

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

HOUSE OF REPRESENTATIVES
COMMONWEALTH OF PENNSYLVANIA

* * * * *

House Bill 1521

* * * * *

House Judiciary Subcommittee
On Crime and Corrections

Main Capitol Building
Room 140, Majority Caucus Room
Harrisburg, Pennsylvania

Wednesday, April 15, 1998 - 1:10 p.m.

--oOo--

BEFORE:

- Honorable Jerry Birmelin, Majority Chairperson
- Honorable Brett Feese
- Honorable Stephen Maitland
- Honorable Al Masland
- Honorable Harold James, Minority Chairperson
- Honorable Kathy Manderino

IN ATTENDANCE:

- Honorable Babette Josephs
- Honorable Joseph Petrarca
- Honorable Tom Caltagirone
- Honorable LeAnna Washington

KEY REPORTERS
1300 Garrison Drive, York, PA 17404
(717) 764-7801 Fax (717) 764-6367

1998-095



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

ALSO PRESENT:

Brian Preski, Esquire
Majority Chief Counsel

Judy Sedesse
Majority Administrative Assistant

John Ryan, Esquire
Minority Chief Counsel

C O N T E N T S

1		
2		
3	WITNESSES	PAGE
4		
5	Honorable Skip Ebert, District Attorney Cumberland County	6
6		
7	Joel Rosen, Chief Assistant District Attorney Major Trials Unit, Philadelphia District Attorney's Office	19
8		
9	Gary Tennis, Chief Assistant District Attorney Legislation Unit, Philadelphia District Attorney's Office	32
10		
11	Honorable Michael Fisher, Attorney General Commonwealth of Pennsylvania	78
12	Bob Gracie, Senior Deputy Attorney General Legal Appeals Section/Criminal Law Division	
13	Larry Frankel, Executive Director American Civil Liberties Union of Pennsylvania	96
14		
15	Mary Achilles, Victim Advocate Office of the Victim Advocate	115
16	Pennsylvania Board of Probation and Parole	
17	Robert Tarman, Esquire Co-chair, Legislative Committee	120
18	Pennsylvania Association of Criminal Defense Lawyers	
19		
20	Linda Wallach-Miller, Judge Court of Common Pleas (43rd Judicial District)	131
21	Samuel W. Salus, II, Judge President-elect, Pennsylvania Conference of State Trial Judges	148
22		
23		
24	(Written testimony submitted by Dr. Charles Kendall, Jr., Co-founder, PA Constitution Watch and by Barbara J. Hart, Director, PA Coalition Against Domestic Violence.)	
25		

1 CHAIRPERSON BIRMELIN: Good afternoon. I'm
2 Representative Birmelin, Chairman of the
3 Judiciary Committee Subcommittee on Crimes and
4 Corrections. We're having a hearing today.

5 The hearing is on House Bill 1521, which
6 is dealing with the issue of putting a referendum
7 on the ballot to give the Commonwealth the right
8 to trial by jury. And we have with us several
9 people who are going to be testifying.

10 We have a rather full schedule,
11 actually; and we're going to try to adhere to the
12 time frame as much as is possible. And that
13 rarely happens, but we will do the best that we
14 can.

15 And before we have our first testifiers,
16 I'm going to ask the Members of the Judiciary
17 Committee if they would introduce themselves,
18 starting with my far left.

19 REPRESENTATIVE MANDERINO: Good
20 afternoon. Kathy Manderino, Philadelphia County.

21 REPRESENTATIVE JOSEPHS: Babette
22 Josephs, Philadelphia County.

23 REPRESENTATIVE CALTAGIRONE:
24 Representative Tom Caltagirone, Democratic Chair,
25 House Judiciary, Berks County.

1 MR. RYAN: John Ryan, Counsel to the
2 Democratic Chair.

3 REPRESENTATIVE MASLAND: Al Masland,
4 Cumberland and York Counties.

5 REPRESENTATIVE MAITLAND: Steve
6 Maitland, Adams County.

7 CHAIRPERSON BIRMELIN: And because there
8 are some other meetings going on today and the
9 Members, of course, belong to more than one
10 Committee at a time, some of our Members will be
11 leaving and coming back. And there may be others
12 coming in who were not here previously.

13 As is our general practice, all of those
14 who are testifying who have written testimony
15 with them, we will see to it that the Members who
16 are not present with us today who are on the
17 Committee will receive copies of all that
18 testimony.

19 And with that having been said, I see
20 our Chief Counsel, Brian Preski, is in; and he
21 will be joining us here on the Panel. We're
22 going to start with three gentlemen.

23 As they are seated to my left is Gary
24 Tennis, who is the Chief Assistant District
25 Attorney of Legislation Unit for Pennsylvania for

1 Philadelphia's District Attorney's office. He's
2 a frequent testifier here on the Capitol and
3 oftentimes before this Committee. Gary, we
4 welcome you. Would you introduce the two
5 gentlemen who are with you?

6 MR. TENNIS: This is Skip Ebert, who is
7 a District Attorney of Cumberland County. And on
8 the far side is Joel Rosen, who is Chief of the
9 Major Crimes Unit for the District Attorneys of
10 Philadelphia.

11 CHAIRPERSON BIRMELIN: Okay. Now, all
12 the introductions having been met and hopefully
13 recorded, Mr. Tennis, why don't we begin with
14 you?

15 MR. TENNIS: Okay.

16 CHAIRPERSON BIRMELIN: You're sort of
17 the co-chair. You can determine what order the
18 three of you want to go in.

19 MR. TENNIS: If it's okay with you,
20 we're going to have Skip Ebert lead off with the
21 testimony.

22 MR. EBERT: Good afternoon. My name is
23 Skip Ebert, and I'm presently the elected
24 District Attorney of Cumberland County.
25 Previously, I served as Assistant District

1 Attorney in Dauphin County, First Assistant
2 District Attorney in Cumberland County, Chief of
3 Prosecutions in the Attorney General's office,
4 and, finally, Executive Deputy Attorney General
5 in charge of the AG's Criminal Law Division.

6 All totaled, I've been a criminal
7 prosecutor for over 16 years. Additionally, from
8 1993 to 1996, I was a member of the Governing
9 Council of the American Bar Association's
10 Criminal Justice Section which represents over
11 8,000 defense attorneys, prosecutors, judges,
12 court personnel, and law professors involved in
13 the criminal justice process nationwide.

14 I served as the National Association of
15 Attorney Generals' representative to the ABA
16 Criminal Justice Standards Committee which is
17 responsible for formulating and publishing ABA
18 policy regarding the criminal justice issues.

19 Today, again, we're revisiting the right
20 of people of the Commonwealth of Pennsylvania to
21 have a jury trial in criminal cases. On the
22 surface, a simple reading of the Constitution of
23 Pennsylvania clearly states, quote, that trial by
24 jury shall be as heretofore and the right thereof
25 shall remain inviolate, end quote.

1 You will note that there's no
2 distinction between the right of the defendant
3 and the right of the people. It was the right to
4 a jury trial for all people which is guaranteed
5 by our constitution.

6 In fact, this was clearly recognized
7 by our Supreme Court when it first adopted Rule
8 1101 of the Rules of Criminal Procedure in 1968.
9 At that time, waiver of jury trial by a defendant
10 required the consent of the prosecutor.

11 However, in 1973, the Court chose
12 through its rule-making authority to deny the
13 people of the Commonwealth of the right to jury
14 trial by changing Rule 1101 to its present form.

15 In 1978, the Legislature, realizing the
16 inequity of the Supreme Court's Rule, enacted
17 Section 5104(c) of the Judicial Code which
18 provided that the people of the Commonwealth,
19 quote, shall have the same right to trial by jury
20 as does the accused, end quote.

21 In reaction to this legislative
22 enactment, the Supreme Court by the narrowest
23 of margins, a vote of 4 to 3, declared the
24 legislative enactment unconstitutional in the
25 case of Commonwealth versus Sorrell.

1 Justice McDermott dissenting in that
2 case stated: Upon the thinnest semantic ground
3 in a usurpation of authority, naked of precedent,
4 the majority is diluting the right of the people
5 to trial by jury.

6 The Court has peremptorily declared
7 unconstitutional an act of the Legislature
8 reaffirming the people's absolute right to a
9 trial by jury.

10 Distinguished Members, since 1982, my
11 experience in prosecution has revealed to me that
12 this Supreme Court rule and the declaration
13 contained in Commonwealth versus Sorrell has been
14 used by criminals throughout this state to obtain
15 lenient treatment from judges who are opposed
16 to the Legislature's Mandatory Sentencing Law.

17 I cannot believe in this day and age
18 under the simplest provision of Section 6 of our
19 constitution that the people and especially crime
20 victims of this state are not entitled to the
21 same type of jury guaranteed to a criminal
22 defendant.

23 I assure you that this is not just some
24 big city problem. I once tried a defendant for
25 driving under the influence, homicide by vehicle,

1 homicide by vehicle while driving under the
2 influence, involuntary manslaughter and a summary
3 stop sign violation.

4 The defendant in that case went through
5 a stop sign and crashed into another vehicle on a
6 Sunday afternoon, killing a 60-year-old
7 grandmother who was with her family on the way to
8 her own birthday party. The defendant had .23
9 blood alcohol at that time.

10 The defendant waived trial by jury and
11 chose a bench trial. The defendant was found
12 guilty of driving under the influence, homicide
13 by vehicle, involuntary manslaughter and failure
14 to stop at the stop sign.

15 More relevant for our purposes here
16 today, the defendant was found not guilty of
17 homicide by vehicle while driving under the
18 influence, the only charge which carried a
19 mandatory three-year sentence.

20 Instead, that defendant was sentenced to
21 a period of four months in the county jail. I
22 was told by the court, quote, look, I'm not
23 putting her in jail for three years, end quote.

24 There was no question in my mind that a
25 very experienced defense attorney who knew he

1 could gain an advantage by waiving jury trial,
2 knowing there was nothing I could do to prevent
3 it and no way of appealing the result.

4 While winning a jury trial is never a
5 certain thing, I am positive that before an
6 impartial jury of that defendant's peers she
7 would have been convicted of all the charges
8 based on the evidence.

9 This tactic was simply a way to avoid
10 the mandatory sentence. I ask you to put
11 yourselves in the position of that grandmother's
12 family when I had tried to explain to them that
13 as victims of a crime they weren't entitled to
14 the same right to jury trial as the criminal who
15 killed their grandmother had.

16 For this very reason, the Coalition of
17 Pennsylvania Crime Victims Organization supports
18 this Bill. The problem also occurs in regard to
19 mandatory drug cases.

20 I have seen where a defendant charged
21 with possession with intent to deliver or
22 delivery of cocaine take a nonjury trial before
23 a judge in order to have the judge rule that the
24 quantity of cocaine that the defendant possessed
25 was less than the amount required for a mandatory

1 sentence.

2 For example, a defendant who possesses
3 15 grams of cocaine would be found guilty of
4 possessing only 7 grams of cocaine because that
5 was the weight the representative, tested sample
6 weighed.

7 In short, to meet the standards required
8 by some of these judges, it would be necessary to
9 test every leaf of marijuana or every gram of
10 cocaine to ensure that the total substance was
11 truly all a controlled substance.

12 Bench trials have reached this result
13 even though the reasonable inferences of
14 the evidence, common sense, and appellate court
15 decisions would dictate otherwise.

16 To a lesser extent, the problem also
17 surfaces in cases where the Commonwealth is
18 required to take an interlocutory appeal after a
19 defense pretrial motion which results in the
20 suppression of evidence.

21 If the Commonwealth is successful on
22 appeal and the decision of the Court of Common
23 Pleas is reversed, it's not unusual for the
24 defendant to request waiver of jury trial in
25 order to give a judge the opportunity to render a

1 not guilty verdict which vindicates his or her
2 prior suppression ruling.

3 In such cases, if the Commonwealth
4 receives a not guilty verdict from a judge, the
5 case is absolutely over. There is no further
6 appeal.

7 While I do not maintain that such cases
8 like this are extremely widespread, I do see
9 defense attorneys requesting more nonjury trials
10 in this situation than in other cases where the
11 judge has not decided in the favor of the
12 defendant pretrial.

13 The logic of this tactic is quite
14 obvious. Frankly, the defense attorney
15 recognizes that he already has gotten a
16 sympathetic ear from a judge on a case and,
17 therefore, will have an easier time convincing
18 that judge that a not guilty verdict is
19 warranted, thereby vindicating the judge's
20 previous decision to suppress.

21 If the Commonwealth had the right to
22 jury trial, such practices could not occur. The
23 current process also impacts upon victims and
24 witnesses in another manner. Often, defendants
25 call their cases for jury trial.

1 The Commonwealth then prepares,
2 subpoenas, calls the victims and its witnesses
3 into court and is ready to go. At the last
4 minute, the defendant waives his right to jury
5 trial.

6 The case is then taken off the list and
7 moved to be scheduled at a later time. Under
8 many systems in the Commonwealth, this case is
9 then continued and rescheduled.

10 The victims and the witnesses are simply
11 told, go home, you'll have to come back again at
12 another time. In short, they're asked again to
13 disrupt their lives, miss more work, and dance to
14 the tune of the criminal defendant who hurt them
15 in the first place.

16 And remember, to the prior,
17 new-scheduled waiver trial, the defendant can
18 withdraw the waiver and once again demand a jury
19 trial, for he is after all the only person in
20 this Commonwealth who has such a right.

21 As I indicated to you previously, I was
22 on the National Association of District
23 Attorneys, representative to the American Bar
24 Association Criminal Justice Standards Committee.
25 In that capacity, I served on the task force for

1 the third edition of the Trial by Jury Standards.

2 I'm holding one of these copies. It's
3 about 271 pages. The Criminal Justice Section of
4 the ABA gave its final approval for this document
5 in 1995. We met for over five years to review
6 these standards.

7 As many of you are aware, the American
8 Bar Association is no right-wing, conservative
9 body when it comes to criminal justice issues.
10 Frankly, in the eyes of most prosecutors, the
11 ABA's viewed as a extremely liberal body when it
12 comes to defendants' rights.

13 That is why for the purposes of this
14 testimony I think it's important to note that the
15 third edition of ABA Trial By Jury Standards
16 states as its first proposition under Standard
17 1.1, Right to Jury Trial, quote, jury trials
18 should be available to a party including the
19 State in criminal prosecutions in which
20 confinement in jail or prison may be imposed.

21 The commentary to that Standard
22 specifically states that, quote, this standard
23 also recognizes that the availability of a jury
24 trial is beneficial to the prosecution and to
25 society as a whole, not simply to the accused.

1 Accordingly, Section A provides that the
2 right should be available to both the prosecution
3 and the defense. I would humbly suggest to this
4 Committee that five years of analysis given to
5 this topic by criminal justice practitioners of
6 every type, defense attorneys, professors
7 nationwide should not go unheeded.

8 It's kind of ironic because I was on
9 that committee and the ABA and I still get
10 recruiting literature from the National
11 Association of Criminal Defense Lawyers. And I
12 just got this letter in February 26th of this
13 year.

14 And as one of the benefits, they talk
15 about their Internet web site for members only.
16 And this was what they say. Explore the public
17 online offerings and join a private, strategic
18 discussion on the Worldwide Web.

19 See for yourself how the National
20 Association of Criminal Defense Lawyers' presence
21 on the Internet promotes a strong, proud image of
22 our profession, illustrating to the nation and
23 the world the need for an open and fair system of
24 justice predicated on the trial by jury.

25 The American Bar Association came to the

1 conclusion it did in the standards, which is best
2 exemplified by Chief Justice Warren of the United
3 States Supreme Court in Singer versus the United
4 States in 1965.

5 Chief Justice Warren stated, quote, not
6 only must the right of the accused to a trial by
7 a constitutional jury be zealously preserved, but
8 the maintenance of the jury as a fact-finding
9 body in criminal cases is of such importance and
10 has such a place in our tradition that before any
11 waiver can become effective, the consent of
12 government counsel and the sanction of the court
13 must be had in addition to the expressed and
14 intelligent consent of the defendant, end quote.

15 In conclusion, a defendant's only
16 constitutional right concerning his method of
17 trial is to an impartial trial by jury. This
18 amendment to the Constitution proposed in this
19 bill corrects our Supreme Court's blatant refusal
20 to accept the plain words of our constitution,
21 the right of both the people and the accused to a
22 jury trial.

23 In this Commonwealth, no one should
24 object to conditioning a waiver of the right to
25 jury trial and the consent of the prosecuting

1 attorney and the trial judge. If either refuses
2 consent, the result is simply that the defendant
3 is subject to an impartial trial by jury, the
4 very thing the Constitution recognizes.

5 The law recognized the adversarial
6 system as the proper method of determining guilt.
7 The people as a party in that determination have
8 a legitimate interest to see that cases which
9 they believe warrant a conviction are tried
10 before a tribunal, which the Constitution regards
11 as the most likely to produce a fair result.

12 I truly believe in this Commonwealth
13 that tribunal is the jury trial. In conclusion,
14 I urge favorable consideration of this bill for
15 the following reasons:

16 First, it will prevent courts from
17 circumventing mandatory sentencing laws by
18 rendering unfair, yet unappealable verdicts.
19 These are the laws you gentlemen and ladies
20 passed with regard to mandatory sentences.

21 Second, it promotes the society's belief
22 in the fairness of our criminal justice system by
23 giving the victim and the people the same right
24 as the defendant.

25 And third, it promotes order and

1 efficiency in the conduct of trials by denying
2 the defendant the last-minute vehicle to delay
3 his case and further disrupting the lives of his
4 victims.

5 Finally, this action recognizes the five
6 years of study done by the American Bar
7 Association, which recognizes the peoples' right
8 to jury trial benefits society as a whole.

9 And remember, these bills are here for
10 one purpose, to allow the people of this state to
11 decide whether or not they're entitled to a jury
12 trial. Thank you very much, sir.

13 MR. TENNIS: Next speaker is Joel Rosen.

14 MR. ROSEN: Good afternoon. My name is
15 Joel Rosen. I am the Chief of the Major Trials
16 Unit of the Philadelphia District Attorney's
17 office, a unit which prosecutes thousands of
18 robbery, aggravated assault, kidnapping and
19 narcotics cases every year before both juries and
20 judges.

21 I am here on behalf of the Philadelphia
22 District Attorney's office in support of House
23 Bill 1521, which would grant the Commonwealth the
24 same right to a jury trial as criminal
25 defendants.

1 Our criminal justice system has always
2 provided the fundamental right to a trial by
3 jury. That right is the single most essential
4 means of ensuring fairness in a criminal case.
5 In a jury trial, there is no single fact finder
6 with any particular prejudices or biases who will
7 decide the case.

8 The jurors are not friends or associates
9 of the victim or the defendant or the prosecutor
10 or the defense attorney. Twelve independent
11 members of the community decide the case.

12 For that reason, our justice system has
13 the jury trial as its foundation. And it is a
14 jury trial, not a judge trial, that has always
15 been guaranteed by the Constitution.

16 The necessity of having criminal cases
17 decided by independent juries has been recognized
18 by the American Bar Association, which recommends
19 that the right to a jury trial be guaranteed to
20 both the accused and the prosecution.

21 It has been recognized by the United
22 States Supreme Court, which has stated that a
23 jury trial should not be waived without the
24 consent of both the defense and the prosecution.

25 And that fact was Justice -- Chief

1 Justice Earl Warren who stated that in one of the
2 Supreme Court opinions. Our own State Supreme
3 Court has recognized that our constitution
4 guarantees a defendant a jury trial and that
5 there is no constitutional right to a nonjury
6 trial.

7 Yet despite all of this, our Rules of
8 Criminal Procedure deny the right to a jury trial
9 to victims of crime and the community at large
10 who are represented by the District Attorney's
11 office.

12 The single most fundamental part of the
13 criminal justice system, the right to a jury
14 trial, is currently given only to the criminal
15 defendant. This is not just an esoteric
16 discussion with no practical consequences.

17 The fact is that in every county of this
18 state, from Philadelphia to Pittsburgh and from
19 Greensburg to Scranton, there are victims of
20 crime who are denied a fair trial because they
21 have no right to a jury trial.

22 There are too many examples of cases
23 that were not decided fairly because a particular
24 judge was biased in favor of a defendant or
25 against a victim.

1 What makes these cases so extremely
2 discouraging is that a prosecutor usually will
3 know before a case even begins that a particular
4 judge will not render a fair verdict.

5 The Prosecutor may even tell the victim
6 that the chance for justice in that case is slim
7 because of the judge who will decide the case.
8 But there is nothing that the prosecutor or the
9 victim can do because only the defendant and his
10 lawyer get to choose who will hear the case.

11 I've experienced this personally, ladies
12 and gentlemen. And there's nothing quite like
13 being with a victim and trying to explain to them
14 why they don't have the right to a jury trial.
15 People don't understand why everybody doesn't get
16 to have a jury, and the person out on the street
17 assumes that everybody has that same right.

18 There's nothing like the look on a
19 victim's face when you tell them, I'm sorry, but
20 we have no option here. It's only the defendant
21 who gets to pick a jury trial, not you, not me as
22 your representative or the representative of the
23 community.

24 There are several reasons why a
25 prosecutor would ask for a jury trial. A judge

1 may personally disagree with a five-year firearms
2 sentencing provision.

3 Rather than decide the case fairly and
4 then have to impose a serious state sentence for
5 a violent crime, that judge will always acquit
6 the defendant of the more serious charges so that
7 he can impose a more lenient sentence.

8 This means, for example, that a robbery
9 victim can never get a fair trial in front of
10 that particular judge because the judge will
11 never convict the defendant of the crime that was
12 really committed.

13 Several examples of this are cited in
14 the appendix to the Pennsylvania District
15 Attorneys Association Executive Summary submitted
16 by Mr. Tennis. And I'd like to refer to a few.

17 In the case of Commonwealth versus
18 Valeri -- that's Case No. 1 in the appendix.
19 It's a Westmoreland County case -- in April of
20 1996, this defendant beat his 7-month-old son
21 within an inch of his life, breaking 17 bones
22 including his skull, damaging his liver and
23 crushing his penis -- he would pick the baby up
24 by the penis.

25 Children's Hospital physicians testified

1 to the substantial risk that the child's brain
2 was damaged and his growth permanently stunted.
3 The defendant demanded a trial without a jury.
4 The identity of the assailant was not an issue.

5 The judge found the defendant not guilty
6 of aggravated assault -- that is, causing serious
7 bodily injury or attempting to cause serious
8 bodily injury -- convicting only of simple
9 assault and other lesser misdemeanor charges.
10 The judge's stated reason was that the baby had
11 not suffered serious bodily injury. The verdict
12 avoided the five-year mandatory.

13 In the case of Commonwealth versus
14 Middleton, which is from our county, Philadelphia
15 County, that would be Case No. 3 in the appendix.
16 The defendant with another approached the victim
17 on the street and shot him twice without warning,
18 paralyzing the victim from the waist down.

19 The defendant waived the jury. The
20 judge found that the defendant did the shooting,
21 but found him not guilty of felony first degree
22 aggravated assault, convicting him of a lesser
23 assault charge.

24 The only legal basis for the F-1
25 acquittal is that the shooter did not cause

1 serious bodily injury intentionally, knowingly or
2 recklessly under circumstances manifesting
3 extreme indifference to the value of human life.

4 The practical result was to avoid the
5 five-year mandatory sentencing provision. So a
6 man who was shot and paralyzed for the rest his
7 life was not found to have suffered serious
8 bodily injury in order to avoid a five-year
9 mandatory sentence.

10 In the case of Commonwealth versus
11 Almamack in Philadelphia County, the defendant
12 had been caught red-handed with 25 pounds of
13 marijuana.

14 The court, realizing that the defendant
15 was facing a three-year mandatory, suggested in
16 open court to defense counsel that he argue mere
17 possession for personal use. Even defense
18 counsel initially hesitated, questioning whether
19 he could legitimately tender such an absurd
20 argument.

21 The judge convicted the defendant of
22 mere possession, not possession with intent to
23 deliver, implicitly finding that 25 pounds of
24 marijuana was exclusively for the defendant's
25 personal consumption; thereby, he avoided the

1 mandatory sentence.

2 Other judges will give breaks to
3 defendants for choosing a nonjury trial by
4 acquitting that defendant of the most serious
5 charges. This practice was acknowledged in an
6 article in the Philadelphia Inquirer, which is
7 attached.

8 As the chief of the Philadelphia
9 Defenders Association Major Trials Unit stated,
10 We get to know who the judges are who will give
11 us that break. Unfortunately, these breaks can
12 extend to criminals who deal in large amounts of
13 drugs, who rob people at gunpoint, and who murder.

14 Examples of this are included in the
15 attached Pennsylvania DA's Association Executive
16 Summary. And if I could just refer to a few
17 cases. First, one case that's cited in the
18 attached article in the Philadelphia
19 Inquirer, which was a homicide case where the
20 defendant's name was Wayne Nesmith.

21 Mr. Nesmith had shot a man six times at
22 close range in the chest, neck, and back with a
23 Glock 9 millimeter handgun. Mr. Nesmith admitted
24 that he was guilty, pled guilty to murder
25 generally, and went before the court arguing that

1 he shouldn't be convicted of first degree murder
2 but some lesser charge.

3 After hearing this as a waiver on
4 a degree of guilt, the trial judge decided that
5 six shots to the chest, neck, and back didn't
6 indicate an intent to kill on the part of the
7 defendant and instead found the defendant guilty
8 of that lesser third degree murder charge, giving
9 him what's known in Philadelphia as his waiver
10 discount, giving him that break and allowing him
11 to avoid a well-deserved life imprisonment
12 sentence for a first degree murder conviction.

13 Another case, a case of Commonwealth
14 versus Melvin Overton, on August 30th of 1995,
15 the defendant executed a 33-year-old robbery
16 victim, shooting him with a rifle twice in the
17 head and once in the abdomen after finishing the
18 robbery.

19 This was a nonjury bench trial, not a
20 jury trial. Instead of finding the defendant
21 guilty of first degree murder for an intentional
22 killing or second degree murder for a killing
23 committed during the commission of the felony,
24 the trial judge awarded the defendant his waiver
25 discount and convicted him of third degree

1 murder.

2 Some judges may just have a bias against
3 a particular type of case. An example of this is
4 in the attached Pennsylvania District Attorneys
5 Association Executive Summary.

6 It's the case of Commonwealth versus
7 Tridento from Montgomery County where a
8 7-year-old girl was brutally beaten by her
9 mother's boyfriend.

10 The defendant was found to have
11 committed the crime but was convicted only of
12 misdemeanor charges despite the fact that he had
13 crushed the little girl's pancreas and split
14 several layers of her colon.

15 When a judge does not like child abuse
16 cases, then the prosecutor as a representative of
17 the victim and a representative of the community
18 needs to be able to demand a jury so there will
19 be an independent, unbiased fact finder in the
20 case.

21 I would also cite to you two other cases
22 from counties outside Philadelphia. In the case
23 of Commonwealth versus Graham, which is Case No.
24 5 in attachment from Lackawanna County, in
25 January of 1997, the defendant, an off-duty

1 police officer, knocked down the door and broke
2 into the home of an ex-girlfriend who had broken
3 up with him a few weeks earlier.

4 He found her there. And having learned
5 a few weeks earlier that she had a fragile blood
6 vessel in her brain, beat her up and threw her
7 against the wall so hard that her head knocked a
8 hole through the drywall.

9 The defendant requested a nonjury trial.
10 As the trial proceeded, the judge pulled the
11 prosecutor aside and initiated plea negotiations
12 to mere misdemeanor charges.

13 Moreover, the judge without any expert
14 testimony to support his opinion indicated that
15 the defendant was suffering from an
16 impulse-control problem. The judge also stated
17 to the prosecutor that the defendant's life
18 shouldn't be ruined due to one drunk, stupid
19 moment.

20 The prosecutor declined to lower the
21 charges. And the judge responded by acquitting
22 the defendant of burglary and all aggravated
23 assault charges, convicting the abuser only of
24 defiant trespass, a third degree misdemeanor, and
25 simple assault. He then sentenced the defendant

1 to 18 months probation, permitting the defendant
2 to remain on the police force.

3 Finally, a case cited as Case No. 7 in
4 the attachment, Commonwealth versus Franchun Hunt
5 from Wyoming County in Pennsylvania, in or about
6 August 1994, the defendant and his two
7 co-defendants planned to murder and rob two
8 victims in this double homicide.

9 The motive was ostensibly greed and
10 zealously. The three defendants traveled to
11 Wyoming County from Virginia for the express
12 purpose of murder and mayhem loaded with an
13 inter-tech 10, semi-automatic machine pistol.

14 The defendants and the victims all went
15 out in one of the victim's cars. And later in
16 the evening, both victims in the front seat were
17 shot execution style, robbed, and left on the
18 highway.

19 Defendant drove the victims' car from
20 the crime scene. The first defendant was tried
21 by a jury and was given two life sentences for
22 these heinous crimes. The second defendant
23 pled guilty and received two consecutive
24 10- to 20-year sentences.

25 This defendant, Hunt, waived his right

1 to a jury in this one-judge county. At the time
2 of this trial, the District Attorney was involved
3 in a serious conflict with the judge on another
4 matter.

5 The Commonwealth in its case in chief
6 used the statement of a witness who had overheard
7 the defendant planning the crime. At the close
8 of the Commonwealth's case, the defendant moved
9 to dismiss the charges claiming that he was
10 entitled to dismissal because the Commonwealth
11 failed to set forth the theory of accomplice
12 liability in its information.

13 Despite case law illustrating that the
14 Commonwealth need not do so, the judge dismissed
15 the murder charge and this lucky defendant was
16 convicted only of theft of the victim's car and
17 conspiracy to commit robbery.

18 He was sentenced to a mere 6 to 12 years
19 for his part in killing two people, a fact duly
20 reported in the county's newspaper, The New Age
21 Examiner. The Commonwealth's right to request a
22 jury was clearly the only way to seek redress for
23 the two victims in this case.

24 There are also problems of intentional
25 delay and judge shopping which are created

1 because only one side has the right to a jury
2 trial. Defendants and their lawyers switch back
3 and forth from jury trial to judge trial in order
4 to get a more favorable judge or to wear the
5 victims and witnesses out.

6 This practice would be stopped by giving
7 both sides the right to have a jury trial. The
8 irony of this proposed law is that it takes no
9 constitutionally guaranteed rights away from a
10 defendant.

11 In fact, when the Commonwealth demands a
12 jury trial, the defendant ends up with exactly
13 what the Constitution provides, a jury trial.
14 His case is heard by 12 independent fact finders.
15 His rights are preserved.

16 But this important fundamental right is
17 given to the victim as well. It may be that a
18 criminal defendant loses his tactical advantage
19 over the victim in the criminal justice system;
20 but in the criminal case where a right to a jury
21 is so vital to everyone, this unfair tactical
22 advantage should not exist. The right to a jury
23 is so important and so fundamental it should be
24 guaranteed to everyone by our constitution.

25 MR. TENNIS: Mr. Chairman, I understand

1 we're running over; so what I'll do is submit my
2 written remarks and just make a couple of
3 extemporaneous comments, if that's all right.

4 What I'd like to just emphasize is just
5 a couple of points. One is that throughout the
6 history of Pennsylvania and indeed
7 since -- throughout the English Commonwealth for
8 4 or 500 years, the State and the prosecution of
9 the people had a right to jury trial in criminal
10 cases.

11 That right was secured in the Magna
12 Carta and over a couple hundred years evolved to
13 the type of jury trial right that we now know
14 today. In fact, until the Legislature passed the
15 statute in the 1930s, every criminal case
16 involving a sentence up to a year had to be a
17 jury trial.

18 There was no other option. All criminal
19 cases were jury trials. When the Legislature
20 passed legislation granting the right to a waiver
21 trial, it made it clear that everybody had to
22 agree before a jury was going to be waived.

23 The issue became a matter of rule making
24 after the Constitutional Convention in the late
25 1960s, and rule making was left to the Supreme

1 Court. And they basically followed the
2 Constitution and followed the law up to that
3 point and said, yes, everybody has to agree, both
4 the victim and the defendant are on an equal
5 playing field, that either side can request a
6 jury trial if they feel that that is necessary to
7 get a fair trial.

8 The Supreme Court, without any
9 explanation in 1973, stripped that right away and
10 basically overruled 500 years of English Common
11 Law and Pennsylvania Common Law jurisprudence.

12 So when we're talking about
13 a constitutional amendment here, this one's
14 a little different than any other amendment
15 that's been presented to you because what we're
16 really talking about is not amending the
17 Constitution, we're talking about restoring the
18 Constitution to what it's always been and
19 restoring the common law to what it's been for
20 many centuries.

21 This is truly a restoration. This would
22 be equivalent to our State Supreme Court saying
23 that the right -- the constitutional provision
24 saying the right to bear arms shall not be
25 questioned.

1 For them to say that doesn't mean that
2 the Legislature can't take away peoples' right to
3 bear arms, it isn't what it seems to say, no
4 one's allowed to have guns.

5 Under those circumstances, that would be
6 an emasculation of the Constitution just as what
7 the Supreme Court did on Commonwealth right to a
8 jury trial is an emasculation of the
9 Constitution.

10 And our founders, the people who put the
11 Constitution together, specifically foresaw or
12 intended to provide for these circumstances when
13 the courts would somehow go astray of what the
14 Constitution said. They put in provisions and
15 procedures for amending the Constitution.

16 And this is a classic example. I have
17 yet to see any clearer, more compelling case
18 because, again, this is really about restoring
19 the Constitution to what it's always been and not
20 about amending it.

21 Finally, a couple of points I'd like to
22 just address. I think the other arguments
23 have been presented pretty compellingly as far as
24 the American Bar Association and Chief Justice
25 Warren and his views on this.

1 One of the arguments against this is
2 that somehow prosecutors will use this to coerce
3 guilty pleas by defendants who have
4 privately-retained counsel.

5 This is somehow because a jury trial
6 would cost more money, we'll say, it's going to
7 be a jury trial. We're going to make it be a
8 jury trial so you'll have to pay more, and
9 somehow that'll make you plead guilty.

10 This is a very farfetched argument and
11 could only be tendered by someone who
12 hadn't worked in the criminal justice system. In
13 the 24 jurisdictions -- 24 states that have
14 Commonwealth right to a jury trial or peoples'
15 right to a jury trial, no one's ever claimed that
16 this has ever been a problem.

17 There's no way for a prosecutor to know
18 or we don't have any ability to know what the
19 finances are of any particular individual. Any
20 prosecutor that I've talked to throughout the
21 state or anybody that's familiar with the
22 criminal justice system has just kind of laughed
23 and said, where does that come from? there's no
24 basis for that, there's no way we could do that,
25 and there's no claim and there's no indication at

1 all that this had occurred in any of the many
2 jurisdictions around the country that have this.

3 This is basically -- in the examples
4 you've given, it's really not intended to be an
5 attack on judges. It's really intended to
6 show -- because in the overwhelming majority of
7 cases around the state, we probably do better in
8 front of a judge than we do a jury.

9 Jury -- the judges around the state,
10 with the exception of Philadelphia, tend to be
11 pretty tough on crime. However, just like a
12 defendant, if you're in front of a judge who you
13 know has a predisposition against your case and
14 the case -- the child abuse cases you heard
15 illustrate that and some of the other cases.

16 If you know you're in front of a judge
17 who does not like that kind of a case, then why
18 shouldn't the victim be able to have their day in
19 court in front of a impartial fact finder?

20 That's what the Constitution was written
21 to provide for. That's what 400 years of common
22 law provided for that basically we're saying that
23 a victim of a crime is as much entitled to a fair
24 trial as the defendant as a criminal.

25 And that's all we're asking for. This

1 isn't something we would need to ask for a
2 lot. It would just be in those particular
3 serious cases where we know based on past
4 experience that we won't get a fair hearing of
5 our case in front of a particular judge and we'd
6 like 12 jurors to come in.

7 For example, in the Montgomery County
8 case, the two child abuse cases you heard about,
9 if you were the parent of a child who was hurt in
10 the future, next year, and you lived in
11 Montgomery County or Westmoreland County and you
12 had a child who was seriously hurt and your case
13 got assigned to the judges who had heard those
14 cases before that you just heard about, don't you
15 think -- I mean, how would the parents of those
16 children feel if this were to happen in the
17 future and you got assigned to those judges and
18 they said, we need a jury. We're not obviously
19 not going to get a fair trial here.

20 And we're just saying those particular
21 instances we need to be able to ask for that
22 little child who's been injured whose life has
23 been compromised, we need to be able to ask to
24 get a fair trial to bring in 12 impartial jurors.

25 That's all. That's not a radical

1 concept. It's something that's always been the
2 law of the Commonwealth of Pennsylvania until
3 very recently. No explanation's ever been
4 offered for why it was stripped away.

5 And we ask you to restore victims, put
6 them back on a equal playing field with the
7 defendants. And we ask you to restore the
8 Commonwealth to its original integrity. Thank
9 you.

10 CHAIRPERSON BIRMELIN: Thank you,
11 gentlemen. Before we turn this portion of the
12 hearing over for questioning, I'd like to ask the
13 Members who have come in since we began the
14 meeting to introduce themselves.

15 REPRESENTATIVE JAMES: Thank you,
16 Mr. Chairman. Harold James, Democratic
17 Subcommittee Chairman of this Committee.

18 REPRESENTATIVE WASHINGTON:
19 Representative LeAnna Washington, Philadelphia
20 County.

21 REPRESENTATIVE PETRARCA: Representative
22 Joe Petrarca, Westmoreland County.

23 CHAIRPERSON BIRMELIN: Okay. Gentlemen,
24 we want to thank you for your testimony. I want
25 to give the Members of the Committee the

1 opportunity to ask you questions.

2 We'll preface that by saying that to the
3 Members of the Committee, if you would please
4 remember we have a full agenda today, we want to
5 try to move it along as expeditiously as
6 possible. We need to ask pertinent and
7 thought-provoking questions and not be repetitive
8 in the process.

9 And the questions should hopefully be to
10 the issues before us; and that is the bill that
11 we're discussing, House Bill 1521, which gives
12 the right of trial by jury to the Commonwealth.

13 And I will begin with the Democratic
14 Chairman of this Committee, Representative
15 Caltagirone.

16 REPRESENTATIVE CALTAGIRONE: Thank you,
17 Mr. Chairman. Gary, getting right to the chase
18 on this situation --

19 MR. TENNIS: Yes, sir.

20 REPRESENTATIVE CALTAGIRONE: -- is this
21 particularly a problem or a piece of legislation
22 that's addressed to Philadelphia's situation?

23 MR. TENNIS: No, Mr. Chairman. It
24 actually is -- what we intended to do with the
25 appendix in the cases cited in the appendix is

1 show how this problem crops up throughout the
2 state.

3 We cited cases in Montgomery County,
4 Westmoreland, Lackawanna, Cumberland County,
5 Wyoming County. So it does occur throughout the
6 state.

7 I think the problem is more serious in
8 Philadelphia. I think they're doing fine -- for
9 example, we have four homicide judges. Two of
10 those judges if you waive in front of them will
11 not convict of first degree murder according to
12 my conversations with our chief of homicide.

13 So I think the problem is more severe in
14 Philadelphia without a doubt. But it's a problem
15 that -- as you heard from the District Attorney
16 of Cumberland County, it's a problem that various
17 district attorneys around the state find fairly
18 serious.

19 REPRESENTATIVE CALTAGIRONE: You've done
20 a study of this, evidently, and you've had the
21 stats on various counties. The statistics on the
22 counties of where this occurs more frequently
23 than others, do you have any figures that you can
24 share with this Committee either now or can you
25 get them to us of the total number of jury trials

1 as opposed to trial by judge?

2 MR. TENNIS: We've been trying to get
3 those, and it's been really difficult. They
4 don't -- the -- they're not -- nobody breaks them
5 down that way. So we've been working on that.

6 I think maybe what I could do -- and
7 I'll continue to try to get those for you. What
8 I'd like to do is give Mr. Ebert and Joel Rosen
9 can talk -- give you some sense of it. They can
10 give you some sense of it, not hard statistical
11 information.

12 REPRESENTATIVE CALTAGIRONE: In
13 Philadelphia though, how many cases -- and you're
14 also from Philadelphia?

15 MR. EBERT: Yep.

16 REPRESENTATIVE CALTAGIRONE: How many
17 cases actually originate in Philadelphia?
18 Compared to many of our smaller counties around
19 the rest of the state, you probably have a
20 lion's share of those types of cases.

21 MR. ROSEN: My unit is the Major Trials
22 Unit. We literally tried thousands, have
23 thousands of cases every year. And that's not
24 even the largest number of cases in terms of the
25 units in the DA's office.

1 And I would say that an increasing
2 majority of them are waiver trials. It seems to
3 become more and more every year. I don't have
4 the statistics at my hand, but I can tell you
5 that the number of waiver trials as we go on from
6 year to year to year seem to be increasing as
7 judges seem to be -- more judges seem to want to
8 give discounts, what we call the waiver discount,
9 on particular cases.

10 It's becoming in the Major Trials Unit a
11 more popular practice in Philadelphia. For
12 example, if somebody's charged with robbery and
13 it's a gunpoint robbery, it's a felony first
14 degree.

15 We have more judges now finding
16 defendants guilty on bench trials but not
17 convicting them of the first degree felony, only
18 finding them guilty of a lesser crime so they
19 don't have to sentence the defendant to a
20 mandatory sentence. So I know the numbers are
21 increasing. I don't have the exact numbers with
22 me.

23 REPRESENTATIVE CALTAGIRONE: If you
24 would have information -- and I don't mean to cut
25 you off; but you want to speak to the issues,

1 I'm sure. But if you could share that, I think
2 that might shed a little more light on what we're
3 talking about here.

4 MR. EBERT: I really can't add a lot to
5 that. Obviously, I'm not going to sit here and
6 say I believe most jurisdictions are about the
7 same. Eighty-five percent of the cases roughly
8 are settled by guilty pleas of some sort.

9 Jury trials are always the smallest
10 number. I would estimate in my county, a
11 fourth-class county of a little over 205,000
12 people, we maybe have a hundred jury trials a
13 year. There's probably double or tripled that
14 number in waiver trials, and it's escalating.

15 MR. TENNIS: There's a lot of variation
16 between counties. There is many counties I
17 talked to -- this is not a -- especially the
18 smaller counties, this is not an issue. Every
19 case in my county is a jury trial because no one
20 would want to go in front of my judge without a
21 jury.

22 So there are some counties where it's
23 not a issue-wide fluctuation. But,
24 unfortunately, it does appear -- and we've been
25 really putting a lot of time into this because

1 this question was asked in the Senate -- it
2 doesn't appear that statistics are kept by jury
3 versus nonjury by any of the people that gather
4 this information. So we're having a little bit
5 of a tough time with it. We'll do our best
6 though.

7 REPRESENTATIVE CALTAGIRONE: Fine. I
8 think that would be helpful to shed a little
9 light on this issue. The other problem and we
10 were discussing, Counsel and I, prior to today's
11 hearing about whether or not this would create a
12 logjam in either the courts with jury trials
13 and/or prisons and how would we address that
14 problem?

15 MR. ROSEN: I will say this: From a
16 District Attorney's point of view, we don't want
17 a logjam. The thing that hurts us more than
18 anything in terms of our cases and our trials is
19 a delay in the case.

20 Because the longer the case goes on, the
21 witnesses' memories fade, we lose witnesses, we
22 lose cases because of that. So it's not in our
23 interest to create a logjam by demanding large
24 numbers of juries.

25 We'd be cutting off our nose to spite

1 our face. So with this right, it would be used
2 judiciously. Not because I say we're going to
3 use it judiciously, but because we're going to
4 have to.

5 Because if we create a backlog by
6 demanding jury trial after jury trial, it's going
7 to be years before cases get tried, and we're
8 just going to lose all of those cases. It would
9 make no sense to do that.

10 MR. TENNIS: Just to confirm that, I
11 actually had conversations with the District
12 Attorney, the First Assistant. And they
13 confirmed that we would be using this only in
14 very serious cases and only when those cases are
15 in front of judges that have a long history of
16 consistently finding verdicts that we think are
17 clearly in conflict with the evidence, in clear
18 compromise cases.

19 So we would have to use it rarely for
20 the reasons that Mr. Rosen said, and that would
21 be the intention of the office.

22 MR. EBERT: I totally agree. I mean,
23 after all, I have to face that judge day after
24 day. And there's no question when you look him
25 in the eye and say, sorry, judge, I want a jury

1 trial. He knows what you're saying.

2 And I'm not going to do that except in
3 the cases where I have to look the victim in the
4 eye and also look at that guy and say, gee, I
5 think you deserve the same right as that
6 defendant that hurt you did.

7 We cannot live a fallacy of passing
8 these mandatory sentences and then talk about
9 let's be expeditious, let's just get them through
10 the system, and we'll treat all different kinds
11 of victims differently.

12 I mean, that's just not a fair thing.
13 This Constitution is to provide equal protection
14 for all citizens, and this discount waiver is an
15 advantage that only one party has to the system.

16 REPRESENTATIVE CALTAGIRONE: Thank you,
17 sir.

18 CHAIRPERSON BIRMELIN: Representative
19 Manderino.

20 REPRESENTATIVE MANDERINO: Thank you.
21 I have several succinct questions to each
22 Mr. Ebert and Mr. Rosen individually. I want you
23 both to answer this question.

24 In the past year, if you can just look
25 at the last year, how many cases have you seen as

1 a prosecutor that you would have required or you
2 would have demanded a jury trial where you didn't
3 have that right?

4 MR. EBERT: I'm starting to keep a list
5 since these hearings began, and I think I would
6 have had six that I would have demanded a jury
7 trial.

8 MR. ROSEN: I didn't frankly come
9 prepared with an exact number on that one. I
10 could say that, obviously, we have a lot more
11 cases in our county than they do and a lot more
12 judges. I can think of easily 20 or 25. It
13 may be more, but that's really a guess.

14 REPRESENTATIVE MANDERINO: In
15 Cumberland County, have you consulted with the
16 judges in your county to try to devise any
17 procedural mechanism to reduce the problem of
18 judge shopping? If yes, how? If no, why not?

19 MR. EBERT: We have had discussions
20 about that. The presumption in all of this is
21 you avoid appeals. And the right is that the
22 defendant has a right to a waiver trial. We have
23 a certain number of trial terms per year.

24 We have a pretrial day where you have to
25 declare, do you want a jury trial or a nonjury

1 trial? But there is no absolute sanction. You
2 can't force the person to say, I want a nonjury
3 trial and then avoid, say, well, he waived it,
4 the waiver wasn't proper. It creates another
5 appeal issue.

