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A Look at the Death Penalty Through the Eyes of an Exoneree and Family Members of Homicide Victims

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The Arlin M. Adams Center
FOR LAW AND SOCIETY
Susquehanna University

A LOOK AT THE DEATH PENALTY
THROUGH THE EYES OF AN EXONEREE
AND FAMILY MEMBERS OF HOMICIDE VICTIMS

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Peter Loge
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Before: Sarah C. Thomas, RMR
Reporter-Notary Public

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MR. LOGE: Good morning. My name is Peter Loge. I will be the tour guide for the next session. Thank all of you for coming out for a terrific and important conference. It's nice to see friends from D.C. here. To demonstrate how small the town of D.C. is, you have to drive three and a half hours to a rural area to see friends. How pathetic it is in D.C. we don't get to see friends.

In our next panel discussion -- my name is Peter Loge. I have a public awareness focus group in Washington. I teach at George Washington University. I also run two of the nation's leading death penalty organizations. I also get involved in death penalty campaigns all over the country, Supreme Court cases, U.S. Congress, stuff like that, and engage in other conversations and hear from new folks and meet new people. Thank you very much for coming.

The last session and this session may seem a bit jarring next to each other. There will be no map for this one, for example. I am more comfortable without a map.

What it does demonstrate, though -- the jump in sessions demonstrates public policy is much more like slaying a tomato than slaying a vampire. You have not heard that? I was told there was a handout, Al.

Slaying a vampire is easy; right? Stake in the heart, vampire vanishes. That's how it happens in Buffy. I'm certain that's how it happens in real life that way.

Tomatoes are trickier; right? You have to use physics or botany or cooking. There is a lot of ways to injure a tomato.

In public policy terms, political scientists call this -- say these issues are multi-dimensional. The death penalty is, in fact, about the science of lethal injection. There is also the ethics of lethal injection. It's also about whether or not systems function. You are going to hear about a bunch about whether or not it's moral. It holds people to a higher moral standard. Quite apart from that, it's also about people.

And the issue, the dimension you enter into the debate determines in many ways where you come out in the debate; right? If you look at the death penalty just as about cost -- we are just going to figure out how many criminal justice bang we can get for our limited buck -- you are going to get a very different conversation. If you only looked at the morality, a higher calling, faith-based perspective, then it doesn't really matter what the costs are or what the math is. So the dimension you enter into a debate determines where you exit.

We are going to enter the debate at two very different angles -- it may seem very different on the surface -- but share the core. There will be no scatter charts or no regression analyses. I didn't understand -- I felt like I was in high school biology. I should have paid more attention. What there are are two people who are going to talk very personally about what they believe.

We are going to do this a little bit differently. We are going to do this separately, almost as if this is two sessions happening back to back. The good news is it's going to go for three hours instead of one and a half.

The first angle we are going to get is victims' family members. A lot of the debate on the death penalty, around the national group -- who cares about that? A lot of the debate around the death penalty or any client issues talks about family and the effect on the victim's family. Our first speaker is going to address that specifically.

Mary Achilles and I are old friends. We go back six, seven minutes at this point. She is the victims' advocate for the

Archdiocese of Philadelphia named to that position by Cardinal Justin Rigali to strengthen services to victims of sexual abuse with clergy.

Last year Ms. Achilles was the first ever - first ever Victim Advocate for the Commonwealth of Pennsylvania. She has seen things very up close, very personal and I think we will hear her with interest.

Please welcome Ms. Achilles.

MS. ACHILLES: Thank you. It's interesting to be here and I am honored that I was invited. It was a great dinner last night. First time I've of been in a college program.

But I wanted to tell you some things first. And most important, I am not a family member of someone who has been murdered, so what I will talk about is what I have learned from them over the last upwards of 30 years, because I started working when I was about seven.

My jokes are required to be laughed at.

But, anyway, those individuals, family members of murder victims and other victims of crime, have touched my life and taught me everything that I might possibly know. It's been an interesting experience working with them because not only do you meet them, you meet the deceased loved ones in death.

That, I think, is helpful for them because so many people, as time goes on, experience a family member of a murder victim as they meet with people in their life. The new people don't know their deceased loved ones.

I was asked to talk about the victims' perspective on the death penalty and I'm here to tell you in one second that there is no one perspective on the death penalty by victims. And I think that will be the end of my presentation.

But after sort of mulling around last night, one of the struggles when we are being asked to think about such a narrow topic, that maybe something you don't have any understanding is what it is to be a victim, homicide survivor. I call them victims. Under Pennsylvania law they have the rights of other victims. I don't know that we all do that, that we all know.

I hope that those who are homicide survivors in the room, I hope I do you justice. Feel free to correct me in the end. I will be honored if you correct me. I don't know, when a family of five becomes a family of four and ten years later they are deciding whether to put that place mat on the table, that everyone understands what that feels like. I don't know that everyone understands.

What I have learned from victims is that suddenly you have no friends. Many people have no friends. What I've heard from victims, faith and a support network is a pretty significant guarantee of their recovery, restoration, reconstruction, whatever they follow.

But the supporting system often has to be rebuilt, because people don't always want to hang around with people whose children or husband were killed. I don't know why that is, but I know that many family members of homicide victims have to teach the other members of their family -- you know, their aunts and their uncles and their cousins -- that it's okay to talk about the dead person.

I have a friend -- I know Howard knows her - a friend of ours, Lynn, who actually runs the Crime Victim Compensation Fund. There is a concept. But that was a joke and no one laughed. It's a very heavy topic. You must be laughing.

