
17 back to a peacetime society. The Vietnam War was no
18 moratorium.

19 After the Tet Offensive in 1968 the Vietnam War was
20 considered a bad war by the American public and veterans who
21 participated suffered various forms of stigmatization.
22 While some World War II vets had come home to joyous victory
23 parades, the Vietnam vets returned to an atmosphere of
24 defeat and were more likely to witness anti-war marches and
25 protests.

1 Many veterans felt that their efforts were
2 unappreciated or even condemned by their fellow Americans.
3 This was particularly traumatic because while in Vietnam
4 they had idealized their homeland. Their term for it was
5 "The World".

6 Soldiers engaged in daily fantasy excursions with how
7 wonderful life would be when they returned to the States.
8 Instead, when the time arrived, many veterans had to deal
9 with a less than accepting public and high rates of
10 unemployment.

11 A survey has shown that the returning Vietnam combat
12 veteran was more alienated, had significantly more problems
13 in establishing intimate relationships and more employment
14 problems than did his non-veteran peers.

15 For black veterans, often familiar with the
16 indignities of discrimination, the homecoming was
17 particularly frustrating. As one put it, "We went away
18 intelligent young men to do the job of American citizens and
19 once we did, we came back victims."

20 All these problems have clear indications regarding
21 criminal behavior. We also in 1980 concluded that more than
22 anything else the returning veteran needed social support
23 and a positive welcome from his community to help work
24 through the war experience while trying to establish a sense
25 of identity.

1 In many cases veterans went literally from the
2 jungles of Vietnam to the urban jungles of American in less
3 than 24 hours. In place of a positive welcome, they were
4 spit upon and jeered which interestingly is not a very
5 different welcome than that which they received in Vietnam.

6 The peak birth year of the Vietnam veteran was 1947.
7 It is probable that no generation in American history has
8 had greater socio-economic expectations. They grew up in a
9 period of prosperity and increasing idealism; even the
10 disadvantaged minorities had hope of social betterment. The
11 Vietnam era brought social changes and an accompanying shift
12 in values.

13 Many veterans felt that they had been deceived by
14 their government and by society. For some, the return to an
15 opportunistic world during peacetime and the need to exploit
16 others became partially a denial of their own victimization.
17 In this way, they appeared strong rather than victimized.
18 Some veterans used this as an excuse to engage in criminal
19 activities.

20 There are, of course, other facets of this dilemma to
21 explore such as guilt and self-punishment, substance abuse.
22 The addiction rates were relatively high in Vietnam. I
23 don't know if any Member of the Committee or anyone here
24 today has any relative experience.

25 How about the movie "Jacob's Ladder"?

1 Well, in that film the government was using a certain
2 chemistry that would make them more aggressive, to make
3 combat more likely.

4 As a matter of fact, one of the things our government
5 did do was distribute largely OB's. That's the common term
6 for them. Obisitol (phonetic), speed. It was an
7 amphetamine.

8 I think of all the facts about drug use, some by our
9 officers and government in Vietnam that are known, that drug
10 abuse and addictions of those people would at least be
11 understood.

12 Sensation seeking behavior is another facet of the
13 dilemma. Lower standards for military induction, the prime
14 example of which was McNamara's 100,000 and also known as
15 Project 100,000. Billed as a great society program the
16 project was extensively designed to rehabilitate the poor
17 but by lowering military standards for induction it was
18 argued that the young men who had previously failed to meet
19 the Armed Services minimum physical requirements would be
20 able to learn new skills, gain self-confidence, profit from
21 veteran's benefits, and generally enhance their prospects
22 for the future if they could be in the military.

23 In the end, 354,000 men entered the military under
24 the program. 41 percent were black and 40 percent were
25 assigned to combat roles in Vietnam. By lowering the entry

1 standards, the Armed Services dipped further into the
2 nation's socio-economic fabric.

3 The inescapable conclusion of the relevant data is
4 that these veterans were exceptionally vulnerable to both
5 the power and the pitfalls of the American system. Often
6 through naivete and misplaced trust they typically gave up
7 too much at trial, where rather than assist them the
8 military combat experience was mitigated against them.