6 And the judges, of course, there is a
7 concern about, you know, we've got to get through
8 the trial list. And it's so easy at that point,
9 take it off, just reschedule it.

10 We'll do it, and nobody thinks about the
11 cost of that because the witnesses have been
12 subpoenaed and the police officers are standing
13 by on overtime. And all of that is something
14 that the taxpayers are paying for. And that even
15 aside --

16 REPRESENTATIVE MANDERINO: So you have
17 had those conversations in Cumberland County and
18 have determined that there is no procedural way
19 that you can avoid judge shopping?

20 MR. EBERT: No. I mean, this is the
21 Supreme Court saying the defendant has an
22 absolute -- I don't refer to it as judge
23 shopping.

24 REPRESENTATIVE MANDERINO: That is a
25 delay issue. What gets to the -- isn't there a

1 different mechanism to get to the issue of
2 whether I like this particular judge --

3 MR. EBERT: No judge is going to admit
4 that he's the person who is targeted to be judge
5 shopped. I mean, that one explanation I gave
6 with regard to losing a -- a judge rules to
7 suppress evidence, I went in on appeal.

8 That defense attorney demanded that he
9 go right back to that same judge. And he's,
10 like, well, I'm going to hear this fairly. But
11 he's angry. He's, like, they overturned me.
12 I'll take care of that. And once that happens,
13 it's over. No appeal, nothing. Not guilty.

14 REPRESENTATIVE MANDERINO: Mr. Rosen,
15 have any discussions happened with judges in
16 Philadelphia County?

17 MR. ROSEN: Yes. And, in fact, one
18 thing that I wanted to try to eliminate, what
19 happens is the defendant will request a jury
20 sometimes at the last minute and the case will
21 get continued, go in front of another
22 judge -- because you mentioned judge
23 shopping -- then --

24 REPRESENTATIVE MANDERINO: You guys
25 mentioned judge shopping. That's where I got it

1 from.

2 MR. ROSEN: That's fine. And then when
3 they get in front of a more favorable
4 judge, no, this isn't a jury anymore; this is a
5 waiver trial. So what I specifically requested
6 to avoid that was let's -- once a defendant
7 demands a jury, let's say he's not entitled to
8 waive in front of the new judge.

9 However, the court administration in
10 Philadelphia was unwilling to agree to that
11 because they wanted to have the quicker case,
12 the waiver trial, which is a lot quicker. That
13 was my attempt to eliminate it.

14 REPRESENTATIVE MANDERINO: I'd also
15 like each of you to address my hypothetical. And
16 you are addressing this not as representative of
17 the DA Association because I'm sure they didn't
18 authorize you to answer this, but I would like to
19 hear your answer as prosecutors.

20 If you can have a right to a
21 Commonwealth trial by jury or mandatory minimum
22 sentences, but not both, which would you choose
23 and why?

24 MR. ROSEN: I could answer that.

25 MR. TENNIS: Go for it.

1 MR. ROSEN: I think I would choose the
2 right to a jury trial because it's so
3 fundamental, it's so important that to deny it to
4 victims doesn't -- to deny it to everybody just
5 makes no sense to me.

6 Because it's such a fundamental right, I
7 think it needs to be guaranteed to everybody.
8 And mandatory sentencing is something that's put
9 in place for a reason.

10 But it's not such a fundamental, vital
11 thing that's guaranteed to everyone who lives in
12 the state. A right to a jury trial is, and
13 that's why I think that's much more important and
14 that would be the one that I would pick.

15 MR. EBERT: I would agree. And ask
16 yourself, why were those mandatory sentences
17 passed in the first place? Because there was a
18 perception that the judges weren't living up to
19 sentencing fairly.

20 So we want you to sentence fairly. It's
21 still going to sit in your lap. But to look at
22 the person who is wrong when they don't
23 get -- the victim who is wronged when they don't
24 get a jury trial, that's the hardest thing in the
25 world to say that criminal who hurt you got more

1 than you did under your taxpayer paid-for system
2 of government.

3 And I really believe that. And you
4 could go back to that because I would hope -- and
5 I think most likely in my county I'm going to get
6 fair sentences. But they were passed
7 probably -- and I'm maybe speaking out of turn
8 here to address another Philadelphia problem of
9 no sentences down there. And now we have this.

10 MR. TENNIS: That's a pretty easy one
11 for me too. I would much rather have
12 Commonwealth right to a jury trial because for me
13 the issue, and as 17 years in the DA's office,
14 but I care more about tough sentences as the
15 integrity of the criminal justice system.

16 And that's really what this is about.
17 This is about restoring and maintaining the
18 integrity of the system and making sure that all
19 sides get a fair trial. And I think a fair trial
20 for the defendants is extremely important.

21 It's got to be there. And I think the
22 right to a fair trial, have the case fairly heard
23 is just as important to our side. It needs to be
24 fairly heard impartially. And that's what this
25 restores.

1 And I think that has to be the
2 superseding value over everything else. The
3 criminal justice system must have its integrity.
4 The public must be able to have faith in that.

5 REPRESENTATIVE MANDERINO: Let me end
6 on that note with the suggestion that maybe we
7 can do an exchange. Thank you, Mr. Chairman.

8 CHAIRPERSON BIRMELIN: Representative
9 Josephs.

10 REPRESENTATIVE JOSEPHS: Thank you,
11 Mr. Chairman. I'm kind of disturbed that there's
12 no statistics, I mean, that everything is
13 anecdotal or almost everything is anecdotal.

14 And I'm really disturbed about it
15 because this is an old, old issue. This is not
16 the first time that it's been before some
17 committee, some Judiciary Committee of the
18 General Assembly.

19 I had an interesting discussion with my
20 predecessor who many of you remember, Norman
21 Berson, who's my neighbor and my friend about
22 this issue. He was in the Legislature sometime
23 from the mid-60s to the end of the 70s.

24 He was Chair of the Judiciary Committee
25 for part of that time. And he said that

1 the -- whoever was the District Attorney at
2 that point or the Attorney General many times
3 introduced this concept as a joint resolution.

4 And it just boggles my mind -- and it
5 was defeated, obviously, or you gentlemen
6 wouldn't be back here again -- that after all
7 that time there's no statistics that can give us
8 some guidance about what this would on tax day
9 cost our taxpayers.

10 So what I'm hoping -- it's not really a
11 question -- what I'm hoping is that we will be
12 keeping perspective statistics. And I applaud
13 you, Mr. District Attorney, for starting to do
14 that.

15 But I think we really need them on a
16 system-wide basis, something that goes into a
17 computer and something that can be seen across
18 the state so that we know what we're doing here.

19 So I request that prospectively we start
20 doing this kind of analysis so that we as
21 Legislators know what we're doing. I guess my
22 question has more to do with you've been making
23 an assumption as you appear before us that juries
24 are more impartial than judges.

25 I don't have any real comment to make

1 about that. But I remember in Philadelphia in a
2 recent District Attorney race that one of the
3 District Attorney candidates was exposed as -- I
4 suppose the word is teaching prosecutors how to
5 get together the most biased
6 prosecution -- prosecution biased jury that one
7 could get.

8 How do we guarantee that it's going to
9 be a fair trial, that the same kind of biases
10 aren't going to come out of this jury group as
11 you claim are coming out of the single judge?

12 MR. EBERT: I certainly understand that
13 question, and it's been raised before. I don't
14 think you could go to any defense counsel seminar
15 and talk about when you select a jury, about your
16 use of peremptory challenges. As everybody says,
17 we want a fair and impartial jury.

18 Obviously, you want a jury that's
19 partial to your side. You might exercise your
20 peremptories in a certain manner. The point is
21 that you're dealing with a group of new people
22 every time they walk into that courtroom.

23 And you can't control that when you know
24 what a judge's bias is. Because you're going to
25 ask for a jury, you know up front what is going

1 to be the result in that particular case.

2 And remember when it comes to biasing,
3 it takes only 1 juror out of 12 people to say,
4 I'm not agreeing with the others and there's no
5 verdict whatsoever.

6 So even with these race things in
7 Philadelphia right now, I mean, the majority of
8 people who are getting hurt, who are victims are
9 also African-Americans also.

10 And I would think they'd want a right to
11 a jury by their peers also in that case. Now I
12 may have spoken out of turn from that I'm not
13 particularly familiar with Philadelphia but --

14 MR. TENNIS: I just want to point out
15 that was actually serviced by our office and
16 really heartily condemned by our office and
17 everybody -- every prosecutor in the office was
18 firmly told as they've always been told not to
19 engage in that type of -- ever to engage in the
20 type of practices that were advocated by that
21 individual.

22 One of the things I have
23 experienced -- and I guess I should relate this
24 because this has been brought up as some kind of
25 racial issue. I did jury trials for a while in

1 front of one judge who would discount cases
2 severely.

3 And I noticed that the discounting of
4 sentences was much, much more severe on
5 black-on-black, African-American cases against
6 African-American. And I hit the roof on one of
7 them because it was one individual shot another
8 individual in the stomach. And there was a
9 county jail sentence, seemed to be grossly
10 inappropriate.

11 That judge pulled me aside and told me
12 that I was -- had no business imposing my
13 cultural values on these people. And I was
14 completely shocked. And I just want to say that
15 clearly you are not -- the racial issue in terms
16 of this issue is, I think, it cuts the other way.

17 I think that we actually do better in
18 terms of getting a trial and avoiding prejudices.
19 Because you have the protection of 12
20 individuals, you get the cross section of the
21 community, you get somebody that has to be
22 accepted both by the defense attorney and the
23 prosecution, I think you end up getting greater
24 protections against those kind of considerations
25 in a jury situation than you do in a nonjury.

1 REPRESENTATIVE JOSEPHS: I guess I want
2 to ask this of the Philadelphia people. And
3 since you say you don't have statistics, perhaps
4 the answer can come later. Some of these you
5 have the preliminary questions.

6 How many attorneys in your office handle
7 jury trials? I'm sure you know that. How many
8 additional jury cases do you think you have? How
9 many additional attorneys would you need to hire?
10 What does it cost to do a jury trial as opposed
11 to a bench trial?

12 How do you multiply that over the years?
13 And since you don't know how many cases you think
14 you have, I don't think you can really answer
15 this; but I for one would really, really like to
16 have statistics along those lines.

17 MR. ROSEN: In my unit, the Major Trials
18 Unit, which any one of my DAs could handle a jury
19 trial, there's approximately 32 DAs. There's the
20 Homicide Division, which has about 25 DAs who all
21 can do jury trials. There's a Family Violence
22 Sexual Assault Unit which has 7 or 8 DAs who all
23 can handle jury trials.

24 If you're asking me how many more DAs
25 would we need to try the jury trials, the answer

1 is none because our DAs are always in court.
2 They're always trying cases whether they're jury
3 or nonjury trials.

4 So you're not replacing -- you don't
5 need extra DAs. You can only try one case at a
6 time. So we wouldn't be hiring new DAs to handle
7 more jury trials, especially in light of what I
8 anticipate will be the number of jury trials that
9 we would demand in this situation.

10 And the cost answer would be the same.
11 The cost to our office shouldn't change because
12 you won't be hiring more DAs, you won't be hiring
13 more detectives. You can only try one case at a
14 time.

15 REPRESENTATIVE JOSEPHS: Thank you. And
16 thank you, Mr. Chairman.

17 CHAIRPERSON BIRMELIN: Representative
18 James.

19 REPRESENTATIVE JAMES: Thank you. One
20 of my concerns -- I want to thank you all for
21 testifying. One of my concerns as Representative
22 Josephs has stated that this is not something
23 new.

24 And it has been indicated that the
25 Philadelphia District Attorney's office can come

1 up with statistics when they need to and which
2 they have recently done. And it just boggles me
3 as to why we don't have the statistics to back
4 this up, what you have or what you desire.

5 So I just hope that you can get some
6 statistics together so that the Committee can be
7 more informed. It seems and there's a question
8 I have to, I guess, to Philadelphia District
9 Attorney and the other District Attorney. Would
10 this be taking some discretion away from the
11 judges if this happened? How do you respond to
12 that?

13 MR. ROSEN: Would it take discretion
14 away? There would be cases where judges would
15 not be deciding the facts of the case. But
16 really discretion in terms of sentencing, no, it
17 shouldn't.

18 I mean, all this will be doing is
19 hopefully ensuring that you'll get more cases
20 where the verdicts are based on the facts of the
21 case and what happened and nothing else. I mean,
22 that's really the goal of this.

23 What we want is that when a case goes to
24 trial that the consideration of guilt or
25 innocence isn't based on anything but the facts

1 of what happened. That's what our justice
2 system's supposed to be about, and that's what
3 we're trying to do.

4 Can I just state one other thing, sir,
5 because you mentioned statistics about this? I'm
6 not sure exactly what type of statistics you're
7 requesting.

8 But if you want to know from us in
9 Philadelphia at least how many waiver trials we
10 did, for example, last year versus how many jury
11 trials we did, we should be able to get that
12 rather easily for all of you.

13 If that's the statistic you're talking
14 about, we'd be happy to do that. And I apologize
15 for not having it today.

16 REPRESENTATIVE JAMES: Representative
17 Josephs would give us -- any additional
18 statistics that you felt we should have?

19 MR. TENNIS: How many jury versus how
20 many nonjury?

21 REPRESENTATIVE JOSEPHS: Well, I was
22 asking if whether it would cost more; and the
23 answer was it wouldn't. So there are no
24 statistics that you're going to produce.

25 MR. EBERT: Your question of discretion

1 though, the only person that's got any discretion
2 in this process right now about what kind of
3 trial they have is the defendant. The judge has
4 the same kind of discretion that I do.

5 If I even agreed to a jury trial, he'd
6 have the right to say, no, this is going to be
7 a -- I mean, if the defendant requested a waiver
8 trial and I said I agree with a waiver trial, the
9 judge still has the right to say, no, this is
10 going be a jury trial.

11 So when you come to discretion, the only
12 thing that's left that the judge does in a waiver
13 trial is determine the facts of the case. And
14 all we're saying is that ought to be done on the
15 evidence, not on some other idea about I don't
16 like mandatories, I don't particularly like this
17 case, I want to give this guy a break. That
18 shouldn't be part of the system.

19 REPRESENTATIVE JAMES: Well, and I
20 heard -- I think it was you that said something
21 earlier in terms of why there were a lot of
22 mandatory sentences because the Legislature
23 probably thought that the judges wasn't doing
24 their job. I tend to disagree.

25 I think it was more political reasons

1 than different Legislators want to show that they
2 were tough on crime and more political reasons
3 than coming up with all these mandatory
4 sentences. And that was mostly why we had all
5 these mandatories.

6 And I think that mandatories then takes
7 discretion away from judges because cases on
8 their own face value may have some different
9 circumstances in terms of, well, the judge can
10 decide.

11 And then you have the DA -- now, I see
12 that where the cases that you put together, I
13 guess, that came from the Philadelphia District
14 Attorney's office too, these appendices?

15 MR. TENNIS: No, they were from all
16 over the county -- I mean all over the state.

17 REPRESENTATIVE JAMES: You got them from
18 all over the state from different counties; but
19 it's put together by your office, I imagine?

20 MR. TENNIS: Yes, I put them
21 together -- actually, yeah, I, for the most part,
22 put this together.

23 REPRESENTATIVE JAMES: I knew you guys
24 are good at putting stuff together from all over.
25 So it leaves me some suspect in the terms of the

1 way you put this together because I remember
2 seeing some cases that was put together not too
3 long ago.

4 And it was Philadelphia Bar Association
5 disagreeing with how you framed it and how you
6 framed the different cases and came up with some
7 disagreement that showed a lot of difference. So
8 it makes me suspect this even though that you
9 show that you're trying to help the victims.

10 Now, it seemed to me that victims -- and
11 I know you keep talking about this is going to
12 help victims. Victims usually want justice.
13 Victims usually want to be satisfied that
14 something is done about something that happened
15 to them. Now how is them having a jury trial
16 going to make that happen?

17 MR. TENNIS: Because if you're in
18 front of a -- let me go back to the situation I
19 cited before. If you have a terrible child abuse
20 case where some child's been maimed or raped and
21 you're in front of one of those judges like that
22 judge who did the case in Westmoreland County,
23 the one in Montgomery County, then that victim
24 and the parents and the people who love that
25 little child know that they're in front of a

1 judge who has in the past never -- won't find
2 people guilty on serious charges for child abuse.

3 So they know they're not going to get a
4 fair trial. It helps them because they know that
5 if we have a right to a jury trial, that we're
6 going to bring in 12 independent people, 12 new
7 people, and that they'll get a fair trial. The
8 law will be applied fairly. And that means the
9 world, Representative, it really does --

10 REPRESENTATIVE JAMES: Excuse me, sir.
11 I just -- so you're saying that you know that
12 this judge for some reason is not going to favor
13 what you want done or how you want the results to
14 come out.

15 So if this is passed, then that gives
16 you the opportunity to do, what, to say you want
17 a jury trial and then go ahead and get the jury
18 trial?

19 MR. TENNIS: Yes. We'd be able to have
20 a jury hear the case. If we didn't think we
21 could get a fair trial based on the judge's past,
22 we'd be able to have a jury come in, a jury of 12
23 citizens from the community.

24 REPRESENTATIVE JAMES: Okay. Now, isn't
25 this -- wouldn't this also be trying to in some

1 kind of way intimidate judges or force judges to
2 try to come along with the kinds of philosophy
3 that you as the prosecutors want to have because
4 if you don't, you're going to say we want to have
5 a jury trial?

6 Isn't it part of -- I'm just concerned
7 about the fact that prosecutors seem to be trying
8 to shape judges now in terms of philosophy and
9 all of that.

10 MR. ROSEN: I don't see why a judge
11 would care whether he or she decides a case or a
12 jury decides a case. They get paid either way.
13 I mean, that's what they're supposed to do is
14 either preside over a jury trial or hear a waiver
15 trial.

16 So I don't see how that would intimidate
17 a judge at all. In other words, if I'm sitting
18 on the bench and the attorney comes to me and
19 says, this is going to be a jury trial, let's
20 bring a panel up and pick a jury and have a jury.

21 It makes no difference to me as a judge
22 whether I'm going to be hearing the case or the
23 jury's going to be hearing the case. In fact,
24 frankly, it may be easier for some judges not to
25 have to make the decision on the facts and let

1 the jury make the decision. So, no, I don't
2 believe that would intimidate judges at all.

3 MR. EBERT: If what you're saying here
4 is that somehow we exercise an undue influence
5 over these people, I mean, I believe
6 realistically and you mentioned the fact that,
7 well, this criminal justice system seems fraught
8 with politics.

9 I know it's not my assistants that are
10 contributing to the election of these judges.
11 And if you come to say, I'm going to pander to
12 one group or another, you're probably going to
13 support the people who put you in office.

14 That is not fair to all citizens. And
15 we just don't exercise that kind of control over
16 these judges. They're there for ten years. They
17 only have to stand for retention. They don't
18 even run again. I'm here every four years going
19 at it all the time. You say, what do the people
20 want? I think that's the fairer system.

21 REPRESENTATIVE JAMES: Okay. Thank you.
22 I have one more question, Mr. Chairman. Now,
23 let's say that one of the problems that is in the
24 criminal justice system is the fact that the
25 racism that's in the criminal justice system is

1 in the courts in every form, in every aspect of
2 it.

3 In terms of juries, there's been the
4 question as to jury -- a person does not have a
5 jury of his peers. And how would you feel or
6 what would be your position if, in fact, that we
7 was to establish a policy where that jurors that
8 they have to be a certain number of jurors that
9 reflect the victim as well as the defendant on
10 the jury in terms of ethnic background or racial
11 or whatever?

12 MR. ROSEN: I don't know how you would
13 do that. I'm against anything that says you have
14 to have a certain number of black jurors, white
15 jurors, Hispanic jurors on the jury.

16 I will say this, if you come to
17 Philadelphia and look at the jury compositions
18 that are in case after case, in room after room,
19 you're not going to see -- walk into the
20 courtrooms today -- maybe 10 or 20 years ago, not
21 today, and see all white juries or all black
22 juries. I mean, it's rare -- it does happen that
23 you have juries --

24 REPRESENTATIVE JAMES: I know you're not
25 going to see all black juries.

1 MR. ROSEN: It's about equal, frankly,
2 especially from a practical point of view the way
3 it's worked out since the mayoral election where
4 Mayor Good was elected and they had a large voter
5 registration drive in the black community.

6 And now our jury selection is done not
7 just from voter registration, but from motor
8 vehicle registration. The panels that come up of
9 the 40 jurors, they're pretty evenly mixed
10 between black jurors, white perspective jurors.

11 Both sides, the defense attorney and the
12 Commonwealth strike -- have the same number of
13 strikes that we can strike seven people and they
14 can strike seven people. We're trying to strike
15 the people who we think will be worst for our
16 case. They're doing the same thing.

17 The reality is when you go from
18 courtroom to courtroom, the juries are mixed.
19 They really are, at least in Philadelphia. I
20 can't speak for the other counties.

21 REPRESENTATIVE JAMES: I'm glad to hear
22 the District Attorney respond in terms of
23 us -- we was to develop some kind of way where
24 that the defendant and the victim that someone
25 from that particular ethnic background are made

1 part of the jury. Would you be opposed to that?

2 MR. EBERT: I don't think -- I don't
3 know how you could practically do that. And I
4 don't think -- what you're presuming there is
5 that because of their race they bring a special
6 bias there and they'll favor one side or other.

7 That's not what the system's designed to
8 do at all. It's to get 12 citizens to come in
9 there and judge a set of facts, not
10 because under the law -- not because of I'm going
11 to side with that guy because he's like me.

12 That's not what we're looking for. And
13 I see no -- to try and gerrymander these juries
14 to -- it's not practical. And I don't think it
15 would add any extra level of justice to it other
16 than the perception.

17 But that perception has to be based on
18 the idea that a certain racial group will always
19 vote for its own race. And I don't believe that.

20 REPRESENTATIVE JAMES: I don't believe
21 that either, but that's the perception that you
22 have in terms of saying that. I think that in
23 terms of you having someone from -- whether it is
24 the victim or the defendant, whoever, is that you
25 have someone that understands jury of peers.

1 I just think that has been one of the
2 problems of the jury system, you know, since it
3 started. They have not really adequately
4 represented the people.

5 So I'm looking that way to maybe say
6 that whoever the defendant is, whoever the victim
7 is, that they both have certain number of ethnic
8 representation on the jury.

9 MR. EBERT: I respectfully disagree. I
10 mean, that's a fragmentation about what do you
11 call a peer? Do you have to then find the exact
12 religious mix? Well, I'm a peer, I'm a gang
13 member, so I should have a guy who's a gang
14 member who understands me. The number of
15 classifications is so great you could never
16 please anyone anyway.

17 REPRESENTATIVE JAMES: Okay. Thank you.
18 Thank you, Mr. Chairman.

19 CHAIRPERSON BIRMELIN: Representative
20 Washington.

21 REPRESENTATIVE WASHINGTON: Thank you,
22 Mr. Chairman. I have a couple questions I'd like
23 to ask the panel. How would your office resolve
24 a conflict where the victim wants a jury trial,
25 but your office deems the case to be relatively

1 simple and not requiring a jury trial?

2 MR. ROSEN: I think the decision would
3 be made the same way that we're supposed to
4 decide whether a case should be pled or not,
5 which is really the same kind of issue.

6 Sometimes we have cases where we feel
7 like a guilty plea is appropriate because it's
8 most in the interest of justice even though the
9 victim may not agree with it.

10 So what I would anticipate we would do
11 is we would listen to the victim. Their
12 considerations would be important, but the
13 ultimate decision would be made by the District
14 Attorney's office the same way we do with guilty
15 pleas. That's our obligation. That's what they
16 pay us to do.

17 REPRESENTATIVE WASHINGTON: The next one
18 is, what if the opposite were true? What if the
19 victim especially wants a case
20 heard -- specifically wants a case heard before a
21 judge, but the attorneys in your office think
22 that only a jury can render a fair verdict? How
23 would you resolve that conflict?

24 MR. ROSEN: My answer would be exactly
25 the same. In other words, I would listen to what

1 the victim said, I would consider their opinion,
2 but the ultimate decision would be made by the DA
3 who's trying the case.

4 REPRESENTATIVE WASHINGTON: The other
5 two gentlemen, would you answer that question?

6 MR. TENNIS: One of the things that's
7 clear is we work very closely with the victims.
8 They are, obviously, the people that we're trying
9 to seek justice for and their opinions would be
10 given great weight in all cases.

11 We give them a lot of consideration.
12 But ultimately, the Constitution and the entire
13 system puts on us the responsibility to decide.
14 But I just don't want to downplay it, how much we
15 would try to work to meet the victim's need.

16 REPRESENTATIVE WASHINGTON: I'm glad to
17 hear it.

18 MR. EBERT: I don't have to expand on
19 that. That's the classic lecture. I always say
20 the victim is perhaps the most important person
21 that I would confer with; but ultimately, the
22 decision has to fall on my shoulders.

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

25 CHAIRPERSON BIRMELIN: Representative

1 Masland.

2 REPRESENTATIVE MASLAND: Thank you,
3 Mr. Chairman. I know this is going to be a long
4 afternoon, so I'm just going to make one brief
5 comment, no answers. Basically, this is in
6 response to Representative Joseph's early query
7 regarding jury bias.

8 And I'd like to just for the record
9 state that as someone who spent three years as a
10 defense attorney before spending almost eight as
11 a prosecutor, I had the opportunity to attend
12 some defense attorney seminars and to read some
13 volumes by notable attorneys like F. Lee Bailey
14 on how to pick a jury.

15 And I'm not going to condone the
16 statements made by the then Assistant DA in
17 Philadelphia County, but those defense seminars
18 and those volumes of books were not designed to
19 pick a jury that was impartial towards everyone.
20 It was designed to pick a jury that would be most
21 favorable to the defendant.

22 Hopefully, the process works so that
23 both sides are trying to avoid any bias against
24 them. In the end, you get a good panel. That
25 was my experience. Thank you.

1 CHAIRPERSON BIRMELIN: Representative
2 Petrarca.

3 REPRESENTATIVE PETRARCA: Thank you,
4 Mr. Chairman. Quick question: Some have said
5 that the problem can be remedied by forcing a
6 defendant to choose whether or not he or she
7 wants a jury trial at some point prior to the
8 trial date. Would that solve the problem in your
9 opinion? No? Why or why not?

10 MR. ROSEN: It would not address the
11 situation where -- no, I don't believe that it
12 would address the situation where a particular
13 judge may not be maybe biased against one
14 particular side or the other, no. Because if a
15 defendant sees he's going in front of a
16 particular judge, he's just going to take a
17 waiver trial.

18 REPRESENTATIVE PETRARCA: Wouldn't it
19 cancel our judge shopping problem or --

20 MR. ROSEN: No. Because the defendant
21 can always change his mind and demand -- you
22 can't take the right to a jury trial away from a
23 defendant. You should be able to so that if a
24 defendant says he's going to waive -- say he
25 comes into the system and says, I'm going to

1 waive and he executes a waiver and he gets to his
2 day of trial or the day before trial and he says,
3 you know what, I've changed my mind. I want a
4 jury trial. You cannot prevent that.

5 REPRESENTATIVE PETRARCA: We can't by
6 local rule, by statute --

7 MR. ROSEN: He has the absolute -- and
8 he should, frankly, he should have the absolute
9 right to a jury trial. That's what the
10 Constitution provides.

11 I have no problem with that even though
12 the result may be judge shopping. But what we're
13 saying is give the other side, give the victim
14 the same right, put us on a level playing field.
15 But no, you couldn't stop it that way.

16 REPRESENTATIVE PETRARCA: Thank you.

17 CHAIRPERSON BIRMELIN: I want to thank
18 you gentlemen for your testimony. I appreciate
19 you being here. I'm going to reverse the order
20 of the next two who are testifying.

21 I want to thank Mr. Frankel for giving
22 way, if you will, to allow our next testifier,
23 the Honorable Michael Fisher, Attorney General of
24 the Commonwealth of Pennsylvania to come and be
25 our next testifier. Welcome, Attorney General

1 Fisher. Would you like to introduce the
2 gentlemen with you to the panel?

3 MR. FISHER: Thank you, Mr. Chairman and
4 Members of the Committee. With me is Bob Gracie
5 (phonetic) who's Senior Deputy Attorney General
6 in charge of our Legal Appeals Section and our
7 Criminal Law Division.

8 Very pleased to be here before the
9 Members of the Subcommittee on Crimes and
10 Corrections, a Subcommittee which I had the
11 privilege of serving as the Chairman of in
12 1980 when I was a Member of the House of
13 Representatives.

14 I want to thank you for giving me the
15 opportunity to testify in support of House Bill
16 1521 today and to congratulate Representative
17 Gannon for introducing this important measure in
18 the House of Representatives.

19 I would like to begin with the history
20 behind House Bill 1521 as well as its counterpart
21 in the Senate, Senate Bill 555, and why this
22 history, I think, remains very relevant today.

23 In 1935, the State Legislature enacted
24 Section 786 of Title 19 allowing a criminal
25 defendant to waive jury trial so long as the

1 judge approved and the prosecution consented.

2 The Act provided in pertinent part in
3 all criminal cases except murder and treason the
4 defendant shall have the privilege with the
5 consent of his attorney, the judge, and the
6 district attorney to waive trial by jury. So as
7 you can see, a defendant could be tried without a
8 jury only if a prosecutor consented.

9 In 1968 after the Constitution gave the
10 Pennsylvania Supreme Court the authority to
11 promulgate rules of procedure for the courts, the
12 Supreme Court adopted Rule 1101 of the Rules of
13 Criminal Procedure.

14 Rule 1101 read as follows: In all cases
15 except those in which a capital crime is
16 charged, the defendant may waive a jury
17 trial with the consent of his attorney, if any,
18 the attorney for the Commonwealth, and
19 the approval by a judge of the court in which the
20 case is pending and elect to be tried by a judge
21 without a jury.

22 That was in 1968. Those were the rules
23 that were applicable from 1968 to 1973. The
24 comment appended to this rule noted that
25 requiring both the court and the prosecutor to

1 approve the waiver of a jury trial has been held
2 constitutional. For this provision, the comment
3 cited the United States Supreme Court case of
4 Singer versus United States.

5 Fives years later in 1973, the
6 Pennsylvania Supreme Court changed Rule 1101 to
7 its present form. It allows any defendant to
8 waive a jury trial; and important for the present
9 purposes, it deleted the requirement for the
10 prosecutors consent.

11 A defendant needs only the judge's
12 approval to waive a jury trial. Did the Supreme
13 Court explain why it was changing all those 40
14 years of law under its relatively new rule-making
15 authority? No.

16 The comment to the Rules states that the
17 1973 modification by the court deleted the
18 requirement of the approval of the attorney for
19 the Commonwealth.

20 In 1977 after four years experience with
21 this Rule, the General Assembly again acted and
22 passed Act 50 which gave the Commonwealth the
23 same right to a jury trial as the defendant.

24 In 1978, this body put identical
25 language in the Judicial Act Repealer Act,

1 Section 5104 (c), which read, In criminal cases,
2 the Commonwealth shall have the same right to
3 trial by jury as does the accused. Although it
4 was worded differently, Section 5104 (c) had the
5 same effect as House Bill 1521 will have.

6 Since Rule 1101 did not require the
7 prosecutors consent and Section 5104 (c) did,
8 there was a conflict. The Pennsylvania Supreme
9 Court resolved the conflict in 1982 in the case
10 of Commonwealth versus Sorrell.

11 In that case, the Commonwealth argued
12 that the right to a jury trial was a substantive
13 right of the Commonwealth. But the Supreme Court
14 said that the jury trial waiver was a matter of
15 court procedure over which the Supreme Court had
16 total rule-making authority by the tenth section
17 of the Fifth Article of the Constitution.

18 Since the Section 5, 5104 (c) conflicted
19 with the Supreme Court Rule, the court found
20 Section 5104 (c) unconstitutional. This
21 historical background is significant for two
22 reasons: First, the principle embodied in House
23 Bill 1521 is not a new legal concept.

24 It represents the resumption of a law
25 that had been longstanding in Pennsylvania

1 jurisprudence since at least 1935. Only in 1973
2 did that law change. Secondly, the people of the
3 Commonwealth support the law the way it was
4 before 1973.

5 Three times the people, represented by
6 their Legislators, have spoken. Each time they
7 said the defendant's motion to waive a jury trial
8 ought to be subject to the prosecutor's consent.

9 This Bill would represent the fourth
10 time and hopefully the final time that the people
11 have to speak on this issue. It is the sworn
12 duty of every prosecutor in the Commonwealth to
13 seek justice, not merely convictions.

14 That duty is sometimes hampered when the
15 Commonwealth cannot present its case to a jury of
16 the defendant's peers from the community where
17 the crime occurred. House Bill 1521 would give
18 the Commonwealth that ability.

19 It should be pointed out that it is only
20 in criminal cases that the Commonwealth is denied
21 a right to a jury trial. In civil cases, we may
22 demand on behalf of the Commonwealth a jury trial
23 just as any other litigant.

24 I do not believe that prosecutors will
25 often object to a defendant's request for a jury

1 trial. In fact, reflecting back on my own
2 experience, I was an Assistant District Attorney
3 in Allegheny County from 1970 through 1974.

4 So through part of that time, I operated
5 in a system where, in fact, part of the process
6 when you were in court in a nonjury trial was one
7 of the things which the attorney for the
8 Commonwealth always did was after counsel and the
9 defendant sat down at the table, the defendant
10 and his counsel signed a waiver form.

11 That waiver form was then passed over to
12 the attorney for the Commonwealth who at that
13 time would sign off on the waiver form and
14 present the same to the judge.

15 I can remember very few occasions in a
16 multi-county court district -- we had about ten
17 judges in Allegheny County at that time. And
18 there were differences in philosophy; there were
19 different people serving on the bench.

20 I can remember very few times that as a
21 prosecutor trying many, many cases at that time
22 that I ever objected to the defendant's waiver of
23 the jury trial. Occasionally, I did.
24 Occasionally, colleagues of mine did.

25 But I also remember very clearly that in

1 1973 the Commonwealth took that right away from
2 us, and it to a certain extent did limit the
3 ability of the attorney for the Commonwealth to
4 get the fairest ground possible and to get
5 justice in those cases.

6 The consensus is that by and large the
7 judges in the Commonwealth conduct trials that
8 are fair to both the defendant and the
9 Commonwealth.

10 However, there may be a particular case
11 in which a certain judge with an otherwise
12 impeccable and honored record may be considered
13 as unduly biased in favor of the defense or
14 against the prosecution because of his or her
15 past actions from on the bench.

16 In such instances, it would be
17 appropriate for the prosecution to object to the
18 defendant's jury trial waiver in order to protect
19 the rights of the victim and the public. Such an
20 objection should not be seen as the prosecution
21 attacking a defendant's rights.

22 As recently as February of this year,
23 the same Supreme Court that in 1973 took away the
24 Commonwealth's right to demand a jury trial in a
25 criminal case reiterated in the case of

1 public review.

2 An additional layer of accountability
3 exists, of course, in the fact that prosecutors
4 are elected public officials. For these reasons,
5 I support House Bill 1521 as well as its
6 counterpart, Senate Bill 555.

7 They do not represent a radical
8 departure from Pennsylvania jurisprudence.
9 Rather, they present the resumption of a
10 longstanding part of that jurisprudence.

11 The people of the Commonwealth of
12 Pennsylvania have supported this concept for
13 several decades. These bills do not infringe
14 upon the rights of a criminal defendant. They
15 only ensure that a criminal trial will be a fair
16 pursuit of justice.

17 I would like to close with a quote from
18 former Chief Justice Earl Warren of the United
19 States Supreme Court from the case of Singer
20 versus the U.S. The case referred to the 1968
21 comment to Rule 1101.

22 Chief Justice Warren, a leading
23 proponent of the rights of the accused said, Not
24 only must the right of the accused to a trial by
25 a constitutional jury be zealously preserved, but

1 Commonwealth versus Whitney, a 1998 case -- the
2 Supreme Court said it was a capitol case -- While
3 a defendant has a constitutional right to a trial
4 by jury, he has no such right to a bench trial.
5 And the Pennsylvania Supreme Court has relied on
6 the United States Supreme Court's Singer decision
7 for that proposition.

8 Yet a mere court-made right can deprive
9 the Commonwealth of the ability to put its
10 evidence before a jury. Nor is the prosecution
11 attacking the judge's record. In these few
12 cases, the prosecution is only seeking a level
13 playing field in which to participate in an
14 orderly trial seeking justice.

15 In the words of former Chief Justice
16 Nix, who dissented from the Sorrell decision,
17 House Bill 1521 merely creates in the
18 Commonwealth the corresponding right to possess
19 by the accused.

20 A prosecutor, moreover, will be held
21 accountable for his or her decisions to object to
22 a jury trial waiver motion. As with all other
23 aspects of a criminal trial, the prosecutor's
24 exercising the Commonwealth rights under this
25 provision will be placed on the public record for

1 the maintenance of the jury as a fact-finding
2 body in criminal cases is of such importance and
3 has such a place in our tradition that before any
4 waiver can become effective, the consent of
5 government counsel and the sanction of the court
6 must be had in addition to the express and
7 intelligent consent of the defendant.

8 Mr. Chairman, thank you for allowing me
9 the time for these remarks. And I would be
10 pleased to answer any questions that you or
11 Members of the Committee may have.

12 CHAIRPERSON BIRMELIN: Thank you very
13 much, Attorney General Fisher. And we appreciate
14 you coming here to us. I'm sure that you have a
15 busy schedule and thank you for the time that you
16 gave to us. Representative Masland.

17 REPRESENTATIVE MASLAND: (No audible
18 response.)

19 CHAIRPERSON BIRMELIN: Representative
20 Caltagirone.

21 REPRESENTATIVE CALTAGIRONE: (No audible
22 response.)

23 CHAIRPERSON BIRMELIN: Representative
24 Manderino.

25 REPRESENTATIVE MANDERINO: Thank you.

1 Thank you, Michael, for coming. 1970 to 1974
2 when you were District Attorney, do you recall,
3 were there mandatory minimum sentences back then?
4 I am sure.

5 MR. FISHER: To my recollection, at that
6 time there were none.

7 REPRESENTATIVE MANDERINO: Which leads
8 me to my hypothetical. If you could have a
9 right -- Commonwealth right to a jury trial or
10 mandatory minimum sentences but not both, which
11 would you choose and why?

12 MR. FISHER: Well, I think just as the
13 representatives from the Philadelphia District
14 Attorney's office and District Attorney Ebert
15 from Cumberland County answered, I think that the
16 right to a jury trial is so much engrained as
17 part of our system of justice that if you force
18 me to choose that you can only have one, I would
19 be in the same position that they are. I would
20 choose that.

21 I think they're both very important in
22 our criminal justice system, and I don't think
23 this is an either/or proposition.

24 REPRESENTATIVE MANDERINO: I'm trying
25 to make it one.

1 MR. FISHER: I understand your question
2 but --

3 REPRESENTATIVE MANDERINO: Thank you
4 for your answer.

5 CHAIRPERSON BIRMELIN: Representative
6 Josephs.

7 REPRESENTATIVE JOSEPHS: Thank you,
8 Mr. Chairman. As you've indicated, this is an
9 old issue. It's been before us three times.
10 This is the fourth time. So I am interested in
11 statistics.

12 Across the Commonwealth, for instance,
13 how many waiver trials do we have as opposed to
14 jury trials? Is that -- is there a trend? Is
15 the trend accelerating? What does the typical
16 jury trial cost the taxpayer? your office?

17 Public defenders, many times the
18 taxpayers, of course, paying both -- and so in
19 the adversarial system, what kind of
20 delays -- how long does it take from arrest to
21 trial to conviction in a jury trial as opposed to
22 a waiver trial?

23 I mean, some argument was made before us
24 previously -- I think you were here -- that there
25 were delays in hearing what was characterized as

1 judge shopping. Are there no delays in putting
2 together jury trials?

3 And if so, can you show us that
4 statistically? How many cases do you think
5 prosecutors across the state can you estimate
6 would -- where they would demand a jury trial, if
7 they could? And what would that cost per trial?
8 And where would they be?

9 I mean, all we hear here -- or at least
10 all I am hearing here really is anecdotal
11 evidence. And for me to make a decision that has
12 to do with -- I mean, we're both elected
13 officials. It's very difficult to make these
14 kinds of decisions. It's particularly difficult
15 without statistics.

16 So I'm making a request for those
17 statistics so that we can make some kind of
18 intelligent decision here.

19 MR. FISHER: Representative Josephs,
20 it's certainly a very good question, one for
21 which you deserve an answer. And I think there
22 is an organization that should have those
23 statistics. It's the Administrative Office of
24 the Pennsylvania Courts.

25 I don't know -- they can at least give

1 you the statistics as to the time number of jury
2 trials versus nonjury trials from county to
3 county. The cost per jury trial may be harder to
4 determine, and you may need to get that from each
5 of the counties.

6 You know, a jury trial in a DUI case may
7 take a day. A jury trial in a robbery or
8 burglary trial could take a week. Obviously,
9 it's more than, you know, just the amount of time
10 that the trial took. You're going to pay the
11 jurors extra compensation.

12 Many counties have one day/one jury
13 systems where you come in; if you aren't picked,
14 you go home. But I think the statistics would be
15 available and probably AOPC is the best body to
16 get them from.

17 REPRESENTATIVE JOSEPHS: I appreciate
18 your directing us to the places where we can find
19 these statistics. But if you'll forgive me, you
20 and others are here asking us to change the
21 Constitution.

22 It seems to me part of your argument has
23 got to be these statistics, that you should be
24 presenting them to us; and I would appreciate
25 that very much.

1 MR. FISHER: Certainly can help you and
2 the Chair get those statistics. But I think the
3 problem in trying to argue what the impact of
4 this will be is talking somewhat a little bit
5 about an unknown.

6 I have said, however, not only based on
7 my own personal experience as an Assistant
8 District Attorney but also in my experience as
9 the Attorney General of this Commonwealth and my
10 experience through the years as a Member of this
11 body and the Senate in the criminal justice
12 system, I don't believe that the Commonwealth's
13 refusal to waive the right to a jury trial is
14 going to be abused or often used.

15 But I think it's a right that's so
16 fundamental that the Commonwealth should have the
17 right of retaining it.

18 REPRESENTATIVE JOSEPHS: Thank you very
19 much. And thank you, Mr. Chairman.

20 CHAIRPERSON BIRMELIN: Representative
21 James.

22 REPRESENTATIVE JAMES: Thank you,
23 Mr. Chairman. And thank you, Attorney General, for
24 testifying. I noticed in your testimony
25 on -- in the page 4 you said it is a sworn duty

1 of every prosecutor in the Commonwealth to seek
2 justice, not merely convictions.

3 You know, that stands out or just
4 raises some questions to me that if, in fact,
5 that you had a attorney, deputy attorney, and it
6 showed that in his conviction rate that he had
7 more not guilty than convictions, would you call
8 him in, or her?

9 MR. FISHER: I don't think,
10 Representative James, that, you know, that's any
11 particular basis on which you would evaluate a
12 deputy attorney general or deputy district
13 attorney.

14 You know, certainly there are cases that
15 are tougher cases that obviously -- there are all
16 kinds of extenuating circumstances which lead to
17 not guilty findings.

18 And I think it's the overall conduct and
19 the overall ability of the attorney that's
20 important for anybody that would serve on my
21 staff. And I'm sure other prosecutors across the
22 Commonwealth would agree.

23 REPRESENTATIVE JAMES: So you're saying
24 that that's just not -- your convictions or
25 nonconvictions is not what you just use to

1 evaluate a deputy attorney general?

2 MR. FISHER: Absolutely not.

3 REPRESENTATIVE JAMES: Okay. Thank you.
4 Thank you, Mr. Chairman.

5 CHAIRPERSON BIRMELIN: I want to thank
6 you, Attorney General Fisher. I appreciate your
7 time spent with us today.

8 MR. FISHER: Thank you, Mr. Chairman. I
9 thank Mr. Frankel for permitting me to give my
10 testimony out of order.

11 CHAIRPERSON BIRMELIN: And next is
12 Mr. Frankel, the Representative of the American
13 Civil Liberties Union. While he's taking his
14 place, I need to make two announcements of
15 letters that the Committee has received in
16 conjunction with this hearing just for the record
17 and to make note that they are in possession by
18 the Committee.

19 The first comes from a Dr. Charles
20 Kendall, Jr. And he is the co-founding member of
21 Pennsylvania Constitution Watch, Post Office box
22 665, Wayne, Pennsylvania. And he has submitted
23 remarks to the record for the Committee's
24 consideration.

25 And we'll see that the Committee Members

1 get that and they are duplicated. And I have a
2 second letter from Barbara J. Hartley (sic),
3 Director of the Pennsylvania Coalition Against
4 Domestic Violence.

5 It's addressed to the Senate Judiciary
6 Committee Members dealing with the Senate Bill
7 555, which is a virtually identical bill which
8 was introduced in the Senate.

9 But she asked that it would be submitted
10 into the record and made available to the Members
11 of the House Judiciary Committee as well. And we
12 will do that on her behalf.

13 For Mr. Frankel and for the rest of you
14 who are here and who are going to be testifying,
15 I would make a simple request; and that is and I
16 know you've all done a great job in preparing
17 your testimony, but if you have in your testimony
18 portions of that which has already been
19 presented, perhaps a historical perspective of
20 where we are today, I think we've heard it three
21 times already and I think we're familiar with it
22 now.

23 So if that is included in your testimony
24 or anything else that is background information
25 and duplicative of that which we've already

1 heard, feel free to omit that from your remarks
2 so that would save us some time and also would,
3 I'm sure, keep us more riveted to your testimony
4 knowing that you have something new and fresh to
5 share with this public hearing.

6 All that having been said, Mr. Frankel,
7 thank you for coming and thank you also for
8 agreeing to postpone your testimony till after
9 the Attorney General had given us his. You may
10 begin when you're ready.

11 MR. FRANKEL: Okay. Thank you,
12 Representative Birmelin and other Members of the
13 Committee. It isn't often that I get a chance to
14 accommodate the Attorney General. I appreciate
15 the chance rather than aggravate the Attorney
16 General.

17 CHAIRPERSON BIRMELIN: He appreciated it
18 too.

19 MR. FRANKEL: And I also hope
20 that -- maybe you may not be riveted on my
21 testimony; but I will try and not belabor my
22 points and move this hearing along. Before I go
23 to my remarks, I would like to address
24 Representative Manderino's hypothetical.

25 Of course, she didn't even ask me about

1 it -- probably commend her for coming up with a
2 question that I could answer in agreement with
3 all of the previous witnesses.

4 Certainly, if you can manufacture the
5 political trade where we get rid of mandatory
6 sentences, maybe the ACLU would be able to drop
7 its opposition to this constitutional amendment.

8 I also think that you could get an award
9 from an awful lot of people for manufacturing
10 that deal, but we would certainly be willing to
11 make the trade.

12 In any event, the ACLU believes that
13 this proposed constitutional amendment raises a
14 whole series of questions, none of which have
15 been addressed previously because they go to
16 subjects more complicated than simply leveling
17 the playing field or giving the victim the right
18 to demand a jury.

19 One of the first issues that we think
20 about when we consider this proposal and hope you
21 will think about is how it will affect the entire
22 judicial system. Not just the criminal courts,
23 but the entire court system.

24 I heard the previous speakers, if you
25 have more demands for jury trials, more judicial

1 time will be taken up with criminal jury trials.
2 That means that civil cases will be delayed,
3 domestic relations will be delayed, noncriminal
4 jury cases will be delayed.

5 There's only so many resources
6 available. And it will have an impact on all of
7 the people of the Commonwealth who wish to use
8 the court system for all kinds of purposes.

9 Undoubtedly will occur that if dozens of
10 criminal cases are transformed into jury cases,
11 it will increase the backlog that many of the
12 counties are trying to reduce at present. The
13 criminal jury trials will impose additional
14 expenses on the courts.

15 I believe that they will impose
16 additional expenses on the prosecutor. An
17 additional 25 jury trials which can take one or
18 two weeks instead of a day, I don't understand
19 how that might not cost the prosecutor's office
20 more money.

21 Certainly, it will cost the Public
22 Defender's office or the courts more money if
23 they appoint a counsel. It will cost the courts
24 more money. They have to pay for more jurors.
25 And ultimately, it's going to cost the taxpayers

1 more money.

2 And those costs are not just going to be
3 felt in Philadelphia and Allegheny County.
4 They'll be felt throughout the state,
5 particularly, I think in the smaller counties
6 with fewer judges and smaller jury pools.

7 And as you all know, at present the
8 counties pay those budgets. There's a fight over
9 who pays for court funding; but its cost being
10 imposed on the counties, not necessarily being
11 absorbed by the state.

12 The ACLU's also concerned about the
13 impact this will have on the relationship between
14 criminal defendants and the private defense bar.
15 I'm trying to imagine back to when I practiced
16 law and a client came in to see me saying they've
17 been charged with a crime and they want to know
18 what my fee's going to be.

19 To me it seems like a case that
20 we'll probably take nonjury. But I know in
21 the back of my head at some point it could become
22 a jury trial.

23 One of the first rules you learn as a
24 criminal defense attorney is you get your fee
25 paid up front. Because if you don't collect your

1 fee before you go to trial, you're not going to
2 see the balance of the fee.

3 So as a defense attorney, I'm going to
4 be obligated in some, maybe not all cases to
5 charge at least that jury trial fee. The jury
6 trial's going to take a week. It takes more
7 preparation, probably more investigation, more
8 witnesses; so I'm going to be charging more up
9 front.

10 What will the impact be on the
11 defendants who because of their income level do
12 not qualify for the public defenders? Will I
13 become unjustly enriched because we managed to
14 get away with a judge trial and not a jury trial?

15 I probably, hoping I'm an ethical and
16 honorably trained, refund the extra fee or
17 negotiate out some kind of agreement that if it's
18 not a judge trial, and refund the fee. But maybe
19 other attorneys would do differently.

20 If those cases get transferred to the
21 public defenders office instead because they're
22 jury cases, again, you've had additional costs.
23 But, again, you've created a conflict for the
24 attorney who's going to be losing that particular
25 case.

1 The ACLU also fears that the
2 Commonwealth will use their right to demand a
3 jury trial as additional leverage in extracting
4 guilty pleas. I have heard what Mr. Tennis said
5 before me.

6 And I subscribe, as I hope many defense
7 attorneys who do perceive that they're going to
8 have clients who would feel they cannot afford to
9 mortgage the property to pay for a jury trial.

10 And what is their alternative going to
11 be if the Commonwealth is demanding a jury trial?
12 How do we protect the middle-class defendant in
13 those situations? And how do we protect them
14 against whether it's conscious or unconscious use
15 of the ability to demand a jury trial to create
16 financial hardship for them?

17 Fundamentally, we believe that the right
18 at stake here is the defendant's right to a trial
19 before an impartial decision maker. After all,
20 it's the defendant who faces time in prison and
21 it's the defendant who has the greater harm that
22 may occur to them if it's an impartial fact
23 finder.

24 Some defendants may feel that jurors
25 will be unable to set aside their prejudice based

1 on race, religion or political views. They may
2 feel that the judge in the county has a less
3 biased view.

4 It's not hard stereotypes against them
5 because of their political beliefs or
6 backgrounds. It's the defendant's interest in
7 the neutral decision maker which could be severely
8 compromised by the Commonwealth's demand for a
9 jury trial.

10 And that concern regarding the biases of
11 juries was highlighted in the training tapes that
12 were already referred here today. I'm not going
13 to repeat what has occurred in some of the
14 questions, but I think all of us know that at
15 least in one point in time there's evidence now
16 that prosecutors were being trained in biased
17 jury selection processes.

18 And there's some evidence that those
19 kinds of procedures still go on. And
20 Representative Masland is correct, defense
21 counsel are trained and defense counsel should be
22 reprimanded when they engage in this process.

23 But the prosecutor represents all of the
24 citizens of the Commonwealth. And the courts
25 have found that the prosecutor has a special

1 obligation because the prosecutor represents all
2 of the citizens.

3 And the rights of the citizen to
4 participate in society's mechanism of justice by
5 engaging in jury duty should not be compromised
6 by biased jury selection process.

7 We think that until there is evidence
8 that these kinds of discriminatory practices have
9 indeed ceased and been terminated that it would
10 be premature to all of a sudden to give the
11 prosecutor to demand a jury trial so that they
12 could use these skills that they've learned in an
13 improper way.

14 You've heard discussion about judge
15 shopping today. There were a couple of questions
16 related to the fact, Are there other means for
17 dealing with this issue?

18 When the Senate had its hearing on this
19 Bill, Senator Earl from Erie County inquired as
20 to what kind of procedures were in place in the
21 counties of the district attorneys who were
22 present because she described the procedure in
23 her county where judges do enforce a requirement
24 that defendants state weeks in advance of trial,
25 possibly even before they know the judge who's

1 going to hearing a case, whether they want the
2 judge or a jury; and they found a mechanism to
3 make it work.

4 The current Rules of Criminal Procedure
5 give the trial courts the authority to deny a
6 defendant's request to waive a jury trial, and
7 there are cases they have forced that authority.

8 Less than two years ago in the case of
9 Commonwealth versus Jones, the Pennsylvania
10 Supreme Court upheld a trial judge who had denied
11 a defendant's request to be tried by a judge
12 because he believed that the request was designed
13 solely for purposes of delay.

14 And I cited a number of other appellate
15 court decisions where the courts have relied on
16 Rule 1101 to deal with defendants who are using
17 the right to waive a jury trial for improper
18 purposes.

19 It's clear that the trial courts of the
20 Commonwealth have the power to deal with
21 defendants who request nonjury trials for
22 improper purposes. And trial courts do exercise
23 that power.

24 We think that amending the Pennsylvania
25 Constitution is an exaggerated and unnecessary

1 answer to the concern, at least that concern that
2 gave rise to the bill.

3 Finally, there is the, I think, rather
4 bold assertion that the amendment is necessary
5 because of some lenient judges in the state who
6 don't impose mandatory sentences, a position set
7 forth in the Pennsylvania District Attorneys
8 Association position paper and reasserted here
9 today in various ways.

10 And I know that the Honorable Linda
11 Wallach-Miller of the Pennsylvania Conference of
12 State Trial Judges is here to testify as is, I
13 believe, the Honorable Carolyn Temin from
14 Philadelphia will be here also to testify.

15 And I think that they can answer much of
16 that assertion. But I would like to draw your
17 attention to just one of the cases that are cited
18 in the District Attorney's materials. It's the
19 case of Commonwealth versus Leon Williams.

20 It's one of the homicide cases from
21 Philadelphia. In that case, a 15-year-old boy
22 was shot by the defendant in a drive-by shooting.
23 He was killed, apparently because he was in the
24 wrong place at the wrong time.

25 And it's at least the inference if not

1 more explicit assertion of the District
2 Attorney's that the defendant deliberately chose
3 a bench trial.

4 Well, I had the luck to speak to the
5 defense counsel in that case the day he left this
6 country to go take a vacation in France. But he
7 informed me that in that case, it was originally
8 scheduled as a jury trial.

9 And it was the prosecutor in the case
10 who first suggested that maybe they want to
11 take this as a nonjury trial, that his schedule
12 was backed up, he was having difficulties and
13 maybe they should go ahead with a nonjury case.

14 Defense counsel thought about it, went
15 and consulted with his client, and they agreed,
16 okay, we'll go ahead with a nonjury case. Case
17 was ultimately tried.

18 According to defense counsel, the
19 prosecution's main witness testimony didn't hold
20 up at trial and the judge found the defendant
21 guilty of third degree rather than a first or
22 second degree murder that the prosecutor wanted.

23 The defendant was sentenced to a maximum
24 of 45 years in prison and a minimum of 15 years.
25 They didn't get a life sentence, but the

1 defendant got a substantial sentence.

2 I also would note for your information,
3 the trial judge was the Honorable Jane
4 Cutler Greenspan, who, before she went on the
5 bench, was the head of the Appeals Unit in the
6 District Attorney's office in Philadelphia.

7 Now, when you talk to the Defense
8 Attorney Barnaby Wittels, he did indicate he
9 would try and get me some written documentation
10 to substantiate that could -- I wouldn't be
11 engaged in what you call, hearsay, here.

12 This morning, I received in my office a
13 letter that apparently he dictated and wrote and
14 faxed back his office. And I received the
15 letter here in the mail today.

16 And I'm going to leave copies of that
17 letter here so that you can see what I received.
18 I'm not bringing this to your attention to try
19 and cast aspersions on anybody other than that we
20 hear anecdotal evidence.

21 There are defense attorneys in these
22 cases who they may have a side to present about
23 the case, the judge sometimes has to make
24 determinations between what one side and the
25 other is saying.

1 I would suggest it might be useful to
2 hear what some of the reasons that defense
3 counsel might give to the judge's determination
4 and the judges themselves because we found at
5 times, and as Representative James noted, there
6 is another side to these stories and both
7 sides aren't necessarily going to be told by an
8 advocate.

9 I presume, again without casting
10 aspersions, often any of the honorable elected
11 officials here, I guess I kind of hope that you
12 don't expect anything of, say, all
13 the -- because I am an advocate for a position
14 being that you're an elected official and you
15 have to balance interests.

16 But unfortunately, it does occur and we
17 do have two sides for various issues. Without
18 going into further questions about the cases
19 that I mentioned, I do believe that we have
20 suggested and others will suggest substantive
21 policy reasons that this is a much more
22 complicated issue.

23 It's not only an issue of statistics, an
24 issue of how resources are going to be divided
25 and how the courts are going to function. And we

1 hope that you will take and know you will take
2 serious consideration of all points of view when
3 deliberating over this matter. And I will be
4 happy to try and answer any questions.

5 CHAIRPERSON BIRMELIN: Thank you,
6 Mr. Frankel. Representative Manderino.

7 REPRESENTATIVE MANDERINO: Thank you.
8 You thought you got away by preempting my
9 question, but now I have a follow-up for you.

10 And the point that I'm sure it's clear
11 that I was trying to make is that when I look
12 back over what we've done legislatively in the
13 criminal justice system and taking '73 as the
14 time frame historically that everyone's pointing
15 us to as when the Supreme Court ruling changed
16 the way we did things in Pennsylvania, what I'm
17 trying to identify is, okay, then we had 25 years
18 of legislation and jurisprudence that came after
19 that.

20 And what changes -- I identify mandatory
21 minimum sentences as just one issue, which is my
22 Achilles heel. But I suspect that there are
23 other things that have grown up in the wake of
24 adjusting and re-adjusting the system in light of
25 the way that it operated pre- and post-73, if you

1 can use that as an example.

2 And what I don't like about this is not
3 the fundamental approach, but the balance of
4 justice and fairness. And I'm trying to figure
5 out what else is on the other side of the scales
6 other than we thought -- you know, you took away
7 the right of us, the Commonwealth, to go to a
8 judge and then now you didn't leave us any way to
9 get around lenient, quote/unquote, judges.

10 So then we needed mandatory minimums.
11 And then it created this other problem where we
12 needed this. I'm trying to figure out what's on
13 the other side of the ledger. And I wondered if
14 you had any other perspective?

15 MR. FRANKEL: I think the other
16 perspective, if I understand the question, is
17 that a lot of behavior has been criminalized that
18 might previously not have been criminal behavior,
19 so there are more cases in the system; we are
20 expecting our criminal courts to do more than we
21 used to because we make certain things a crime;
22 whether it was correct or not, transferring
23 juvenile cases into the adult system is going to
24 create more pressure on the system to move more
25 cases.

1 Some of it is what's occurred outside of
2 the criminal system. Courts are a resource. And
3 when there are more domestic relations cases,
4 that's going to put more pressure on the criminal
5 caseload as well just because we need -- you
6 know, if you're a victim of a crime and you're
7 also waiting for your child support case to be
8 heard, I mean, where is your priority going to
9 be?

10 And all those kind of interests have to
11 be balanced out. I don't know if that's, you
12 know, responsive to your question; but when I
13 think of other factors that we have -- that
14 people involved in this system have to think
15 about and deal with, it's those kinds of things.

16 There's more things that are made
17 crimes, more juveniles treated as adults when
18 maybe some other heavier sentencing that isn't
19 necessarily mandatory sentencing and the fact
20 that there's a lot more demands being made on the
21 court system in general and how do you sort out
22 all those demands.

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

25 CHAIRPERSON BIRMELIN: Representative

1 Masland.

2 REPRESENTATIVE MASLAND: Thank you,
3 Mr. Chairman. Mr. Frankel, I realize that your
4 first argument to retain the current system is
5 based on the impact of the judicial system.

6 But I think from our earlier
7 conversations that you would agree in situations
8 like this where you're talking about a
9 constitutional amendment, you have to look at
10 more than just costs, more than just data.

11 And that may be nice, but really
12 whether it costs more for a jury trial or nonjury
13 trial or those type of issues should be secondary
14 to the philosophical question of should you make
15 this change and whether or not justice will be
16 better served. Would you not agree with that?

17 MR. FRANKEL: While I would agree that
18 there are secondary issues, I don't think that
19 they can be discounted completely because they're
20 integral to whether justice can be served.

21 If the court system is so overloaded
22 that there's a breakdown, this amendment could
23 backfire because justice won't be served because
24 cases won't be able to proceed. So I don't think
25 you can discount entirely, but I do think you

1 first and foremost have to face it as a matter
2 without regard to cost.

3 REPRESENTATIVE MASLAND: And I would
4 concede that if it came to the point where
5 justice could not be served, then we would have
6 to indeed take into account to a greater extent
7 the cost issue. Thank you.

8 CHAIRPERSON BIRMELIN: Thank you,
9 Mr. Frankel. We're going to take a short break
10 to give the stenographer a moment to give her
11 fingers a rest, and then we will proceed again at
12 3:15. The official clock says 3:08. So at 3:15,
13 we will pick up again.

14 Take a short break and give those of you
15 who are here also an opportunity to use the rest
16 room if you need to. So we're in recess until
17 3:15.

18 (At which time, a brief break was taken.)

19 CHAIRPERSON BIRMELIN: I have offered to
20 the last five people who wish to testify the
21 opportunity to save time and expedite the
22 hearing to sit as a group, four of them -- three
23 of them having accepted my offer.

24 I guess the fourth isn't going to be
25 here and Mr. Reil would prefer not to sit with

1 them to present his testimony separately, so I
2 will honor his request to do that.

3 Let me introduce the --

4 JUDGE SALUS: I'm Judge Samuel W.
5 Salus, the Second; and I'm the President-elect of
6 Pennsylvania Conference of Trial Judges and I
7 will succeed --

8 CHAIRPERSON BIRMELIN: I'll ask you to
9 do that again when you have a microphone. To my
10 far left is Mary Achilles, who is a victim
11 advocate from the Office of Victim Advocate,
12 Pennsylvania Board of Probation and Parole.

13 Next to her is Mr. Robert Tarman,
14 Esquire, Cochair of Legislative Committee for the
15 Pennsylvania Association of Criminal Defense
16 Lawyers. Next to him is the Honorable Linda
17 Wallach-Miller, a judge from the 43rd Judicial
18 District, which is in Monroe County.

19 And, sir, would you introduce yourself
20 again using the microphone so that our
21 stenographer can record your presence?

22 JUDGE SALUS: I'm Judge Samuel W. Salus,
23 the Second from Montgomery County. And I'm
24 President-elect of the Pennsylvania Conference of
25 State Trial Judges, and I will succeed Judge

1 Miller in July.

2 CHAIRPERSON BIRMELIN: Okay. Thank you
3 very much for coming here. I will ask Mary if
4 you would go first so that we can have you in
5 order that you're seated.

6 And, again, I would ask you as I did
7 with the other testifiers if you would try to not
8 be repetitive of that which has already been said
9 and to make your remarks from you perspective.

10 MS. ACHILLES: Thank you, Mr. Chairman
11 and Members of the Committee. My name is Mary
12 Achilles, and I'm a victim advocate in
13 Pennsylvania.

14 I'm here today before you to testify in
15 support of Senate Bill -- or House Bill 1521 and
16 also here to represent the Pennsylvania Coalition
17 of Crime Victims Organization and their support
18 of House Bill 1521.

19 In 1996 when this legislation made its
20 first round through the Pennsylvania's
21 Legislature, the Coalition was in overwhelming
22 support. Discussion emanated from experience of
23 seasoned victim advocates from across the
24 Commonwealth.

25 Their firsthand experience has been that

1 the defendant's right to waive a jury trial has
2 developed into the defendant's right to judge
3 shop.

4 This is devastating to the victim in
5 that it gives the offender control of the degree
6 of exposure that the community will have to the
7 amount of human trauma perpetrated upon the
8 victim.

9 Although I am usually reluctant to
10 generalize the feelings of the crime victims,
11 those of us who provide crisis intervention to
12 crime victims know that each and every victim is
13 rendered powerless during the commission of a
14 crime.

15 Our primary goal in providing support
16 services is to assist each individual victim in
17 regaining their equilibrium and their power.
18 Depending on the impact of the crime, this is for
19 many a long and painful journey often interrupted
20 by the criminal justice process.

21 Our goal in seeking and securing the
22 rights of crime victims and the prosecutors who
23 represent them is one more step towards providing
24 the crime victims with the opportunity to regain
25 power and control over their lives.

1 My view of the justice system is one in
2 which the merits of the case from both the
3 defense and prosecution views are presented to a
4 judge or a jury.

5 As the District Attorney's Association
6 has already stated, in practice, the defendant's
7 right to a jury trial has become the Defendant's
8 right to present the merits of their case before
9 a particular judge whose reputation is known
10 throughout the courthouse.

11 Once a case has been scheduled for jury
12 trial by an independent and impartial court
13 administer at the request of the defendant, the
14 defendant is allowed to waive their right to a
15 jury trial in an effort to seek a more lenient or
16 defense-oriented judge. The balance of power has
17 been shifted in favor of the defense.

18 The system is following the lead of the
19 offender, and the victim and the prosecutor have
20 no opportunity for input. For many this may seem
21 to have a minor impact on the victim; however, it
22 is of great significance.

23 The victim continues to feel controlled
24 by the crime, by the criminal, and now by the
25 system. This procedural aspect of moving the

1 case through the criminal justice system and
2 process at the whim of the defendant is yet
3 another detraction from the victim's perspective
4 of the system's inability to effect justice.

5 Why should the victim through the
6 prosecutor not have a say in whether their case
7 is heard by a judge or a jury? Why should they
8 be prevented from having the opportunity to share
9 their experience with 12 members of the community
10 in which they live?

11 The value for victims is to have a voice
12 in whether or not their case goes before a jury
13 is separate and independent from the outcome of
14 the case. The system to be truly responsive to
15 the needs of crime victims must demonstrate that
16 victims do, in fact, have a role in the process.

17 The system as an institution within our
18 communities must provide victims with an
19 opportunity for validation, validation that they
20 are valuable members of the community and
21 afforded an equal opportunity to tell their
22 story publicly.

23 It has been my experience that the
24 defendant will often waive their right to a jury
25 trial simply to avoid the number of people

1 exposed to the true element of the crime, to the
2 true and often gruesome nature of the harm
3 inflicted upon the victim.

4 For many victims, the opportunity to
5 have their case heard by a jury of their peers is
6 a unique opportunity to receive validation from
7 the system separate from the outcome of the case.

8 To give victims through the prosecutors
9 who represent them a voice in whether or not
10 their case is heard by a jury is another step
11 towards empowering crime victims to regain
12 control.

13 The more input the crime victims and
14 their representatives have in the justice
15 process, the greater their sense of control and
16 the greater their chances of recovery.

17 The defendant's ability to exploit the
18 system by demanding a jury trial then waiving it
19 once the case has been assigned creates an undue
20 burden on the victim, who is waiting patiently
21 for their day in court.

22 This delay tactic is presently
23 unavoidable and puts victims on an emotional
24 roller coaster preparing for their day in court
25 only to have it delayed by the defendant's

1 endless right to request a jury trial and then
2 change their mind.

3 I support the Pennsylvania District
4 Attorney's Association position on House Bill
5 1521 and ask that you vote to support this
6 legislation also.

7 CHAIRPERSON BIRMELIN: Thank you. Next
8 we'll hear from Robert Tarman, the co-chair of
9 the Legislative Committee for the Pennsylvania
10 Association of Criminal Defense Lawyers.
11 Mr. Tarman.

12 MR. TARMAN: Thank you. And on behalf
13 of the Association of Criminal Defense Lawyers, I
14 would like to say that we are opposed to this
15 amendment.

16 I bring into this debate experience as
17 an assistant public defender in Dauphin County
18 and then chief public defender for a period of
19 about ten years and then the last twelve as a
20 private attorney concentrating on criminal
21 defense work. And that's mostly in the Central
22 Pennsylvania area.

23 One thing from an historical perspective
24 that I just feel compelled to say is that the
25 Sixth Amendment to the Constitution limits the

1 right to a trial by jury to the accused. And the
2 words "the accused" are in the Sixth Amendment.

3 Only by legislative enactment was that
4 ever changed. From a historical and
5 constitutional perspective, this has been a right
6 of the defendant.

7 And it has been pointed out although
8 victims' rights are important -- and they have
9 been elevated in the past several years as they
10 should be -- but it's the defendant who stands to
11 go to jail and lose his freedom and reputation.

12 And that really is the hallmark of our
13 criminal justice system. That's why we have the
14 Bill of Rights that many times give certain
15 rights such as a right against search and
16 seizure -- improper search and seizure, to a
17 speedy trial, to a public trial.

18 Those are rights that although many of
19 those rights are important to the public and the
20 victims, they're rights that enure to the
21 defendant.

22 Again, I don't want to belabor this; but
23 we're now at a point in our criminal justice
24 history here in Pennsylvania where prosecutors
25 have more power than they've ever had before and

1 most recently the power to ask for the death
2 penalty, to invoke -- literally to invoke
3 mandatory sentences to compel judges to issue
4 them and to appeal judges who have sentenced
5 outside the guidelines.

6 And a lot of these powers have been
7 given to prosecutors and taken from the judges
8 of this state. And we as defense lawyers are
9 against this trend and we think it should stop
10 now.

11 I want to jump to my fourth point. And
12 that is that it's my feeling that this amendment
13 does by its very writing, it says we don't trust
14 Common Pleas judges in this state. And that
15 annoys me greatly.

16 You know, when a defense lawyers takes
17 his client before a judge and makes the decision
18 to go nonjury -- and usually, usually this
19 benefits the taxpayer -- this is usually a
20 situation where you want to preserve suppression
21 issues for appeal, sometimes it's a complicated
22 case, sometimes it does involve resources where a
23 client may not have all the resources that a jury
24 trial would expend.

25 There are many, many reasons why we do

1 this. But when we take a client before the
2 judge, we expect the judge to interrogate the
3 client; and I mean interrogate.

4 The judge wants to know if the defendant
5 understands his rights to a trial by jury; it's
6 explained to him, what a jury is, that it must be
7 beyond a reasonable doubt, unanimous verdict. He
8 wants to make sure the defendant understands the
9 right he's giving up, and he wants to make sure
10 that it's for a valid reason.

11 The District Attorney can stand there
12 and say, Your Honor, this guy has done this three
13 times. He's kept this case going for four or
14 five months overdue by going between judge and
15 jury.

16 He can say that, and the judge can then
17 as he properly should can reject the defendant's
18 effort to waive a jury and tell him that he's
19 going to pick a jury now in this courtroom. He
20 has that right.

21 And, you know, we talk about judges
22 being prejudiced one way or another. Most of the
23 judges -- a majority come from the ranks of
24 prosecutors. There have been, of course, judges
25 elected from the defense bar; but the majority

1 come from the ranks of prosecutors.

2 I believe all judges whether they're
3 prosecutors or former defense attorneys really
4 seek and strive to be down the middle. And I can
5 tell you that that's all we want. We want a
6 judge to be down the middle.

7 I like, of course, to be in a courtroom
8 where I have a judge who likes me or who I think
9 may be favorable in some way. I'm an advocate,
10 as Representative Masland has pointed out.

11 When I'm picking a jury, I'm certainly
12 looking for a jury who's going to be prone to my
13 client and the prosecutor the same. Any
14 prosecutor who would be truthful with you would
15 tell you the same thing.

16 But I want a judge to be down the
17 middle, to look at my client and judge it as he
18 should. I don't want a prosecutor who may wish
19 to have a public forum in front of a jury and may
20 have disingenuous reasons, as many defense
21 attorneys do in cases, I don't want him to come
22 in and tell me that I can't waive a
23 Constitutional right that was given to me.

24 I can compare it to a defendants's right
25 to waive his speedy trial rights. A defendant

1 has a right in this Commonwealth if he's
2 incarcerated to have a speedy trial, and that's
3 been ruled by our courts to be a hundred and
4 eighty days.

5 Many times, a defense attorney's not
6 prepared for trial: It's a complicated case; he
7 has experts out there that he needs more time
8 and he's actually going to be prejudiced by a
9 speedy trial.

10 He goes before a judge and he says he
11 wants to waive his right to a speedy trial.
12 Now, again, the district attorney can say to the
13 judge, Well, I have elderly witnesses, I have
14 witness that have to leave the country who won't
15 be able to testify; the judge then can be right
16 down the middle and make that decision.

17 And in answer to the question from
18 Representative Manderino, Where is this all going
19 to go, Well, the Commonwealth may come back to
20 you and say we want a Constitutional amendment to
21 deny a defendant from waiving his right to a
22 speedy trial.

23 We want a speedy trial too because it's
24 in our interest to have a speedy trial. These
25 are all issues that should be put before a judge.

1 The defense attorney and district attorney are
2 advocates. It's the judge who should make these
3 decisions.

4 If there's gamesmanship, if there are
5 reasons for waiving a jury trial which are not
6 proper which are expending the resources of the
7 Commonwealth, then the defendant should be
8 denied.

9 When I testified before the Senate
10 Committee, I heard a case -- you hear all these
11 anecdotal cases which really amaze me because
12 they don't happen in my count. And in Central
13 Pennsylvania, I don't see it happening.

14 But it was a situation where apparently
15 a defendant at the last minute waived his right
16 to a trial by jury and the witnesses had to be
17 sent home and the district attorney then had to
18 face them and say, well, you have to come back
19 next month, there's no reason for that.

20 A court administer can handle these
21 problems. That jury should have been sent down
22 and put in another courtroom and that defendant
23 should have told, You're going to have your trial
24 in front of me right now because if your lawyer
25 was prepared to try the case in front of a jury,

1 then he certainly would be prepared to try the
2 case in front of a judge.

3 Also there was a comment before if a
4 defendant waived his right to a trial by jury
5 that then we could never stop him from
6 reannouncing that waiver. I don't think that's
7 true.

8 I take a client before a judge and waive
9 my right to a speedy trial and of course he's
10 interrogated, it's on the record, he's told what
11 a speedy trial is, he waives it; he can't
12 come back two days later and say, hey, guess
13 what, I want a speedy trial.

14 If that defendant waives his right to a
15 trial by jury, a knowing waiver of that right,
16 then he cannot come back and change that. He
17 should not be allowed to do that unless he has a
18 compelling reason. And it should be a compelling
19 reason.

20 So what I'm hearing really doesn't make
21 sense. The district attorneys are asking you to
22 go to the tremendous expense of an amendment
23 process to change something that not only is
24 costly -- and I do agree with Representative
25 Masland that it's the philosophical decision here

1 that we should face over the cost -- but it's not
2 right.

3 It should be the judge that makes these
4 decisions. Judges have been stripped of their
5 power -- a lot of their powers in this state.
6 This is a power that should rest with them.

7 Finally, I just want to speak from a
8 lawyer who practices here in Central Pennsylvania
9 as a chief public defender, an assistant public
10 defender, and as a private attorney, I have never
11 abused the right to a nonjury trial. Never.

12 And I can tell you that the assistant
13 public defenders who worked under me did not.
14 And if they were, a judge would have stopped
15 them. So I don't -- I really don't see where
16 this is a problem. And if it is, it must be in
17 Philadelphia.

18 And if there are judges down there who
19 openly refuse to invoke mandatory
20 sentences -- and I know there are a lot of judges
21 who don't like mandatory sentences. It's been
22 pushed down their throats.

23 There are many cases in which they feel
24 it's an justice. And as you know, there are some
25 cases in which some defendants should get double

1 the mandatory. In some cases it's an injustice.
2 They don't like it.

3 But if they openly say they won't invoke
4 the mandatory sentence, then they should recuse
5 themselves from the case. If a judge is so
6 adamantly opposed to the death penalty that he
7 could not fairly charge a jury on a death case,
8 then the judge should recuse themselves from the
9 case. And the District Attorney has the right to
10 ask the judge for recusal.

11 And finally, I just want to tell you
12 maybe both sides should make statistics because I
13 know of several cases, big cases in Dauphin
14 County -- the most recent one was a homicide case
15 in which there were two defendants. It was a
16 death penalty case. It was a robbery of a taxi
17 driver. So it was a robbery and murder and the
18 death penalty applied.

19 The one defendant went to a jury. The
20 other defendant, the co-defendant sat at the same
21 trial but allowed the judge to decide his case
22 with a plea agreement that if he were found
23 guilty of murder of the first degree that the
24 death penalty would not be sought by the District
25 Attorney.

1 The jury in that case rendered a verdict
2 of third degree murder against the defendant who
3 did not make this deal. And the judge who had
4 sealed this verdict before the jury came down to
5 protect himself rendered a decision of second
6 degree murder.

7 He ruled that it was a felony murder,
8 and that defendant is now subject to a life
9 sentence. So here's a case where the jury was
10 tougher than -- or the judge was tougher than the
11 jury.

12 And I can cite many other cases, many
13 other cases. There are many juries that render
14 verdicts where both prosecutor and defense
15 attorney sometimes we shake our heads not only
16 because of the decision but why they made it.

17 And we don't have a perfect system, but
18 I can't see where taking power away from judges
19 who are learned in the law and can divorce
20 themselves from emotion in cases why they should
21 be told that they can't decide whether or not a
22 defendant can waive his right to a trial by jury.

23 And by the way, there are just those
24 cases that are so complicated, are so emotionally
25 charged and racially charged that I believe that

1 a judge can sit and render a more competent and
2 more fair verdict than a jury.

3 As much as I believe in the jury system,
4 and I do; but there are those cases. And the
5 defendant should have the right to ask for a
6 judge trial in those cases. Thank you.

7 CHAIRPERSON BIRMELIN: Thank you,
8 Mr. Tarman. Our next testifier is the Honorable
9 Linda Wallach-Miller.

10 MS. WALLACH-MILLER: Good afternoon,
11 Representative Birmelin and other Members of the
12 House Subcommittee on Crime and Corrections. My
13 name is Linda Wallach-Miller, and I am a judge of
14 the Court of Common Pleas of Monroe
15 County -- that's up in the northeast -- and
16 President of the Pennsylvania Conference of State
17 Trial Judges, the organization representing the
18 over 400 trial judges in the Commonwealth.

19 I want to express our appreciation
20 for this opportunity to talk to you and outline
21 our concerns from the trial judges about this
22 proposed bill.

23 At our mid-annual meeting at the end of
24 February, the conference voted overwhelmingly to
25 oppose this matter. We ask that you consider the

1 matter carefully. We believe the consequences of
2 your taking this action are considerable and that
3 any perceived benefit is illusory and not real.

4 We have no quarrel with the District
5 Attorneys Association nor any alignment with the
6 defense bar. Indeed, more judges, including this
7 one, are former DAs than any other chosen path to
8 the bench.

9 Perhaps it is for this very reason that
10 the majority in our Conference recognize the
11 potential mischief which this measure does. The
12 burden of this measure in the larger
13 jurisdictions is potentially crushing.

14 Philadelphia County heard over 3,000
15 nonjury trials in 1996, specifically they
16 actually heard 3,177 nonjury trials. And that
17 compares to 541 jury trials. Allegheny County
18 heard an additional 500 -- and I believe that's
19 actually 562.

20 Without the waiver of jury trials, the
21 system couldn't function. Trials that would take
22 days are completed in hours. If this amendment
23 is enacted, you will inevitably be requested to
24 fund many additional judges to preside over the
25 additional jury trial days needed for the

1 lengthier trials; citizens will be asked to serve
2 as jurors more often -- in some jurisdictions,
3 we're calling citizens back for jury duty every
4 18 months; our crowded jails will be unable to
5 hold the defendants in pretrial lock up; and the
6 possibility of Rule 1100 violations is very real.
7 Thus those very same defendants may be back on
8 the streets.

9 Overcrowded jails have come to mean that
10 in many places only the most serious defendants
11 can be kept in jail before trial. More jury
12 trials will need longer time at trial and it will
13 lengthen the time to conviction and
14 incarceration.

15 Because private lawyers charge much more
16 to try jury trials, more defendants will be
17 unable to afford them and counties will have the
18 expense of expanded public defender offices.

19 It's apparent that the advocates of this
20 Bill support it based upon a belief that the
21 Commonwealth can get better results in front of
22 juries and in front of certain judges in a
23 particular county. Is it logical to enact a
24 Constitutional amendment based on this belief?

25 It is certainly true that trials before

1 different judges may have different results;
2 however, to concede this is really to concede
3 nothing.

4 Many of you full well know that there
5 are few more random events in life than asking a
6 criminal jury to apply the reasonable doubt
7 standard. There's no evidence that jurors are
8 more conviction minded than judges.

9 A reading of the headlines of some of
10 the most famous criminal trials of our decade is
11 evidence of this. Bear in mind that jury use
12 will not affect sentencing. That will remain in
13 the hands of the judges.

14 I testified in before the Senate
15 Judiciary Committee several weeks ago. During
16 the question-and-answer session that followed, it
17 was made clear to me and my colleagues present
18 that this bill is specifically aimed at
19 Philadelphia County.

20 Is it logical to amend the Constitution
21 of Pennsylvania for a perceived problem in one
22 county out of 67? Our constitution was written
23 to protect the citizens of Pennsylvania, not to
24 protect the government.

25 In our sound bite society, it's become

1 popular for elected officials, especially
2 prosecutors, to label legislators and judges as
3 soft on crime. This political posturing has the
4 effect of eroding confidence in the Judiciary and
5 the Legislature.

6 Our Constitution was written by men who
7 had firsthand knowledge of a judiciary that could
8 not and was not permitted to function
9 independently. We believe that the far-reaching
10 aim of this bill would seriously erode judicial
11 independence.

12 As judges, we respect your role and your
13 concerns. We understand that you have a deep
14 concern that serious crime be treated with
15 gravity and with strictness. We share your
16 concern. Remember as I said before, the large
17 proportion of our judges came to their jobs from
18 the prosecutor's table.

19 I do have statistics with me which
20 break down by county the criminal caseload
21 statistics. These are prepared by the
22 Administrative Office of the Pennsylvania Court.
23 They are titled, Case Load Statistics of the
24 Unified Judicial System of Pennsylvania. They
25 are for 1996. 1997 are currently being prepared.

1 The copy I have is not clear, but I will
2 get a clear copy and I will provide that to each
3 Member of this Committee. I did verify this
4 afternoon with the AOPC that statewide in 1996
5 there were 4,623 nonjury trials and 3,239 jury
6 trials. These are criminal.

7 We would ask that you carefully consider
8 the Constitutional and the practical
9 ramifications of this measure. And I thank you
10 very much for allowing us to appear here. I'm
11 available to respond to questions as is Judge
12 Salus, who is the President-elect of our
13 organization. Thank you.

14 CHAIRPERSON BIRMELIN: Thank you very
15 much, Judge Miller. Representative Manderino, do
16 you have any questions?

17 REPRESENTATIVE MANDERINO: Thank you,
18 Mr. Chairman. Do you kind of want me just to go
19 down the line?

20 CHAIRPERSON BIRMELIN: You may ask
21 questions of any of those four people.

22 REPRESENTATIVE MANDERINO: I'll start
23 back at the beginning with Mary Achilles. I just
24 had one -- or actually two areas of questioning.
25 Earlier Representative Washington asked the

1 District Attorneys what -- how they resolve
2 conflicts when the victim wants a jury trial but
3 the DA feels that nonjury is the appropriate way
4 to go and then vice versa when the victim wants
5 nonjury and the DA wants jury.

6 And the DA's response from both of the
7 DAs that were there was that, of course, what the
8 victim says is very important, but ultimately
9 it's our decision.

10 And when I listened to your
11 testimony -- and I understand you're a victim
12 advocate -- but it kept striking me that your
13 perspective was somewhat different.

14 So I assume that you find yourselves and
15 crime victim advocates find themselves having to
16 counsel victims whose choice was different than
17 that of the DA's. And do you find that that
18 happens often and how do you counsel them?

19 MS. ACHILLES: I think I remember the
20 question. I think that, you know, the Bill
21 before us is about giving the prosecution that
22 right. The way the Bill of Rights exists in
23 Pennsylvania and the way it is practiced or
24 should be practiced is to consult with the
25 victim.

1 I mean, DA's cannot make plea
2 negotiations, reductions of charges without
3 victim input; but victims don't get vote and
4 total power. It has been my experience -- most
5 of the times it's been my experience that victims
6 don't want total power.

7 It's been my experience that what you're
8 categorizing as a conflict really in most cases
9 would not really become a conflict. It's a
10 discussion.

11 That you may have the parent of a child
12 abuse victim who says my child still can't sleep
13 at night, they can't go through this, they're not
14 doing well in school, they can't testify; and
15 then that would be a major consideration in the
16 prosecution's presentation of their case and may
17 accommodate the victim's concern by, you know,
18 wanting -- by agreeing with them for a jury
19 trial.

20 I really don't perceive the level of
21 conflict that was in your question; however, I'm
22 not saying that there would never be a conflict.
23 But I don't find that in practice there is.

24 REPRESENTATIVE MANDERINO: So when you
25 say for many victims the opportunity to have

1 their case heard by a jury of their peers is a
2 unique opportunity to receive validation from the
3 system separate and independent from the outcome
4 of the case, that's if the DA agrees?

5 MS. ACHILLES: Yeah. I think what I was
6 trying to focus on is about, you know, when I
7 recognize that victims' needs, which is different
8 than their rights, I think often are in conflict
9 with the justice system in general and that
10 victims telling their story is really important.

11 So I'm not advocating in that sense for
12 the victims to be able to say I want a jury trial
13 and control the courtroom; but I am talking about
14 that that does have an impact on victims, that
15 they need that sense -- for victims, justice is
16 an experience. It's not something that gets
17 doled out by the judge.

18 You know, they need the participation;
19 the input; the contact with the prosecutor; the
20 police; the ability to talk, you know, before the
21 judge; and the ability to tell their story in
22 whatever manner.

23 I'm not saying that every victim wants
24 to get up and tell their story in front of a
25 jury, but I think that there's a great impact in

1 terms of recovery and sort a therapeutic thing
2 about that. That's clearly what the victims need
3 to recover.

4 REPRESENTATIVE MANDERINO: I guess we
5 are on the same page --

6 MS. ACHILLES: Yes.

7 REPRESENTATIVE MANDERINO: -- because I
8 too have known victims that didn't want to get up
9 and tell their story but had to because of the
10 decision made of the waiver to pursue the case.
11 So it cuts both ways.

12 MS. ACHILLES: It does. It does.

13 REPRESENTATIVE MANDERINO: My only
14 other question -- and I'm interested -- the Judge
15 described a process by which the Pennsylvania
16 Conference of State Trial Judges voted to oppose
17 the legislation.

18 By what process did the Pennsylvania
19 Coalition of Crime Victims Organization decide to
20 support the Bill? What --

21 MS. ACHILLES: We voted in our
22 membership meeting the first time this
23 legislation came around. They have not looked at
24 it a second time also.

25 REPRESENTATIVE MANDERINO: So members

1 of all the crime victim organizations across
2 Pennsylvania --

3 MS. ACHILLES: Right. Well, or they're
4 a member of -- Coalition. That's a significant
5 broad-based group.

6 REPRESENTATIVE MANDERINO: Thank you.
7 Again, the only other question I have is for
8 Mr. Tarman. And that is, You alluded to -- and
9 maybe it's hard to enumerate specifically. But
10 you alluded to the fact that of things that have
11 grown in the system to accommodate or combat the
12 perception of judges who are soft on crime.

13 From my perspective, mandatory minimum
14 sentences are one of those things that have grown
15 out of that perception. Are there other specific
16 things that we have adjusted in our system in
17 these past 10 or 15 or 20 years that you perceive
18 has had that same kind of impact?

19 MR. TARMAN: First of all, there have
20 been so many new crimes passed. And so many of
21 the -- the Crimes Code had really been put into a
22 situation now where it's more prosecution prone
23 because prosecutors have more crimes to charge.

24 And a lot of the rules of evidence, as
25 an example, in the sexual abuse cases, evidence

1 can be brought into a trial that formerly could
2 not be. And to some extent, we opposed some of
3 it; but some of it was right too, that it really
4 it was good legislation.

5 But with good legislation sometimes
6 comes bad. And recently I testified before the
7 Republican Policy Committee, and we offered to
8 the Committee the proposition to propose
9 legislation to waive the mandatory minimum
10 sentence for first-time, nonviolent offenses,
11 which mostly include drug offenses.

12 And we feel that that would be good
13 legislation. But not to get off your question,
14 so many things have been passed the district
15 attorneys can now appeal judges where they
16 couldn't before. That's another area.

17 They can appeal judges, as I mentioned,
18 who go outside the mandatory minimum, who fail to
19 invoke a lot of these tough statutes. They can
20 appeal them.

21 So, you know, and if I were to go
22 through the Crimes Codes, I could probably point
23 out many, many, many instances over the -- just
24 from the recent Governor Ridge's Crime Package.
25 I mean, my goodness, that has really changed the

1 face of criminal law in this state.

2 REPRESENTATIVE MANDERINO: Thank you.
3 Thank you, Mr. Chairman.

4 CHAIRPERSON BIRMELIN: Representative
5 Masland.

6 REPRESENTATIVE MASLAND: Thank you,
7 Mr. Chairman. First of all, let me agree with
8 Judge Wallach-Miller that there probably is, as I
9 saw my old counterpart and compatriot Mr. Tarman
10 smile at the same time when she mentioned fewer
11 random events -- more random events in life than
12 that of asking criminal juries to apply
13 reasonable doubt, which is why the defense
14 attorneys and prosecution spend so much time just
15 on what is reasonable doubt.

16 That being said, I can remember cases in
17 the DA's office where we felt we had to just
18 present that to a jury. It was for a sense of
19 justice. It was -- we knew something wrong had
20 happened. We felt that it was the defendant, but
21 it was one of those issues that let's just put it
22 before the jury and let justice determine what
23 happens.

24 I had one of those cases where a person
25 was acquitted and I walked out of the courtroom

1 satisfied. But you just -- you have that
2 feeling -- and nothing against judges because I
3 have some friends that are judges who recently
4 donned some of the judicial robes. But I don't
5 mean this disparaging at all, but there's some
6 sense that it's nice to have it before 12 peers,
7 if you will, and let them make those decisions.
8 Any thoughts on that?

9 MS. WALLACH-MILLER: I think I can
10 certainly empathize with you. During my days as
11 a DA, I had cases like that too. Last year in
12 Monroe County we had five nonjury trials. All of
13 them were for the specific purpose of preserving
14 a record for an appeal basically because it was a
15 suppression issue.

16 We're sort of unique in Monroe County.
17 While we're perceived in a lot of ways as a small
18 county, we're 70 miles from Manhattan. And in
19 the last 15 years, our population has tripled.

20 Our criminal dockets have exploded.
21 We'll be doing criminal trials beginning the
22 first Tuesday of May. I believe at this point we
23 have over 350 trials scheduled. Now, 90 percent
24 of those will plead.

25 But even with the 10 percent left, with

1 four judges, we have a jury coming in, we've got
2 to get those done in two weeks because -- and all
3 four of us do criminal trials. We don't have
4 divisions. We're not big enough.

5 If a District Attorney -- or excuse me.
6 If a defendant comes in and says I want to go to
7 nonjury and of course the DA doesn't object,
8 wonderful. That means that we can save a lot
9 time, a lot of money, a lot of jury time, et
10 cetera, and court time.

11 The judge always has the option and the
12 discretion to say to that defendant, No, you're
13 not; and the judge can weigh and balance those
14 issues.

15 Frankly from a somewhat personal point
16 of view, I like working with a jury. It makes my
17 job easier. Just like if you pass this bill,
18 it'll make your job easier because it'll be an
19 amendment to the Constitution. It won't be
20 something that you necessarily have to make a
21 decision on.

22 So working with a jury is in a lot of
23 ways easier for a judge because the jury makes
24 the decision. I don't see how this bill will
25 impact, if I understand your question correctly,

1 one way or the other.