9 It has been a long couple of decades since most of
10 these veterans should have fully returned home. Many were
11 incarcerated, and for the first time, within one to three
12 months of their return to America.

13 For those who are life sentenced in Pennsylvania, the
14 consideration that I am asking, is one that I think that
15 they have earned. Not the gratitude for their criminal
16 behavior but for their sacrifices honorably and honestly
17 made.

18 It is time now to join together to find ways to
19 return those veterans who have earned through their service
20 and who have made the efforts of rehabilitation while
21 incarcerated the privileges their service alone should have
22 brought them.

23 The Public Safety and Rehabilitation Act does not
24 provide a watershed for life sentenced prisoners. It
25 insists upon merit and review on a case by case basis, and

1 there's one thing further I can assure you of, no one who
2 has worked with these people for the past ten years as I
3 have can fail to notice that there are many who truly
4 deserve the time and attention of the Legislature, and for
5 legislative change which would establish parole eligibility
6 for life sentenced prisoners in Pennsylvania.

7 House Bill 1382 represents -- presents -- excuse
8 me -- parole eligibility in a way which is sensible to the
9 demands of justice and to the practical needs of the State
10 Correctional system. It is the right thing to do.

11 Mr. Chairman, that concludes my statement.

12 CHAIRMAN CALTAGIRONE: Thank you.

13 REPRESENTATIVE CARN: Mr. Dunning, so you're implying
14 that a person thrown into war has a higher inclination to be
15 victims of the -- to be participating in a crime?

16 MR. DUNNING: Yes, oddly enough, that seems to be
17 true. The great number of those who I have dealt with in
18 Pennsylvania, and to some extent in other States a lesser
19 number, seem to be there as life sentenced prisoners having
20 no prior conviction record, prior to Vietnam that is or
21 while in the military. Many of these -- 60-some percent --
22 have honorable discharges. Some do not, of course, and I
23 don't think that any of this testimony has tried to imply
24 that the need -- the substance of 1382 needs to apply to
25 everyone uniformly immediately or any such nonsense. This

1 is a case by case thing and it is also with the veterans.

2 None of us reacted the same way there or upon our
3 return home. Vietnam was mine and whoever else was there,
4 you know. It was our own experience but many folks,
5 especially those who put their trust in America and in this
6 system of success, were disappointed and came back, as I
7 said, from one jungle to just another jungle and reverted to
8 the best possible -- what seemed to them to be the best
9 possible means of survival.

10 REPRESENTATIVE CARN: I lost two cousins in the war.
11 I came from the high school that had more persons killed in
12 the war than any other high school in the country.

13 MR. DUNNING: Yes, Philadelphia does have that
14 distinction.

15 CHAIRMAN CALTAGIRONE: Any other questions?

16 (Pause.)

17 CHAIRMAN CALTAGIRONE: Gentlemen, thank you for your
18 testimony.

19 MR. DUNNING: Thank you.

20 MR. LOVE: Thank you.

21 MR. KRAMER: Thank you.

22 CHAIRMAN CALTAGIRONE: We will have the testimony
23 that's been submitted by Ms. Marsh entered for the record.

24 At this time, we'll conclude the hearing and I want
25 to thank everybody for participating. If you have other

1 written testimony, we certainly will take it and you can
2 submit it.

3 Thank you.

4 Thank you, and this meeting is adjourned.

5 DR. LITTLE: Mr. Chairman.

6 CHAIRMAN CALTAGIRONE: Yes.

7 DR. LITTLE: May I submit this?

8 CHAIRMAN CALTAGIRONE: Yes, you can submit it to the
9 record.

10 DR. LITTLE: Or may I --

11 CHAIRMAN CALTAGIRONE: Yes, please be seated.

12 DR. LITTLE: Chairman, Members, thank you very much
13 for allowing me these couple of minutes. This is the packet
14 that I have and I'll just need a few moments.

15 My name is Harry Little and I'm a physician
16 specializing in Psychiatry at the Geisinger Medical Center
17 in Danville.

18 Before I moved to Pennsylvania I worked at the
19 University of Illinois for many years, taught in the Law
20 School there, and since coming to Pennsylvania part of our
21 service at Geisinger was to consult at Muncy for about the
22 last ten years.