2 REPRESENTATIVE MASLAND: Well, let me
3 get -- it was more of a comment just to see what
4 your responses were. Let me get to something
5 that really both you and Mr. Tarman can possibly
6 address.

7 And I agree that sometimes nonjury
8 trials are requested because it may be
9 complicated issues or issues of resources also.
10 My experience was that a lot of times they were
11 just extending guilty pleas, as you say, to
12 preserve suppression issues or under
13 situations -- in fact, the first one I had as a
14 defense attorney I was advised by senior defense
15 attorneys that the guy's going to be guilty; you
16 might as well just go ahead and just use -- it
17 was an escape case.

18 He didn't come back to prison when he
19 was supposed to come back to prison. So
20 technically, it was an escape. But maybe it was
21 just he had a beer and he didn't want to come
22 back drunk. And that's a problem in and of
23 itself.

24 So we thought he was trying to fool the
25 judge, but he was found guilty anyway. So it

1 didn't work. But that was basically the reason
2 we went there, to extend the guilty plea. But my
3 question though really goes to the waiver issue.

4 My belief always was as a District
5 Attorney -- and I never saw it in my
6 experience -- where a defendant said I know that
7 I waived my right to a jury trial and I was
8 willing to go nonjury, I've changed my mind, I
9 want to have a jury trial; I've never seen that
10 denied by a judge.

11 And I'd be interested to know if there
12 is any case law where that's gone up on appeal
13 and the Supreme Court has said that when somebody
14 wants to assert his right to a jury trial having
15 previously waived it that you cannot reassert it.
16 Are there any cases on that?

17 MR. TARMAN: No, I don't know. But I
18 would equate it to the example that I gave on the
19 waiver of a speedy trial right. If it's a
20 knowing waiver, I believe the court would use
21 that rationale that if it's a knowing waiver,
22 then it's a waiver.

23 Because, I mean, you can give up a
24 Constitutional right. We can't have it both
25 ways. If a defendant --

1 REPRESENTATIVE MASLAND: I would suggest
2 a speedy trial and a right to a jury are at
3 different levels.

4 MR. TARMAN: Not if you're in jail. Not
5 if you're in jail. If you're in jail -- and, of
6 course, the whole reason for the 180-day rule was
7 because in the big cities defendants were sitting
8 in jail for a year, as you well know, and then
9 maybe were acquitted but still did a year in jail.

10 So I understand what you're saying. The
11 right to a jury trial is certainly one of the
12 more fundamental rights in the Ten amendments.
13 But I believe in some cases the right to a speedy
14 trial could be on the same level.

15 REPRESENTATIVE MASLAND: You're using
16 the speedy trial example. I'm asking, Is there
17 an example of --

18 MR. TARMAN: I know of none.

19 REPRESENTATIVE MASLAND: -- the right to
20 jury that has been waived and that has then been
21 denied, the defendant has been denied the right
22 to reassert the right to jury that's gone on to
23 appeal and there's some case law?

24 MR. SALUS: Representative, I'd like to
25 address that. Every guilty plea that we take, if

1 we do a correct Miranda colloquy and the person
2 waives their jury trial or trial by a judge
3 without a jury and a sentence is meted out and
4 that persons appeals and says he was only forced
5 into this guilty plea because his attorney forced
6 him to do this and the colloquy is appropriate,
7 covers all of his Constitutional rights, the
8 person is in his full mind so that there isn't
9 any question of his being taken advantage of, the
10 appellate courts have upheld that waiver of a
11 jury trial or a trial by a judge.

12 REPRESENTATIVE MASLAND: And I would say
13 that's appropriate. But I still think that my
14 question is distinguishable. I'm not talking
15 about a guilty plea. I'm talking about a
16 situation where somebody did not plead guilty,
17 was ready to go to nonjury and said, no, I want a
18 jury trial.

19 MR. SALUS: I think that if his
20 selection at the time that he chose a nonjury
21 trial was knowing, intelligent, and voluntarily
22 and a waiver that, No. 1, the judge would have a
23 perfect right to turn down his flip-flop on the
24 basis that he now has decided something
25 differently.

1 To get to the crux of this --

2 REPRESENTATIVE MASLAND: Excuse me, Your
3 Honor. The judge would have a perfect right.

4 MR. SALUS: Would.

5 REPRESENTATIVE MASLAND: My question is,
6 Has a judge ever done that and has a judge ever
7 been told, yes, you were correct by the Supreme
8 Court?

9 MR. SALUS: I have personally done that.
10 I do not know of any case that has said that that
11 was inappropriate. But let me say this: I
12 suggested to my colleagues when this matter came
13 up before the Senate that one of the ways to
14 solve this it seems to me is that if there is a
15 rule promulgated by the Criminal Rules Committee
16 saying that if a defendant chooses a waiver trial
17 and that that trial is on the trial list that 30
18 days, that he cannot change his mind once that
19 thing is on the trial list or once he makes that
20 waiver that he cannot change it within 30 or 60
21 days after that waiver.

22 Because the waiver may come before he's
23 on a trial list. But if there is a procedural
24 rule, I think that it is constitutional because
25 the waiver having been made in a knowing,

1 intelligent way by a miscellaneous criminal
2 judge, before a miscellaneous criminal judge
3 that it would stick and it would solve this judge
4 shopping if that's what the perceived problem is.

5 As far as all of these anecdotal cases
6 that are going on and have been testified before
7 you, let me say that no system is perfect.

8 I'm not perfect, and none of my
9 colleagues are perfect, none of the district
10 attorneys are perfect, none of the public
11 defenders are perfect. But certainly these are
12 bad results that somebody objected to and are not
13 the run-of-the-mill cases.

14 The greatest strength of the judicial
15 system in the Commonwealth of Pennsylvania and in
16 every state is the discretion that the judges
17 have and the balance that the judges have in
18 approaching the individual cases with the
19 individual facts and the individual defendants.

20 And to throw that off balance -- after
21 all, the prosecutor determines what charges he
22 brings and as many charges as he brings. And
23 sometimes it has been said that these excessive
24 charges have been compromised.

25 They've been compromised probably

1 because everything is thrown against the wall and
2 all these charges are brought. But when it comes
3 down to what you can prove before a judge and a
4 jury or a judge alone, the evidence may not be
5 able to convict the person of those excessive
6 charges like aggravated assault versus simple
7 assault.

8 MS. ACHILLES: May I answer your
9 question also, Representative?

10 REPRESENTATIVE MASLAND: Sure.

11 MS. ACHILLES: I don't have an exact
12 answer to your question, although I am very glad
13 that you posed it. Because I can tell you as a
14 victim advocate, I am very, very nervous that no
15 one has that answer.

16 And I know there's a lot of questions
17 unanswered today about statistics and costs. But
18 the thing is that I don't want anyone to
19 construct some procedural mechanism to limit a
20 defendant's right.

21 And I do see in the Constitution -- and
22 I might be the only nonlawyer, nonprosecutor in
23 this room; but the right to the jury trial is
24 something that I learned in grade school. And I
25 think that it has more significance.

1 And I'm concerned about people proposing
2 and talking about how they can work because if I
3 get arrested on my way back to my office, I want
4 that right, right up to the time I make a
5 decision or I'm found guilty. I'm very concerned
6 about that as a victim advocate.

7 REPRESENTATIVE MASLAND: Thank you. And
8 I want to thank Judge Salus. And I appreciate
9 the fact that you have made that decision to
10 limit somebody's right, but I'd sure like to see
11 what the Supreme Court has to say about it if it
12 ever gets up there. Thank you.

13 CHAIRPERSON BIRMELIN: Representative
14 Josephs.

15 REPRESENTATIVE JOSEPHS: I thank you. I
16 just also wanted to ask a question of you,
17 Ms. Achilles. I know that you are a victim
18 advocate. I've known that before you came here
19 and said that.

20 And I'm wondering about a situation
21 in which your victim is the perpetrator also.
22 Hypothetically, you've been dealing with a woman
23 who's a survivor of domestic abuse. You know
24 her, you've been trying to place her. These
25 things don't always work out. For whatever

1 reason, she ends up in a situation where she
2 assaults or kills her abuser.

3 Now, should this Constitutional
4 amendment pass, she is going to not be able to
5 waive the jury trial if the prosecutor decides
6 that way. Maybe she doesn't want to tell her
7 story in front of a jury.

8 MS. ACHILLES: But under the law, she
9 is -- and I have great sympathy for that
10 situation and have grave concerns about women in
11 this' Commonwealth who are in that situation.

12 Under the law, she's the offender.
13 She's not the victim. And her story needs to go
14 before them. And quite honestly, I don't agree
15 with the Pennsylvania Coalition Against Domestic
16 Violence because their letter to this Committee
17 is about their dual agenda for women who are
18 arrested and not just victims -- and not just
19 people who are victims.

20 And although all of us -- and I
21 particularly as a woman I understand that issue,
22 that she will be able to waive jury trial. It
23 has been testified to several times here today
24 and before the Senate that this is about just
25 giving equal play to the prosecution.

1 No prosecutor has said they are going
2 to, in fact, start asking for jury trials in
3 every case. I wouldn't want that as a victim
4 advocate. And you know in Philadelphia the
5 system would come do a halt next week. I mean,
6 it would just stop if there were no nonjury
7 trials.

8 But the reality is, is that what we're
9 saying is the defendant's right has become an
10 issue of judge shopping. Maybe not in every
11 county, okay, but in a lot of counties.

12 And we're saying in essence -- I don't
13 know how else to say this -- but the defendants
14 and some defense people are not being good little
15 girls and boys.

16 And just because there's a fear that the
17 prosecutor might not be little good girl or boy
18 if they get this power we're talking about, costs
19 and whatever, to me this is an issue of
20 fundamental fairness.

21 It's not an issue of let's not give it
22 to them because they might not do it -- they
23 might not use it well. I think that they're
24 respectful, they're responsible, they have to try
25 cases before the same judge tomorrow as they do

1 today.

2 REPRESENTATIVE JOSEPHS: But it seems
3 clear to me that if there's a conflict between a
4 victim and a prosecutor, the victim loses. It
5 also seems to me that because somebody -- if
6 there's a conflict. I mean, it may happen
7 once --

8 MS. ACHILLES: Right.

9 REPRESENTATIVE JOSEPHS: -- in a million
10 years; but if it's you, you don't care. You
11 don't care how rare your case is. It's still
12 you. It also seems clear to me that when you
13 have a trial, that's what it's for. Maybe the
14 person who was arrested really isn't guilty.

15 MS. ACHILLES: Absolutely.

16 REPRESENTATIVE JOSEPHS: Thank you.

17 CHAIRPERSON BIRMELIN: I want to thank
18 the members who were here to testify and
19 appreciate your coming. Thank you very much.
20 Next testifier is Mr. William Taylor Reil.
21 Mr. Reil, when you're prepared, you may begin.

22 MR. REIL: Thank you very much. I
23 notice again as the last time I was here, um, I'm
24 the last testifier and the people who need to
25 hear this testimony, those number of them have

1 left; so it's good that a number of the Members
2 of the Committee that remain.

3 I have provided to this Committee
4 extensive documentation for today, and I would
5 like to point that out before I proceed to make
6 sure that everyone has it. First of all, a
7 written testimony of nine pages; a 22-page
8 memorandum of law on the right to trial by
9 jury -- a common law trial by jury that you'll
10 hear and judge the facts and the laws.

11 Second documents is a composite of some
12 excerpts out of a book which is the Constitutions
13 of Pennsylvania and Constitution of the United
14 States compiled in 1986 by the Legislative
15 Reference Bureau under the direction of the then
16 director Robert L. Cable.

17 I recommend that each one of the Members
18 of the Committee and, in fact, every judge and
19 lawyer get a copy of this book and start reading
20 it. I have not heard any argument that's based
21 on constitutional law today save for a few
22 comments, but I'm going to change that.

23 The second -- the next document is a
24 document which I wrote in 1993 called Project
25 Constitution, a Treasonous Plan to Overthrow the

1 Government of the Commonwealth of Pennsylvania.

2 It is, in fact, a composite of research
3 that I've done relative to the 1968
4 Constitutional change or so called changes,
5 which are unconstitutional; always have been.
6 And also reference to the 1993
7 alleged constitutional changes which are also
8 unconstitutional.

9 I am astounded -- and I have my
10 testimony I'm going to be referring to it from
11 time to time rather than reading it. I think all
12 of you are able to read. I would encourage you
13 to read very carefully, more than once.

14 And in this documentation, I refer to the
15 Pennsylvania Patriot Press several times. And
16 the specific edition which you have and I have
17 given you is the October, 1997, edition which has
18 the headline of Amendment Fraud Strikes
19 Pennsylvania Again.

20 And there are a number of articles in
21 this document, one of which is, The Supreme Court
22 Commits Treason. And I would suggest that this
23 Committee since it's -- or Subcommittee's primary
24 function is criminal prosecution of -- and I
25 going -- and legislation with respect to that, I

1 am astounded how little information the people in
2 this body, not only this specific group, but the
3 House in general and the Senate, know about the
4 Pennsylvania Constitution.

5 I heard one gentleman refer to the Sixth
6 Amendment. While that's important, it doesn't
7 apply inside of Pennsylvania unless you accept the
8 myth the Fourteenth Amendment has, in fact,
9 usurped the State Constitution. And that's
10 unfortunately the reality.

11 However, moving forward to the issue of
12 today, I cannot in my wildest dreams -- and I am,
13 as I have said, my name is William Taylor Reil.
14 I spell that with a capitol "w" and lower case
15 I-L-L-I-A-M and capitol "t" lower case A-Y-L-O-R
16 and capitol "r" lower case E-I-L.

17 Why do I make that point? Because
18 unfortunately, my research shows that this isn't
19 a constitutional government anymore. If it were,
20 we wouldn't be talking about jury trials. We'd
21 be talking about trial by juries that are
22 controlled by the Constitution, not by some
23 statute or something that you passed.

24 And if you understand the Constitution,
25 this discussion would have been over before it

1 started. And I'm going to show you why it's the
2 case. You have no authority to be mucking around
3 with a trial by jury right. That's what this is
4 about -- rights.

5 Not how victims feel or accused feel,
6 but what's the law. I hope that this Body is
7 convened for the consideration of law. If this
8 is not the rule of law that you folks are dealing
9 with and it's just public policy or opinion or
10 how do you feel today or how some judge feels or
11 how some prosecutor feels, you folks have
12 committed the massive fraud that's going on here.
13 And it's prosecutable. It's a felony.

14 You've got to understand, I think
15 everyone needs to understand that the people in
16 this Commonwealth, this citizens, people, not
17 fictions, not treatious (phonetic) fictions have
18 inalienable rights; and those rights are found in
19 us.

20 And the authority that you have and
21 everybody else has comes from us. All power's in
22 the people. I hope you remember that. As I go
23 about these halls, and I have been doing that for
24 some six or seven years talking with various
25 members of both the Senate and the House on a

1 variety of subjects, primarily the Constitution
2 since I'm a scholar of history and the
3 Constitution, among other things.

4 I find it appalling how little you know
5 and admit to not knowing. I have been in
6 meetings recently where a Senator says, I don't
7 anything about the Constitution. I rely on the
8 courts to do that.

9 I believe your constitutional oath,
10 Article 6, section 3 says you, not the judge, not
11 the judiciary, not anybody but you, each and
12 every Representative and Senator takes an oath to
13 support, obey, and defend the Constitution of
14 this Commonwealth.

15 I would hope as we have had discussions
16 before that you will take my message to heart. I
17 am the one, the only one other than the victims
18 right advocate that's a citizen here. Everybody
19 else is employed by the government. Everybody
20 else is a government official.

21 All attorneys are officers of the
22 Judicial Branch. If you don't believe that, read
23 Title 42, 2521 and 22 where they take a special
24 oath. They are officers of the Judicial Branch.
25 There's no separation of powers.

1 And what we're struggling here with and
2 what this issue is about is violation of
3 fundamental rights. Now, I'm departing from my
4 testimony. You can read that at your leisure,
5 but I'll cover the salient points.

6 If you're not here to consider and
7 protect rights, you're outside of any authority
8 you ever hope to have. And this particular right
9 is securely guaranteed by Article 1, Section 6.
10 That's what the discussion is on House Bill 1521,
11 Senate Bill 555.

12 Now, it's interesting that if you knew
13 what you were talking about -- and I'm going to
14 bring your attention to exhibits -- the exhibit
15 that I have relative to the Pennsylvania
16 Constitution. It's this document packet.

17 And I took the time to copy various
18 sections from the constitutions that are found in
19 this book. Now the Legislative Reference Bureau
20 did a good job in compiling the constitutions.
21 And in their references, they also give
22 subsequent and prior sections from which a
23 particular section is derived.

24 Article 1, Section 6 is often used as it
25 has been every day in justifying not giving a

1 trial by jury. For petty crimes they say,
2 judges, if you're only going to spend less than
3 six months in jail, that's not problem. I'll
4 tell you, one minute in jail is not fun and it's
5 a depravation of rights and liberty and life.

6 And so the attitude that, Oh, you're
7 only going to spend a few months in jail is
8 absolutely counter to any concept of a Republican
9 form of government and freedom and liberty.

10 Well, if you investigate Article 1,
11 Section 6 turning to page 417, which is from the
12 1776 Constitution, it says -- excuse me. That's
13 out of the government section. In the 1776
14 Constitution, that provision for trial by jury is
15 covered that deals with Article 1, Section 6 in
16 the so-called 1968 Constitution, which as I said
17 before is unconstitutional.

18 But the 11th section of the 1776
19 Constitution says that in controversies
20 respecting property and in suits between man and
21 man, the parties have a right to trial by jury
22 which ought to be held sacred. The English is
23 very clear. They knew what they were writing.

24 And you notice under the references that
25 are given there the Constitution -- the so-called

1 Constitution of 1790 says Article 9, Section 6.
2 By the way, that constitution was also
3 unconstitutional.

4 Constitutional -- so-called Constitution
5 of 1838 says Article 9, Section 6; and finally in
6 1874, Article 1, Section 6 is when they moved the
7 deprivation (phonetic) of rights to be Article 1.

8 So what we're really talking about here
9 in the current corporate-judicial system that's
10 been created since 1968, this unified judicial
11 system, is things that are now termed civil
12 cases. Isn't that true? Controversies -- demand
13 property have to deal with equity? They're not
14 criminal cases.

15 Now there's a reference in this to
16 Section 25 of the form of government which I have
17 referred to and given you a page on there. It
18 starts on 419 and goes to 25 which is 427 because
19 that section is referenced and says, Trial shall
20 be by jury as heretofore. And that's the
21 section, the 25th.

22 And it is recommended to the Legislature
23 of this State to provide by law against every
24 corruption or particularly partiality in the
25 choice or term or appointment of juries.

1 So what they're talking about there is
2 the Legislature in the form of government to make
3 sure that the government doesn't corrupt the
4 selection, the function, and the judgment of the
5 juries.

6 Because William Penn had experienced the
7 abuse in 1670 in the famous Hat Trial in
8 September of 1670 where the jury found him not
9 guilty and the judge threw the jury in the jail.
10 And thank goodness for Edward Shell and three
11 other jurors that were courageous and held out
12 and William Penn was not found guilty. He was
13 released as was the jury because he order
14 a habeas corpus and we got the right to trial by
15 jury and freedom of assembly and freedom of
16 speech all came out of those kind of decisions
17 back then.

18 And it's been the same case here in
19 Pennsylvania since 1682. William Penn wrote the
20 laws agreed upon in England, Section 8, All
21 trials shall be by jury, all trials. All means
22 all. It doesn't mean when the prosecutor wants
23 it or anybody else wants it.

24 Twelve impartial men of equal or nearly
25 equal character of a neighborhood is what

1 William Penn wrote. Because they had to know,
2 they had to know who was on trial because they
3 knew when they wrote the Constitution in 1776 and
4 in 1682 that government is abusive. It tends to
5 be abusive. Power corrupts and absolute power
6 corrupts absolutely.

7 And what you have now is continuous
8 encroachment upon the rights of the citizens.
9 That's what this ought to be about, preserving
10 and protecting the rights, not what it costs.
11 That's irrelevant.

12 In a Republican form of government, if
13 one person's rights, one human being's rights are
14 violated, it's a violation of the law. Now in a
15 democracy, it's the majority rules. Today we're
16 going to decide we're going to put you on the
17 stand and we're going to hang somebody and that's
18 okay. It's not okay in a republic.

19 The sheriff stands there and shoots
20 anybody who tries to take his prisoner in a
21 republic. I'm telling you that is due process of
22 law in a court of law and justice.

23 So here back to this issue, we're
24 talking about something dealing with the
25 controversies between man and man and property

1 with Article 1, Section 6.

2 Well, where in the world does this right
3 to trial by jury in criminal cases come from? If
4 you read the current so-called Constitution, if
5 you look in Article 1, Section 9 of the current
6 Constitution, it deals with trial by jury in
7 criminal cases.

8 I bring your attention to the -- excuse
9 me just a minute. I seem to have left page out.
10 I apologize for that. But we can get it. We can
11 get it out of the 1776 Constitution on page
12 1418 -- 418, excuse me.

13 Top of the page it says, In all
14 prosecutions for criminal offenses, a man has the
15 right to be heard by himself or his counsel to
16 demand the cause and nature of the accusations,
17 to be confronted with the witnesses, to call for
18 evidence in his favor, and a speedy public
19 trial -- that's where speedy public trial comes
20 from. It doesn't from statute or whatever, not
21 if it's constitutional it doesn't -- by an
22 impartial jury of the country without the
23 unanimous consent of which jury cannot be found
24 guilty.

25 And if you look at the notes on that, it

1 says that in subsequent constitutions,
2 Constitution of 1790 so-called, it's Article 9,
3 Section 9. In the 1838, it's Article 9, Section
4 9. In the 1874 Constitution, it's Article 1,
5 Section 9. And in the Pennsylvania Constitution
6 of today, it's Article 1, Section 9.

7 And the House publishes these books and
8 I give them out to help people understand what
9 their rights are. I think we ought to do more
10 of that. And this particular one is all messed
11 up in its printing.

12 Article 1 and Section 9 of today's
13 Constitution says, Rights of the accused -- not
14 the victims, not the prosecutor, not the
15 defendant -- rights of the accused in criminal
16 prosecutions, in all criminal prosecutions the
17 accused has the right to a speedy public trial by
18 an impartial jury of vicinage, V-I-C-I-N-A-G-E,
19 the neighborhood.

20 And, in fact, though only the last
21 section, which was added in 1984, has changed
22 since 1776. So ladies and gentlemen, you folks
23 are trying to change the wrong section of the
24 Constitution.

25 Where are your scholars in the law?

1 Where are you in the law? If you do this, you
2 will be violating your oath of office. Don't do
3 it. You don't have the authority to change
4 Article 1, Section 6.

5 Now, the reason I take that this is done
6 this way and why the lawyers, attorneys, and
7 judges do this in reference to Article 1, Section
8 6 is because of the words "as heretofore."

9 In fact, when I was first investigating
10 this back in 1993, then Representative Gerlach
11 used that very thing on me. Well, no you're not
12 entitled to a trial by jury in a divorce. Wrong.
13 I had a jury trial -- not a trial by jury, but a
14 jury trial in divorce. It was a statutory one at
15 that.

16 But if you don't understand what's going
17 on, then shudder, I really shudder at you folks
18 sitting up here making decisions that affect
19 everybody's lives. My charge to you as a
20 sovereign, the principle here, the only one other
21 than the lady who's the Victims Rights -- and she
22 didn't claim that and she doesn't understand.
23 And that's okay.

24 But you folks have a job to do. You
25 have a solemn oath of office to support, obey,

1 and defend the Constitution. That means
2 protecting my rights and everybody else's rights
3 and making sure that those are not abused. So
4 you're responsible.

5 And I come here patiently waiting,
6 sometimes not so patiently, because I think more
7 people ought to hear the truth, the facts, the
8 law from you. But if not you, then I'll do that
9 and others like me will do that.

10 But this is your job, ladies and
11 gentlemen. And you're up here debating about
12 whether you're going to trade -- trade trial by
13 jury with mandatory sentencing -- pardon me,
14 Representative, don't you dare think about
15 trading away an inalienable right that was won by
16 hard blood fight over many, many years and
17 settled by William Penn in Pennsylvania in 1682
18 and confirmed in 1776.

19 And don't even think about trying to
20 give away my right or anybody else's right. But
21 you do it all the time. And that's really
22 disturbing to me, really disturbing.

23 The second issue, I assume we're clear,
24 that the proposed amendment -- we can go through
25 this one more time real quick. The proposed

1 amendment that was drafted by quote/unquote
2 scholars in law, I expect the Legislative
3 Reference Bureau or some quote/unquote hack
4 who doesn't understand the law is suggesting
5 because the judges are telling them we want to
6 have this arbitrary right "as heretofore," and so
7 we need to change that provision -- that's the
8 only one they ever refer to.

9 I've been in court many, many times with
10 myself and on trial allegedly and others. And
11 they always bring Article 1, Section 6. They are
12 obviously trained that way because, in reality,
13 they want to have to deny the right to trial by
14 jury, which is our right in all cases.

15 And they do it all the time on all of
16 these summary offenses which you folks through
17 the guidance of these quote/unquote well-meaning
18 attorneys have enacted to prosecute victimless
19 crimes. That's unlawful, ladies and gentlemen.

20 All of these things are in the statutes
21 that are summary offenses are just for revenue
22 collection. That's what it's all about. And
23 people get thrown in jail for a whole lot of
24 reasons because they don't understand and they're
25 tricked by the courts.

1 Now I'm not saying a broad brush of all
2 prosecutors and all judges. But by and large,
3 anybody who brings up Article 1, Section 6 and
4 tries to deny my right to a trial by jury in a
5 criminal case is going to have a fight on their
6 hands.

7 Doesn't matter whether it's one day, one
8 minute in incarceration or under arrest. If it's
9 false, it's false. That's a felony. False
10 arrest is going to get a whole lot of folks a
11 chance to spend some time in those jail cells
12 that they like to send us to.

13 Now, that's wrong, isn't it, to give
14 that kind of power to the defendant. First of
15 all, anything you do that purports to give
16 discretion or authority to the Commonwealth in
17 things in Article 1 is prohibited, is prohibited
18 by the fundamental framework of government called
19 the Constitution.

20 I bring your attention to, in the
21 current Constitution, Article 1, Section 25. Now
22 these folks knew who was going on when they wrote
23 it in 1776. And hopefully, it'll stay
24 unblemished as long as we can keep fighting for
25 it.

1 It says, Section 25, Reservation of
2 powers in people to guard against transgressions
3 of the high powers which we have delegated, we
4 declare that everything in this Article is
5 accepted out of the general powers of government
6 and even shall forever remain inviolate.

7 You can't touch Article 1, Section 6 to
8 give the Commonwealth anything. Don't do it.
9 The discussion is over relative to House Bill
10 1521. If you proceed in doing this, you are in
11 direct violation of your solemn oath of office as
12 every judge and every attorney who tries to do
13 it.

14 Now the day of reckoning is coming,
15 folks. The people are waking up. This is law.
16 It's not something you can arbitrarily and
17 capriciously do. You can't do it. Please take
18 it to heart what I'm saying to you. Stop right
19 now wasting your time, our cash.

20 You're supposed to be up here working on
21 things for us. But I tell you, most of what you
22 do doesn't. Start working for the people and
23 protecting or rights and stop sleeping on the job
24 and worrying about how you're going to get out to
25 the golf course or whatever you're thinking

1 about.

2 I am very, very upset. I have been
3 working to try to help the people in this House
4 and in the Senate understand what the
5 Constitution means for almost seven years. Wake
6 up. What I'm telling you is fact. It's law.

7 And if anybody has a different opinion,
8 would you please put it on the table? Don't tell
9 me that's the way it is because I'm telling you,
10 I know what I'm talking about because I've
11 spent the time to find out.

12 I'm interested in the protection of
13 individual rights, which is your primary job. If
14 violate my rights, you violate everyone's rights.
15 Your rights in your private capacity, your
16 childrens' rights, and their childrens'.

17 People have died to preserve the
18 Declaration of Rights. It has nothing to do with
19 the Bill of Rights. It has nothing to do with
20 the Bill of Rights in the Federal Constitution.

21 What controls here is the State
22 Constitution, and don't bring the Federal
23 Constitution into this argument. And the state
24 Constitution's very clear.

25 A second issue I want to talk about

1 today which is covered in the paper is what this
2 House did in February. It's relevant because
3 it's the two amendments that are now working
4 their way through the process allegedly to try to
5 dupe the citizenry on the November ballot.

6 And that was House Bill 1520. Another
7 atrocious approach --

8 CHAIRPERSON BIRMELIN: Mr. Reil.

9 MR. REIL: I'm going take a few minutes.

10 CHAIRPERSON BIRMELIN: Let me stop for
11 a few minutes. This Bill is not before the
12 Committee. This hearing's not on that Bill.
13 We're on 1521. I appreciate your concern and
14 your remarks, and you have them in writing for
15 us today --

16 MR. REIL: You're not going to cut me
17 off, sir. If you do --

18 CHAIRPERSON BIRMELIN: I want to tell
19 you that we are speaking about House Bill 1521.

20 MR. REIL: They are, in fact,
21 co-conspirators in fraud and corruption and
22 unconstitutional behavior. If you're not
23 interested in protecting yourself and your oath,
24 then cut me off.

25 CHAIRPERSON BIRMELIN: I'm not trying to

1 cut you off so that you can't make remarks
2 related to the topic at hand; but you have to
3 realize that we're House Bill 1521, not House
4 Bill 1520.

5 If you want to draw a connection between
6 the two --

7 MR. REIL: I certainly intended to.

8 CHAIRPERSON BIRMELIN: -- then please do
9 that. But don't simply spend a lot of time just
10 talking about House Bill 1520.

11 MR. REIL: I think you probably consumed
12 more time by your intervening here than we would
13 have done otherwise.

14 CHAIRPERSON BIRMELIN: I would be
15 optimistic to say that that would be the case.

16 MR. REIL: Well then I'll take the time
17 that's necessary. I think you owe me that, sir.
18 I've sat here all day, listened to a bunch of,
19 frankly, malarkey that has nothing to do with the
20 law.

21 It has to do with posturing and who's
22 going to have control and power over the people.
23 And you're, in fact, a coconspirator to that if
24 you're -- another ten minutes. Now wake up. I'm
25 trying to courteous, but you've got to the fact

1 there with --

2 REPRESENTATIVE MASLAND: Mr. Chairman,
3 today I'll comment. You're trying to be
4 courteous? You're not trying to courteous.
5 Don't fool us, Mr. Reil --

6 MR. REIL: You're an attorney, sir. I
7 know where you're coming from.

8 REPRESENTATIVE MASLAND: I'm sitting
9 here -- just a second. Let me say something.
10 I'm sitting here. I'm going to listen to you to
11 till the bitter end; and I'm afraid it will be
12 bitter by the time you're finished. We're not
13 going to cut you off.

14 You want us to cut you off so you can
15 complain to the Patriot, complain to the press
16 and try to make a big deal about it. I'd like to
17 have you finish your testimony so that we can
18 get on with things.

19 MR. REIL: I'm glad that you have a
20 clairvoyant behavior there, sir. I don't think
21 you do. What I'm trying to do is get your
22 attention.

23 CHAIRPERSON BIRMELIN: Well, Mr. Reil, I
24 would suggest that that's a noble goal. But to
25 do it by insulting people and telling them that

1 they're stupid and they're asleep really isn't
2 going to accomplish what you're trying to do.

3 And even though you may believe
4 that -- and you're entitled to believe
5 that -- I think in saying that you really don't
6 help your case. The point I'm making is that
7 House Bill 1520 is not before us.

8 MR. REIL: I'm going to testify --

9 CHAIRPERSON BIRMELIN: House Bill 1520
10 was before us.

11 MR. REIL: Representative --

12 CHAIRPERSON BIRMELIN: If you want to
13 make -- let me finish. You can say what you wish
14 if you'll let me finish.

15 If you want to make the connection
16 between what House Bill 1520 is and relate it to
17 1521, if you wish to do that, that's fine. But
18 I'm asking you not to just simply continue in
19 that course of action decrying what happens with
20 a piece of legislation that isn't currently
21 before us.

22 This is only a public hearing. This is
23 a public hearing on a bill. It is not a
24 discourse on the entire actions of the General
25 Assembly or this House of Representatives or even

1 on this full Committee. So I'm asking you as a
2 courtesy to please try to keep your remarks
3 to the issue at hand, and that is the issue of
4 jury trial by the Commonwealth.

5 MR. REIL: The issue at hand,
6 Representative Birmelin, is the amendment of the
7 Constitution, Article 1. And anything that you
8 try to tromple on in Article 1 is going to get my
9 ire up because that belongs to the people.

10 It's a safeguard and it's corrupt
11 government. And frankly what's been going on in
12 this body for so long, it's so corrupt it's
13 sickening.

14 Now, I'm trying to say to you, If you
15 don't like the medicine that you're given, how
16 about stepping on the other side and get
17 prosecuted and false arrested and beaten up and
18 thrown in prison over and over again.

19 That's what people are going through
20 because of the meddling you folks are doing up
21 here with law. That's what this is about.

22 CHAIRPERSON BIRMELIN: No, it's not what
23 this is about.

24 MR. REIL: Sure it is.

25 CHAIRPERSON BIRMELIN: That's what

1 you're about. That's not what this Committee is
2 about. That's not what this hearing is about.

3 MR. REIL: What is this about.

4 CHAIRPERSON BIRMELIN: This hearing is
5 about House Bill 1521. And I have given far
6 latitude to everybody who's testified --

7 MR. REIL: You certainly have, and I
8 expect the same treatment.

9 CHAIRPERSON BIRMELIN: And I will give
10 you that latitude as long as you're staying to
11 the subject at hand. And I'm asking you to do
12 that. I'm asking you politely to do that.

13 And if you don't want to cooperate and
14 you don't want to be -- you want to just talk
15 about what you want to talk about because it
16 happens to be the subject that you desire to talk
17 about, then I'll just adjourn the meeting and say
18 that it's over because we're here to talk the
19 issue of jury trial for the Commonwealth.

20 And that's what I'm asking you to
21 restrict your remarks to.

22 MR. REIL: Okay. Mr. Representative,
23 I'm going to direct your --

24 CHAIRPERSON BIRMELIN: Let me ask you
25 one other question --

1 MR. REIL: -- Article 1, Section 20
2 where I have the right to a redress of grievance,
3 I have the right in the Article in Section 7 of
4 freedom of speech. If you intend to do this, go
5 ahead and proceed. You're violating my rights.

6 Let's come back to the -- let's come
7 back to this memorandum of law. Okay. This --

8 CHAIRPERSON BIRMELIN: I'm asking you to
9 restrict your remarks to the issue at hand.

10 MR. REIL: I'm going to talk. That's my
11 right, sir.

12 CHAIRPERSON BIRMELIN: No, it is not
13 your right to sit here and talk about anything
14 you want anywhere --

15 MR. REIL: You don't know what I'm going
16 to talk about, Representative. You don't know
17 because you're not letting me --

18 CHAIRPERSON BIRMELIN: You've already
19 indicated that you're headed off in another
20 direction. I'm asking you to stay in the same
21 direction you've been on for the last 45
22 minutes --

23 MR. REIL: I'm going to lay a foundation
24 and tie them together if just listen.

25 CHAIRPERSON BIRMELIN: I'm willing to

1 listen --

2 MR. REIL: Thank you.

3 CHAIRPERSON BIRMELIN: -- but I wanted
4 you to know where I'm going --

5 MR. REIL: I know where you're going.
6 Trying to control people. That's what you're all
7 about. This document right here, Trial by Jury,
8 is, in fact -- apparently I don't have your
9 attention. Is there some problem?

10 CHAIRPERSON BIRMELIN: You have the
11 right to speak. You do not have a demand for our
12 attention. You have to earn that.

13 MR. REIL: I think I've earned it with
14 the facts, Representative. It's sorely lacking
15 heretofore. This Memorandum of Law is 22 pages,
16 have been filed in the courts repeatedly. It, in
17 fact, addresses the history and law in
18 Pennsylvania relative to trial by jury.

19 And we had a little reference to some
20 ancient history before 1930, very rarely; and it
21 was refreshing. But, in fact, the right to trial
22 by jury wherein the jurors have the right to
23 judge both the law and facts is a right; and it's
24 been stripped away by this corporate state. And
25 it's a shame.

1 We need it back. And the Memorandum of
2 Law -- in fact, I've incorporated in here and I
3 direct you to read it and take judicial notice of
4 it and I hope that you will do that.

5 Now, relative to what I was saying about
6 giving judges discretion, which was what was done
7 in that bill which is why I'm talking about
8 it -- and that is 1520 -- you've given judges,
9 officers of the judicial branch, just discretion,
10 which is in Article 1, Section 14.

11 You can't do that either. Again,
12 Article 1, Section 25 says, To guard against that
13 discretion that they are seizing relative to
14 being bailed or habeas corpus or the right to
15 trial by jury is prohibited. That's the
16 connection, Representative.

17 You do it repeatedly. If you don't
18 understand your job, I suggest you study. I'll
19 be glad to help you all I can. But I expect
20 respect because I have done the work.

21 And I don't necessarily have to ask your
22 favor to be telling you what I the principle is
23 asking you the agent to do. That's a concept
24 lost by this body apparently. You need to
25 reexamine your position. I do not cower or bow

1 to you, sir. In your official capacity, you are
2 a public servant. I am the principle.

3 (At which point, the court reporter
4 asked for a brief pause in the proceedings.)

5 MR. REIL: I want to conclude and finish
6 this on an issue which is right to the point.
7 Relative to the abuse of judges and the
8 discretion which is relative to the trial by jury
9 and denying that, judges often do that.

10 They deny the right of habeas corpus and
11 trial by jury repeatedly because of such things
12 as the 1968 so-called change to the Constitution
13 which then gave rise to such things as Act 142
14 Franklin Law 586 which is restructuring the
15 entire Judiciary and Act 53, dash, 1978, Mackle
16 Law 202 which was this Massive Repealer Act and
17 in fact in which the definition of -- statutory
18 definition of trial by jury -- correction -- jury
19 trial was made.

20 Those are unconstitutional, gentlemen.
21 And if you don't recognize that, I'd encourage
22 you to study the law. And we need to focus on
23 that, the law, not feelings or peoples' feelings
24 who are hurt, but on the law.

25 So in all cases, all cases, the accused

1 have the right to trial by jury. The
2 Commonwealth can never, never be elevated, this
3 corporate fiction, to a position equivalent to
4 God -- creations of God, human beings, people who
5 are man, woman, and child -- flesh. You can't do
6 it.

7 And that's what Article 1 is talking
8 about: Securing and protecting rights to the
9 citizens, the people, not corporate entities,
10 which is what the Commonwealth is. You are
11 violating the law. If that doesn't mean anything
12 to you, then go on. Just admit that that doesn't
13 mean anything to you.

14 The last issue is the amendment process
15 itself because this Bill does call for placing
16 this particular bill potentially on a primary,
17 municipal, or general election.

18 And, in fact, if you change one comma or
19 period in this bill and any portion of that
20 document violates Article 11, which is the
21 amendment process, it's void. So maybe you want
22 to consider the law relative to how you change
23 the Constitution.

24 And I'm not going to spend a lot of time
25 on this because it's not necessary to spend a lot

1 of time, but it's important for you to understand,
2 I think, what is the law.

3 My assertion, which is based on
4 extensive history and evidence found by and
5 large in the law library across the street here,
6 is that the Pennsylvania Constitution cannot be
7 changed lawfully for any reason more often than
8 once in seven years -- yes, seven years -- and
9 that any and all proposed amendments must be
10 submitted to the electors on the general election
11 that is in November on an even-numbered year,
12 preferably a presidential election year -- that's
13 where you get massive participation -- after the
14 electors have been fully and factually informed
15 about the proposed Constitutional amendments.

16 That's not done today. You stick it on
17 the primaries and you just slip it through.
18 There's not a dialogue going on, which is good
19 that you're having this meeting. It's rare.

20 First let me state that factual history
21 of the constitutional law proves without
22 questioning that the only Pennsylvania
23 Constitution, which is in fact lawful, is the
24 1776 Constitution. There is an article in the
25 paper that you have that addresses that. That's

1 under the Amendment Fraud Strikes Pennsylvania
2 Again.

3 However, for the purposes of the
4 discussion today, we can assume that all the
5 constitutional changes prior to 1920 A.D. are
6 constitutional. The evident fraud of the 1920's
7 and beyond, however, shall not permit me to assume
8 the validity of that position that continue
9 beyond January of 1920.

10 In 1776 -- and you can get it out of
11 this book. I recommend that you read the minimum
12 process in here. It says on page 431 and 432, In
13 order that the freedom of the Commonwealth may be
14 preserved inviolate forever, there shall be
15 chosen by ballot by the freemen in each city and
16 county respectively on the second Tuesday in
17 October and the year of one thousand, seven
18 hundred and eighty three and on the second
19 Tuesday on October in every seventh year
20 thereafter two persons in each city and county
21 of the state to be called the Council of Censors
22 who shall meet with -- meet together on the
23 second Monday of November next ensuing their
24 election. The majority of whom shall be a quorum
25 in every case except, except as to calling a

1 convention in which two-thirds of the whole
2 number shall agree.

3 I'm going to skip the rest of that. I
4 encourage you to read it. Down to where we're
5 talking about the amendment process again it
6 says, The said Council of Censors shall also have
7 power to call a convention to meet within two
8 years after their sitting if there appear to
9 them an absolute necessity of amending any
10 Article of the Constitution which may be
11 defective, explaining such as may be thought not
12 clearly expressed, and of adding such as are
13 necessary for the preservation of the rights and
14 the happiness of the people -- not some whim of a
15 prosecutor.

16 But the Articles to be amended and the
17 amendments proposed and such articles are as
18 proposed to be added or abolished shall be
19 promulgated at least six months before the day
20 appointed for the election of such convention for
21 the previous consideration of the people that
22 they may have an opportunity to instruct their
23 delegates on the subject.

24 We need to instruct you folks before
25 you start changing it. Now, the references in

1 this particular section -- and I have given you a
2 copy in here -- says that the 1834 Constitution
3 was Article 10 and the 1874, Article 18, Section
4 1 are the equivalents.

5 There was, in fact, no reference to the
6 constitutional amendment process in the so-called
7 1790 amendment. It was left out. So in summary,
8 two-thirds of the members elected to the Council
9 of Censors and only the Council of Censors could
10 call a Constitutional Convention to be conducted
11 within two years after their meeting on the
12 second Monday of November in 1783 and every seven
13 years thereafter.

14 If a convention was called, the proposed
15 amendments had to be for clarifying some point in
16 the Constitution or adding such as are necessary
17 for the preservation of the rights of the people.
18 All proposed amendments had to promulgated at
19 least six months before the convention for the
20 consideration of the people so they, the people,
21 could advise their delegates.

22 After the first two years, no change
23 could be made to the Pennsylvania Constitution
24 for the next five years no matter what. In other
25 words, the Pennsylvania Constitution could only

1 be changed once every seven years and then only
2 to improve the document for the preservation of
3 the rights and happiness of the people.

4 As I said, the 1790 didn't allow -- the
5 so-called 1790 Constitution didn't allow for any
6 provisions for -- so in 1838 at they called a
7 convention. They didn't have the authority to do
8 it but they did it anyway as they did it in 1790.

9 The so-called 1838 Constitution for the
10 first time provided a legislative process for
11 proposing amendments to the Pennsylvania
12 Constitution. No provision for calling the
13 Constitutional convention though originally
14 proposed was made apart of the so-called 1838
15 Constitution of Pennsylvania.

16 Briefly, the method for changing the
17 Pennsylvania Constitution adopted in 1838 A.D.
18 required, much like today, the passing of a
19 proposed amendment or amendments during two
20 sessions of the General Assembly, advertising of
21 the proposed changes in the papers across the
22 state at least three months before the election,
23 a majority vote by the electors on separately
24 listed amendments for passage, and then five
25 years without any change to the Constitution.

1 This maintained the minimum seven-year
2 process required in the 1776 Constitution.
3 History reports that the Pennsylvania
4 Constitution was changed only four times
5 following the 1838 introduction of a legislative
6 amendment process and prior to the
7 unconstitutional calling of the Convention in
8 1873 and the resulting so-called 1874
9 Constitution.

10 These changes occurred in 1850, 1857,
11 1864, and 1871 stretched over to '72. Seven
12 years. Boom, boom, boom. There were no other
13 changes. Now, there was a lot of things going on
14 at the time; but these changes clearly confirmed
15 that you had to change the Constitution once
16 every seven years. That was it all together.

17 Because there needs to be stability in
18 the basic form of a constitutional government.
19 The way you play tic-tack with the Constitution,
20 it's the article-by-article method introduced by
21 the Pennsylvania Bar back in the 50's and 60's
22 under Project Constitution.

23 It's absolutely unconstitutional. That,
24 in fact, was proposed as the Project Constitution
25 document was shown to you by William A. Schnader

1 in 1935 in his recommendation for changing the
2 Pennsylvania Constitution because he wanted to
3 change it faster.

4 In 1920, there was a commission by
5 Governor Sproul to investigate changes to the
6 Constitution. They came up with this putting
7 amendments on the municipal election and the
8 Legislature turned it down because everybody knew
9 that you had to have them on even-numbered years.

10 Which, by the way, in the 1874
11 Constitution, November was selected as the time
12 for an election. And, in fact, they added the
13 word general election in 1864.

14 And in 1909, there was an amendment
15 which in fact defined the general election as
16 being on even-numbered years. It also defined
17 municipal elections as being on odd-numbered
18 years.

19 And so by 1920, everybody knew that you
20 passed on the two sequential sessions. For
21 instance, they were trying to put something on
22 the 1923 ballot to accelerate it; and the courts
23 upheld that even though everybody knew it had to
24 be by their own report put on the 1924 general
25 election.

1 So this corruption of the process of the
2 of amending the Constitution has been going on
3 for years. It's very clear if you go back and
4 study the cases around the turn of the century
5 and clearly before the war between the states in
6 1861 that the changing of the Pennsylvania
7 Constitution was very arduous and it was only for
8 very, very rare reasons. That's not the case
9 today. You're playing tic-tack with rights.

10 In 1920, it was known that the
11 Constitution could only being changed on the
12 general election as November and even-numbered
13 years after the posted number of amendments had
14 been passed by two different sessions of the
15 General Assembly and had been advertised in two
16 newspapers in every county in the state for 13
17 weeks. Thirteen times immediately prior to the
18 two sequential general elections.

19 That's what Article 10 -- or excuse
20 me -- 11 requires, future amendments, not what
21 you're told by attorneys, not what you're told by
22 a lot of things by attorneys, all due respect.

23 You got to understand the history of
24 law. And that's your job. And that's why I'm
25 here, not be adversarial. I get upset when

1 people don't want to listen to truth.

2 They want to listen to attorneys who
3 want to get power over the people. That's wrong.
4 You're not going to take away my rights, not
5 without a long struggle.

6 Because in 1993, I wrote this Project
7 Constitution in preparation for prosecution of
8 the House and the Senate. And, frankly, if this
9 goes forward, we'll do it again. And you can't
10 go to the courts to save you all the time even
11 though they do quite a good job of that.

12 The factual record about the corruption
13 of the Pennsylvania Constitution amendment
14 process has been --

15 (At which time, the court reporter was
16 dismissed from the hearing and it later
17 adjourned.)

18

19

20

21

22

23

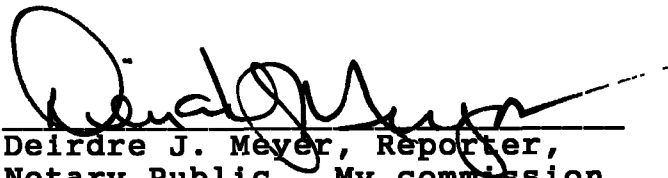
24

25

C E R T I F I C A T E

I, Deirdre J. Meyer, Reporter, Notary Public, duly commissioned and qualified in and for the County of Lancaster, Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of my stenotype notes taken by me and subsequently reduced to computer printout under my supervision, and that this copy is a correct record of the same.

This certification does not apply to any reproduction of the same by any means unless under my direct control and/or supervision.


Deirdre J. Meyer, Reporter,
Notary Public. My commission
expires August 10, 1998.

1

1 23 18, 57 3, 149-22,
162 9, 24, 163 10, 15,
164 6, 7, 167 1, 5, 168 4,
6, 12, 169 4, 7, 171.11,
172 3, 17, 21, 173 7,
179 7, 8, 181 1; 183 10,
12, 185 7, 189 4
1.1 15.17
10 30 13, 24, 69 20,
141 17, 144 25, 189 3,
193-19
11 185 20, 193 20
1100 133.6
1101 8 8, 14, 79 12, 14,
80 6, 81 6, 86 21, 104 16
11th 163 18
12 31 18, 32-14, 38 6, 24,
57 3; 58 19, 66 6, 6, 22,
71 8, 118.9, 144 6
13 193.16
14 183-10
1418 167-12
142 184 13
15 12 3, 106 24, 141 17,
144 19
15-year-old 105 21
1520 175 6; 176 4, 10,
178 7, 9, 16, 183 8
1521 4 5, 19 23, 40 11,
78 16, 20; 81 5, 23, 82 17,
85-17, 86.5, 115 15, 18,
120 5, 162 10, 173 10,
175 13, 19, 176 3, 178 17,
180 5
16 7 7
1670 165 7, 8
1682 165 19, 166 4,
170 17
17 23 21, 53 13
1776 163 12, 13, 18,
166 3, 167 11, 168 22,
170 18, 172 23, 186 24,
187 10, 191 2
1783 189 12
1790 164 1, 168 2, 189 7,
190 4, 5, 8
18 30 1, 133 4, 189-3
180-day 148 6
1834 189 2
1838 164 5, 168.3,
190(4), 191 5
1850 191 10
1857 191 10
1861 193 6
1864 191 11; 192-13
1871 191 11
1873 191 8
1874 164 6, 168 4, 189 3,
191 8, 192 10
19 78 24
1909 192 14

1920 187 5, 9, 192 4, 19,
193 10
1920's 187 6
1923 192 22
1924 192 24
1930 182 20
1930s 33 15
1935 78.23, 82 1, 192 1
1960s 33 25
1965 17 4
1968 8-8, 79 9, 22, 23,
86 20, 158 3, 163 16,
164 10, 184 12
1970 83 3, 88 1
1973 8.11, 34.9, 79.23,
80 5, 17, 82 1, 4, 84 1, 23
1974 83 3, 88 1
1977 80 20
1978 8 15, 80 24, 184 15
1980 78 12
1982 9 10, 81 9
1984 168-21
1986 157 14
1993 7 8, 157 24, 158 6,
169 10, 194 6
1994 30 6
1995 15 5, 27 14
1996 7 8, 23 20, 115 19,
132 15, 135 25, 136 4
1997 28 25, 135 25,
158 17
1998 85 1

2

20 48.12, 69 20, 141 17,
181 1
20-year 30 24
202 184 16
205,000 44 11
22 161 23, 182 15
22-page 157 7
23 10 8
24 36 13, 13
25 25 12, 23, 48 12,
59 20, 98 17, 109 17;
164 16, 18, 172 21, 173 1,
183 12
2521 161 23
25th 164 21
26th 16 12
271 15 3

3

3 8 23, 24 15, 161 10
3,000 132.14
3,177 132-16
3,239 136.5
30 150-17, 20
30th 27 14

32 59 19
33-year-old 27 15
350 144 23
3:08 113 12
3:15 113 12, 12, 17

4

4 8.23, 33 8, 92 25
4,623 136 5
40 70 9, 80 13
400 37 21, 131 18
417 163 11
418 167 12
419 164 18
42 161 23
427 164 18
431 187 12
432 187 12
43rd 114 17
45 106 24, 181 21

5

5 28 24; 81 18
50 80 22
50's 191 21
500 33 8, 34 10, 132.18
5104 81(5)
5104(c 8 17
53 184 15
541 132 17
555 78 21, 86 6, 95 7,
162.11
562 132 19
586 184 14

6

6 9 18, 31 18, 161 10,
162 9, 24, 163.11, 15,
164 1, 5, 6, 167 1, 169 4,
8, 171 11, 172 3, 173 7
60 150 20
60's 191 21
60-year-old 10 6
665 94 22
67 134 22

7

7 12 4, 30 3, 59 22, 181 3
7-month-old 23 20
7-year-old 28 8
70 144 18
70s 54 23
72 191 11
73 109 13
786 78 24

8

8 59 22, 165 20
8,000 7 11

9

9 26 23, 164 1, 5, 167 5,
168(7)
90 144 23

A

A-Y-L-O-R 159 15
A.D 187 5, 190 17
ABA 7 15, 17, 15 4, 15,
16 9
ABA's 15 11
abdomen 27 17
ability 36-18, 82 18; 84 3,
85 9, 93 19, 101.15,
119 17, 139 20, 21
able 28 18, 37 18; 38 21,
23, 54 4, 62 11, 66 19, 22,
76 23, 97 6, 112 24,
125 15, 139 12, 152 5,
154 4, 22, 158 12
abolished 188 18
absolute 9 8, 49 1, 22,
77 7, 8, 166 5, 188 9
absolutely 13:5, 94 2;
156 15, 163 8, 166 6,
191 23
absorbed 99 11
absurd 25 19
abuse 28 15, 37 14, 38 8,
65 19, 66 2, 138 12,
141 25, 153 23, 165 7,
184 7
abused 92 14; 128 11,
170 3
abuser 29 23, 154 2
abusive 166 4, 5
accelerate 192 22
accelerating 89 15
accept 17 20, 159 7
accepted 58 22, 113 23,
173 5
accommodate 96 14,
138 17, 141 11
accomplice 31 11
accomplish 178 2
according 41 11, 106-18
Accordingly 16 1
account 113-6
accountability 86 2
accountable 85 21
accusations 167 16
accused 8 20, 15 25,
17-6, 21, 20 20, 81-3,
85 19, 86 23, 24, 121 1, 2,
160 5, 168 13, 15, 17,

184-25
Achilles 109 22, 114 10,
115 10, 12, 136 23,
137 19, 139 5, 140 6, 12,
21, 141 3, 152 8, 11,
153.17, 154 8; 156 8, 15
acknowledged 26-5
ACLU 97 6, 12, 101 1
ACLU's 99 12
acquit 23 5
acquittal 24 25
acquitted 143 25, 148 9
acquitting 26.4, 29-21
across 55 17, 89 12,
90 5, 93 21, 115 23,
141 1; 186 5, 190 21
act 9 7, 79 2, 80 22, 25,
25, 184 13, 15, 16
acted 80 21
action 19 5, 132 2,
178 19
actions 84 15, 178 24
actually 4 11, 40 24,
42 17; 46 11; 57 15,
58 17, 64 21, 125 8,
132 16, 19, 136 24
adamantly 129 6
Adams 5.6
add 44 4, 71 15
added 168 21, 188 18,
192 12
adding 188 12, 189 16
addition 17 13, 87 6
additional 59.8, 9, 62 17,
86 2, 98 13, 16, 17,
100 22, 101.3, 132 18, 24,
25
Additionally 7 7
address 35 22, 45 13,
51 15, 53 8, 76 10, 12,
96 23, 146 6, 148 25
addressed 40 22, 95 5,
97 15
addresses 182 17,
186:25
addressing 51 16
adequately 72 3
adhere 4 11
adjourn 180 17
adjourned 194 17
adjusted 141 16
adjusting 109 24
administer 117 13,
126 20
administration 51 9
Administrative 90 23,
135-22
admit 50 3, 161 5, 185 12
admitted 26 23
adopted 8.7, 79 12,
190 17
adult 110 23
adults 111 17
advance 103 24

advantage 11 1, 32 18, 22, 47 15, 149 9
adversarial 18 5, 89 19, 193 25
advertised 193 15
advertising 190 20
advise 189 21
advised 146 14
advocate 108 8, 13, 114 11, 11, 115 12, 124-9, 137 12, 152 14, 153 6, 18, 155 4, 161 18
advocated 57 20
advocates 115 23, 126 2, 133-19, 137 15
advocating 139 11
affect 97-21, 134.12, 169 18
afford 101 8, 133 17
afforded 118 21
afraid 177 11
African-American 58 5, 6
African-Americans 57 9
afternoon 4 1, 20, 6 22, 10 6, 19 14, 75 4, 131 10, 136 4
AG's 7 5
again 7 19, 14 11, 12, 18, 35 18; 55 6, 68 18, 80:21, 100 22, 23, 108 9, 113 11, 13, 114 9, 20, 115:6, 121 22, 125 12, 141.7, 156 23; 158 19, 179 18, 183 11, 187 2, 188 5, 194 9
against 21 25, 28 2; 29 7, 36 1, 37 13, 58 5, 24, 69 13, 75 23, 76 13, 84 14, 95 3, 101 14; 102 4, 121 15, 122 9, 130 2, 144 2, 152 1, 154 15, 164 23, 173 2; 183 12
age 9 17, 31 20
agenda 40 4, 154 17
agent 183 23
aggravate 96 15
aggravated 19 18; 24 6, 22, 29 22, 152 6
ago 65-3, 69 20, 104 8, 134 15
agree 33 22, 34 3, 46 22, 51 10, 52 15, 63 8, 73 9, 93 22, 112 7, 16, 17, 127 24, 143 7, 146 7, 154 14, 188 2
agreed 63 5, 106.15, 165 20
agreeing 57 4, 96 8, 138 18
agreement 97 2, 100 17, 129 22
agrees 139 4
ahead 66 17, 106 13, 16, 146 16, 181-5

aim 135 10
aimed 134 18
AI 5 3
alcohol 10 9
alignment 132 5
alleged 158 7
allegedly 171 10, 175 4
Allegheny 83 3, 17, 99 3, 132 17
allow 19 10, 77 22, 190 4, 5
allowed 35 4, 117 14, 127 17, 129 21
allowing 27 10, 78 24, 87 8, 136.10
allows 80 7
alluded 141 8, 10
Almameck 25 11
almost 54 13; 75-10, 174 5
alone 152-4
along 40 5, 59 16, 67 2, 96 22
already 13 15, 95 18, 21, 25, 102 12, 115 8, 117 6, 181 18
alternative 101 10
Although 81 3, 116 9, 121 7, 18, 152 12; 154 20
always 20 1, 14, 23 5, 34 18, 35 19, 39 1, 44 9, 57 18, 60 1, 2, 71.18, 74 19, 76 21, 83 8, 145 11, 147 4, 153-25, 158 5, 171 11
amaze 126 11
amend 134 20
amended 188 16
amending 34 16, 35 15, 20, 104 24, 188 9, 193 2
amendment 17 18, 34 13, 14, 97 7, 13, 105 4, 112 9, 22, 120 15, 25, 121 2, 122 12, 125 20, 127 22, 132 22, 133 24, 145-19, 154 4, 158 18, 159-6, 8; 170 24, 171 1, 179 6, 185-14, 21, 187 1, 188 5, 189-6, 7, 190 19, 191 6, 192-14; 194-13
amendments 148 12, 175 3, 186 9, 15, 188 17, 189-15, 18, 190-11, 19, 24, 192 7, 193.13, 20
American 7 9, 14 23, 15 7, 16 25; 19 6, 20 18, 35 24, 94-12
among 161 3
amount 11 25, 91 9, 116 7
amounts 26 12
analysis 16 4, 55-20
ancient 182 20
and/or 45 13
anecdotal 54 13, 13,

90 10, 107 20, 126 11, 151 5
angry 50 11
announcements 94 14
annoys 122 15
answered 88 15
anticipate 60 8, 73 10
anybody 36 21, 93 20, 107 19, 161 11, 165 23, 166 20, 170 20, 172 3, 174 7
anymore 51 4, 159 19
anyone 72 16, 152 18
anyway 72 16, 146 25; 190 8
anywhere 181 14
AOPC 91-15, 136 4
apart 190 14
apologize 62 14, 167 10
appalling 161 4
apparent 133 19
apparently 105 23, 107 13, 126 14, 182 8, 183 24
appeal 12 18, 22, 13 6, 49 5, 50 7, 13, 122 4, 21, 142 15, 17, 20, 144 14, 147 12, 148 23
appealing 11 3
appeals 48 21, 78 6, 107 5, 149 4
appear 44 24, 45 2, 55 23, 136 10, 188 8
appellate 12 14, 104 14, 149 10
appended 79 24
appendices 64 14
appendix 23 14, 18, 24 15, 40 25, 25
applaud 55 12
applicable 79 23
applied 66 8, 129 18
apply 134 6, 143 12, 159 7
appoint 98 23
appointed 188 20
appointment 164 25
appreciate 77 18, 87 13, 91 17, 24, 94 6; 96 14, 153 8, 156 19, 175 13
appreciated 96 17
appreciation 131 19
approach 110 3, 175 7
approached 24 16
approaching 151-18
appropriate 73 7, 84 17, 137 3, 149 6, 13
approval 15 4, 79 19, 80 12, 18
approve 80 1
approved 79 1
approximately 59 19
April 23 19

arbitrarily 173 16
arbitrary 171 6
arduous 193 7
area 120 22, 142 16
areas 136 24
argue 25 16, 92 3
argued 81 11
arguing 26 25
argument 25 20, 36 10, 89 23, 91 22, 112 4, 157 20, 174 23
arguments 35 22, 36 1
arms 34.24, 35 3
around 37 2, 7, 9, 41 17, 42 18, 110 9, 140 23, 160 2, 193 4
arrest 89 20, 172 8, 10
arrested 153 3, 154 18, 156 14, 179.17
article 26 6, 18, 81 17, 161 10, 162 9, 24, 163 10, 15, 164(4), 167-1, 5, 168(5); 169 4, 7, 171 11, 172 3, 17, 21, 173 4, 7, 179 7, 8; 181 1, 3, 183 10, 12, 185 7, 20, 186.24, 188 10, 189 3, 3, 193 19
article-by-article 191 20
articles 158 20, 188 16, 17
aside 29 11, 49 15, 58 11, 101 25
asleep 178 1
aspect 69-1, 117 25
aspects 85 23
aspersions 107 19, 108 10
assailant 24 4
assault 19 18, 24(4), 29 23, 25, 59 22, 152 6, 7
assaults 154 2
Assembly 54 18, 80 21, 165 15, 178 25, 190 20, 193 15
assert 147 14
assertion 105 4, 16, 106 1, 186 3
assigned 38 13, 17, 119 19
assist 116 16
Assistant 5 24, 6 25, 7 1, 46 12, 75 16, 83 2, 92 7, 120 17, 128 9, 12
assistants 68 9
associates 20 8
Association 7 14, 14 22, 24, 15 8; 16 11, 20, 25, 19 7, 20 18, 23 15, 26 9, 15, 28 5, 35 24, 51 17, 65 4, 105 8, 114-15, 117 5, 120 4, 10, 13, 132 5
Association's 7 9
assume 137 14, 170 23, 187 4, 7
assumes 22 17

assumption 55 23
assure 9 23
astounded 158 9, 159 1
astray 35 13
atrocious 175 7
attached 26 7, 15, 18, 28 4
attachment 28 24, 30 4
attack 37 5
attacking 84 21, 85 11
attempt 51 13
attempting 24-7
attend 75 11
attention 105-17, 107 18, 162 14, 167 8; 172 20, 177 22, 182 9, 12
attitude 163.6
Attorney 5 25, 6 7, 24, 7(5), 10 25, 13 14, 18 1, 20 10, 31 2, 41 15, 46 12, 50 8, 55-1, 2, 13, 56 2, 3, 58 22, 61-9, 9; 67.18; 70 11, 22, 75 10, 12, 77 23, 25, 78 5, 79(4), 80 18, 83 2, 7, 12, 84 3, 87 13, 88 2, 14, 92 8, 9, 23, 93(5), 94 1, 6, 96 9, 14, 15, 99 24, 100 3, 24, 107 8, 120 20, 123 11, 125 12, 126 1, 1, 17, 128 10, 129 9, 25; 130 15, 145 5, 146 14, 147 5, 149 5, 173 12, 177 6
Attorney's 6-1, 19 16, 22, 21 10, 45 16, 60 25, 64 14, 73 14, 88:14, 105 18, 106 2, 107.6, 117 5, 120 4, 125 5
Attorneys 6 9, 7 11, 13 9, 14 23, 16 6, 23 15, 28 4, 41-17, 59 6, 9, 73 21, 75 13, 100 19; 101 7, 103 21, 105 7, 107 21, 124 3, 21, 127 21; 132 5, 137 1, 142 15, 143 14, 146 15, 151 10, 161 21, 169 6, 171 18, 193 21, 22, 194 2
audible 87 17, 21
August 27 14, 30 6
authority 8-12; 9-3; 79 10, 80 15, 81 16, 104 5, 7, 160-2, 20, 162 7, 169 3, 172:16, 190 7
authorize 51.18
availability 15 23
available 15-18; 16 2, 91 15, 95 10, 98-6, 136 11
avoid 11 9, 25 4, 8, 27 11, 48 21, 49-3, 19, 51 6, 75 23, 118-25
avoided 24 12, 25 25
avoiding 58 18
award 97-8
awarded 27:24
aware 15 7

away 32 9, 34 9, 35 2,
39 4, 61 10, 14, 64 7,
76 22, 84 1, 23, 100 14,
109 8, 110 6, 130 18,
170 15, 20; 182 24, 194 4
awful 97 9

B

Babette 4 21
baby 23 23, 24 10
back 5 11, 14 11; 26:22,
27 5, 32 2, 39 6, 50 9,
53 4, 55 6, 61 3; 65 18,
83 1, 88 3, 99 15, 21,
107 14, 109 12, 125 19,
126 18, 127 12, 16, 133 3,
7, 136 23, 146 18, 19, 22,
153 3, 165 17, 166 23;
169 10, 181 6, 7, 183 1,
191 21, 193 3
backed 106 12
backfire 112 23
background 69 10,
70.25, 81 21, 95 24
backgrounds 102 6
backlog 46.5; 98 11
bad 142 6, 151 12
bailed 183.14
Bailey 75 13
balance 100 2, 108 15,
110 3; 117 16, 145 13,
151 17, 20
balanced 111 11
ballot 4 7, 175 5, 187 15,
192 22
Bar 7 9, 14 23, 15 8,
16 25, 19 6, 20 18, 35 24,
65 4, 99.14, 123 25,
132 6, 191 21
Barbara 95 2
Barnaby 107 8
based 11 8, 38 3, 61 20,
25, 66 21, 71 17, 92 6,
101 25, 112 5, 133 20, 24,
157.20, 186 3
basic 191 18
basically 34 1, 10, 37 3,
22, 75 5, 144 14, 147 1
basis 24 24, 36 24,
55 16, 93 11, 149:24
bear 34.24, 35 3, 134 11
beat 23 20, 29 6
beaten 28 8, 179-17
became 33 23
become 17 11, 43 3,
87 4, 99 21; 100.13,
117 7, 134 25, 138 9,
155 9
becoming 43 10
beer 146 21
began 39 13, 48 5
begin 6 13, 40.13, 78.19;
96 10; 156 21
beginning 136 23,

144 21
begins 22 3
behalf 19 21, 82 22;
95.12, 120 12
behavior 110 17, 18,
175 22, 177 20
behind 78 20
being's 166 13
beings 185 4
belabor 96 21, 121 22
belief 18 21, 133 20, 24,
147 4
beliefs 102 5
believe 9 17, 18 9, 12,
44.6, 53 3, 68 2, 5, 71 19,
20; 76.11, 82 24, 92 12,
98 15; 101 17, 105 13,
108 19, 124 2, 130 25,
131 3, 132 1, 18, 135 9,
144 22, 147 20, 148 13,
161 9, 22, 178 3, 4
believed 104 12
believes 97 12
belong 5 9
belongs 179-9
bench 10 11, 12 12;
27.19, 43.16, 59 11,
67 18; 83 19, 84.15, 85 4,
106 3, 107 5, 132 8
beneficial 15 24
benefit 132.3
benefits 16 14, 19 8,
122 19
Berks 4 25
Berson 54 21
best 4.13, 17 1, 45 5,
91 15
better 37 7, 58 17;
112.16, 133 21
beyond 123 7, 187 7, 9
bias 28 2, 56 24, 71 6,
75 7, 23
biased 21 24, 56 5, 6,
76 13, 84 13, 102 3, 16,
103 6
biases 20 6, 56 9, 102 10
biasing 57 2
big 9 24, 129 13, 145 4,
148 7, 177 16
Bill 4 5, 11 18, 17 19,
18 14, 19 23, 40 10, 11,
78 15, 20, 21, 81.5, 23,
82 9, 17, 85 17, 86.5, 6,
95 6, 7, 103 19, 105 2,
115.15, 15, 18, 120.4,
121 14, 131 22, 133 20,
134 18; 135.10, 137 20,
22, 140 20, 145 17, 24,
162.10, 11, 173 9, 174 19,
20, 175(4), 176 3, 4, 10,
178(4); 180 5, 183 7,
185 15, 16, 19
bills 19 9, 86 13
BIRMELIN 4 1, 2, 5 7,
6 11, 16, 39 10, 23, 47 18,
54.8, 60 17, 72 19, 74 25,

76 1, 77 17, 87 12, 19, 23;
89 5, 92 20, 94 5, 11,
96 12, 17, 109 5, 111 25,
113 8, 19, 114 8, 115 2,
120 7, 131 7, 11, 136 14,
20, 143 4, 153 13, 156 17,
175(4), 176 8, 14, 177 23,
178.9, 12, 179 6, 22, 25,
180 4, 9, 24, 181(4),
182 3, 10
birthday 10 8
bit 45 4, 92 4
bite 134.25
bitter 177 11, 12
black 69 14, 21, 25, 70 5,
10
black-on-black 58 5
blatant 17 19
blood 10 9, 29 5, 170 16
Board 114 12
Bob 78 4
bodily 24 7, 8, 11, 25 1, 8
body 15 9, 11, 17 9,
80 24, 87 2, 91 15, 92 11,
159 2, 160 6, 179 12,
183 24
boggles 55.4, 61 2
bold 105 4
bones 23 21
book 157 12, 19, 162 19,
187 11
books 75 18, 168 7
Boom 191 12, 12, 12
both 16 2, 17 21, 19 19,
20 20, 24, 30 16, 32 7,
34 3, 47 23, 51 22, 58 22,
70 11, 72 7, 75 23, 79 25,
84 8, 88 10, 21, 89 18,
90 12, 108 6, 117 2,
129 12, 130 14, 137 6,
140 11, 146 5, 147 24,
160 25, 182 23
bow 183 25
box 94 21
boy 105 21, 155 17
boyfriend 28 9
boys 155 15
brain 24.1, 29 6
Branch 161 22, 24, 183 9
break 26 11, 27 10,
63 17, 113 9, 14, 18,
135 20
breakdown 112 22
breaking 23 21
breaks 26 2, 11, 42 4
Brian 5 20
brief 75 4, 113 18, 184 4
Briefly 190 16
bring 38 24, 66 6, 67 20,
71 5, 120 16, 162 14,
167 8, 171 11, 172 20,
174 22
bringing 107 18
brings 151 22, 22, 172 3
broad 172 1

broad-based 141 5
broke 29 1
broken 29 2
brought 57 24, 142 1,
152 2
brush 172 1
brutally 28 8
budgets 99 8
bunch 176 18
burden 119 20, 132 12
Bureau 157 15, 162 19,
171 3
burglary 29 22, 91 8
business 58 12
busy 87 15

C

c 81(5)
Cable 157 16
call 13 25, 43 8, 72 11,
93 7, 107 11; 167 17,
185 15, 188 7, 189 10
called 157 24, 158 4,
172 18, 187 21, 189 14,
190 6
calling 133 3, 187 25,
190 12, 191 7
calls 14.2
CALTAGIRONE 4 23, 24,
40 15, 16, 20; 41 19,
42 12, 16, 43 23, 45 7,
47 16, 87 20, 21
came 16 25, 64 13, 65 6,
99 16, 109 18, 113 4,
130 4, 135 17, 140 23,
150 12, 153 18, 165 16,
192 6
can 4 14, 6 17, 14 17,
17 11, 22 9, 23 7, 9, 26 11,
34 5, 41 23, 24, 42 9, 9,
43 4, 47 24, 48.12, 49 19,
51 20, 54 7, 55.7, 17,
59(4), 60.5, 13, 25, 61 5,
6, 62 4, 64.9, 70 13, 14,
73 22, 76 5, 21, 79 7,
83 15, 20, 85 8, 87 4,
88 18, 90(4), 91 18, 92 1,
97 4, 98 17, 105 15,
107 17, 110 1, 112 19, 20,
25, 114 21, 115 4, 123(4),
124 4, 24, 125 12, 15,
126 20, 128 12, 130 12,
19, 22, 131 1, 133 11, 21,
142(4), 143 16, 144 9,
145 8, 13, 146.5, 147 23,
152 3, 13, 153 2, 162 4,
167 10, 10, 170.24,
172 24, 173 16, 177.14,
17, 178 13, 183 19, 185 2,
187 4, 10
cancel 76 19
candidates 56 3
capacity 14.25, 174 15,
184 1
capital 79 15

Capitol 6 2, 85 2, 159 14,
15, 16
capriciously 173 17
car 30 19; 31 16
care 50 12, 53 14, 67 11,
156 10, 11
carefully 132 1, 136 7,
158 13
Carolyn 105.13
carried 10 18
cars 30 15
Carta 33 12
case 8 25, 9 2, 10 4, 13 5,
16, 14 6, 8, 19 3, 20 4, 7,
11, 22(4), 23(4), 24 13,
15, 25 10, 26 17, 19,
27 13, 13, 28(5), 30 3, 3,
31(4), 32 14, 20, 33 15,
35 17, 37 13, 14, 17, 38 5,
8, 12, 44 19, 45 19, 20,
50 20, 51 11, 53 22, 57 1,
11, 60 5, 13, 61 15, 21, 23,
63 13, 17, 65 20, 22,
66 20, 67(4), 69 18, 18,
70 16, 72 25, 73 4, 19, 20,
74 3, 79 20, 80 3, 81 9, 11,
82 15, 84 10, 25, 25, 85 1,
2, 86 19, 20, 91 6, 99 19,
100 25, 104 1, 8, 105 19,
21, 106(6), 107 23, 111 7,
117 2, 8, 11, 118(4),
119(4), 122 22, 123 13,
125 6, 126 10, 25, 127 2,
129(6), 130 1, 9, 135 23,
138 16, 139 1, 4, 140 10,
146 17, 147 12, 148 23,
150 10, 155 3, 156 11,
159 14, 15, 16, 160 2,
165.18, 172 5, 176 15,
178.6, 187 25, 193 8
caseload 111 5, 135 20
cases 7 21, 11 19, 12 17,
13(4), 17 9, 18 8, 19 19,
20 16, 21 22, 22.1; 26 17,
28 16, 21, 33 10, 19, 37 7,
14, 15, 38 3, 8, 14, 40 25,
41 3, 42(5), 43 9, 44 7,
45 18, 22; 46(5), 47 3, 25,
48 11, 58.1, 5, 59 8, 13,
60 2, 61 14, 19, 64 7, 12,
65 2, 6, 73 6, 74 10, 79 3,
14, 81 1, 82 20, 21, 83 21,
84 5, 85 12, 87.2, 90 4,
93 14, 15, 98(4), 100 4,
20, 22, 104.7, 105 17, 20,
107.22, 108 18, 110 19,
23, 25, 111 3, 112 24,
124 21, 126.11, 128 23,
25, 129 1, 13, 13, 130(4),
131 4, 6, 138 8, 141 25,
143 16, 24, 144 11,
147 16, 148 13, 151 5, 13,
18, 155 25, 164 12, 14,
167 3, 7, 171.14, 184 25,
25, 193 4
cash 173 19
cast 107 19
casting 108 9
categorizing 138 8

caught 25 12
 cause 24 7, 25, 167 16
 causing 24 6
 ceased 103.9
 cells 172:11
 Censors 187.21, 188.6;
 189 9, 9
 Central 120:21, 126 12;
 128 8
 centuries 34.20
 century 193 4
 certain 11 5, 48 23,
 56 20, 69 8, 14, 71 18,
 72 7, 84 2, 11, 110 21,
 121 14, 133 22
 certainly 56 12; 90 20,
 92 1, 93 14, 97 4, 10,
 98 21, 124 11, 127 1,
 133 25, 144 10, 148 11,
 151 11, 176 7, 180 7
 cetera 145 10
 Chair 4 24, 5 2, 54 24,
 92 2
 Chairman 4 2, 32 25;
 39 16, 17, 40 14, 17, 23,
 54 7, 11, 60 16, 68 22,
 72 18, 22, 74 24, 75 3,
 76 4, 78 3, 11, 87 8, 89 8,
 92 19, 23; 94 4, 8, 111 24,
 112 3, 115 10, 136 18,
 143 3, 7, 177 2
 CHAIRPERSON 4 1, 5 7,
 6 11, 16, 39 10, 23, 47 18,
 54 8, 60 17, 72 19, 74:25,
 76 1, 77 17, 87 12, 19, 23,
 89 5, 92 20, 94 5, 11,
 96 17, 109 5; 111 25,
 113 8, 19, 114 8, 115 2,
 120 7, 131 7, 136 14, 20,
 143 4, 153 13, 156 17;
 175(4), 176 8, 14, 177 23,
 178 9, 12, 179 22, 25;
 180 4, 9, 24, 181(4);
 182 3, 10
 challenges 56 16
 chance 22 6, 96:13, 15,
 172 11
 chances 119 16
 change 60 11, 76 21,
 82 2, 91 20, 112 15,
 120 2, 127 16, 23, 150 18,
 20, 157 22, 158 4, 168 23,
 169 3, 171 7, 184 12,
 185 18, 22, 189 22,
 190 25, 191 15, 192 3
 changed 77 3, 80 6,
 109 15, 121 4, 142 25,
 147 8, 168 21, 186 7,
 190 1, 191 4, 193 11
 changes 109 20, 158:4,
 7, 187 5, 190:21, 191 10,
 13, 14, 192 5
 changing 8 14, 80 13,
 188 25, 190 16; 192 1,
 193 6
 character 165 25
 characterized 89 25

charge 7 5, 10 18, 24 23,
 27 2, 8, 31 15, 78 6, 100 5,
 129 7, 133 15, 141 23,
 169 19
 charged 11 20, 43 12,
 79 16, 99 17, 130 25, 25
 charges 11 7, 23 6, 24 9,
 26 5, 28 12, 29 12, 21, 23,
 31 9, 66 2, 138 2, 151 21,
 22, 24, 152 2, 6
 charging 100 8
 Charles 94 19
 chase 40 17
 chest 26 22, 27 5
 Chief 5 20, 24, 6 8, 7 2,
 17 2, 5, 19 15, 20 25, 26 8,
 31 5, 35 24, 41 12, 85 15,
 86 18, 22, 120 18, 128 9
 child 28 15, 37 14, 38(4),
 65 19, 25, 66.2; 111 7,
 138 11, 12, 185 5
 child's 24 1, 65 20
 children 38 16
 Children's 23 25
 childrens 174 16, 16
 choice 137 16, 164 25
 choose 22 10, 51 22,
 52 1, 76 6, 88 11, 18, 20
 chooses 150 16
 choosing 26 3
 chose 8 11, 10 11, 106.2,
 149 20
 chosen 132 7, 187 15
 circumstances 25 2,
 35 5, 12, 64:9, 93 16
 circumventing 18 17
 cite 28 21, 130 12
 cited 23 13, 26 17, 30 3,
 40 25, 41 3, 65 19, 80 3,
 104 14, 105 17
 cities 148 7
 citizen 103 3, 161 18
 citizenry 175 5
 citizens 47 14, 66 23,
 68 14, 71 8, 102 24,
 103:2, 133 1, 3; 134 23,
 160 16, 166 8; 185 9
 city 9 24, 187:15, 20
 civil 82:21, 94 13; 98 2,
 164 11
 claim 36 25, 56 11,
 169:22
 claimed 36 15
 claiming 31 9
 clairvoyant 177 20
 clarifying 189 15
 classic 35 16, 74 19
 classifications 72 15
 clear 33 21, 46 17, 74 7,
 104 19; 109 10, 134 17,
 136 1, 2, 156 3, 12,
 163 23, 170 23, 174 24,
 193 3
 clearer 35 17

clearly 7 23, 8 6, 31 22,
 46:17, 58 15, 83:25,
 140 2, 188 12, 191 14,
 193 5
 client 99 16, 106 15,
 122 17, 23, 123 1, 3,
 124 13, 17; 127:8
 clients 101 8
 clock 113 12
 close 26 22, 31 7, 86 17
 closely 74 7
 co-chair 6 17, 120 8
 co-conspirators 175 21
 co-defendant 129:20
 co-defendants 30 7
 co-founding 94 20
 Coalition 11 16, 95 3,
 115 16, 21, 140 19, 141 4,
 154 15
 coaster 119 24
 cocaine 11.22, 24, 12 3,
 4, 10
 Cochair 114 14
 coconspirator 176 23
 Code 8 17, 141 21
 Codes 142 22
 coerce 36 2
 colleagues 83 24,
 134 17, 150 12, 151 9
 collect 99 25
 collection 171 22
 colloquy 149 1, 6
 colon 28 14
 combat 141 11
 coming 5 11, 12, 56 11,
 64 3, 87 14, 88:1, 96 7,
 97 1, 115 3, 145 1,
 156 19, 173 14, 177 7
 comma 185 18
 commend 97 1
 comment 55 25, 75 5,
 79 24, 80 2, 16, 86 21,
 127 3, 146 3, 177 3
 commentary 15 21
 comments 33 3, 157 22
 commission 27 23,
 116 13, 192 4
 commit 31 17
 Commits 158 22
 committed 23.12, 27 23,
 28 11, 160 12
 Committee 4 3, 17, 5 10,
 17, 6:3, 7 16, 14 24, 16 4,
 9, 39:17, 25, 40 3, 14,
 41 24, 54 17, 17, 24, 61 6,
 78 4; 87 11, 94 15, 18, 25,
 95 6, 11, 96 13, 114 14,
 115 11, 120 9, 126 10,
 134 15, 136 3, 142 7, 8,
 150 15, 154 16, 157 2, 3,
 18, 158 23, 175 12, 179 1,
 180 1
 Committee's 94 23
 common 12 14, 22,
 34 10, 11, 19, 37 21,

122 14, 131 14, 157 9
 Commonwealth 4 7;
 7 20, 8.13, 18, 25, 9 13,
 12 17, 21, 13 3, 21, 14 1,
 8, 20, 17 23, 18 12, 19 23,
 23 17, 24 13, 25 10,
 27 13, 28.6, 23, 30.4, 31 5,
 10, 14, 32 11, 33 7, 35 7,
 36 14, 39 2, 8, 40 12,
 51 21, 53 12, 70 12,
 77 24, 79 18, 80 19, 22,
 81(4), 82(6), 83 8, 12,
 84(4), 85(4), 86 11, 88 9,
 89 12, 92 9, 16, 93 1, 22,
 98 7, 101:2, 11, 102 24,
 104 9, 20, 105 19, 110 7,
 115 24, 125 1, 19, 126 7,
 131 18, 133 21, 151 15,
 154 11, 158 1, 160:16,
 161 14, 172 16, 173 8,
 179 4, 180 19, 185 2, 10,
 187 13
 Commonwealth's 31 8,
 21, 84 24, 92 12, 102 8
 communities 118 18
 community 20 11, 21 9,
 22 23, 28 17, 58 21,
 66 23, 70 5, 82:16, 116 6;
 118 9, 20
 compare 124 24
 Compared 42 18
 compares 132 17
 compatriot 143 9
 compel 122 3
 compelled 120 24
 compelling 35 17,
 127 18, 18
 compellingly 35 23
 compensation 91 11
 competent 131 1
 compiled 157.14
 compiling 162 20
 complain 177 15, 15
 completed 132.22
 completely 58 14,
 112 19
 complicated 97 16,
 108 22; 122 21, 125 6,
 130 24, 146 9
 composite 157 11, 158 2
 compositions 69 17
 compromise 46:18
 compromised 38:23,
 102 8, 103 5, 151 24, 25
 computer 55 17
 concede 113 4, 134 2, 2
 concentrating 120 20
 concept 39:1, 55 3,
 81 23, 86 12, 163 8,
 183 23
 concern 49 7, 102 10,
 105 1, 1; 135 14, 16,
 138 17, 175 13
 concerned 67 6, 99 12,
 153 1, 5
 concerning 17 16

concerns 60 20, 21,
 131 21, 135:13, 154 10
 conclude 184 5
 conclusion 17 1, 15,
 18 13
 condemned 57 16
 conditioning 17 24
 condone 75 15
 conduct 19:1, 84 7,
 93 18
 conducted 189 10
 confer 74:21
 Conference 105 11,
 114 6, 24, 131 16, 24,
 132 10, 140 16
 confidence 135 4
 confinement 15 20
 confirm 46 10
 confirmed 46 13,
 170 18, 191 14
 conflict 31.3; 46 17,
 72 24, 73 23, 81.8, 9,
 100 23, 138(4), 139 8,
 156 3, 6
 conflicted 81 18
 conflicts 137 2
 confronted 167 17
 congratulate 78 16
 conjunction 94.16
 connection 176 5,
 178 15, 183 16
 conscious 101 14
 consecutive 30 23
 consensus 84 6
 consent 8 10, 17:11, 14,
 25, 18 2, 20 24, 79.5, 17,
 80 10, 81 7, 82 8; 87 4, 7,
 167 23
 consented 79 1, 8
 consequences 21 16,
 132 1
 conservative 15 8
 consider 74 1, 97 20,
 131 25, 136 7, 162 6;
 185 22
 considerable 132:2
 consideration 18:14,
 61 24, 74 11, 94.24,
 109 2, 138 15, 160:7,
 188 21, 189:20
 considerations 58 24,
 73 12
 considered 84 12
 consistently 46 16
 conspiracy 31 17
 Constitution 7 22, 8 5,
 9 19, 17 18, 20, 18 4, 10,
 20 15, 21 3, 32 13, 24,
 34 2, 17, 18, 35(6); 37 20,
 47 13, 74 12, 77 10, 79 9,
 81 17, 91:21, 94 21,
 104 25, 120 25, 134 20,
 22, 135 6, 145 19, 152 21,
 157 13, 25, 159(4),
 161(4), 162 16, 163(5),

164 1, 2, 4, 166 3, 167 4, 6, 11, 168(5), 170-1, 172 19, 21, 174(4), 179 7, 184 12, 185 23, 186 6, 23, 24, 188-10, 189(4), 190(6), 191(7), 192.2, 6, 11, 193 2, 7, 11, 194 7, 13
Constitution's 174 24
constitutional 17.7, 16, 21.5, 33-24, 34 13, 23; 80 2, 85 3, 86 25, 97 7, 13, 112 9, 121 5, 124 23, 125 20, 133 24, 136.8, 147-24, 149:7, 150 24, 154 3, 157 21, 158 4, 7, 159 19, 161 9, 164:4, 167.21, 186.15, 21, 187.5, 6, 189.6, 10, 190 13, 191 18
constitutionally 32.9
Constitutions 157 12, 162.18, 20; 168 1
construct 152 19
consult 137-24
consulted 48 15, 106-15
consumed 176 11
consumption 25 25
contact 139 19
contained 9:13
continue 42 7, 178 18, 187 8
continued 14 9, 50 21
continues 117 23
continuous 166 7
contributing 68 10
control 56.23, 68.15; 116 5, 25, 119 12, 15, 139 13, 176 22, 182 6
controlled 12 11, 117 23, 159 22
controls 174 21
controversies 163.19, 164 12, 166 25
convened 160 7
Convention 33 24, 188 1, 7, 20, 189 10, 14, 19, 190 7, 13, 191 7
conversations 41 12, 46 11, 49 17, 112.7
convict 23 11, 41 11, 152 5
convicted 11 7, 25 21, 27 1, 25, 28-11, 31 16
convicting 24 8, 22, 29 23, 43 17
conviction 18-9, 27 12, 89 21, 93 6, 133 13, 134 8
convictions 82 13, 93 2, 7, 24
convincing 13 17
cooperate 180 13
copies 5-17, 15 2, 107 16
copy 136.1, 2, 157 19, 162 17, 189 2
corporate 182 24, 185 3,

9
corporate-judicial 164 9
corpus 165 14, 183 14, 184 10
correction 184 18
Corrections 4 4, 78 10, 131 12
correctly 145 25
corrects 17 19
corresponding 85 18
corrupt 165 3, 179-10, 12
corruption 164 24, 175 21, 193 1, 194 12
corrupts 166 5, 6
cost 36 6; 49 11, 55 9, 59.10, 60 10, 11, 62 22, 89 16, 90 7, 91 3, 98(4), 99 9, 113 2, 7, 128 1
costly 127 24
costs 99 2, 100 22, 112 10, 12, 152 17, 155 18, 166.10
couldn't 77 15, 132 21, 142 16
Council 7 9, 187 21, 188 6, 189 8, 9
Counsel 5 1, 20, 17.12, 25 16, 18, 36 4, 45-10, 56 14, 83 8, 10, 87 5, 98-23, 102 21, 21, 106 5, 14, 18, 108:3, 137 16, 18, 167 15
count 126.12
counter 163 8
counterpart 78 20; 86 6, 143 9
Counties 5 4, 28 22, 41 21, 22, 42 18, 44(4), 64 18, 70 20, 91 5, 12, 98-12, 99.5, 8, 10, 103 21, 133 17, 155 11
country 37 2, 106 6, 125 14, 167 22
County 4 20, 22, 25, 5 6, 6 7, 24, 7 1, 2, 10 21, 21 17, 23 19, 24 14, 15, 25 11, 28 7, 24, 30 5, 11, 31 1, 38 7, 11, 11, 39 20, 22, 41(4), 44 10, 11, 19, 48 11, 15, 16, 49 17, 50:16, 53 5, 58 9, 64 16, 65:22, 23, 75 17, 83 3, 17, 88 15, 91 2, 3, 99 3, 102 2, 103 19, 23, 114 18, 23, 120 17, 129 14, 131 15, 132 14, 17, 133 23, 134 19, 22; 135 20, 144:12, 16, 18, 155.11; 187 16, 20, 193 16
county's 31 20
couple 33 2, 5, 12, 35 21, 72-22, 103:15
courageous 165 11
course 5.9; 49 6, 86 3, 89 18; 96:25; 123 24, 124:7, 127 9, 137 7, 145.7, 148 6, 173 25,

178 19
court 7 12, 8 7, 11, 22, 9 6, 12, 10 22, 12 14, 22, 14 3, 17 3, 12, 20 22, 21 2, 3, 25 14, 16, 26 25, 34 1, 8, 22, 35 7, 37 19, 49 21, 51 9, 60 1; 79(4), 80(4), 81(6), 83 6, 16, 84 23, 85 2, 5, 86 19, 87 5, 97 23, 98 8, 99 9, 104.10, 15, 109 15, 111 21, 112 21, 117 12, 119 21, 24, 126 20, 131 14, 135 22, 145 10, 147 13, 20, 150 8, 153 11, 158 21, 166 22, 171 9, 184 3, 194 15
Court's 8-16, 17 19, 85-6
court-made 85 8
courteous 176 25, 177 4, 4
courtesy 179 2
courthouse 117 10
courtroom 56 22, 70 18, 18, 123 19, 124 7, 126 22, 139 13, 143 25
courtrooms 69 20
courts 18 16, 35 13, 45 12, 69 1, 79 11, 90 24, 97 22, 98 14, 22, 23, 102 24, 104(4), 108 25, 110 20, 111 2, 125 3, 149 10, 161 8, 171 25, 182 16, 192 22, 194 10
cover 162 5
covered 163 15, 175 1
covers 149 7
cower 183 25
crashed 10 5
create 45-11, 23, 46.5, 101 15, 110 24
created 31 25, 100 23, 110 11, 164 10
creates 49 4, 85 17, 119 19
creations 185 4
crime 9.19, 11 13, 17, 21 9, 20, 23 5, 11, 28 11, 30-20, 31 7, 37 11, 23, 43 18, 64 2, 79 15, 82 17, 99.17, 110 21, 111 6, 115 17, 116(6), 117 24, 118 15, 119 1, 11, 13, 131 12, 135 3, 14, 137 15, 140 19, 141 1, 12, 142 24
Crimes 4 3, 6 9, 30 22, 78 9; 111 17, 141 20, 21, 23; 142 22; 163.1, 171 19
Criminal 7(7), 8 8, 9 21, 11 14, 14 14, 24, 15 3, 9, 19, 16 5, 11, 20, 17 9, 18-22, 19-24, 20 1, 4, 16, 21 8, 13, 14; 32 18, 19, 20, 33.9, 15, 18, 36 12, 22, 37 24, 52 25, 53 15, 54 3, 68 7, 24, 25, 78 7, 24, 79 3, 13, 81 1, 82 20; 84 25, 85 23, 86 14, 15,