23 I want to speak in support of Bill 1382, and in
24 addition to expressing my feelings for being allowed to
25 speak, I want to express a hope that I can somehow be

1 granted the eloquence and the persuasiveness of my personal
2 support of this Bill. If that were possible somehow, you'd
3 only need one speaker and that would be me to persuade you.

4 My experience with lifers I think will allow me to
5 discuss the problem. There may be different ways but I
6 never want to be anecdotal nor do I want to be particular in
7 my remarks; rather, I want to talk about legitimate concept
8 that is operative here under the present law.

9 In the interest of time and because other people will
10 speak more eloquently about the other aspects -- because by
11 the time that these public hearings are over this problem
12 will probably be discussed from all of its important
13 aspects.

14 I support most of the Bill's positions but I only
15 want to speak on only one aspect, one important element that
16 is missing under the present law and which would be added
17 under Bill 1382.

18 What I'm going to speak about is hope and loss of
19 hope is very seldom absent even in the most difficult human
20 conditions.

21 Let me create a situation.

22 A doctor dealing with a terminally ill patient comes
23 in and says, "Mr. X., you have a rare type of brain tumor.
24 You have one chance in 10,000 of recovering." The universal
25 response is, "I'm the person to beat those odds."

1 But there's one situation where hope is the central
2 condition and that's clinical depression. People with
3 depression come with loss of hope. If they do ask for help,
4 in the back of their mind they feel that it's all useless.
5 They usually don't ask for help because they feel what's the
6 use but if they do come then in reality the character is
7 sincere, he's trying, but he really can't do anything.
8 There's nothing they can do, there's nothing I can do,
9 there's nothing anyone can do. I'm beyond help, beyond
10 hope.

11 So given that feeling, you know, if what's the use in
12 trying, why not just give up. We wonder why an individual
13 in such condition is usually unable rather than unwilling to
14 try.

15 So I'm here to postulate that not always, but too
16 often, is the situation that lifer in Pennsylvania finds
17 himself.

18 Any incarceration takes away freedom, dignity,
19 privacy, family ties, and adds punishment and abandonment
20 but my question is: should we also take away hope? Because
21 it's counter-productive and I really think I could argue
22 that you're adding -- by taking away hope -- a central
23 condition for depression.

24 It doesn't always happen but you increase the odds
25 and add that to a person's difficulties and there will be

1 depression.

2 So finally, and to clear up any misunderstandings,
3 you would have -- and I hope this doesn't happen but even
4 without 1382, if it was very, very restrictive it really
5 wouldn't matter how restrictive it was in the sense that at
6 least you'd be adding hope and that's not an unimportant
7 issue.

8 Under Bill 1382 there is sufficient safeguards,
9 restrictions, evaluations and so on, but even with them
10 there would still be some inmates that will serve a life
11 sentence. I have no argument against that because some
12 inmates will continue to be dangerous to society. I've met
13 such inmates. On the other hand, I've met many that won't
14 be.

15 The Parole Board's job will be no more difficult than
16 it is now and in their wisdom they will continue to do the
17 excellent job that in my experience they do.

18 So under Bill 1382 hope will never be absent and
19 inmates and families will not have to face that complete
20 sentence that there's no hope. Thank you.

21 CHAIRMAN CALTAGIRONE: Thank you, Doctor.

22 This meeting is adjourned.

23 Thank you very much.

24 (Whereupon, the documents were marked as
25 House of Representatives Exhibit Nos. 1 through 3
for identification and received in evidence.)

1 (Whereupon, the document was marked as
2 Inmates Exhibit No. 1 for identification
and received in evidence.)

3 (Whereupon, at 2:58 p.m., the hearing was adjourned.)
4
5

6 C E R T I F I C A T E

7 I hereby certify, as the stenographic reporter, that
8 the foregoing proceedings were reported stenographically by
9 me, and thereafter reduced to typewriting by me or under my
10 direction; and that this transcript is a true and accurate
11 record to the best of my ability.

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13 BY: 

14 Michael P. Kelly
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