87 2; 88 22, 92:11, 97 22, 98 1, 10, 13, 99 14, 24, 104 4, 109 13, 110.18, 20, 111 2, 4, 114 15, 116.20, 117 24, 118 1, 120 10, 13, 20, 121:13, 23, 134 6, 10, 135 20, 136.6, 143 1, 12, 144 20, 21, 145 3, 150 15, 151 1, 2, 158 24, 164 14, 167 3, 7, 14, 168 15, 16, 172 5
criminalized 110 17
criminals 9 14, 26 12
crisis 116 11
crops 41 1
cross 58 20
crowded 133 4
crushed 28 13
crushing 23.23, 132 13
crux 150 1
cultural 58 13
Cumberland 5 4, 6 7, 24, 7 2, 41 4, 16, 48 15, 49-17, 88 15
current 13 23, 104 4, 112 4, 164 9, 167 4, 5, 172 21
currently 21 14, 135 25, 178 20
cut 43.24, 175 16, 24, 176 1, 177 13, 14
Cutler 107 4
cuts 58:16, 140 11
cutting 45 25

D

DA 51 17, 64 11, 74.2, 75 16, 137 3, 5, 139 4, 144 11, 145 7
DA's 26 15, 42 25, 53 13, 137 6, 17, 138 1, 143 17
damaged 24 2
damaging 23 22
dance 14 13
dare 170 14
DAs 59(5), 60(4), 132 7, 137 7
dash 184.15
data 112 10
date 76 8
Dauphin 7 1, 120-17, 129 13
day 9 17, 37 18, 46 23, 24, 48 24; 55 8, 77 2, 2, 91-7, 98 18, 106 5, 119 21, 24, 162:25, 172 7, 173 14, 176 18, 188 19
day/one 91 12
days 125 4, 127 12, 132 22, 25, 144 10, 150 18, 21
deal 26:12; 97-10, 104 16, 20, 111 15, 130 3, 164 13, 177 16
dealing 4.6, 56 21; 95 6, 103-17, 153 22, 160.8, 166 24
deals 163 15, 167 6
death 122 1; 129(5)
debate 120.16
debating 170 11
decade 134 10
decades 86 13
decide 19 11, 20 7, 11, 22 7, 23 3, 64 10, 73 4, 74 13, 129 21, 130 21, 140 19, 166 16
decided 13 11, 20 17, 21 23, 27 4, 149 24
decides 67 11, 12, 154 5
deciding 61 15
decision 12 22, 13 20, 67 25, 68 1, 73 2, 13, 74 2, 22, 85 6, 16, 90 11, 18, 101 19, 102 7, 122-17, 125 16, 127 25, 130 5, 16, 137 9, 140 10, 145 21, 24, 153 5, 9
decisions 12 15, 85 21, 90 14, 104 15, 126 3, 128 4, 144 7, 165 16, 169 18
declaration 9 12, 174 18
declare 48 25, 173 4
declared 8 23, 9 6
declined 29 20
decrying 178 19
deems 72 25
deep 135 13
defeated 55 5
defective 188 11
defend 161 13, 170 1
defendant 8 2, 9, 9 22, 24, 10(6); 11 20, 24, 12 2, 24, 13 12, 14 4, 14, 17, 17 14; 18 2, 24, 19 2; 20 9, 21 4, 15, 24, 22 9, 20, 23 6, 11, 20, 24(5), 25 11, 14, 21, 26 4, 27(5), 28 10, 25, 29(4), 30(6), 31 7, 8, 15, 32 10, 12, 18, 34 4, 37 12, 24, 43 19, 47 6, 48 22, 49 21, 50 19, 51 6, 63 3, 7, 69 9, 70 24, 71 24, 72 6, 75.21, 76(5), 78 25, 79 4, 7, 16, 80 7, 11, 23, 83 9, 9, 84 8, 85 3, 86 14, 87 7, 101 12, 20, 21, 105 22, 106 2, 20, 23; 107 1, 117 13, 14, 118 2, 24, 121 6, 10, 21, 123 4, 8, 124 25, 125 21, 126 7, 15, 22, 127 4, 14, 129 19, 20, 130 2, 8, 22, 131 5, 143 20, 145 6, 12, 147 6, 25, 148 21, 150 16, 168 15, 172 14
defendant's 11 6, 17 15, 25-24; 26.20; 29 17, 82 7, 16, 25, 83 22, 84 18, 21, 101 18, 102 6, 104.6, 11,

116 1, 2, 117 6, 7, 119 17, 25, 123 17, 152 20, 155 9
defendants 13 24,
 15 12, 19 25, 26 3, 30 10,
 14, 32 2, 36 3, 39 7, 43 16,
 53 20, 99 14, 100 11,
 101 24, 103 24, 104 16,
 21, 128 25; 129 15,
 133(4), 148-7, 151 19,
 155 13
defendants's 124 24
defender 120 17, 18,
 128 9, 10, 133 18
Defender's 98 22
Defenders 26 9, 89 17,
 100 12, 21, 128 13,
 151 11
defense 7 11, 10 25,
 12 19; 13 9, 14, 16(4),
 20 10, 24, 25 16, 17, 50 8;
 56 14, 58 22, 70 11,
 75 10, 12, 17, 84 13,
 99 14, 24, 100 3, 101 6,
 102 20, 21, 106 5, 14, 18,
 107 7, 21, 108 2, 114 15,
 117 3, 17, 120 10, 13, 21,
 122 8, 16, 123 25, 124 3,
 20, 125 5; 126 1, 130 14,
 132 6, 143.13, 146 14, 14,
 155 14
defense-oriented
 117 16
defiant 29 24
defined 192 15, 16
definition 184 17, 18
degree 24-21, 27(7),
 29 24, 41 11; 43 14, 17,
 106 21, 22, 116 5, 129.23,
 130 2, 6
delay 19 2, 31 25, 45.19,
 49 25, 104-13, 119 22
delayed 98 2, 3, 4,
 119 25
delays 89-20, 25, 90:1
delegated 173 3
delegates 188 23,
 189 21
deleted 80 9, 17
deliberately 106 2
deliberating 109 3
deliver 11 21; 25 23
delivery 11 22
demand 14-18, 28 18:
 60 9, 76-21, 82 22, 84-24,
 90 6, 97-18, 101-2, 15,
 102 8; 103 11, 164 12,
 167 16, 182 11
demanded 24 3, 48 2, 6;
 50 8
demanding 45 23, 46 6,
 101 11, 119 18
demands 32-11, 51 7,
 97 25, 111 20, 22
democracy 166 15
Democratic 4 24, 5 2,
 39 16, 40 13

demonstrate 118 15
denied 21 20, 82 20,
 104 10, 126 8, 147 10,
 148 21, 21
deny 8 12; 21:8, 52 3, 4,
 104 5, 125 21, 171.13,
 172 4, 184-10
denying 19 1; 184 9
departing 162 3
departure 86 8
Depending 116 18
depravation 163 5
deprivation 164 7
deprive 85-8
Deputy 7:4, 78.5, 93 5,
 12, 12, 94 1
derived 162-23
described 103.22;
 140 15
deserve 47 5, 90 21
designed 71 7, 75 18,
 20, 104 12
desire 61 4, 180 16
despite 21 7, 28 12,
 31-13
detectives 60 13
determination 18 7,
 108 3
determinations 107 24
determine 6 17, 63 13,
 91 4, 143 22
determined 49 18
determines 151 21
determining 18 6
detraction 118 3
devastating 116 4
develop 70 23
developed 116 2
devise 48 16
dialogue 186 18
dictate 12 15
dictated 107-13
died 174 17
difference 65 7, 67 21
differences 83 18
different 34 14, 47 10,
 50 1; 64 1, 8, 18, 65 6,
 83 19, 134 1, 1, 137 13,
 16, 139 7, 148 3, 174 7,
 193 14
differently 47.11, 81 4,
 100 19, 149 25
difficult 42.3, 90 13, 14
difficulties 106 12
diluting 9 4
direct 173 11, 180 23,
 183 3
directing 91 18
direction 157 15; 181 20,
 21
Director 95 3, 157 16
disagree 23 1, 63 24,
 72 9

disagreeing 65 5
disagreement 65 7
discount 27 10, 25, 43 8,
 47 14, 58 1, 112 25
discounted 112 19
discounting 58 3
discounts 43 8
discouraging 22 2
discourse 178-24
discretion 61 10, 13, 16,
 62 25, 63 1, 4, 11; 64 7,
 145 12, 151 16, 172 16,
 183 6, 9, 13, 184 8
discriminatory 103 8
discussing 40 11, 45 10
discussion 16 18, 21 16,
 54 19, 103-14, 115-22,
 138 10, 159 25; 162-10,
 173 9, 187 4
discussions 48 19,
 50 15, 161 15
disingenuous 124 20
dismiss 31 9
dismissal 31 10
dismissed 31 14, 194 16
disparaging 144 5
disrupt 14 13
disrupting 19 3
dissented 85 16
dissenting 9 1
distinction 8 2
distinguishable 149 14
Distinguished 9 10
District 5 24, 6(5), 7 2,
 14 22, 19 16, 22, 21 10,
 23 14, 28 4, 31 2, 41 15,
 17, 45 16, 46 11, 55 1, 13,
 56 2, 3, 60 25, 61 8, 9,
 64 13, 70 22, 73 13, 79 6,
 83 2, 16, 88 2, 13, 14,
 92 8, 93 12, 103 21,
 105 7, 18, 106 1, 107 6,
 114 18, 117 5, 120 3,
 123 11, 125 12, 126 1, 17,
 127 21, 129 9, 24, 132 4,
 137 1, 142 14, 145 5,
 147 4, 151 9
disturbed 54 11, 14
disturbing 170 22, 22
divided 108 24
Division 7-5; 59.20; 78.7
divisions 145 4
divorce 130-19, 169-12,
 14
dockets 144 20
document 15 4, 157-23,
 24, 158 21, 162 16, 182 7,
 185 20, 190 2, 191 25
documentation 107 9,
 157 4, 158 14
documents 157 11
doled 139 17
Domestic 95 4, 98 3,
 111 3, 153 23, 154 15

done 19-6, 41.19, 61 2;
 63 14, 65 14, 66-13, 70-6,
 95 16, 109 12, 123 12,
 145 2, 150 6, 9, 158 3,
 169 5, 176 13, 183 6, 20,
 186 16
donned 144 4
door 29 1
double 30 8, 44 13,
 128 25
doubt 41 14, 123 7,
 134 6, 143 13, 15
down 24 18, 29 1, 42 5,
 53-9, 83 9, 124 4, 6, 16,
 125 16, 126 21, 128.18,
 22, 130 4, 135 20; 136 19,
 149 23, 152 3, 188 4,
 192 8
downplay 74-14
dozens 98 9
Dr 94 19
drafted 171-1
draw 105 16, 176:5
dreams 159 12
drive 70 5
drive-by 105 22
driver 129 17
driving 9 25, 10 1, 12, 17
drop 97.6
drove 30 19
drug 11 19, 142 11
drugs 26 13
drunk 29 18, 146-22
drywall 29 8
due 29 18, 166 21,
 193 22
Duel 154 17
DUI 91 6
duly 31 19
dupe 175 5
uplicated 95 1
uplicative 95 25
during 27 23, 116 13,
 134 15, 144 10, 190 19
duty 82 12, 14, 92:25;
 103 5, 133 3

E

E-I-L 159 16
each 47.21, 51 15, 82 6,
 91 4, 116 12, 16, 136 2,
 157 17, 161 11, 187 15,
 20
ear 13 16
Earl 21 1, 86 18, 103 19
earlier 29 3, 5, 63 21,
 112 6, 136 25
early 75 6
earn 182 12
earned 182-13
easier 13 17, 67.24,
 145 17, 18, 23

easily 48.12, 62 12
easy 49-8, 53 10
Ebert 6(4), 42 8, 15, 44 4,
 46 22, 47 22, 48 4, 19,
 49 20, 50 3, 52 15, 56 12,
 62 25, 68 3, 71 2, 72 9,
 74 18, 88 14
edition 15 1, 15, 158.16,
 17
Edward 165 10
effect 81 5; 118 4, 135 4
effective 17 11, 87 4
efficiency 19 1
effort 117 15, 123 18
eight 75 10
eighty 125 4, 187 18
Eighty-five 44 7
either 18 1, 34-5, 41 24,
 45 12, 67 12, 14, 71 21,
 183 11
either/or 88-23
elderly 125-13
elect 79:20
elected 6-23, 70-4, 86 4,
 90 12, 108 10, 14, 123 25,
 135 1; 189 8
election 68 10, 70 3,
 185 17, 186 10, 12,
 187 24, 188 20, 190 22,
 192(5), 193.12
elections 192 17, 193 18
electors 186 10, 14,
 190 23
element 119 1
elevated 121 9, 185 2
eliminate 50-18, 51 13
else 54.2, 61-21, 95 24,
 110 5, 155 13; 160 21,
 161 19, 20, 165 23
else's 170.2, 20
emanated 115 22
emasculatation 35 6, 8
embodied 81 22
emotion 130 20
emotional 119 23
emotionally 130 24
empathize 144 10
emphasize 33 4
employed 161-19
empowering 119 11
enact 133-23
enacted 8:16, 78 23,
 132 23, 171-18
enactment 8 22, 24;
 121 3
encourage 158 12,
 184 21; 188 4
encroachment 166 8
end 7 25, 8 20, 10 23,
 17 14, 54 5, 23, 58 23;
 75 24, 131 23, 177 11
endless 120 1
ends 32 12, 154 1

enforce 103 23
engage 57 19, 19, 102 22
engaged 107 11
engaging 103-5
England 165 20
English 33 7, 34-10, 163-22
engrained 88 16
enough 145-4
enriched 100 13
ensuing 187 23
ensure 12.10, 86 15
ensuring 20 4, 61 19
entire 74 12, 97 21, 23, 178 24, 184 15
entirely 112 25
entitles 185 9
entitled 9 20, 11 13, 19 11, 31 10, 37 23, 51 7, 169 12, 178 4
enumerate 141 9
enure 121 20
equal 34 4, 39 6, 47 13, 70 1, 118.21; 154-25, 165 24, 25
equate 147 18
equilibrium 116-17
equity 164 13
equivalent 34 22, 185 3
equivalents 189 4
Erie 103 19
erode 135 10
eroding 135 4
escalating 44 14
escape 146 17, 20
esoteric 21 15
especially 9 19, 44 17, 60 7, 70 2, 73 19, 135 1
Esquire 114.14
essence 155 12
essential 20 3
establish 69 7
estimate 44 10; 90 5
et 145 9
ethical 100 15
ethnic 69 10, 70-25, 72 7
evaluate 93 11, 94-1
even 12 13, 22 3, 5, 25 17; 42 24, 49 14; 57 6, 63 5, 65 8, 68 18, 73 8; 77 11, 96 25; 103 25, 144 25, 170 19, 173 6; 178 3, 25, 192 23, 194 10
even-numbered 186.11, 192 9, 16, 193 12
evening 30 16
evenly 70 9
event 97 12
events 134 5, 143 11, 11
every 12 9, 9, 16 6, 19 19, 21 17, 33 15, 42 23, 43 3, 44 18, 56 22, 57 17, 68 18, 69 1, 1,

82 12, 93 1; 116 12, 133 3, 139 23, 148 25, 151 16; 155 3, 10, 157 18, 161 12, 162 25, 164 23, 173 12, 12, 187 19, 25, 189 12, 190 1, 191 16, 193 16
everybody 22 15, 17, 33 21, 34 3, 52 4, 7, 56 16, 57 17, 160 21, 161 18, 19, 170 2, 180 6, 192 8, 19, 23
everybody's 169 19
everyone 32-21, 24, 52 11, 75 19, 157 6, 160 15
everyone's 109 14, 174 14
everything 54 2, 12, 13, 152-1, 173 4
evidence 11 8, 12 14, 20, 46.17, 50 7, 63.15, 85 10, 90-11, 102 15, 18, 103 7, 107 20, 134 7, 11, 141 24, 25, 152-4, 167.18, 186 4
evident 187 6
evidently 41-20
evolved 33-12
ex-girlfriend 29 2
exact 43 21, 48 9, 72 11, 152 11
exactly 32 12, 62 6, 73 24
exaggerated 104 25
Examiner 31 21
example 12 2, 23 8, 28 3, 35 16; 38 7, 41 9, 43 12, 62 10, 110 1, 141 25, 147 18, 148 16, 17
examples 21 22, 23 13, 26 14, 37 3
except 47 2, 79 3, 15, 187 25, 25
exception 37 10
excerpts 157 12
excessive 151 23, 152 5
exchange 54 7
exclusively 25 24
Excuse 66 10, 145 5, 150 2, 163 12, 167 8, 12, 193 19
executed 27 15
executes 77 1
execution 30 17
Executive 7 4; 23 15, 26.15, 28.5
exemplified 17 2
exercise 56 19, 68.4, 15, 104 22
exercising 85-24
exhibit 162 14
exhibits 162 14
exist 32.22
exists 86 3, 137 22
expand 74 18
expanded 133 18

expect 108 12, 123 2, 171 2, 180 8, 183 19
expecting 110 20
expedite 113 21
expeditious 47 9
expeditiously 40 5
expend 122 24
expending 126 6
expense 127 22, 133 18
expenses 98 14, 16
experience 9 11, 38 4, 75 25, 80 20, 83 2, 92-7, 8, 10, 115 22, 25, 118 9, 23, 120 16; 138 4, 5, 7, 139 16, 146 10, 147 6
experienced 10 25, 22 11, 57 23, 165 6
expert 29.13
experts 125 7
explain 11 12, 22 13, 80 13
explained 123 6
explaining 188 11
explanation 34 9, 50 5
explanation's 39 3
explicit 106 1
exploded 144 20
exploit 119 17
Explore 16 16
exposed 56 3, 119 1
exposure 116 6
express 30 11, 87 6, 131 19
expressed 17 13, 188 12
extemporaneous 33 3
extend 26 12, 147 2
extending 146 11
extensive 157 4, 186 4
extent 12 16, 84 2, 113 6, 142 2
extenuating 93 16
extra 60 5, 71 15, 91 11, 100-16
extracting 101 3
extreme 25 3
extremely 13 8, 15 11, 22 1, 53 20
eye 46 25, 47 4
eyes 15 10

F

F 75 13
F-1 24 24
face 22 19, 46 1, 23, 64 8, 113 1, 126 18, 128 1, 143 1
faces 101 20
facing 25 15
fact 8 6, 20 5, 25, 21 17, 28.12, 19, 31 19, 32 11, 14, 33 14, 37 19, 50 17, 67 7, 23, 68 6, 24, 69 6,

83 1, 5, 86 3, 93 4, 101.22, 103 16, 111 19, 118 16, 141 10, 146 13, 153 9, 155-2, 157-18, 158 2, 159 8, 168 20, 169 9, 174 6, 175 20, 176 23, 25, 182 8, 17, 21, 183-2, 184 17, 185 18, 186 23, 189 5, 191 24, 192 12, 15
fact-finding 17 8, 87 1
factors 111 13
facts 61 15, 20, 25, 63 13, 67 25, 71 9, 151 19, 157 10, 170 7, 182-14, 23
factual 186 20, 194 12
factually 186 14
fade 45 21
fail 142 18
failed 31 11
failure 10 13
fair 16 23, 18 11, 21 20, 22 4, 23 9, 34 7, 37 23, 38 4, 19, 24, 47 12, 53(4), 56 9, 17, 66 4, 7, 21, 68 14, 73 22; 84 8, 86 15, 131 2
fairer 68 20
fairest 84 4
fairly 21-23; 23-3; 41 17, 50 10, 52 19, 20, 53 22, 24, 66 8, 129 7
fairness 18 22, 20 4, 110 4, 155 20
faith 54 4
fall 74 22
fallacy 47 7
false 172 9, 9, 9, 179 17
familiar 36 21, 57 13, 95 21
family 10 7, 11 12, 59 21
famous 134 10, 165 7
far 4 18, 6 8, 35 23, 114 10, 151 5, 180.5
far-reaching 135 9
farfetched 36 10
faster 192.3
favor 13.11, 21 24, 66 12, 71-6, 84 13, 117 17, 167 18, 183 22
favorable 18 14, 32 4, 51 3, 75 21, 124.9
faxed 107 14
fear 155 16
fears 101 1
February 16 12, 84.22, 131 24, 175 2
Federal 174 20, 22
fee 99 24, 100(5)
fee's 99 18
feel 34 6, 38 16, 69-5, 73 6, 96 1, 101 8, 24, 102 2, 117 23, 120 24, 128 23, 142 12, 160 5, 5, 10
feeling 122 12, 144.2

feelings 116 10, 184 23, 23
feels 137.3, 160 10, 11
felony 24 21; 27 23, 43 13, 17, 130 7, 160 13, 172 9
felt 62 18, 99 3, 4, 143 17, 20
few 23 16, 26 16, 29 3, 5, 83 15, 20, 85 11, 134 5, 157 21, 163-7, 175 9, 11
fewer 99 6, 143 10
fiction 185 3
fiction's 160 17, 17
field 34 5, 39 6, 77 14, 85 13, 97 17
Fifth 81 17
fight 99 8, 170 16, 172 5
fighting 172 24
figure 110 4, 12
figures 41.23
filed 182-16
final 15 4, 82 10
finally 7 4, 19 5, 30 3, 35.21, 105 3, 128 7, 129 11, 164 5
finances 36 19
financial 101 16
find 41-17, 66 1, 72 11, 91-18, 137.14, 15, 17, 138 23; 161 4, 174 11
finder 20 5, 28 19, 37 19, 101 23
finders 32 14
finding 25 23, 27 20, 43 15, 18, 46 16
findings 93 17
fine 41 8, 45 7, 51 2, 178 17
fingers 113 11
finish 177.17, 178 13, 14, 184 5
finished 177 12
finishing 27 17
firearms 23 1
firmly 57 18
first 4 15, 7 1, 8 7, 14 15, 15 16, 18 16, 24 21, 26 17, 27 1, 12, 21, 30 20, 41 11, 43 13, 17, 46 12, 52 17, 54 16, 81 22, 94 19, 97 19, 99 23, 106 10, 21, 112 4, 113 1, 115-4, 20, 129 23, 140 22, 141 19, 143 7, 144 22, 146 13, 157 6, 169 9, 172-14, 186 20, 189 22, 190-10
first-time 142 10
firsthand 115 25; 135 7
Fisher 77 23, 78-1, 3; 87.13, 88 5, 12, 89 1; 90 19; 92 1, 93 9, 94 2, 6, 8
five 15 5, 16 4, 19 5;

113 20, 123 14, 144 12, 189 24, 190 24
five-year 23.1, 24 12, 25 5, 8
Fives 80 5
flesh 185 5
flip-flop 149 23
fluctuation 44 23
focus 139 6, 184 22
folks 160 8, 11, 168-22; 169 17, 24, 171 16, 172 10, 22, 173 15, 179 20, 188 24
follow-up 109 9
followed 34 1, 2, 134 16
following 18 15; 117 18, 191 5
follows 79 14
fool 146 24, 177 5
force 14 25, 30 2, 49 2, 67 1, 88 17
forced 104 7, 149 4, 5
forcing 76 5
foremost 113 1
foresaw 35 11
forever 173 6, 187 14
forgive 91 19
form 8 14, 69 1, 80 7, 83 10, 11, 13, 163 9, 164 16, 165 2, 166 12, 191 18
former 85 15, 86 18, 124 3, 132 7
formerly 142 1
formulating 7.17
forth 31 11, 32 3, 105 7
forum 124 19
forward 159 11, 194 9
found 10 11, 16, 12 3, 24 5, 20, 21, 25 7, 27 7, 28 10, 29 4, 81 19, 102 25, 104 2, 106 20, 108 4, 129 22, 146 25, 153 5, 160 18, 162 18, 165 8, 12, 167 23, 186 4
foundation 20-13, 181 23
founders 35 10
four 10 21, 41 9; 68 18, 80 20, 113 22, 123 13, 136 21, 145 1, 3, 191 4
Fourteenth 159:8
fourth 82 9, 89 10, 113 24, 122 11
fourth-class 44 11
fragile 29 5
fragmentation 72 10
frame 4 12, 109 14
framed 65 5, 6
framework 172 18
France 106 6
Franchun 30-4
Frankel 77 21, 94 9, 12, 95 13, 96 6, 11, 19, 109-6;

110 15, 112 3, 17, 113 9
Franklin 184 14
Frankly 13 14, 15 10, 48 8, 67 24, 70 1, 77 8, 145 15, 176-19, 179 11, 194 8
Fraud 158 18, 160 12, 175 21, 187 1, 6
fraught 68 7
free 96 1
freedom 121 11, 163 9, 165 15, 15, 181 4, 187 13
freemen 187 15
frequent 6-2
frequently 41 22
fresh 96 4
friend 54 21
friends 20 8, 144 3
front 23 9, 30 16, 37(4), 38 5, 41 10, 44 20, 46 15, 50 21, 51 3, 8, 56 25, 58 1, 65 18, 21, 25, 76 15, 99 25, 100-9, 124 19, 126 24, 25, 127 2, 133-21, 22, 139 24, 154 7
full 4 10, 40 4, 134 4, 149-8, 179-1
fully 186 14
fun 163 4
function 108 25, 132 21, 135 8, 158 24, 165 4
fund 132 24
fundamental 20 2, 21 12, 32-16, 23, 52 3, 6, 10, 92 16, 110 3, 148 12, 155 20, 162 3, 172 18
Fundamentally 101 17
funding 99 9
further 13 5, 19 3, 108 18
future 38.10, 17, 193 20

G

gain 11 1
gamesmanship 126 4
gang 72 12, 13
Gannon 78 17
Gary 5 23, 6 3, 40 17
gather 45 3
gave 15 4, 50 5, 79 9, 80 22, 87-16, 105 2; 147 18, 184 13
gee 47 4
general 5 13, 7 4, 54 18, 55 2, 77 23, 25, 78 5, 80 21, 87 13, 92 9, 23, 93-12, 94 1, 6, 96 9, 14, 16, 111 21, 139-9, 159 3, 173-5, 178-24, 185-17, 186 10; 190 20, 192 13, 15, 24, 193 12, 15, 18
General's 7 3
generalize 116:10
generally 26 25

Generals 7 15
gentleman 159 5
gentlemen 5 22, 6 5, 18.19, 22 12, 39 11, 23, 55-5, 74 5, 77 18, 78 2, 168 22, 170 11, 171 19, 184 20
Gerlach 169 10
gerrymander 71 13
gets 22 21, 49 25, 77 1, 139 16, 153 12
girl 28 8, 155 17
girl's 28 13
girls 155 15
given 16 4, 21 14, 30 21; 32 17, 37 4, 74 10, 96 9, 122 7; 124 23, 158 17, 163 25, 164 17, 179 15, 180-5, 183 8, 189 1
gives 40 11, 66 15, 116 5
giving 18 23, 27 8, 10, 32 6, 77 21, 78 14, 97 17, 123 9, 137 21, 154 25, 162 25, 183 6
glad 70 21, 74 16, 152 12, 177 19, 183 19
Glock 26 23
goal 61 22, 116 15, 21, 177 24
God 185 4, 4
goes 45 20, 55 16; 61 23, 118 12, 125 10, 147 3, 164 18, 194 9
golf 173 25
Good 4 1, 19, 6 22, 19 14, 64 24, 70 4, 75 24, 90 20, 131 10, 142 4, 5, 12, 155 14, 17, 157-1; 162 20, 186 18, 194 11
goodness 142 25, 165 10
Governing 7 8
government 17 12, 53 2, 87 5, 134 24, 158 1, 159-19, 161 19, 20, 163 9, 13, 164 16, 165 2, 3, 166 4, 12, 172 18, 173 5, 179 11, 191 18
Governor 142 24, 192 5
Grace 78 4
grade 152 24
Graham 28 23
gram 12-9
grams 12 3, 4
grandmother 10 7, 11 15
grandmother's 11 11
grant 19 23
granting 33 20
grave 154 10
gravity 135 15
great 72 15, 74 10, 95-16, 117 22, 139 25, 154 9
greater 58 23, 101 21, 113 6, 119 15, 16

greatest 151 14
greatly 122-15
greed 30 9
Greensburg 21 19
Greenspan 107 4
grievance 181 2
grossly 58 9
ground 9 2, 84 4
group 56 10, 21, 68 12, 71 18, 113 22, 141 5, 159 2
grown 109 23, 141 11, 14
growth 24 2
gruesome 119-2
guarantee 56 8
guaranteed 8 4, 9.21, 20 15, 19, 32 9, 24, 52 7, 11, 162 9
guarantees 21 4
guard 173 2; 183 12
guess 48 13, 55 21, 57 23; 59 1; 61 8, 64 13, 108 11, 113 24, 127 12, 140 4
guidance 55 8, 171 17
guidelines 122 5
guilt 18.6, 27-4, 61 24
guilty 10 12, 16, 12 3, 13 1, 4, 18, 24 5, 21, 26 24, 24, 27 7, 21, 30 23, 36 3, 9, 43 16, 18, 44.8, 50-13, 66 2, 73 7, 14, 93 7, 17, 101 4; 106-21, 129 23, 146 11, 15, 25; 147 2, 148 25, 149 5, 15, 16, 153 5, 156 14, 165 9, 12, 167 24
gunpoint 26 13, 43 13
guns 35 4
guy 47 4, 63 17; 71 11, 72 13, 123 12
guy's 146 15
guys 50 24, 64 23

H

habeas 165 14, 183 14, 184 10
hack 171 3
hadn't 36 12
hallmark 121-12
halls 160 23
halt 155 5
hampered 82:14
hand 43 4, 176 2, 179 3, 5, 180 11, 181 9
handgun 26-23
handle 59:6, 18, 23, 60 6; 126 20
hands 134.13, 172 6
hang 166-17
happen 38 16, 65 16, 69 22, 126.12, 156 6

happened 50 15, 61 11, 21, 62 1, 65 14, 143 20
happening 126 13
happens 4 13, 50 12, 19, 137 18, 143 23, 178 19, 180 16
happiness 188 14, 190-3
happy 62-14, 109 4
hard 29 7, 42 10, 102 4, 141 9, 170 16
harder 91 3
hardest 52 24
hardship 101 16
harm 101 21, 119 2
Harold 39 16
Hartley 95 2
Hat 165.7
head 27 17, 29 7, 99 21, 107 5
headed 181 19
headline 158 18
headlines 134 9
heads 130 15
hear 22:10, 50 10, 51 19, 66 20, 67 14, 70 21, 74 17, 90 9, 107 20, 108 2, 120 8, 126 10; 156 25, 157 10, 170 7
heard 32 14, 37 14, 38 8, 13, 14, 41 15, 53 22, 24, 63-20; 73 20, 20, 95-20, 96 1; 97 24, 101 4, 103 14, 111 8, 118 7, 119 5, 10, 126 10, 132.14, 16, 18, 139 1, 157 20; 159-5, 167 15
hearing 4 4, 5, 27-3, 38 4, 39 12; 45 11, 67 22, 23, 89 25; 90 10, 94 16, 96 5, 22, 103 18, 104 1, 113 22, 127.20, 178 22, 23, 180.2, 4, 194 16
hearing's 175 12
hearings 48 5
hearsay 107 11
heart 161 16, 173 18
heartily 57 16
heavier 111 18
heel 109 22
heinous 30 22
held 80:1, 85 20, 163 22, 165 11
help 65-9, 12, 92 1, 168 8, 174 3, 178 6, 183 19
helpful 45 8
helps 66 4
here's 130 9
heretofore 7 24, 164 20, 169 8, 171 6, 182 15
hesitated 25 18
hey 127-12
high 173 3
highlighted 102 11
highway 30 18

himself 130 5, 167 15
hire 59 9
hiring 60 6, 12, 12
Hispanic 69:15
historical 81 21, 95 19, 120 23, 121 4
historically 109 14
history 33 6, 46 15, 78 19, 22, 121 24, 161 2, 182 17, 20, 186 4, 20, 191 3, 193 23
hit 58.6
hold 106 19, 133 5
holding 15 2
hole 29 8
home 14 11, 29 2, 91 14, 126 17
homicide 9.25, 10 1, 12, 17, 26 19, 30.8, 41 9, 12, 59 20, 105 20; 129 14
honestly 154 14
honor 114 2, 123 12, 150 3
Honorable 77 23, 105 10, 13, 107 3, 108 10, 114 16, 131 8
honorably 100 16
honored 84:12
hope 53 4, 61 5, 96 19, 97 20, 101 6, 108 11, 109.1, 160 6, 22, 161 15, 162 8, 183.4
hopefully 6 12, 40 9, 61 19, 75 22, 82 10, 172 23
hoping 55 10, 11, 100 15
Hospital 23 25
hours 132 22
House 4 5, 25; 19 22, 40 11, 78(4), 81.5, 22, 82 17, 85 17, 86 5, 95 11; 115 15, 18, 120 4, 131 12, 159 3, 160:25; 162 10, 168:7, 173 9, 174 3, 175 2, 6, 19, 176 3, 3, 10, 178(4), 180.5, 194 8
human 25 3, 116 7, 166 13; 185 4
humbly 16 3
hundred 33 12, 44 12, 125 3, 187 18
Hunt 30:4, 25
hurt 14 14, 38 9, 12, 47 6, 52 25, 57 8, 184 24
hurts 45 17
hypothetical 51 15; 88.8, 96 24
Hypothetically 153:22

I

I-L-L-I-A-M 159 15
idea 63.15, 71 18
identical 80 24, 95 7

identify 109 17, 20
identity 24 4
illusory 132 3
illustrate 37 15
illustrating 16 22, 31 13
image 16 21
imagine 64 19, 99 15
immediately 193 17
impact 92 3, 98 6, 99 13, 100 10, 112 5, 116 18; 117 21, 139 14, 25, 141 18, 145 25
impacts 13 23
impartial 11 6, 17 17, 18 3, 37 19, 38 24, 55 24, 56 17, 75 19, 101 19, 22, 117 12, 165 24, 167 22, 168 18
impartially 53 24
impeccable 84 12
implicitly 25 23
importance 17 9, 87 2
important 15 14, 32 16, 23, 52 3, 13, 53 20, 23, 73 12, 74 20, 78 17, 80 8, 88.21, 93 20, 121 8, 19, 137 8, 139 10, 159 6, 186 1
impose 23 4, 7, 98 13, 15, 105 6
imposed 15 20, 99 10
imposing 58 12
imprisonment 27 11
improper 103 13, 104 17, 22, 121 16
improve 190 2
impulse-control 29 16
inability 118 4
inalienable 160 18, 170 15
inappropriate 58 10, 150.11
incarcerated 125 2
incarceration 133 14, 172 8
inch 23 21
include 142 11
included 26 14, 95 23
including 15 18, 23 22, 132 6
income 100 11
incorporated 183 2
increase 98 11
increasing 43 1, 6, 21
indeed 33 6, 103 9, 113 6, 132 6
independence 135 11
independent 20 10, 17, 28.19; 32 14; 66 6; 117 12, 118 13, 139 3
independently 135:9
indicate 27 6, 107 8
indicated 14 21, 29 14, 60 24, 89 8, 181 19

indication 36 25
indifference 25 3
individual 36 19, 57 21, 58 7, 8, 116 16, 151 18, 19, 19, 174 13
individually 47 22
individuals 58 20
inequity 8 16
inevitably 132.23
inference 105 25
inferences 12 13
inflicted 119 3
influence 9 25, 10 2, 12, 18, 68 4
information 31 12, 42 11, 43 24, 45 4, 95 24, 107 2, 159 1
informed 61 7, 106 7, 186 14
infringe 86:13
initially 25 18
initiated 29 11
injured 38 22
injury 24.7, 8, 11, 25 1, 8
injustice 129 1
innocence 61 25
input 117.20, 119 13, 138 3, 139 19
Inquired 103 19
Inquirer 26 6, 19
inside 159 7
instance 89 12, 192 21
instances 38 21, 84 16, 142 23
Instead 10.20, 27 7, 20, 98 18, 100 21
institution 118 17
instruct 188 22, 24
insulting 177 25
integral 112 20
integrity 39 8, 53 15, 18, 54 3
intelligent 17 14, 87 7, 90 18, 149 21, 151 1
intend 181 4
intended 35 12, 37 4, 5, 40 24, 176 7
intent 11:21, 25 22, 27 6
intention 46 21
intentional 27 21, 31 24
intentionally 25 1
inter-tech 30 13
interest 18 8, 45 23, 73 8, 102 6, 125 24
interested 89 10, 140 14, 147 11, 174:12, 175 23
interesting 54 19, 162 12
interests 108 15, 111 10
interlocutory 12 18
Internet 16 15, 21
interrogate 123 2, 3
interrogated 127 10

interrupted 116 19
intervening 176:12
intervention 116 11
intimidate 67 1, 16, 68 2
into 10 5, 14 3, 29 2, 44 25, 55 16, 56 22, 69 19, 76 25, 95 10, 98 10, 108 18, 110 23, 113 6, 116 2, 120 16, 141 21, 142 1, 149 5, 174 23
introduce 4 17, 6 4, 39 14, 78 1, 114 3, 19
introduced 55 3, 95 8, 191 20
introducing 78:17
introduction 191 5
introductions 6 12
investigate 163 10, 192 5
investigating 169 9
investigation 100.7
involute 7 25, 173:6, 187 14
invoke 122 2, 2, 128 19, 129 3, 142 19
involuntary 10 2, 13
involve 122 22
involved 7 12, 31 2; 111 14
involving 33 16
ire 179 9
ironic 16 8
irony 32 8
Irrelevant 166 11
issue 4 6; 24 4, 33:23, 44 18, 45.9, 49 5, 25, 50 1, 53 13, 54.15, 22, 57 25, 58 15, 16, 73 5, 82 11, 89 9, 103 17, 108 22, 23, 24, 109 21, 113 7, 122 3, 144.15, 147.3, 154 21, 155 10, 19, 21, 159 11, 162 2, 166 23, 170 23, 174 25, 179 3, 3, 5, 180 19, 181 9, 184 6, 185 14
issue-wide 44 23
issues 7.18, 15 9, 40 10, 43 25; 97 19, 108 17, 112 13, 18, 122 21, 125 25, 143 21, 145 14, 146.9, 9, 12
it'll 145 18, 18, 172 23
itself 146:23, 185 15

J

J 95 2
jail 10 21, 23, 15 20, 58 9, 121 11, 133 11, 148(5), 163 3, 4, 7, 165 9, 171 23, 172 11
jails 133 4, 9
JAMES 39 15, 16, 60 18,

19, 62 16, 63 19, 64 17, 23, 66:10, 24, 68:21, 69 24, 70 21, 71 20, 72:17; 92 21, 22, 93 10, 23, 94 3, 108 5
Jan 107 3
January 28 25, 187 9
job 63 24, 95 16, 145 17, 18, 162 20, 169 24, 170 10, 173 23, 174 13, 183 18, 193 24, 194 11
jobs 135 17
Joe 39 22
Joel 6 8, 19 13, 15, 42 8
John 5 1
join 16 17
joining 5 21
joint 55 3
Jones 104 9
Joseph's 75 6
JOSEPHS 4 21, 22, 54 9, 10, 59 1, 60 15, 22, 62.17, 21, 89 6, 7, 90 19, 91 17, 92 18, 153 14, 15, 156 2, 9, 16
journey 116 19
Jr 94 20
judge 11 23, 23, 12 25, 13(4), 18 1; 20 14, 21 24, 22 4, 7, 25, 23 5, 10, 10, 24 5, 20, 25 21, 27-4, 24, 28 15, 29(4), 31 3, 14, 25, 32 3, 4, 37 8, 12, 16, 38 5, 42 1, 44 20, 46 23, 25, 48.18, 49 19, 22, 50(8), 51 4, 8, 56 11, 58 1, 11, 63:3, 9, 12, 64 9, 65 22, 66 1, 12; 67 10, 17, 21, 71 9, 73 21, 76 13, 16, 19, 77 12, 79(4), 83 14, 84 11, 90 1, 100 14, 18, 102 2, 103 14, 105 2, 104 2, 10, 11, 106 20, 107 3, 23, 110 8, 114(6), 116 2, 117 4, 9, 16, 118 7; 122 17, 123(5), 124(4), 125(4), 126 2, 127 2, 8, 128.3, 14, 129(4), 130 3, 10, 131 1, 6, 13, 136 11, 15, 139 17, 21, 140 14, 143 8, 145 11, 13, 23, 146 25, 147 10, 149 2, 11, 22, 150 3, 6, 6, 151 2, 2, 3, 152 3, 4, 153 8, 155 10, 25, 157 10, 18; 160 10, 161 10, 165 9, 173 12, 182 23
Judge's 13 19, 24 10, 56 24, 66:21, 80 11, 85 11, 108 3
judges 7.11, 9 15, 12 8, 19.20, 26.2, 10, 28 2, 37 5, 9, 38 13, 17, 41 9, 10, 43 7, 7, 15, 46 15, 48 12, 16; 49.6, 50 15, 52 18, 55 24, 61 11, 14, 63 23, 64 7, 65 21, 67(4), 68 2, 10, 16, 83:17, 84 7, 99 6, 103 23, 105 5, 12, 108 4,

110 9, 114 6, 25, 122(4),
1 23 21, 23, 24, 124 2,
1 28 4, 18, 20; 130-18,
1 31 17, 18, 21; 132 6, 24,
1 33 22, 134 1, 8, 13,
1 35 2, 12, 17, 140 16,
141 12, 142 15, 17, 144 2,
3, 145 1, 151 16, 17,
163 2, 169 7, 171 5,
172 2, 183 6, 8, 184 7, 9
judgment 165 4
Judicial 8 17, 80:25,
97 22, 25, 112 5, 114 17,
135 10, 24, 144 4, 151 14,
161 22, 24, 164 10, 183 3,
9
Judiciary 4 3, 16, 25,
54 17, 24, 95 5, 11,
134 15, 135 4, 7, 161 11,
184 15
judiciously 46 2, 3
July 115 1
Jump 122 11
juries 19 19, 20 17,
45-24, 55 23, 69(5), 70 18,
71 13, 102:11, 130 13,
133 22, 143 12, 159 21,
164.25, 165 5
jurisdictions 36 13,
37 2, 44 6, 132 13, 133 2
jurisprudence 34 11,
82 1, 86 8, 10, 109 18
juror 57 3
jurors 20 8, 38 6, 24,
69(5), 70 9, 10, 10, 91 11,
98 24, 101 24, 133 2,
134 7, 165 11, 182 22
jury 4 8, 7 21, 24; 8(4),
9 5, 9, 21, 10 10, 11(4),
12 24, 13 22, 25, 14 4, 18,
15(5), 16 24, 17(5), 18 3,
13, 19 8, 11, 24, 20(6),
21(4), 22(4), 24 3, 19,
27 20, 28 18, 30 21, 31 1,
22. 32(7), 33(5), 34 6,
35-8, 36(5), 37 8, 9, 38-18,
40 12, 41 25, 44(4), 45 2,
12 46 6, 6, 25, 48 2, 6, 25,
50 19, 51 4, 7, 21, 52 2,
12, 24, 53 12, 56(6),
57 11, 25, 58 25, 59(7),
60 2, 7, 8, 62 10, 19, 63 5,
10, 65 15, 66(6), 67(6),
68 1, 69(5), 70 6, 71 1, 25,
72 2, 8, 24, 73.1, 22,
75(4), 76 7, 22, 77 4, 9,
78 25, 79(4); 80(4), 81 3,
12, 14, 82(5), 83.23,
84 18, 24, 85 4, 10, 22,
86 25, 87 1, 88-9, 16,
89 14, 16, 21, 90 2, 6,
91(5), 92 13, 97 18, 25,
98(5), 99 6, 22, 100(4),
101(4), 102 9, 17, 103 5,
6, 11, 104 2, 6, 17, 106 8,
112 12, 116 1, 117(4),
118 7, 12, 24, 119 5, 10,
18, 120 1, 121 1, 122 23,
123(5), 124 11, 12, 19;

126(4), 127 4, 15, 129 7,
19, 130(5), 131 2, 3,
132 17, 20, 25, 133 3, 11,
16, 134 6, 11, 136 5,
137 2, 5, 138 18, 139 1,
12, 25, 143 18, 22, 145(5),
147 7, 9, 14, 148(4),
149(4), 152 4, 23, 154 5,
7, 22, 155 2, 157 9, 9,
159 20, 160 3, 163 1, 14,
21, 164 20, 165(5),
167(4), 168 18, 169(4),
170 13; 171 14; 172:4,
179 4, 180 19; 182 7, 18,
22, 183 15, 184(4), 185 1
jury's 67 23
Justice 7(4), 9 1, 14 24,
15 3, 9, 16 5, 24, 17 2, 5,
18 22, 20 1, 12, 25, 21 1,
13, 22 6, 32 19, 35 24,
36 12, 22, 53 15; 54 3,
62 1, 65 12, 68 7, 24, 25,
71 15, 73 8, 74 9, 82 13,
84 5, 85 14, 15, 86 16, 18,
22, 88 17, 22, 92 11, 93 2,
103 4, 109 13, 110 4,
112 15, 20, 23, 113 5,
116 20, 117 1, 118 1, 4,
119 14, 121 13, 23,
128 24, 139 9, 15, 143 19,
22, 166 22
justifying 162 25
juvenile 110.23
juveniles 111 17

K

Kathy 4 20
keep 48 4, 65 11, 96 3,
172 24; 179 2
keeping 55 12
Kendall 94 20
kept 45 2, 123 13,
133 11, 137 12
kidnapping 19 18
kill 27 6
killed 11 15, 105 23
killing 10 6, 27 22, 22,
31 19
kills 154 2
kind 16 8; 36:22, 37 17,
54 11, 55 20; 56 9; 57 24,
58 24, 63 2, 4, 67 1; 68 15,
70 23, 73 5, 89 19, 90 17,
100 17, 103 20, 108 11,
111 10; 136 18, 141 18,
165 16, 172 14
kinds 47 10, 67 2, 90 14,
93 16, 98 8, 102 19,
103 8, 111 15
knew 10 25, 64 23,
143 19, 162 12; 163 23,
166 3, 172 22, 192 8, 19,
23
knocked 29 1, 7
knowing 11 2, 96 4,
127 15, 147 20, 21,

149.21, 150 25, 161 5
knowingly 25 1
knowledge 135 7
known 27 9, 117 9,
140 8, 153 18, 193 10
knows 47 1

L

L 157 16
label 135 2
Lackawanna 28 24, 41 4
lacking 182 14
ladies 18 19, 22 11,
168 22, 170 10, 171 19
lady 169 21
language 80 25
lap 52 21
large 21 9, 26 12, 45 23,
70 4, 84 6, 135 16, 172 2,
186 5
larger 132 12
largest 42 24
last 14 3, 47 25, 50 20,
62 10, 113 20, 120 19,
126 15, 144 11, 19,
156 23, 24, 168.20;
181 21, 185 14
last-minute 19 2
late 33 24
later 14 7, 30 15; 59 4,
80 5, 127 12, 194 16
latitude 180 6, 10
laughed 36 22
Law 7 5, 12, 9 16, 18 5,
31 13, 32 8, 34(4), 37 22,
39 2, 66 8, 71 10, 78 7,
80 14, 81 24, 82-2, 3,
99 16, 130 19, 143 1,
147 12, 148 23, 154 8, 12,
157 8, 9, 21, 160 6, 7, 8,
164 23, 166 14, 22, 22,
168 25, 169 1, 170 8,
171 2, 4, 173 15, 174-6,
176 20, 179 21, 181 7,
182-15, 17, 23, 183 2,
184(5), 185 11, 22, 186 2,
5, 21, 193 24
lawful 186 23
lawfully 186 7
laws 18 17, 19, 157 10,
165-20
lawyer 22 10, 126 24,
128-8, 157 19
Lawyers 16 11, 20, 32 2,
114 16, 120 10, 13, 122-8,
16, 133 15, 169 6
lay 181 23
layer 86 2
layers 28 14
lead 6 20, 93 16, 117 18
leading 86 22
leads 88 7
leaf 12 9

LeAnna 39 19
learn 99:23
learned 29 4, 103 12,
130 19, 152 24
least 62 9, 70 19, 82 1,
90 9, 25, 100 5, 102 15,
105 1, 25, 188 19, 189 19,
190 22
leave 107 16, 110 8,
125 14
leaves 64 25
leaving 5:11
lecture 74 19
ledger 110 13
Lee 75 13
left 4 18, 5 23, 30 17,
33 25, 63 12, 106 5,
114 10, 144 25, 157 1,
167 9, 189 7
legal 24 24, 78 6, 81 23
Legislation 5 25, 33 20,
40 21, 109 18, 115 19,
120 6, 140 17, 23, 142(4),
158 25, 178 20
legislative 8 21, 24,
114 14, 120:9, 121 3,
157 14, 162 19, 171 2,
190 10, 191-5
legislatively 109 12
Legislators 55 21, 64 1,
82 6; 135 2
Legislature 8-15, 9 7,
33 14, 19, 35 2, 54.22,
63.22, 78.23; 115 21,
135 5, 164 22, 165 2,
192 8
Legislature's 9 16
legitimate 18 8
legitimately 25 19
leisure 162 4
lengthen 133 13
lengthier 133 1
lenient 9 15, 23 7, 105 5,
110 9, 117 15
Leon 105 19
less 11 25, 102 2, 104 8,
163 2
lesser 12 16, 24 9, 22,
27 2, 8, 43 18
letter 16 12, 95 2, 107 13,
15, 17, 154 16
letters 94 15
letting 181 17
level 71 15; 77 14, 85 12,
100 11, 138.20, 148 14
leveling 97 16
levels 148 3
leverage 101 3
liability 31 12
liberal 15 11
Liberties 94 13
liberty 163-5, 9
library 186 5
life 23 21, 25 3, 7, 27 11,

29 17, 30 21, 38:22,
106 25, 130:8; 134 5,
143 11, 163 5
light 44 2, 45 9, 60 7,
109.24
likely 18 11, 53 5
likes 124-8
limit 84 2, 152 19, 153 10
limits 120.25
Linda 105.10, 114 16,
131 9, 13
line 136 19
lines 59 16
lion's 42 20
list 14 6, 48 4, 49 8,
150 17, 19, 23
listed 190 24
listen 73 11, 25; 177 10,
181 24, 182 1, 194 1, 2
listened 137 10, 176 18
literally 42:22, 122 2
literature 16 10
litigant 82 23
little 28 13, 34 14, 38:22,
44 2, 11, 45 4, 8; 65 25,
92 4, 155 14, 17, 159 1,
161 4, 182 19
live 47 7, 118 10
lived 38:10
liver 23 22
lives 14 13, 19 3, 52 11,
116 25, 169 19
living 52 18
Load 135:23
loaded 30 12
local 77 6
lock 133 5
logic 13:13
logical 133 23, 134 20
logjam 45 12, 17, 23
long 46 15, 65 3, 75 3,
78 25, 89 20, 116 19,
172 24, 179 12, 180 10,
194 5
longer 45 20, 133 12
longstanding 81 25,
86 10
look 10 22, 22 18, 46:24,
47 3, 4, 24, 52 21, 69 17,
109 11, 112 9, 124 17,
167 5, 25
looked 140 23
looking 71.12, 72 5,
124 12
lose 45 21, 22; 46 8,
121 11
loses 32:18, 156 4
losing 50 6, 100 24
lost 183 24
lot 38 2, 44 4, 15, 25,
48 10, 11, 51 12, 63 21,
65 7, 74.11, 97 9, 110-17,
111 20, 122 6, 128 5, 20;
141 24, 142 19, 144 17,

145(4), 146 10, 152 16,
155 11, 171 23, 172 10,
176 9, 185 24, 25, 191 13,
193 22
love 65 24
lower 29:20, 159 14, 15,
16
luck 106 4
lucky 31.15

M

machine 30 13
Mackie 184 15
Magna 33.11
mail 107 15
maimed 65 20
main 106 19
maintain 13:7
maintained 191.1
maintaining 53 17
maintenance 17 8, 87 1
MAITLAND 5 5, 6
Major 6-9; 19 15, 26.9,
42 21, 43 10, 59 17,
138 15
majority 9 4, 37 6, 43 2,
57 7, 123 23, 25, 132 10,
166 15, 187.24, 190 23
maker 101 19, 102 7
makes 22 1, 52 5, 65 8,
67 21; 122 17, 128 3,
145 16, 23, 150 19
making 33 23, 25, 53 18,
55 22, 90 16, 169.18,
170 3, 178 6
malarkey 176 19
man 25 6, 26 21, 163 20,
21, 166 25, 25, 167 14,
185 5
managed 100 13
mandatories 63 16,
64 5, 6
Mandatory 9 16, 10 19,
11 10, 19 25, 18 17, 20,
24 12, 25 5, 9, 15; 26 1,
43 20, 47 8, 51.21, 52 8,
16; 63 22, 64 3, 88 3, 10,
97 5, 105.6, 109 20,
110 10, 111 19, 122 3,
128.19, 21, 129 1, 4,
141 13, 142 9, 18, 170 13
MANDERINO 4 19, 20,
47 19, 20, 48 14, 49:16,
24, 50 14, 24, 51 14, 54 5,
87 24, 25, 88 7, 24, 89 3,
109 6, 7, 111 23, 125 18,
136 15, 17, 22, 138 24,
140(4), 141 6, 143 2
Manderino's 96 24
Manhattan 144 18
manifesting 25 2
manner 13.24, 56 20,
139:22
manslaughter 10 2, 13

manufacture 97 4
manufacturing 97 9
many 14 8, 15 7, 21 22,
34 20, 37 1; 42 13, 16. 18,
44 16, 47 25, 54 20, 55 2,
59(5); 62(4), 83 21, 21,
89 13, 17, 90 4, 91 12,
98 5, 11, 101 6, 116 19,
117 20, 119 4, 121 14, 18,
122 25, 25, 124 20, 125 5,
128.23, 130 12, 12, 13,
132 24, 133 10, 134 4,
138 25, 141 20, 20,
142(4), 151 22, 170 16,
16, 171 9, 9
margins 8 23
marijuana 12 9, 25-13,
24
Mary 114 10, 115 3, 11,
136 23
MASLAND 5 3, 3, 75 1, 2,
87.16, 17, 102-20, 112 1,
2, 113 3, 124 10, 127 25,
143 5, 6, 146-2, 148 1, 15,
19; 149-12, 150 2, 5,
152 10, 153-7, 177 2, 8
massive 160 12, 184.16,
186 13
materials 105 18
matter 31 4, 33 23,
81 14; 109-3, 113 1,
131 25, 132 1, 150 12,
172 7, 189 24
maximum 106 23
may 5-11, 15 20, 22 5,
23 1; 28 2, 32 17, 48 13,
57 12, 64 8, 67 24, 73 9,
76 13, 77 12, 79 16,
82 21, 84 10, 12, 87 11,
91 3, 4, 6, 96 9, 20,
101 22, 24; 102 1, 107 22,
112 11, 117 20, 122 23,
124 9, 18, 19, 125 19,
133 7, 134 1, 136 20,
138.11, 16, 144 22, 146 8,
150-22, 152.4, 8, 156 6,
21; 178-3; 187-13, 188 10,
11, 22
maybe 42.6, 44 12, 53 7,
54.6, 69 20, 72 5, 76-13,
96:20, 97 6, 100 4, 18,
106-10, 13, 111 18,
129-12, 141 9, 146 20,
148 9, 154 6, 155 10,
156 13, 185 21
mayhem 30 12
Mayor 70 4
mayoral 70 3
McDermott 9 1
mean 35 1, 38 15, 43 24,
46 22, 47 12, 49 20, 50 5,
54 12, 57 7, 61 18, 21,
63.7, 64 16, 67 13, 68 5,
69 22, 72 10, 89 23, 90 9,
12, 111 8, 123 3, 133 9,
138 1, 142 25, 144 5,
147 23, 155 5; 156 6,
165 22, 185 11, 13

means 20 4, 23 8, 66 8,
98 2, 103 16, 145 8,
165 21, 170 1, 174 5
measure 78 17, 132 11,
12, 136 9
mechanism 48 17, 50.1,
103 4, 104 2, 152 19
meddling 179.20
medicine 179 15
meet 12 7, 74 15, 187 22,
22, 188 7
meeting 39 14, 131 23,
140 22, 180 17, 186 19,
189-11
meetings 5 8, 161 6
Melvin 27 14
member 7 8, 72 13, 14,
78 12, 92 10, 94 20,
136 3, 141 4
Members 4.16, 5 9, 10,
15, 9 10, 16 15, 20 11,
39 13, 25, 40 3, 78 4, 9,
87.11, 94-25, 95 6, 10,
96 12, 115 11, 118 9, 20,
131 11, 140 25, 156 18,
157 1, 17, 160.25, 189 8
membership 140 22
memorandum 157 8,
181 7, 182 15, 183 1
memories 45 21
men 135 6, 165 24
mentioned 50 22, 25,
62 5, 68 6, 108 19,
142 17, 143 10
mere 25 16, 22, 29 12,
31 18, 85 8
merely 82 13, 85 17, 93 2
merits 117 2, 8
message 161 16
messed 168 10
met 6 12, 15 5
meted 149 3
method 17 16, 18 6,
190 16, 191 20
Michael 77 23, 88 1
microphone 114 9, 20
mid-60s 54 23
mid-annual 131 23
middle 124 4, 6, 17,
125.16
middle-class 101 12
Middleton 24.14
might 44 2, 56:19, 98 19,
108 1, 3, 110 18, 146 16,
152 22, 155 17, 22, 23
miles 144 18
Miller 115 1, 136 15
millimeter 26 23
million 156 9
mind 10 24, 55 4, 76.21,
77 3, 120 2, 134 11,
147 8, 149 8, 150 18
minded 134 8
mine 83 24

minimum 51 21, 88 3,
10, 106 24, 109 21;
141 13, 142 9, 18, 187 11,
191 1
minimums 110 10
minor 117 21
minute 14 4, 50 20;
126 15, 163 4, 167 9,
172 8
minutes 175 9, 11,
176 24, 181 22
Miranda 149 1
miscellaneous 151 1, 2
mischief 132 11
misdemeanor 24 9;
28 12, 29 12, 24
miss 14 13
mix 72 12
mixed 70 9, 18
modification 80 17
moment 29 19, 113 10
Monday 187 23, 189 12
money 36 6, 98 20, 22,
24, 99 1, 145 9
Monroe 114 18, 131 14,
144 12, 16
Montgomery 28 7, 38 7,
11, 41-3, 65 23, 114 23
month 126 19
months 10 21, 30 1,
123 14, 133 4, 163 3, 7,
188 19, 189 19, 190 22
more 5 9, 10 15, 13 9,
14 13, 23 6, 7, 32 4, 35 17,
36 6, 8, 41 7, 13, 22,
43(5), 44 2, 45 17, 48 10,
11, 13, 51 3, 52 13, 25,
53 14, 55 22, 24; 58 4,
59 24, 60 7, 12, 13, 61 7,
19, 62 22, 63 25, 64 2,
68 22, 91 9, 93 7, 96 3,
97 16, 25, 25, 98(4), 99 1,
100(4), 106 1, 108 21,
110(4), 111(5), 112 10,
10, 12, 116 23, 117 15,
119 13, 121 25, 125 7,
131 1, 2, 132 6, 133(4),
134 5, 8, 141 22, 23,
143 11, 146 3, 148 12,
152 25, 158.13, 168 9,
170 6, 25, 176 12, 186 7
Moreover 29 13, 85-20
morning 107.12
mortgage 101 9
most 15 10, 18 11, 20 3,
21 12, 26 4, 44 6, 53 5,
56 5, 64 21, 73.8, 74:20,
75 20, 122 1, 123 22;
129 14, 133 10, 134 10,
138.4, 8, 173 21
mostly 64 4; 120 21,
142 11
mother's 28 9
motion 12-19, 82 7,
85 22
motive 30 9

motor 70 7
move 40 5, 96 22, 110 24
moved 14 7, 31 8, 164 6
moving 117 25, 159 11
much 4 12, 19 12, 37 23,
52 13, 53 11, 58 4, 4,
74 14, 87 13; 88 16,
91 25, 92 19; 105 15,
108.21, 115 3, 131 3,
133 15, 136-10, 15,
143 14, 156 19, 22,
190 18
mucking 160 2
multi-county 83 16
multiply 59 12
municipal 185 17, 192 7,
17
murder 26 13, 24, 27(5),
28 1; 30 7, 12, 31 15,
41 11; 79 3, 106 22,
129 17, 23, 130-2, 6, 7
must 17 6, 13, 54 3, 4,
86 24, 87 6, 118 15, 18,
123 6, 128 16; 186 9
myself 171 10
myth 159 8

N

naked 9.3
name 6 22, 19 14; 26 20,
115 11, 131 13, 159 13
narcotics 19 19
narrowest 8 22
nation 16 22
National 7 14, 14 22,
16 10, 19
nationwide 7 13, 16 7
nature 119 2, 167 16
nearly 165 24
necessarily 99 10,
108 7; 111 19, 145 20,
183 21
necessary 12-8, 34 6,
105 4, 176 17, 185 25,
188 13, 189 16
necessity 20 16, 188 9
neck 26 22, 27 5
need 16 23, 31 14, 38(4),
40.6, 55.15, 59.9, 25, 60 5,
61.1, 74 15, 91 4, 94 14,
111 5, 113 16, 133 12,
139 15, 18, 140 2, 156.24;
171 7, 183 1, 24, 184 22,
188 24
needed 110 10, 12,
132 25
needs 28 18, 52 7, 53 23,
80 11; 118.15, 125 7,
139 7, 154 13, 160 15,
191 17
negotiate 100 17
negotiations 29 11,
138-2
neighbor 54 21

neighborhood 165 25, 168 19
 nervous 152 14
 Nesmith 26 20, 21, 23
 neutral 102 7
 New 31 20, 51 8, 56 21, 60 6, 23, 66 6, 80 14, 81 23, 96-4, 141-20
 new-scheduled 14 17
 newspaper 31 20
 newspapers 193 16
 Next 19 13, 38 10, 73 17, 77 20, 22, 25, 94 11, 114 13, 16, 120 7, 126 19, 131 8, 155 5; 156 20, 157 23, 187 23, 189 24
 nice 112 11; 144 6
 night 138 13
 nine 157 7
 Nix 85:16
 noble 177 24
 nobody 42 4, 49 10
 nonconvictions 93 25
 noncriminal 98 3
 none 60 1, 88 6, 97 14, 148 18, 151 8, 9, 10
 nonjury 11 22, 13 9, 21 5, 26 3, 27 19, 29 9, 45 3, 48 25, 49 2, 58 25, 60 3, 62 20, 83 6, 91 2, 99 20, 104 21, 106 11, 13, 16, 112 12; 122 18, 128 11, 132.15, 16, 136 5, 137 3, 5, 144.12, 145 7, 146 7, 147 8, 149 17, 20, 155 6
 nonlawyer 152 22
 nonprosecutor 152 22
 nonviolent 142 10
 Nor 85 10, 132 5
 Norman 54 20
 northeast 131 15
 nose 45 25
 notable 75 13
 note 8 1, 15:14, 54 6, 94 17, 107 2
 noted 79 24, 108 5
 notes 167 25
 nothing 11 2; 22-8, 12, 18, 50 13, 61 21, 134 3, 144 2, 174 18, 19; 176 19
 notice 156 23, 163 24, 183 3
 noticed 58 3, 92 24
 November 175 5, 186 11, 187 23, 189 12, 192 11, 193 12
 number 41 25, 42 24, 43 5, 44 10, 14, 48 9, 23, 60 8, 69 8, 14, 70 12, 72 7, 14, 91 1, 104 14, 118 25, 156 25, 157 1, 158 20, 188 2, 193 13
 numbers 43.20, 21, 45 24

O

oath 161 9, 12, 24, 169 2, 25, 173 11, 175 23
obey 161 13, 169 25
object 17 24, 82 25, 84-17, 85 21, 145 7
objected 83 22; 151 12
objection 84 20
obligated 100 4
obligation 73 15, 103 1
obtain 9 14
obvious 13 14
obviously 38 18, 44 5, 48 10, 55 5, 56 18, 74 8, 91 8, 93 15, 171 12
Occasionally 83 23, 24
occasions 83 15
occur 13 22, 41 5, 98 9, 101 22, 108 16
occurred 37 1, 82 17, 102-13, 111 1, 191 10
occurs 11 18, 41 22
October 158 17, 187 17, 19
odd-numbered 192 17
off 6 20, 14 6, 43 25, 45 25, 49 9, 83-13, 142 13, 151 20, 175 17, 24, 176 1, 177-13, 14; 181 19
off-duty 28 25
offender 116 5, 117 19, 154 12
offenses 142 10, 11, 167 14, 171 16, 21
offer 113 23
offered 39 4, 113 19, 142 7
offerings 16 17
office 6 1, 7 3, 19 17, 22, 21 11, 42 25, 46 21, 53 13, 57 15, 16, 17, 59 6, 60 11, 25, 64 14, 19, 68 13, 72 23, 25, 73 14, 21, 88 14, 89 16, 90 23, 94 21, 98 19, 22; 100 21, 107 6, 12, 14, 114 11, 135 22, 143 17, 153 3, 169 2, 25, 173 11
officer 29 1
officers 49 12, 161 21, 24, 183 9
offices 133 18
official 108 14; 113 12, 161.20, 184-1
officials 86 4, 90 13, 108 11, 135 1
Often 13 24, 82 25, 92 14, 96 13, 108 10, 116-19; 118 24, 119 2, 133 2, 137 18, 139 8, 162 24, 184 9, 186 7
oftentimes 6 3

old 54 15, 15, 89 9, 143 9
 omit 96 1
once 9 24, 14 18, 27 17, 50 12, 51 6, 117 11, 119 19, 150 18, 19, 156 7, 158 13, 186 8, 190 1, 191 15
one 5 9, 15 2, 16 14, 17 23, 19 10, 21 1, 26 17, 29 18, 30 15, 32 1, 33 5, 36 1, 44 19, 47 15, 48 9, 50 5, 17, 52 14, 53 10, 56 2, 6, 57 22, 58 1, 6, 7, 59 15, 18, 60(4), 62 4, 65.21, 23, 68 12, 22, 23, 71-6; 72 1; 73 17, 74-6, 75 4, 76 13, 83 6, 88 18, 25; 90 20, 91 12; 97 19; 98 17, 99 23, 102 15, 105 17, 20, 107 24, 109 21, 116 23, 117 1, 120 23, 123-22, 129 14, 19, 132 7, 134 21, 136 24, 141 14, 143 21, 24, 146 1, 13, 148 11, 150 13, 152 15, 157 17, 158 21, 159 5, 161 17, 17, 163 4, 166 13, 13, 168 10; 169 14, 20, 170 25, 171-8, 172 7, 7, 180 25, 185.18, 187 17
one's 34 13, 35 4; 36 15
one-judge 31 1
online 16 17
only 10 18, 12 4, 14 19, 16 15; 17 6, 15, 21 14, 22 9, 20, 24 8, 24, 28 11, 29 23; 31 16, 22, 32 1, 36 11, 43 17, 46 13, 14, 47 15, 57 3, 60 5, 13, 63 1, 11, 68 17, 73 22, 79 8, 80 11, 82 1, 19, 85 12, 86-15, 24; 88 18, 92 6, 98 5, 108 23, 119 25, 121 3, 127 23, 130 15, 133 10, 140 13, 141 7, 149 4, 152 22, 159 2, 161 17, 163 2, 7, 168-20, 169 20, 171 8, 178 22, 186 22, 189 9, 25, 190 1, 191 4, 193 7. 11
open 16 23, 25 16
openly 128 19, 129 3
operated 83 4, 109 25
opinion 29 14, 74 1, 76 9, 160 9, 174 7
opinions 21 2, 74 9
opportunity 12 25, 40 1, 66 16, 75 11, 78 15, 113 15, 21, 116 24, 117 20; 118 8, 19, 21, 119 4, 6, 131 20, 138 25, 139 2, 188 22
oppose 131 25, 140 16
opposed 9 15, 42 1, 59 10, 71.1, 89 13, 21, 120 14, 129 6, 142 2
opposite 73 18

opposition 97 7
optimistic 176-15
option 22:20; 33 18, 145 11
order 6 17, 11 23, 12 25, 18 25, 25 8, 32 3, 77 19, 84 18, 94 10, 115 5, 165 13, 187 13
orderly 85 14
Organization 11 17, 90 22, 115 17, 131 17, 136 13; 140 19
organizations 141 1
original 39 8
originally 106 7, 190 13
originate 42 17
ostensibly 30 9
others 5 11, 41 23, 57 4, 91 20, 108-20, 170 9, 171 10
otherwise 12 15, 84 11, 176-13
ought 63 14, 82 8, 163 22, 166 9, 168 9, 170 7
out 22 16, 30 15, 32 5, 53 7, 56 10, 11, 57 3, 12, 14, 66 14, 70 3, 82 19, 93 3, 94 10, 100 17, 110 5, 12, 111 11, 21, 121 7, 124 10, 125 7, 134 22, 139.17, 141 15, 142 23, 143 25, 149 3, 153 25, 157 5, 12, 163 13, 165 11, 16, 167 9, 11, 168 8, 173-5, 24, 174 11, 187 10, 189 7
outcome 118 13, 119 7, 139 3
outline 131 20
outside 28 22, 111 1, 122 5, 142 18, 162 7
over 7 7, 10, 13-5, 15 5, 32 19, 33 1, 12, 39 12, 44 11, 50 13, 54 2, 59 12, 64(4), 67 14, 68 5, 15, 81 15, 83 11, 99 8, 109 3, 12, 116 25, 128-1, 131 18; 132 14, 24, 142 23, 144 23, 159 25, 170 16, 173 9, 176 22, 179 18, 18, 180 18, 191 11, 194 3
overall 93 18, 19
Overcrowded 133 9
overdue 123 14
overheard 31 6
overloaded 112 21
overruled 34.10
Overthrow 157 25
overtime 49 13
Overton 27 14
overturned 50 11
overwhelming 37 6, 115 21
overwhelmingly 131 24
owe 176 17

P

Package 142 24
packet 162 16
page 92 25, 140 5, 163 11, 164 17, 167 9, 11, 13, 187 12
pages 15 3, 157 7; 182 15
paid 67-12, 99 25
paid-for 53 1
painful 116 19
pancreas 28 13
pander 68 11
Panel 5 21, 67 20, 72 23, 75 24, 78 2
panels 70 8
paper 105.8; 175 1, 186 25
papers 190 21
paralyzed 25 6
paralyzing 24.18
pardon 170 13
parent 38 9, 138 11
parents 38 15, 65 24
Parole 114 12
part 21 12, 27 6, 31 19, 54 25, 63 18, 64 21, 67 6, 71 1, 79 2, 83-4, 5, 86 10, 88 17, 91 22
partial 56 19
partiality 164 24
participate 85 13, 103 4
participation 139 18, 186 13
particular 20 6, 21 23, 22-3, 23 10, 28-3, 36 19, 38 2, 5, 20, 43 9, 50 2, 57 1, 70 25, 76 12, 14, 16, 84 10, 93 11, 100 24, 117-9; 133-23; 162-8, 23; 168 10, 185 16, 189 1
particularly 40 21, 57 13, 63 16, 90 14, 99 5, 154 21, 164 24
parties 163 21
party 10 8, 15 18, 18 7, 47 15
pass 145 17, 154-4
passage 190 24
passed 18 20, 33 14, 20, 52 17, 53 6, 66-15; 80 22, 83 11, 141 20, 142 14, 159 23, 192 20; 193 14
passing 47 7; 190 18
past 38 3, 47 24, 66 1, 21, 84 15, 121 9, 141 17
path 132 7
patiently 119 20; 170 5, 6
Patriot 158 15, 177:15
pause 184 4

<p>pay 36 8, 73 16, 91 10, 98 24, 99 8, 101 9</p> <p>paying 49 14, 89 18</p> <p>pays 99 9</p> <p>peer 72 11, 12</p> <p>peers 11 6, 57 11, 69.5, 71 25, 82 16, 119 5, 139 1, 144 6</p> <p>penalty 122 2, 129(4)</p> <p>pending 79 20</p> <p>penis 23 23, 24</p> <p>Penn 165 6, 12, 19, 166 1, 170 17</p> <p>Pennsylvania 5 25, 7 20, 23, 11 17, 23 14, 26 15, 28 4, 30 5, 33 6, 34 11, 39 2, 77.24, 79 10; 80.6, 81 8, 25; 85 5, 86 8, 12, 90 24, 94 21, 22, 95.3, 104 9, 24, 105.7, 11, 109 16, 114(4), 115 13, 16, 120 3, 9, 22, 121 24, 126.13, 128 8, 131 16, 134 21, 23, 135 22, 24, 137 23, 140 15, 18, 141 2, 151 15, 154 15, 157 13, 158.1, 15, 19, 159 4, 7, 162.15, 165 19, 168 5, 170.17, 182 18, 186 6, 22, 187 1, 189 23, 25, 190 11, 15, 17, 191 3, 21, 192.2; 193 6, 194 13</p> <p>Pennsylvania's 115 20</p> <p>people 4 9, 7 20, 8(4), 9 4, 19, 17 21, 18 7, 23, 19 10; 22 15, 26 13, 31 19, 33 9, 35 10, 44 12, 45 3, 56 21, 57 3, 8, 58 13, 59 2, 65 24, 66.2, 6, 7, 68 5, 13, 19, 70 13, 14, 15, 72 4, 74 8, 82 2, 5, 10, 83 19, 86 11, 97 9, 98 7, 111 14, 113 20, 118.25, 136 21, 153 1, 154 19, 155 14, 156 24, 159 1, 160.15, 16, 22; 168.8; 170 7, 171 23, 173 2, 15, 22, 174 3, 17, 176 22, 177 25, 179.9, 19, 182 6, 185 4, 9, 188 14, 21, 189 17, 20, 20; 190 3, 194 1, 3</p> <p>people's 9 8</p> <p>peoples 19 7, 35 2, 36 14, 184.23</p> <p>per 48 23, 90.7; 91 3</p> <p>perceive 101 7, 138 20, 141 17</p> <p>perceived 132 3, 134 21; 144 17, 151 4</p> <p>percent 44.7; 144 23, 25</p> <p>perception 52 18, 71 16, 17, 21, 141.12, 15</p> <p>peremptories 56 20</p> <p>peremptorily 9 6</p> <p>peremptory 56 16</p> <p>perfect 130 17, 149 23,</p>	<p>150 3, 151(5)</p> <p>perhaps 59 3, 74 20, 95 19, 132 9</p> <p>period 10 21, 120 18, 185.19</p> <p>permanently 24.2</p> <p>permit 187 7</p> <p>permitted 135 8</p> <p>permitting 30 1, 94.9</p> <p>perpetrated 116.7</p> <p>perpetrator 153.21</p> <p>person 14 19, 22 16, 49 2, 50 4, 52 22, 63 1, 69 4, 74 20, 143 24, 149 1, 8, 152 5, 156 14</p> <p>person's 166 13</p> <p>personal 25 17, 25, 92 7, 145 15</p> <p>personally 22 11, 23 1, 150 9</p> <p>personnel 7 12</p> <p>persons 149 4, 187 20</p> <p>perspective 55 12, 70 10, 95 19, 110 14, 16, 115 9, 118 3, 120 23, 121 5, 137.13, 141 13</p> <p>pertinent 40 6, 79 2</p> <p>PETRARCA 39 21, 22, 76 2, 3, 18, 77 5, 16</p> <p>petty 163 1</p> <p>Philadelphia 4 20, 22, 6 10, 19 16, 21, 21 18, 24 14, 25 11, 26 6, 8, 18, 27 9, 28 22, 37 10, 39 19, 41 8, 14, 42 13, 14, 17, 43 11, 50 16, 51 10, 53 8, 56 1, 57 7, 13, 59 2, 60 25, 61.8, 62 9, 64 13, 65 4, 69 17, 70 19, 75 17, 88.13, 99 3, 105 14, 21, 107 6, 128 17, 132 14, 134 19, 155 4</p> <p>Philadelphia's 6 1, 40 22</p> <p>philosophical 112 14, 127 25</p> <p>philosophy 67 2, 8, 83.18</p> <p>phonetic 78 5, 160 17, 164 7</p> <p>physicians 23 25</p> <p>pick 22 21, 23 23, 52 14, 67 20, 75 14, 19, 20; 113.13, 123 19</p> <p>picked 91 13</p> <p>picking 124 11</p> <p>piece 40 21, 178.20</p> <p>pistol 30 13</p> <p>Pittsburgh 21 18</p> <p>place 14 15, 17 10, 52 9, 17, 87 3, 94 14, 103 20, 105.24, 153 24</p> <p>placed 85.25</p> <p>places 91 18, 133 10</p> <p>placing 185 15</p>	<p>plain 17 20</p> <p>Plan 157 25</p> <p>planned 30 7</p> <p>planning 31 7</p> <p>play 154 25, 191 19</p> <p>playing 34.5, 39 6, 77 14, 85 13, 97 17, 193 9</p> <p>plea 29 11, 73 7, 129 22, 138 1, 147 2, 148 25, 149 5, 15</p> <p>plead 36 9, 144 24, 149 16</p> <p>Pleas 12 23, 36 3, 44 8, 73 15; 101 4, 122 14, 131 14; 146 11</p> <p>please 40 3, 72 16, 173 17, 174 8, 176 8, 179 2</p> <p>pleased 78 8, 87 10</p> <p>pled 26 24, 30 23, 73 4</p> <p>point 34 3, 45 16, 49 8, 55 2, 56 20, 57 14, 70 2, 76 7, 99 21, 102 15, 109 10, 113 4, 121 23, 122 11, 142 22, 144 22, 145 15, 157 5, 159 17, 178 6, 184 3, 6, 189 15</p> <p>pointed 82 19, 121 7, 124 10</p> <p>pointing 109 14</p> <p>points 33 5, 35 21, 96 22, 109 2, 162 5</p> <p>police 29 1, 30 2, 49 12, 139 20</p> <p>policy 7 18, 69 7, 108 21, 142 7, 160 9</p> <p>politely 180 12</p> <p>political 63 25, 64 2, 97 5, 102 1, 5; 135 3</p> <p>politics 68 8</p> <p>pools 99 6</p> <p>popular 43 11, 135 1</p> <p>population 144 19</p> <p>portion 39 11, 185 19</p> <p>portions 95 18</p> <p>posed 152 13</p> <p>position 11 11, 69 6, 88 19, 105 6, 8, 108 13, 120 4, 183 25, 185 3, 187 8</p> <p>positive 11 5</p> <p>possess 85 18</p> <p>possessed 11.24</p> <p>possesses 12 2</p> <p>possessing 12 4</p> <p>possession 11 21, 25 17, 22, 22, 94 17</p> <p>possibility 133 6</p> <p>possible 4 12, 40 6, 84 4</p> <p>possibly 103 25, 146 5</p> <p>Post 94 21</p> <p>post-73 109 25</p> <p>posted 193 13</p> <p>postpone 96 8</p>	<p>posturing 135.3, 176 21</p> <p>potential 132 11</p> <p>potentially 132 13, 185 16</p> <p>pounds 25 12, 23</p> <p>power 104.20, 23, 116 17, 25, 117 16, 121 25, 122 1, 128 5, 6, 130 18, 138 4, 6, 155 18, 166 5, 5, 172 14, 176 22, 188 7, 194.3</p> <p>power's 160 21</p> <p>powerless 116 13</p> <p>powers 122 6, 128 5; 161 25, 173.2, 3, 5</p> <p>practical 21 16, 25 4, 70 2, 71 14, 136 8</p> <p>practically 71 3</p> <p>practice 5 13, 26 5, 32 6, 43 11, 117 6, 138 23</p> <p>practiced 99.15, 137 23, 24</p> <p>practices 13 22, 57 20, 103 8, 128 8</p> <p>practitioners 16 5</p> <p>pre 109 25</p> <p>precedent 9 3</p> <p>predecessor 54 20</p> <p>predicated 16 24</p> <p>predisposition 37 13</p> <p>preempting 109 8</p> <p>preface 40 2</p> <p>prefer 113 25</p> <p>preferably 186 12</p> <p>prejudice 101 25</p> <p>prejudiced 123 22, 125 8</p> <p>prejudices 20 6, 58 18</p> <p>preliminary 59 5</p> <p>premature 103 10</p> <p>preparation 100 7, 194 7</p> <p>prepared 48 9, 125 6; 126.25; 127 1, 135 21, 25, 156 21</p> <p>prepares 14 1</p> <p>preparing 95.16; 119 24</p> <p>presence 16 20, 114 21</p> <p>present 5 16, 8 14, 80 7, 8, 82 15, 83 14, 86 9, 98 12, 99 7, 103 22, 107 22, 114 1, 117 8, 134 17, 143 18</p> <p>presentation 138 16</p> <p>presented 34 15, 35 23, 95 19, 117 3</p> <p>presenting 91 24</p> <p>presently 6 23, 119 22</p> <p>preservation 188 13, 189 17, 190 2</p> <p>preserve 122 20, 146 12, 174 17</p> <p>preserved 17.7, 32 15, 86 25, 187 14</p> <p>preserving 144 13,</p>	<p>166 9</p> <p>preside 67 14, 132 24</p> <p>President 131 16</p> <p>President-elect 114 5, 24, 136 12</p> <p>presidential 186 12</p> <p>Preski 5 20</p> <p>Press 158 15, 177 15</p> <p>pressure 110.24, 111 4</p> <p>presume 108 9</p> <p>presuming 71 4</p> <p>presumption 48 20</p> <p>pretrial 12 19, 13 12, 48.24; 133 5</p> <p>pretty 35 23, 37 11, 53 10, 70 9</p> <p>prevent 11 2, 18 16, 77 4</p> <p>prevented 118 8</p> <p>previous 13.20, 97 3, 24, 188.21</p> <p>previously 5 12, 6 25, 14 21, 89 24, 97 15, 110 18, 147 15</p> <p>primaries 186 17</p> <p>primarily 161 1</p> <p>primary 116 15, 158 23, 174 13, 185 16</p> <p>principle 81 22, 169 20, 183 22, 184 2</p> <p>printing 168 11</p> <p>prior 13 2, 14 16, 45 10, 76.7; 162 22, 187 5, 191 6, 193 17</p> <p>priority 111 8</p> <p>prison 15 20, 101 20, 106 24, 146 18, 19, 179 18</p> <p>prisoner 166 20</p> <p>prisons 45 13</p> <p>private 16 17, 99 14, 120 20, 128 10, 133 15, 174 15</p> <p>privately-retained 36 4</p> <p>privilege 78 11, 79 4</p> <p>probably 37 7, 42 19, 44 13, 53 7, 63 23, 68 12, 91 15, 97 1, 99 20, 100 7, 15, 142 22, 143 8, 151 25, 176 11</p> <p>probation 30 1, 114 12</p> <p>problem 9 24, 11 18, 12 16, 29.16, 36 16, 40 21, 41(5), 45.9, 14, 48 17, 53 8, 76 5, 8, 19, 77 11, 92 3, 110 11, 128 16, 134.21, 146 22; 151 4, 163 3, 182 9</p> <p>problems 31 24, 68 23, 72 2, 126 21</p> <p>procedural 48 17, 49 18, 117 25, 150 23, 152 19</p> <p>Procedure 8 8; 21 8, 79 11, 13, 81 15; 103 22, 104 4</p> <p>procedures 35 15,</p>
---	--	--	---	---

102 19; 103 20
proceed 112:24, 113 11;
 157 5, 173 10; 181 5
proceeded 29 10
proceedings 184 4
process 7 13, 13 23,
 40 8, 63 2, 75 22, 83-5,
 102 22, 103 6, 116-20,
 118 2, 16, 119 15, 127 23,
 140 15, 18, 166 21, 175 4;
 185 14, 21, 187 12, 188 5,
 189 6, 190 10, 191 2, 6,
 193 1, 194 14
processes 102:17
produce 18 11, 62 24
profession 16 22
professors 7 12, 16 6
prohibited 172 17, 17,
 183 15
Project 157 24, 191 22,
 24, 194 6
promotes 16 21, 18 21,
 25
promulgate 79 11
promulgated 150 15,
 188 19; 189 18
prone 124 12, 141 22
proper 18-6, 49 4; 126 6
properly 123 17
property 101 9, 163 20,
 164 13, 166 25
proponent 86 23
proportion 135 17
proposal 97 20
propose 142 8
proposed 17-18, 32 8,
 97 13, 131 22, 170 24, 25,
 186 9, 15; 188 17, 18,
 189 14, 18, 190 14, 19, 21,
 191 24
proposing 153 1, 190 11
proposition 15 16, 85 7,
 88-23, 142:8
prosecutable 160:13
prosecute 171 18
prosecuted 179 17
prosecutes 19 17
prosecuting 17 25
prosecution 9 11, 15-24,
 16 2; 20 20, 24, 33 8, 56 6,
 6, 58-23, 79 1, 84 14, 17,
 20, 85-10, 12; 117 3,
 137 21, 141 22, 143 14,
 154 25, 158 24, 194 7
prosecution's 106 19,
 138 16
Prosecutions 7 3, 15 19,
 167 14, 168 16, 16
prosecutor 7 7; 8-10,
 20-9; 22(4), 28 16, 29 11,
 17, 20, 36:17, 20; 48 1.
 57 17, 75-11, 79-8, 25,
 82 12, 83-21, 85:20, 93 1,
 98 16, 102 23, 25; 103 1,
 11, 106 9, 22, 117 19,

118 6, 124 13, 14, 18,
 130 14, 139 19, 151 21,
 154 5, 155 1, 17, 156 4,
 160 11, 165 22, 168 14,
 188 15
prosecutor's 82 8,
 85 23, 98 19, 135 18
prosecutors 7 11, 15 10,
 36 2, 51 19, 56 4, 67 3, 7,
 80.10; 81 7, 82-24; 86 3,
 90 5, 93 21, 102 16,
 116 22, 119-8, 121 24,
 122 7, 123 24, 124 1, 3,
 135 2, 141 23, 172 2
prospectively 55 19
protect 84 18, 101 12,
 13, 130 5, 134 23, 24,
 162 7
protecting 166 10,
 170 2, 173 23; 175 23,
 185 8
protection 47 13, 58 19,
 174 12
protections 58 24
proud 16 21
prove 152 3
proves 186 21
provide 35 12, 37 21,
 47.13, 116 11, 118.18,
 136 2, 164 23
provided 8 18, 20 2,
 37 22, 79 2, 157 3, 190 10
provides 16 1, 32 13,
 77 10
providing 116 15, 23
provision 9 18, 23 2,
 25 5, 34 23, 80 2, 85 25,
 163 14, 171 7, 190 12
provisions 35 14, 190:6
public 16 16, 54 4, 84 19,
 85 25, 86 1, 4, 89 17, 96 5,
 98 21, 100 12, 21, 120 17,
 18, 121 17, 19, 124 19,
 128 9, 9, 13, 133 18,
 151 10, 160 9, 167 18, 19,
 168 17, 178 22, 23, 184 2
publicly 118 22
publishes 168 7
publishing 7 17
pulled 29 10, 58 11
purposes 172 15
purpose 19 10, 30 12,
 144 13
purposes 10 15, 15-13,
 80-9, 98 8, 104 13, 18, 22,
 187 3
pursue 140 10
pursuit 86 16
pushed 128 22
put 11 10, 35 10, 14,
 39 5, 52 8, 64(4), 65 1, 2,
 68-13, 77 14, 80 24, 85 9,
 111 4, 125 25, 126 22,
 141 21, 143 21, 166 16,
 174 8, 192 21, 24
puts 74 13, 119 23

putting 4 6, 10 23, 44 25,
 64 24; 90 1, 192 6

Q

quality 100-12
quantity 11 24
quarrel 132 4
query 75-6
question-and-answer
 134-16
questioned 34 25
questioning 25 18,
 39 12, 136 24, 186 22
Quick 76 4, 170 25
quicker 51 11, 12
quite 13 13, 22 12,
 154 14, 194 11
quorum 187 24
quote 7 23, 25, 8 19, 20,
 10.22, 23, 15 17, 22, 17 5,
 14, 86 17
quote/unquote 110 9,
 171 1, 3, 17

R

r 159 16
race 56 2, 57 6, 71 5, 19,
 102 1
racial 57.25, 58 15,
 69-10, 71-18
racially 130 25
racism 68 25
radical 38 25, 86 7
raised 56 13
raises 93 4, 97 13
ramifications 136 9
random 134 5, 143 11,
 11
range 26 22
ranks 123:23, 124 1
raped 65 20
rare 69 22, 156 11,
 186-19; 193-8
rarely 4 13, 46 19, 182 20
rate 93 6
rather 4 10, 23 3, 53 11,
 62 12, 86-9; 96-15, 105 3,
 106 21, 158 11
rationale 147 21
re-adjusting 109-24
reached 12 12
reaction 8 21
read 75 12, 79 14, 81 1,
 158 12, 13, 161 22, 162 4,
 167 4, 183 3, 187 11,
 188 4
reading 7 22, 134 9,
 157 19, 158 11
ready 14 3, 96 10, 149 17
reaffirming 9 8

real 55 25, 132:3; 133 6,
 170 25
realistically 68 6
reality 70 17, 155:8;
 159 10, 171 12
realize 112 3; 176-3
realizing 8-15, 25 14
really 23 12, 34 16,
 35 18, 37 4, 5, 42 3, 44 4,
 25, 48 13, 53 3, 16, 54 14,
 55-10, 15, 57 16, 59 14,
 15, 15, 61 16, 22, 66-9;
 70 19, 72 3, 73 5, 90 10;
 112 11, 121 12, 124-3;
 126 11, 127 20, 128 15,
 134 2, 138 8, 9, 20,
 139 10, 141 21, 142 3, 25,
 146 5, 147 3, 156 14,
 164 8, 169 17, 170 21, 22,
 178 1, 5
reannouncing 127 6
reason 11 16, 20 12,
 24 10, 52 9, 66 12,
 123 10, 126 19, 127 18,
 19, 132 9, 147 1, 148 6,
 154.1, 169 5, 186 7
reasonable 12 13; 123 7,
 134 6, 143 13, 15
reasons 18 15, 22 24,
 46 20, 63 25, 64 2, 81 22,
 86 4, 108 2, 21, 122 25,
 124 20, 126 5, 171.24,
 193 8
reassert 147 15, 148 22
reasserted 105 8
recall 88 2
receive 5 17, 119 6,
 139 2
received 30 23, 94 15,
 107 12, 14, 17
receives 13 4
recent 56 2, 129 14,
 142 24
recently 39 3, 61 2,
 84 22, 122 1, 142 6,
 144 3, 161 6
recess 113 16
recklessly 25 2
reckoning 173 14
recognize 132 10, 139 7,
 184 21
recognized 8 6, 18 5,
 20 17, 21, 21 3
recognizes 13 15, 15 23,
 18 4, 19 5, 7
recollection 88 5
recommend 157 17,
 187 11
recommendation 192 1
recommended 164 22
recommends 20 18
record 75 8, 84 12,
 85 11, 25, 94 16, 23,
 95 10, 114 21, 127 10,
 144 14, 194 12
recorded 6 13

recover 140 3
recovery 119-16, 140 1
recruiting 16 10
recusal 129 10
recuse 129 4, 8
red-handed 25 12
redress 31 22, 181 2
reduce 48 17, 98 12
reductions 138 2
reexamine 183 25
refer 23 16, 26 16, 49 22,
 158-14; 159 5, 171 8
Reference 157 15,
 158-6; 162-19, 164 15,
 169 7, 171-3; 182.19;
 189 5
referenced 164 19
references 162 21,
 163 24, 188.25
referendum 4 6
referred 86 20, 102.12,
 164 17
referring 158 10
reflect 69 9
reflecting 83 1
refreshing 182 21
refund 100 16, 18
refusal 17 19, 92 13
refuse 128 19
refuses 18 1
regain 116 24, 119 11
regaining 116:17
regard 11 18; 18 20,
 50 6, 113 2
regarding 7 18, 75 7,
 102 10
regards 18 10
registration 70 5, 7, 8
Reil 113 25, 156 20, 21,
 22, 159 13; 175(4), 176 7,
 11, 16, 177(4), 178 8, 11,
 179 5, 24, 180 3, 7, 22,
 181(4), 182 2, 5, 13; 184 5
reiterated 84 25
reject 123 17
relate 57 23, 178 16
related 103 16, 176 2
relations 98-3, 111 3
relationship 99 13
relative 158 3, 162 15,
 173 9, 182.18, 183 5, 13,
 184 7, 8, 185 22
relatively 72 25, 80 14
released 165 13
relevant 10 15, 78 22,
 175 2
relied 85 5, 104 15
religion 102 1
religious 72 12
reluctant 116 9
rely 161 7
remain 7 25, 30 2,
 134 12, 157 2, 173 6

remains 78 22
 remarks 33.2, 87.9,
 94 23; 96 1, 23, 115 9,
 175 14; 176 1, 179 2,
 180 21, 181 9
 remedied 76 5
 remember 14 16, 19 9,
 40 4; 54 20, 56 1; 57 2,
 65 1, 83 15, 20, 25,
 135 16, 137 19, 143 16,
 160 22
 render 12.25, 22 4,
 73 22, 130 13; 131 1
 rendered 116 13, 130 1,
 5
 rendering 18 18
 Repealer 80 25, 184 16
 repeat 102 13
 repeatedly 182 16,
 183-17; 184 11
 repetitive 40 7, 115 8
 replacing 60 4
 report 192 24
 reported 31 20
 reporter 184:3, 194 15
 reports 191 3
REPRESENTATIVE
 47 20, 48.14, 49 16,
 50 14, 24, 51 14, 54 5,
 87 25, 88 7, 24, 89 3,
 109 7, 111 23, 136 17, 22,
 138 24, 140 4, 13, 25,
 143 2
 represent 82 9, 86 7,
 115 16, 116 23, 119 9
 representation 72.8
Representative 4(5),
 5 3, 5, 7 15, 12.5, 14 23,
 22 22, 22, 28 16, 17,
 39(5), 40 14, 16, 20,
 41 19, 42 12, 16; 43 23,
 45 7, 47 16, 18; 49 24,
 51 16, 54 8, 10, 59 1,
 60(4), 62-16, 16, 21,
 63 19, 64 17, 23, 66 9, 10,
 24, 68 21, 69 24, 70 21,
 71 20, 72-17, 19, 21,
 73.17, 74(4), 75 2, 6; 76 1,
 3, 18, 77 5, 16, 78 16;
 87(5), 89 5, 7, 90 19,
 91 17, 92 18, 20, 22,
 93:10, 23, 94 3, 12, 96 12,
 24; 102 20, 108 5, 109.6,
 111 25, 112.2, 113 3,
 124 10, 125 18, 127 24,
 131.11, 136 15, 25, 140 7,
 141 6, 143 4, 6, 146 2,
 148(4), 149 12, 150.2, 5,
 152 9, 10; 153 7, 13, 15,
 156 2, 9, 16, 161 12,
 169-10, 170 14, 177 2, 8,
 178 11, 179 6, 180 22;
 181 16, 182 14, 183 16
Representatives 78 13,
 18, 88 13; 119 14, 178 25
 represented 21 10, 72 4,
 82 5

representing 131 17
 represents 7 10; 81 24,
 102 23, 103 1
 reprimanded 102 22
 republic 166 18, 21
Republican 142 7,
 163.8; 166 12
 reputation 117.9, 121 11
 request 12 24, 31 21;
 34 5, 50-19, 55 19, 82-25,
 90 16, 95 15, 104(4),
 114 2, 117 13, 120 1
 requested 29 9, 51 5,
 63 7, 132 23, 146 8
 requesting 13 9, 62 7
 require 81 6
 required 8 10, 11 25,
 12 7, 18, 48-1, 190 18,
 191 2
 requirement 80 9, 18,
 103 23
 requires 193 20
 requiring 73 1, 79 25
 reschedule 49 9
 rescheduled 14 9
 research 158 2, 159.18
Reservation 173 1
 resolution 55 3
 resolve 72 23, 73 23,
 137 1
 resolved 81 9
 resource 111 2
 resources 98.5, 108 24,
 122 22, 23, 126 6, 146 9
 respect 135 12, 158 25,
 183 20, 193 22
 respectful 155 24
 respectfully 72 9
 respecting 163 20
 respectively 187 16
 respond 61 11; 70 22,
 136 11
 responded 29.21
 response 75 6, 87 18,
 22, 137.6
 responses 146 4
 responsibility 74 13
 responsible 7 17,
 155 24, 170 4
 responsive 111 12,
 118 14
 rest 25.6, 42 19, 95 13,
 113 11, 15, 128 6, 188-3
 restoration 34 21
 restore 39 5, 7
 restores 53 25
 restoring 34 17, 19,
 35-18, 53.17
 restrict 180 21, 181 9
 restructuring 184 14
 result 11 3, 12 12, 18 2,
 11, 25 4, 57 1, 77 12
 resulting 191 8

results 12 19, 66 13,
 133 21, 134 1, 151 12
 resumption 81 24, 86.9
 retain 112 4
 retaining 92 17
 retention 68 17
 revealed 9 11
 revenue 171 21
 reverse 77 19
 reversed 12 23
 review 15 5, 86 1
 revisiting 7.19
 rid 97 5
Ridge's 142 24
 rifle 27 16
 right 4 7, 7 19, 24, 8(5),
 9.4, 8, 11 14, 13 21, 14 4,
 20, 15 17, 16 2, 17(4),
 18 23, 19 7, 24, 20 2, 3,
 19, 21(4), 22 14, 17,
 30 25, 31.21, 32(5), 33(5),
 34 9, 23, 24, 35 2, 7,
 36 14, 15, 40 12, 17, 46 1,
 47 5, 48 3, 21, 22, 50 9,
 51 20, 52 2, 6, 12, 53 12,
 22, 57 7, 10, 63 2, 6, 9,
 66 5, 76 22, 77 9, 14,
 80 23, 81 2, 12, 13, 82 21,
 84 1, 24, 85(4), 86 24,
 88 9, 9, 16, 92 13, 15, 17,
 97 17, 101 2, 17, 18,
 104 17, 110 7, 116 1, 2,
 117-7, 8, 14, 118 24,
 120 1, 121 1, 5, 15, 123 9,
 20, 124 23, 24, 125(4),
 126 15, 24, 127(4), 128 2,
 11, 129 9, 130 22, 131 5,
 137-22, 141 3, 142 3,
 147(4), 148(6), 149 23,
 150 3, 152 20, 23, 153 4,
 4, 10; 155 9, 156 8, 157 8,
 160 3, 161 18, 162 8,
 163 21, 165 14, 167 2, 15,
 168 17, 170 15, 20, 20,
 171 6, 13, 14, 172 4,
 173 18, 181(4); 182(5),
 183.14, 184.6, 10, 185 1
right-wing 15 8
 rights 15 12, 32 9, 15,
 84 19, 21, 85 24, 86 14,
 23, 103 3, 116 22, 121(6),
 123 5, 124 25; 137 22,
 139 8, 148 12, 149 7,
 160 4, 18, 18, 162 3, 7,
 163 5; 164-7; 166(4),
 168 9, 13, 15, 169 21,
 170 2, 2, 173 23, 174(8),
 181 5, 185 8, 188 13,
 189 17, 190 3, 193 9,
 194 4
 rise 105 2, 184 13
 risk 24 1
 riveted 96 3, 20
 rob 26 13, 30 7
 robbed 30 17
 robbery 19 18, 23 8,
 27 15, 18, 31 17, 43 12,

13, 91 7, 129 16, 17
Robert 114 13, 120 8,
 157 16
 robes 144 4
 role 118 16; 135 12
 roller 119 24
 roof 58 6
 room 69 18, 18, 113 16,
 152 23
Rosen 6 8, 19 13, 14, 15;
 42 8, 21, 45 15, 46 20,
 47 22, 48 8, 50 14, 17,
 51 2, 24, 52 1, 59 17,
 61.13, 67 10, 69 12; 70 1,
 73 2, 24, 76 10, 20, 77 7
 roughly 44 7
 round 115-20
 ruined 29 18
Rule 8 7, 14, 16, 9 12,
 11 23, 33 23, 25, 77 6,
 79 12, 14, 24, 80 6, 21,
 81 6, 19, 86 21, 104 16,
 133 6, 148:6; 150 15, 24,
 160 8
 rule-making 8 12, 80 14,
 81 16
 ruled 125 3, 130 7
Rules 8 8, 21 7, 50 6,
 79 11, 12, 22, 80 16,
 99 23, 104 4, 141 24,
 150 15, 166 15
 ruling 13 2, 109 15
 run 68 18
 run-of-the-mill 151 13
 running 33 1
RYAN 5 1, 1

S

sacred 163 22
 safeguard 179 10
 salient 162 5
SALUS 114(4), 136.12,
 148 24, 149 19, 150 4, 9,
 153 8
 same 8 19, 9 21, 11.14,
 18 23, 19 24; 22 17, 44 7,
 47 5, 50 9, 56 9, 60 10,
 63 4, 70 12, 16, 73(4),
 77 14, 80 23, 81 2, 5,
 83 14, 84 23, 88 19,
 124 13, 15, 129 20, 133 7,
 140 5, 141 18, 143 10,
 148 14, 155 25, 165.18,
 180 8; 181 20
 sample 12 5
Samuel 114 4, 22
 sanction 17 12, 49 1,
 87 5
 sat 83 9, 129 20, 176 18
 satisfied 65 13, 144 1
 save 96 2, 113 21, 145 8,
 157 21, 194 10
 saw 143 9, 147 5
 saying 34 22, 24, 37 22,
 38 20, 40 2, 47 1, 49 21,
 63 14, 66 11, 68 3; 71 22,
 77 13, 93 23, 99 16,
 107 25, 138 22, 139 23,
 148 10, 150 16, 155 9, 12,
 172 1, 173 18, 178-5,
 183-5
scales 110:5
 scene 30 20
 schedule 4 10, 87-15,
 106 11
 scheduled 14 7, 106 8,
 117 11, 144 23
Schnader 191 25
 scholar 161.2
 scholars 168 25, 171 2
 school 138 14, 152 24
Scranton 21 19
 sealed 130 4
 search 121 15, 16
 seasoned 115 23
 seat 30:16
 seated 5 23, 115-5
Second 18 21, 27 22,
 30 22; 95 2, 106 22,
 114 5, 23, 130 5, 140 24,
 157 11, 23, 170 23,
 174-25, 177 9, 187 16, 18,
 23, 189 12
 secondary 112 13, 18
Secondly 82 2
Section 7 10; 8-17, 9.18,
 15 3, 16 1, 58 20, 78 6, 24,
 81(6), 161 10, 162 9, 23,
 24, 163(4), 164(6),
 165 20, 167-1, 5, 168(7),
 169 4, 7, 171 11, 172 3,
 21, 173 1, 7, 181 1, 3,
 183-10, 12, 189 1, 3
 sections 162 18, 22
 secured 33 11
 securely 162 9
 securing 116 21, 185 8
 seeing 65.2
 seek 31 22; 74 9, 82 13,
 93 1, 117 15, 124 4
 seeking 85 12, 14,
 116 21
 seem 43-6, 7, 7, 67 7,
 117 20, 167 9
 seemed 58 9, 65 10
 seems 35 3, 43 2, 61 7,
 68 7; 91 22; 99 19,
 150 14, 156.2, 5, 12
 sees 76 15
 seizing 183 13
 seizure 121 16, 16
 select 56 15
 selected 192 11
 selection 70-6, 102 17,
 103 6, 149 20; 165 4
 semantic 9 2
 semi-automatic 30 13
 seminar 56 14

seminars 75.12, 17
Senate 45:1, 78 21, 21, 86 6; 92 11; 95:5, 6, 8, 103 18, 115 15, 126 9, 134 14, 150 13; 154 24. 159 3, 160 25, 162 11, 174 4, 194 8
Senator 103:19, 161 6, 12
send 172 12
Senior 78 5; 146 14
sense 12-14, 42 9, 10, 46 9, 52 5, 119 15, 127-21; 139 11, 15, 143 18, 144 6
sent 126 17, 21
sentence 10:19, 11 10, 12 1, 23 4, 7, 25 9, 26 1, 27 12, 33 16; 43 19, 20, 52 20, 58 9; 106.25, 107 1, 129:4; 130 9, 142 10, 149 3
sentenced 10 20; 29 25, 31 18, 106 23, 122 4
sentences 18 20; 30 21, 24, 47 8, 51 22, 52 16, 53 6, 9, 14, 58:4, 63 22, 64 4, 88 3, 10, 97 6, 105 6, 109 21, 122 3, 128 20, 21, 141 14
Sentencing 9 16, 18 17; 23 2, 25 5, 52.8, 19, 61-16, 111 18, 19, 134 12, 170 13
separate 118 13, 119 7, 139 3
separately 114.1, 190 23
separation 161 25
September 165 8
sequential 192 20, 193 18
series 97 14
serious 23 4, 6, 24 6, 7, 11, 25 1, 7, 26 4, 31 3, 38 3, 41 7, 18, 46 14, 66 2, 109 2, 133 10, 135 14
seriously 38 12, 135 10
servant 184 2
serve 93 20, 133 1
served 6 25, 7 14, 14 25, 112 16, 20, 23, 113 5
serviced 57 15
services 116 16
serving 78-11, 83 19
session 134 16
sessions 190 20, 192 20, 193 14
set 31 11, 71 9, 101 25; 105 6
settled 44 8, 170 17
seven 70 13, 14, 160 24, 174 5, 186 8, 8; 187 17; 189:12, 190 1, 191 11, 16
seven-year 191 1
seventh 187 19

several 4 8, 22 24; 23.13, 28.14, 47 21, 86 13, 121 9, 129 13, 134:15; 154 23, 158 15
severe 41 13, 58 4
severely 58 2, 102 7
Sexual 59 22, 141 25
shake 130 15
shall 7 24, 25, 8 19, 34 24, 79 4, 81 2, 164 19, 165 21, 173 6, 187(4), 188:2, 6, 18
shame 182 25
shape 67 8
share 41 24, 42 20, 44 1, 96 5, 118 8, 135 15
shed 44 2, 45 8
Shell 165 10
sheriff 166 19
shifted 117 17
shocked 58 14
shooter 24 25
shooting 24 20, 27 16, 105 22
shoots 166 19
shop 116 3
shopped 50 5
shopping 31 25, 48 18, 49-19, 23, 50 23, 25, 76 19, 77 12, 90 1, 103 15, 151 4; 155.10
short 12 7, 14.12; 113.9, 14
shot 24 17, 25 6, 26 21, 30 17, 58 7, 105 22
shots 27 5
shoulders 74 22
shouldn't 27 1, 29 18, 37 18, 60 11, 61 17, 63 18
show 37 6, 41 1, 64 1, 65 9, 90 3, 160 1
showed 65 7, 93 6
shown 191 25
shows 159-18
shudder 169 17, 17
sic 95 2
sickening 179 13
side 6 8, 32 1, 34 5, 53 23, 56 19, 71 6, 11, 76 14, 77 13, 107 22, 24, 108 6, 110 5, 13, 179 16
sides 32 7, 53 19, 70 11, 75 23, 108 7, 17, 129 12
sign 10 3, 5, 14, 83 13
signed 83 10
significance 117 22, 152 25
significant 81 21, 141 4
simple 7 22, 24 8, 29 25, 73 1, 95 15, 152 6
simplest 9 18
simply 11 9, 14 10, 15 25, 18 2, 97 16, 118 25, 176 9, 178 18

Singer 17:3, 80 4, 85 6, 86 19
single 20:3, 5, 21 12, 56 11
sit 44 5, 52 21, 113 22, 25, 131 1, 181 13
site 16 15
sitting 67 17, 148:7, 169-18, 177 8, 10; 188 8
situation 13 10, 40 18, 22, 58:25, 60 9, 65.18, 76 11, 12, 122 20, 126 14; 141 22; 149 16, 153-20, 154 1, 10, 11
situations 101 13, 112 7, 146 13
six 26 21, 27 5, 48 6, 160 24, 163 3, 188 19, 189 19
Sixth 120 25, 121 2, 159 5
skills 103 12
Skip 6 6, 20, 23, 188 3
skull 23 22
sleep 138 12
sleeping 173 23
slim 22 6
slip 186 17
small 144 17
smaller 42 18, 44 18, 99 5, 6
smallest 44 9
smile 143 10
so-called 163 16, 25; 164 4, 167 4, 168 2, 184 12, 189 6, 190 5, 9, 14, 191 8
society 15:25, 19 8, 134 25
society's 18:21, 103 4
soft 135 3; 141 12
solely 104 13
solemn 169 25, 173 11
solve 76 8, 150 14; 151 3
somebody 58 21, 147 13, 149 16, 151 12, 156 5, 166 17
somebody's 43 12, 153 10
somehow 35 13, 36:2, 5, 9, 68 4
someone 36 11, 70 24, 71 23, 25, 75 9
something 38 1, 39 1, 49 13, 52 8, 55 16, 17, 60 22, 63 20, 65 14, 14, 96 4, 127 23, 139 16, 143 19, 145 20, 146 4, 149 24, 152 24, 159 23, 166 24, 173 16, 177 9, 192 21
sometime 54 22
sometimes 50 20, 73 6, 82 14; 107 23, 122 21, 22, 130 15, 142 5, 146 7,

151 23, 170.6
somewhat 92 4, 137 13, 145 15
son 23 20
sorely 182 14
Sorrell 8.25, 9.13, 81 10, 85 16
sorry 22:19; 46:25
sort 6 16, 44 8; 111-21, 140 1, 144 16
sought 129 24
sound 134 25
sovereign 169 20
speak 43 25, 70 20, 82 11, 106 4, 128 7, 182 11
speaker 19 13
speakers 97 24
speaking 53 7, 175 19
special 71 5, 102:25, 161 23
specific 141.15, 144 13, 158 16, 159 2
specifically 15 22, 35 11, 51.5, 73.20, 132 15, 134 18, 141 9
speech 165 16, 181 4
speedy 121-17, 124 25, 125(6), 127 9, 11, 13, 147 19, 148 2, 13, 16, 167 18, 19, 168 17
spell 159 14
spend 143 14, 163 2, 7, 172 11, 176 9, 185 24, 25
spending 75 10
spent 75:9, 94 7, 174 11
spite 45 25
split 28 13
spoken 57 12; 82:6
Sproul 192 5
stability 191 17
staff 93 21
stake 101 18
stand 68 17, 123 11, 166 17
Standard 15 16, 21, 22, 134 7
Standards 7 16, 12 7, 14 24, 15.1, 6, 15, 17 1
standing 49 12
stands 93 3, 121 10; 166 19
start 5 22, 55 19, 136 22, 155 2, 157 19, 173 22, 188 25
started 72 3, 160 1
starting 4 18; 48 4, 55 13
starts 164 18
state 9 14, 20; 15 19, 19 10, 21 2, 18; 23 4, 33 8, 34.22, 36 21, 37.7, 9, 41.2, 6, 17, 42 19, 52 12, 55 18, 62 4, 64 16, 18, 75 9, 78 23, 90 5, 99 4, 11,

103:24, 105:5, 12; 114:25, 122 8, 14, 128 5, 131.16, 140:16, 143 1, 151 16, 159 9, 164 23, 174 21, 23, 182 24, 186 20, 187 21, 190 22, 193 16
stated 9 2, 17.5, 20 22, 21 1, 24 10, 26:9, 29 16, 60:22, 117 6
statement 31 6
statements 75.16
states 7 23, 15:16, 22, 17 3, 4, 20 22, 36:13, 80 3, 4, 16, 85 6, 86.19, 157 14; 193 5
statewide 136 4
statistic 62 13
statistical 42:10
statistically 90 4
statistics 41:21, 43 4, 45 2, 54 12, 55 7, 12, 59 3, 16, 61 1, 3, 6; 62(4), 89 11, 90 15, 17, 23, 91(4), 92 2, 108 23; 129-12, 135 19, 21, 23, 152 17
stats 41 21
statute 33.15, 77 6, 159 23, 167 20
statutes 142 19, 171 20
statutory 169.14, 184 17
stay 172 23, 181:20
staying 180 10
stenographer 113 10, 114 21
step 116 23, 119 10
stepping 179 16
stereotypes 102.4
Steve 5 5
stick 151 3, 186 16
still 16 9, 52 21, 63 9, 102 19, 138 12, 148 9, 149 13, 156 11
stomach 58:8
stop 10(4), 77 15, 122 9, 127 5, 155:6, 173 18, 23, 175 10
stopped 32:6, 128 14
stories 108 6
story 118 22, 139 10, 21, 24, 140 9, 154.7, 13
strategic 16 17
street 22 16, 24 17; 186 5
streets 133 8
strength 151 14
stretched 191 11
strictness 135:15
strike 70(4)
strikes 70 13, 158 18, 187-1
striking 137 12
stripped 34 9, 39 4, 128 4, 182 24
strive 124 4

strong 16 21
 struggle 194.5
 struggling 162 1
 study 19 6, 41 20;
 183 18, 184-22, 193.4
 stuff 64.24
 stunted 24 2
 stupid 29 18, 178 1
 style 30 17
 Subcommittee 4 3,
 39 17, 78 9, 10; 131 12
 Subcommittee's 158 23
 subject 18 3, 82-8, 130 8,
 180 11, 16, 188 23
 subjects 97 16, 161 1
 submit 33 1
 submitted 23 15, 94 22,
 95 9, 186 10
 subpoenaed 49 12
 subpoenas 14-2
 subscribe 101 6
 subsequent 162 22,
 168 1
 substance 12 10, 11
 substantial 24 1, 107.1
 substantiate 107 10
 substantive 81 12,
 108 20
 succeed 114 7, 25
 successful 12 21
 succinct 47 21
 sudden 103 10
 suffered 24 11, 25 7
 suffering 29 15
 suggest 16 3; 108 1, 20,
 148 1, 158 22, 177 24,
 183 18
 suggested 25.15,
 106 10; 108 20; 150 12
 suggesting 171 4
 suggestion 54 6
 suits 163 20
 summary 10 2, 23 15,
 26-16, 28.5, 171 16, 21,
 189-7
 Sunday 10-6
 superseding 54 2
 support 19 22, 29 14,
 68 13, 78 15, 82 3, 86 5,
 111 7; 115.15, 17, 22,
 116 15, 120 3, 5, 133 20,
 140 20, 161.13, 169 25
 supported 86 12
 supports 11 17
 suppose 56.4
 supposed 62:2, 67 13,
 73 3, 146 19, 173 20
 suppress 13.20, 50 7
 suppression 12 20,
 13 2, 122 20, 144 15,
 146 12
 Supreme 8 7, 16, 22,
 9 12, 17 3, 19, 20 22; 21 2,

2, 33:25, 34 8, 22; 35 7,
 49 21; 79 10, 12, 80 3, 6,
 12; 81(4), 84 23, 85 2, 5,
 6, 86 19, 104 10, 109 15,
 147:13, 150 7, 153 11;
 158.21
 sure 44-1; 51-17, 53 18,
 59 7, 62 6, 87 14, 88 4,
 93 21, 96.3, 109 10,
 123 8, 9, 152 10, 153 10,
 157 6, 165 3, 170 3,
 179 24
 surface 7 22
 surfaces 12 17
 survivor 153 23
 suspect 64 25, 65 8,
 109 22
 switch 32 2
 sworn 82 11, 92 25
 sympathetic 13 16
 sympathy 154 9
 system 16.23, 18 6, 22,
 20 1, 12, 21 13, 32 19,
 36 12, 22, 47 10, 15, 53-1,
 15, 18, 54:3, 63 18, 68(4),
 72 2, 74 13, 76 25, 83 5,
 88 17, 22, 89 19, 92 12,
 97 22, 23, 98 8, 109 13,
 24, 110.19, 23, 24, 111 2,
 14, 21, 112 4, 5, 21, 117 1,
 18, 25, 118 1, 14, 17,
 119 7, 18, 121 13, 130.17,
 131 3, 132 21, 135 24,
 139 3, 9, 141 11, 16,
 151.7, 15, 155 5, 164 9, 11
 system's 62 2, 71 7,
 118 4
 system-wide 55 16
 systems 14 8, 91 13

T

t 159 15
 table 83-9, 135 18, 174 8
 tactic 11-9; 13 13, 119 22
 tactical 32 18, 21
 talk 16 14, 42 9; 47 8,
 56-15, 107 7, 123 21,
 131 20, 139.20, 174 25,
 180(4), 181 10, 13, 16
 talked 36 20, 44-17
 talking 34 12, 16, 17,
 44 3, 62 13, 65 11, 92 4,
 112 8, 139 13, 149 14, 15,
 153 2, 155 18, 159 20, 21,
 160 24, 162 13, 164 8,
 165 1, 166.24, 174 10,
 176 10, 183 7, 185 7,
 188 5
 tapes 102 11
 targeted 50 4
 Tarman 114 13, 120.8,
 11, 12, 131 8, 141 8, 19,
 143 9, 146 5, 147 17,
 148-4, 18
 task 14 25

tax 55 8
 taxi 129 16
 taxpayer 53 1, 89-16,
 122 19
 taxpayers 49 14, 55 9,
 89 18; 98 25
 Taylor 156-20, 159 13
 teaching 56 4
 technically 146 20
 telling 139 10, 166 21,
 171 5, 174 6, 9, 177 25,
 183 22
 Temin 105.13
 ten 68 16, 83 16, 120 19,
 148 12, 176 24
 tend 37 10, 63 24
 tender 25 19
 tendered 36 11
 tends 166 4
 Tennis 5 24, 6(4), 19 13,
 23 16, 32 25, 40 19, 23,
 42 2, 44 15, 46 10, 51 25;
 53 10, 57 14, 62 19,
 64 15, 20, 65 17, 66 19,
 74 6, 101 4
 tenth 81 16
 term 164 25
 termed 164 11
 terminated 103 9
 terms 42 24, 45-18,
 48 23, 58 15, 18, 61 16,
 63 21; 64 9, 25, 67 8, 69 3,
 10, 70 22, 71 22, 23, 140 1
 terrible 65 19
 test 12-9
 tested 12 5
 testified 23 25, 126 9,
 134 14, 142 6, 151 6,
 154 23, 180 6
 testifier 6 2, 77 22, 25,
 131 8, 156 20, 24
 testifiers 4 15, 115 7
 testify 78 15, 105 12, 14,
 113 20, 115-14, 125 15,
 138 14, 156-18, 178 8
 testifying 4 9, 5 14,
 60 21, 77 20, 92 24, 95 14
 testimony 5 14, 18, 6 21,
 15 14, 29 14, 39 24,
 77 18, 92 24, 94 10,
 95 17, 17, 23, 96 3, 8, 21,
 106 19, 114 1, 137 11,
 156 25, 157 7, 158 10,
 162 4, 177 17
 that'll 36 9
 theft 31 16
 themselves 129 5
 themselves 4 17, 39 14,
 108 4, 129 8, 130 20,
 137 15
 theory 31 11
 therapeutic 140 1
 thereafter 187 20,
 189 13
 thereby 13 19, 25 25

therefore 13 17
 thereof 7 24
 they'd 57 10
 they'll 66 7, 71 6, 99 4
 they're 14 12, 19 11,
 41.8, 42-4; 60 2, 2, 65 25,
 66 3, 67-13, 68.16, 70.9,
 16, 88 21, 100 21, 101 7,
 112-19, 121 20, 124-2,
 138 13, 141 3, 155 23, 24,
 164 13, 165 1, 171 24,
 178 1, 1
 they've 57 18, 99 16,
 103 12; 121 25, 151-25
 thinking 173 25
 thinnest 9 2
 third 15:1, 15, 18 25,
 27 8, 25, 29 24, 106 21,
 130 2
 Thirteen 193 17
 though 12 13, 42 13,
 45 6, 63 1, 65 8, 73 8,
 77 11, 147 3, 168 20,
 178 3, 190 13, 192 23,
 194 11
 thought 63 23, 106 14,
 109 8, 110 6, 146 24,
 188 11
 thought-provoking 40 7
 thoughts 144 8
 thousand 187 17
 thousands 19 17, 42 22,
 23
 three 5 22, 6 18, 10.23,
 30 10, 75 9, 82 5, 89 9,
 95 20, 113 22; 123 12,
 165 10; 187 18, 190 22
 three-year 10:19, 25 15
 threw 29-6; 165 9
 throats 128 22
 throughout 9 14, 33 5, 7,
 36 20, 41.1, 5, 99 4;
 117 10
 throw 151 20
 thrown 152 1, 171 23,
 179.18
 Thus 133 7
 tic-tack 191 19, 193 9
 tie 181 24
 till 96 8, 177.11
 times 26-21, 55 2, 82 5,
 83 20, 89 9, 17, 95 21,
 108 5, 121 14, 123 13,
 125 5, 138 5, 146 10,
 154 23, 158 15, 171 9,
 191 4, 193 17
 Title 78.24, 161 23
 titled 135 23
 today 4-4, 5 8, 16, 7 19,
 10 16; 33 14, 40 4, 62 15,
 69 20, 21, 78 16, 22, 94 7,
 95 20; 102 12, 103 15,
 105-9, 107 15, 115 14,
 152 17, 154 23, 156 1;
 157 4, 21, 159 12, 160.10,
 166 15, 168 6; 175 1, 15,

177 3, 186 16, 187 4,
 190 18, 193 9
 today's 45 10, 168 12
 together 35 11, 56 5,
 61-6, 64(5), 65 1, 2, 90 2,
 181 24, 187 22, 191 16
 told 10 22, 14.11, 57 18,
 18, 58 11, 108 7, 126 23,
 127 10, 130 21, 150 7,
 193 21, 21
 Tom 4 24
 tomorrow 155 25
 took 84.1, 23, 91 10,
 110 6, 162 17
 Top 167 13
 topic 16 5, 176 2
 total 12 10, 41 25, 81 16,
 138.4, 6
 totaled 7 6
 totally 46 22
 touch 173 7
 tough 37 11, 45 5, 53 14,
 64 2, 142 19
 tougher 93 15, 130 10,
 10
 towards 75 19, 116 23,
 119-11
 trade 97 5, 11, 170 12, 12
 trading 170 15
 tradition 17 10, 87 3
 trained 100 16, 102 16,
 21, 171 12
 training 102 11
 transferred 100 20
 transferring 110 22
 transformed 98 10
 transgressions 173 2
 trauma 116 7
 traveled 30 10
 treason 79 3, 158 22
 Treasonous 157 25
 treat 47.10
 treated 111.17; 135 14
 treatious 160 17
 treatment 9 15, 180 8
 tremendous 127.22
 trend 89 14, 15, 122 9
 trespass 29 24
 trial 4 8, 7 21, 23, 8(4),
 9 5, 9, 10.10, 11, 11(4),
 12.24, 13-22, 25, 14 5, 17,
 19; 15(4); 16 24, 17(5),
 18 1, 3, 13, 19 8, 12, 24,
 20(7), 21(6), 22.14, 21,
 25, 23 9, 24 3, 26 3, 27(4),
 29 9, 10, 31-2, 32(6),
 33(4), 34.6, 7, 35 8, 36(5),
 37 24, 38-19, 24, 40 12,
 42:1, 44 19, 46.6, 6, 47 1,
 48(5), 49-1, 3, 8, 51 5, 12,
 21; 52 2, 12, 24, 53(4),
 56 9, 58-18, 59 10, 11, 19,
 61 24, 63(6), 65 15, 66(6),
 67(4), 72 24, 73 1, 76(4),
 77(4), 78 25, 79 6, 17,

80(4), 81 3, 12, 14, 82-7, 21 22, 83 1, 6, 23, 84 18, 24 85(5), 86 15, 24, 88 9, 16 89(4), 90 6, 7, 91(5), 92 13, 99 22, 100(5), 101(5), 102 9, 103 11, 24, 104(6), 105 12, 106(4), 107 3, 112-12, 13, 114 6, 25, 116 1, 117 7, 12, 15, 118 25, 119-18, 120 1, 121 1, 17, 17, 122-24, 123 5, 124 25, 125(7), 126 5, 16, 23, 127(5), 128 11, 129 21; 130 22, 131(4), 132 25; 133 11, 12, 137 2, 138 19, 139 12, 140 16, 142 1, 147(4), 148(4), 149(6), 150(5), 152 23, 154 5, 22; 156 13, 157 8, 9, 159 21, 160 3, 163 1, 14, 21; 164 19, 165 7, 14, 166-2, 167(4), 168 17, 169(4), 170 12, 171 10, 13, 172 4, 179-4, 180 19, 182 7, 18, 21, 183 15, 184(4), 185 1
trial's 100 6
trials 12 12, 13 9; 15 17, 19 1, 15; 26 9, 33 19, 41 25, 42 21, 43(4), 44 9, 12, 14, 45 12, 18, 57 25, 59(5), 60-3, 7, 8, 62-9, 11, 84 7, 89 13, 14, 90 2, 91 2, 2, 97 25, 98 1, 13, 17, 104 21, 132(5), 133(4); 134 10, 136 5, 6, 144 12, 21, 23, 145-3, 146 8, 155-2, 7, 159 20, 165-21, 21
tribunal 18 10, 13
tricked 171 25
Tridento 28 7
tried 9 24, 11-12, 18 9, 30 20, 42 22, 46 7, 79 7, 20, 104 11, 106 17
tries 166 20; 172 4, 173 12
tripled 44 13, 144 19
tromple 179 8
true 73 18, 119 1, 2, 127 7, 133 25, 164 12
truly 12 11, 18 12, 34 21, 118 14
trust 122 13
truth 170 7, 194 1
truthful 124 14
try 4 11, 40 5, 42 7, 48 16, 50 18, 59-25, 60 5, 13, 67 2, 71 13, 74 15, 96 21, 107 9, 18, 109 4, 115 7, 126 25, 127 1, 133 16, 155 24, 174-3, 175 4, 177 16, 179 2, 8
trying 22 13, 42 2, 60 2, 62 3, 65 9, 66 25, 67 7, 70 14, 74 3, 8; 75 23, 83 21, 88 24, 92 3, 98 12, 99 15, 109 11, 17, 110 4,

12, 139 6, 146 24, 153 24, 168 23, 170 19, 175 25, 176 25, 177 3, 4, 21, 178 2, 179 14, 182 6, 192 21
Tuesday 144 22, 187 16, 19
tune 14 14
turn 39 11, 53 7, 57 12, 149-23; 193-4
turned 192 8
turning 163 11
Twelve 20 10, 120 19, 165 24
twice 24.17, 27 16
two 6 4, 28 21, 30(4), 31 19, 23; 38 8, 41 9, 74 5, 77-20, 81.21, 94 14, 98 18, 104 8, 108 17, 127 12, 129 15, 136 24, 145 2, 175 3, 176 6, 187 20, 188 7, 189 11, 22, 190-19, 192 20, 193 14, 15, 18
two-thirds 188 1, 189 8
type 9 21, 16 6, 28 3, 33 13, 57 19, 20, 62 6, 112 13
types 42 20
typical 89 15

U

U.S 86 20
ultimate 73-13, 74 2
ultimately 74 12, 21, 98-25, 106 17, 137 8
um 156 23
unable 101 25, 133 4, 17
unanimous 123 7, 167 23
unanswered 152-17
unappealable 18-18
unavoidable 119 23
unbiased 28 19
unblemished 172 24
unconscious 101 14
unconstitutional 8 24, 9 7, 81 20, 158 5, 8, 163 17, 164 3, 175 22, 184-20, 191-7, 23
under 9 18, 25, 10 1, 12, 17, 14 7, 15 16, 25 2, 35 5, 53 1, 71 10, 80 14, 85 24, 128 13, 146 12, 154 8, 12, 157 15, 163 24, 172 8, 187 1, 191 22
understands 71 25; 72 14, 123-5, 8
Undoubtedly 98 9
undue 68 4, 119 19
unduly 84 13
unfair 18 18, 32 21
Unfortunately 26 11, 44 24, 108 16, 159 10, 18

unheeded 16 7
Unified 135-24, 164 10
Union 94 13
unique 119 6, 139 2, 144 16
Unit 5 25, 6 9, 19 16, 17, 26 9, 42 21, 22, 43-10, 59 17, 18, 22; 107 5
United 17 2, 3, 20 21, 80 3, 4, 85 6, 86 18, 157 13
units 42 25
unjustly 100 13
unknown 92 5
unlawful 171 19
unless 127 17, 159 7
unnecessary 104 25
unusual 12 23
unwilling 51 10
up 23 23, 29 3, 6, 32 12, 33 16, 34 2, 41 1, 52 18, 56.25, 57 24, 58 23, 61 1, 4, 64 3, 65 6, 67 20, 70 8, 97 1, 98 1, 99 25, 100 8, 106 12, 20, 109 23, 113 13, 123 9, 131 15, 133 5, 139 24, 140 8, 147 12, 23, 150 13, 153 4, 12, 154 1, 168 11, 169 18, 170 11, 172 3, 173 15, 20, 174 6, 176 24; 179 9, 17, 20, 192 6
upheld 104 10, 149 10, 192 23
Upon 9 2, 13 23, 86 14, 116 7, 119 3, 133 20, 165 20; 166-8
upset 174 2, 193 25
urge 18 14
use 25 17, 36 2, 46 3, 19, 56 16, 93 25, 98 7, 101 2, 14, 103-12, 110 1, 113 15, 134 11, 146 16, 147 20, 155 23
used 9-14, 31-6, 46 1, 92 14, 110 21, 162 24, 169-11
useful 108 1
using 46 13, 104 16, 114 20, 148 15
usually 22 2, 65 12, 13, 116 9, 122 18, 18. 19
usurpation 9 3
usurped 159 9

V

V-I-C-I-N-A-G-E 168 18
vacation 106 6
Valeri 23 18
valid 123.10
validation 118 19, 19, 119 6, 139-2
validity 187.8
valuable 118 20

value 25 3, 54 2, 64 8, 118 11
values 58-13
variation 44.15
variety 161 1
various 41 16, 21, 105 9, 108.17, 160 24, 162.17
vehicle 9 25, 10(4); 19-2; 70-8
verdict 13 1, 4, 18; 22-4; 24:11, 57 5, 73-22; 123-7; 130 1, 4, 131 2
verdicts 18 18, 46 16; 61-20, 130 14
verify 136 3
versa 137 4
versus 8 25, 9 13, 17 3, 23 17, 24 13, 25 10, 27-14, 28 6, 23, 30 4, 45 3, 62 10, 19, 80 4, 81.10; 85 1, 86 20, 91 2, 104 9, 105 19, 152.6
vessel 29 6
vice 137 4
vicinage 168 18
victim 18 23, 20 9, 21 25, 22 5, 9, 13, 23 9, 24 16, 18, 27 16, 28 17, 32.17, 19, 34 4, 37 18, 23, 47 3, 52 23; 65 23, 69 9, 70 24, 71 24, 72 6, 24, 73 9, 11, 19, 74 1, 20, 77 13, 84 19, 97 17, 111 6, 114 10, 11, 115 12, 23, 116(4), 117-19, 21, 23, 118 5, 119 3, 20, 137(6); 138 3, 12, 139 23, 141 1, 152 14, 153.6, 17, 21, 154 13, 155 3, 156 4, 4
victim's 22 19, 30-15; 31 16, 74 15, 118 3, 138 17
victimless 171 18
victims 9 20, 11-13, 17, 13 23; 14 2, 10, 19 4; 21-9, 19, 30(4), 31 23, 32 5, 39 5, 47 11, 52 4, 57 8, 65(5), 74 7, 115 17, 116(4); 118(4), 119(5); 121 8, 20, 137 16, 138 3, 5, 25, 139(5), 140 2, 8, 19, 154 18, 19, 160 5; 161 17; 168 14, 169 21
view 45 16, 70-2, 102 3; 109 2, 117 1, 145 16
viewed 15 11
views 35 25, 102-1, 117-3
vindicates 13-1
vindicating 13 19
violate 174 14, 14
violated 166 14
violates 185 20
violating 169 2, 181 5, 185 11
violation 10 3, 162.2, 166 14, 173 11

violations 133 6
Violence 59 21, 95 4, 154 16
violent 23 5
Virginia 30 11
virtually 95-7
vital 32:21, 52.10
voice 118 11; 119-9
void 185-21
volumes 75 13, 18
voluntarily 149 21
vote 8:23, 71 19; 120 5, 138 3, 190 23
voted 131 24, 140 16, 21
voter 70 4, 7

W

W 114 4, 22, 159 14
waist 24 18
waiting 111 7, 119 20; 170 5
waive 41:10, 51 8, 76 24, 77 1, 78 25; 79 6, 16, 80 8, 12, 82 7, 92 13, 104 6, 17, 116 1, 117 14; 118 24, 123 18, 124:22, 25, 125 11, 127-8, 130 22, 142 9, 154-5, 22
waived 10 10, 20 23, 24 19, 30 25, 33 22, 49 3, 126 15, 127 4, 147 7, 15, 148 20
waiver 8 9, 12 24, 14 17, 18, 17 11, 24, 27 3, 9, 24, 33 20, 43.2, 5, 8, 44 14, 47 14, 48:22, 49 4, 51 5, 12, 62.9, 63 7, 8, 12, 67-14, 76 17, 77 1, 80 1, 81 14, 83(4), 84 18, 85 22, 87 4, 89 13, 22, 127 6, 15, 132 20, 140 10, 147(5), 149 10, 22, 150(5)
waives 14 4, 127 11, 14, 149 2
waiving 11:1, 119 18, 125 21, 126.5
wake 109 23, 174 5, 176 24
waking 173 15
walk 56 22, 69 19
walked 143 25
wall 29 7, 152 1
Wallach-Miller 105 11, 114 17, 131-9, 10, 13, 143 8, 144 9
wants 72 24; 73 19, 20, 76 7, 123 4, 8, 9, 125 11; 137 2, 4, 5; 139 23, 147 14, 165 22, 23
war 193 5
warning 24 17
warrant 18 9
warranted 13 19
Warren 17 2, 5, 21 1,

35 25, 86.18, 22
WASHINGTON 39 18,
 19, 72 20, 21, 73.17, 74 4,
 16, 23; 136-25
wasting 173 19
Watch 94 21
way 10.7, 11 3, 9; 31.22,
 36 17, 24, 42 5, 49 18,
 58 16, 65.1, 67 1, 12, 70 2,
 23, 72 5, 73 3, 14, 77 15,
 22, 82 3, 103.13, 109 16,
 25, 110 8, 123 22, 124 9,
 130 23, 137 3, 22, 23,
 146 1, 151 1, 153 3,
 154 6, 164 2, 169 6;
 171 12, 174 9, 175 4,
 191 19, 192 10
Wayne 26 20, 94 22
ways 105 9, 140 11,
 144 17, 145 23, 147 25,
 150 13
wear 32.4
web 16 15, 18
week 91.8, 100.6; 155 5
weeks 29 3, 5, 98 18;
 103 24, 134 15, 145 2;
 193 17
weigh 145 13
weighed 12 6
weight 12 5, 74.10
welcome 6 4, 77 25
well-deserved 27 11
well-meaning 171 17
weren't 11 13, 52 18
Westmoreland 23 19,
 38 11, 39 22, 41 4, 65 22
what's 27 9, 110 12,
 111 1, 160 6, 169 16,
 179 11
whatsoever 57 5
wherein 182 22
whim 118 2, 188 14
white 69 14, 21, 70 10
Whitney 85 1
who's 38 22, 54 21,
 72 13, 74 3, 78.5, 100 24,
 103 25, 124 12, 153 23,
 169 21, 176 21, 180 6
whole 15.25, 19 8, 97 14,
 148 6, 171 23, 172 10,
 188 1
whose 38 22, 117 9,
 137 16
widespread 13 8
wildest 159 12
William 156 20, 159 13,
 165 6, 12, 19, 166.1,
 170 17, 191 25
Williams 105 19
willing 97 10, 147 8,
 181 25
winning 11 4
wish 98 7, 113 20,
 124.18; 178 13, 17
withdraw 14.18

within 23 21, 118 17,
 150 20, 188 7, 189 11
without 20 23, 24.3, 17,
 29 13, 34.8; 41 14, 44 20;
 79 7, 21, 90 15, 108 9, 17,
 113 2, 132 20, 138 2,
 149 3, 167 22, 186 21,
 190 25, 194 5
witness 31 6, 106 19,
 125 14
witnesses 13 24, 14 2,
 10, 32 5, 45 21, 21, 49 11,
 97 3, 100.8, 125 13,
 126 16, 167 17
Wittels 107 8
woman 153 22, 154:21,
 185 5
women 154 10, 17
won 170 15
wondered 110 13
wonderful 145 8
wondering 153 20
word 56 4, 192 13
worded 81.4
words 17 20, 67 17,
 73 25, 85 15, 121 2,
 169 8, 189 25
work 14 13, 74 7, 15,
 104 3, 120 21, 147 1,
 153 2, 25, 183 20
worked 36 12, 70 3,
 128 13
working 42 5, 145 16,
 22, 173 20, 22, 174 3,
 175 3
works 75 22
world 16.23, 52 25, 66 9,
 167 2
Worldwide 16 18
worrying 173 24
worst 70 15
writing 122 13, 163 23,
 175 14
written 5 14, 33 2, 37.20,
 107 9, 134 22, 135 6,
 157 7
wrong 52 22, 105 24, 24,
 143 19, 168 23, 169 12,
 172 13, 194 3
wronged 52 23
wrote 107 13, 157 24,
 165 19, 166 1, 3, 172 22,
 194 6
Wyoming 30 5, 11, 41 5

Y

yeah 64 21, 139 5
year 16 13, 19 19, 33 16,
 38:10, 42.23, 43(4), 44 13,
 47:24, 25, 48 23, 62 10,
 84.22, 144 11, 148 8, 9,
 186.11, 12, 187 17, 19
years 7.7, 10.23, 15 5,
 16 4, 19 6, 31.18, 33 8, 12,

34 10, 37 21, 46 7, 53 13,
 59 12, 68 16, 18, 69 20,
 75.9, 80 5, 14, 20, 92 10,
 104 8, 106 24, 24, 109 17,
 120 19, 121 9, 141 17,
 144.19, 156 10, 160 24,
 170 16, 174 5, 186 8, 8,
 188 8, 189(4), 190 1, 25,
 191 12, 16, 192 9, 16, 18,
 193 3, 13
Yep 42 15
York 5 4
yourselves 11 11,
 137 14

Z

zealously 17 7, 30 10,
 86 25

Lawyer's Notes

RECEIVED _____

COST _____

NUMBER OF PAGES/TAPES _____

COPIES SENT TO:

PERSON/TITLE

LOCATION

DATE SENT

REP CALABRIZONA 106.S-D 6-3-98

REP BIRMA LIN 53 EU

REP JAMES 107.S.D