And she is a mother of two murdered children. And I sort of watched her develop over the last 15 years and I watch her grow. And still, to this day, she encounters situations that provide her growth

in healing and pain, you know. It's a life-long journey and it is not linear and it is not one thing.

There is a very charming woman named Betty Ferguson from Erie, Pennsylvania, who Howard and I both know. I don't know why Howard and I know a lot of people the same. Betty is just the most incredible human being I ever met. She was probably just a few years younger than me when her daughter was killed by her high school teacher and Betty goes every year to the Pennsylvania prison to meet with the offender.

And I remember Betty volunteered for our mediation program, the first of group of volunteers that we had in Pennsylvania to bring violent crime victims and their offender together. I remember one of the colleagues saying to her, "Don't you feel like you have to be involved with the whole process," and all this stuff. She just looked at her and she said, "No. That's my job." I thought it was the most important lesson that I learned.

Victims have a lot of different experiences in the system. Some are very negative. And depending on which side you are on, whether you are politicizing victims in favor of lawful enforcement or you are politicizing victims in favor of the anti-death penalty movement, which is kind of what happens, the focus is on that victims have positive experience; not just negative, in the absence of something that holds people accountable.

I think the current system for most people gives them a clear acknowledgment that something was wrong done to them. I learn from offenders, their view of whether or not victims have power, victims feel powerful. Pennsylvania has the Victims Bill of Rights that's clearly not enforceable and our law enforcement champions regularly make sure that it's not. And I'm huge fan of law enforcement.

But the system comes along; something is wrong and this isn't allowed and here is the punishment. It provides what I believe I've learned every victim needs. They need it 1,000 and one times and the first day after the homicide. They need it a couple hundred times every day after. They need some level of vindication.

Some people see that as vengeance. I know about trauma in this county. Vengeance is a natural, normal part of trauma. Most victims move through that process, but I have see it as something not to be judged and not to be critiqued, because for many victims it's the most painful experience they have, that they feel anger and vengeance toward another human being, because it connects them to what they see the stereotype of the offender more often than not.

I am not going to be talking about high end cases. My experience is that's rare, where people are vengeful for life. My experience is that's rare. I don't think if you believe in the death penalty that means you are vengeful. That's not the experience I've had with victims and homicide survivors in general.

What they need is some vindication, some clearing of blame on the part of the victim. Whether that means there is some question about what goes on, what went on legally at the time, the investigation, what about in the Philadelphia Inquirer or the Pittsburgh Post Gazette was written?

We are kind of good in this country. One is about eating our politicians for breakfast and the other is putting our victims on trial. If we like the victim, we might let her on the front page. The little black girl from center city, we might not put her on the front. We are really good in this country, not necessarily personally or individually, but in those higher aspects of society in valuing some of

our victims a little more than others. All victims need some sense of vindication.

I think one of the things that the current system also provides is just sort of a sense of retribution. I am a big fan of Howard. Howard has done a lot of work in Pennsylvania for us. Retribution has its place.

It also provides -- the concept provides for some level of participation. It's somewhat rather limited in capital cases in Pennsylvania. I'm really okay with the way it is limited, but it does provide some level.

The issue about victims and their experience is that I think when they look at this sort of topic what you really have to remember is their experience is massively bigger than the little criminal justice system, that that life-long journey sometimes doesn't begin for people until after the trial or after the sentencing or after the execution or after 30 years of appeal. So those things have been found for most people to be interrupted in the recovery process.

Some aspects of the system are rather cathartic for some people. Public display of standing up and giving a victim impact statement, being able to stand up and talk about the uniqueness of that individual and the uniqueness of his loss or her loss to society, I think, provides an incredible opportunity for victims, that their pain can be witnessed by society in general.

That may have not been why the legislature passed laws to allow victim impact statements, but it is part of what is helpful for victims. It has become part of what is meaningful to them.

One of the issues about victims is not only do they not have -- their experience, not have one voice on the issue of execution, but it is that they are just not -- they are not monolithic in who they are. Crime doesn't occur in a vacuum. You know, they could have been, uh, you know, a divorced mother suddenly trying to deal with their kids. They could be all kinds of people with their usual crises and trauma of life. Now they have experienced this trauma that's unique in the fact that it's violent, it's unpredictable, and it's done at the hands of other human being.

So their trauma, although in many ways patterned after the same kind of traumas that we see in plane crashes and things like that, there is a uniqueness to this. It is delivered, for the most part, by the hands of another human being.

One of the issues I am going to talk about is the experience in Pennsylvania. As someone mentioned earlier, we only have had three executions. This is my experience and that of a few of my colleagues around the state. The death penalty debate has been pretty dormant since I was in high school, which was only a year ago.

Thanks. Very good. I actually graduated high school in '74.

So there is, you know, the issues of people come to the justice system in the aftermath of the murder of a loved one and they really don't have a strong conviction whether or not the death penalty unless they were very Catholic or there is some issue. But for the most part, the public debate is kind of not there. So their starting point for the decision became, My husband was murdered, my son was murdered, my aunt was murdered. That's a whole ball game.

Then I came for the last couple years to see people coming with a little more view and a lot more pressure to have what society thinks is the right thing, depending on who is around you in that society. Now I am starting to see a little bit of people wanting to advance their view of the death penalty as family members.

That's an interesting process, because I think if you are in the current system, if you are not for the death penalty, you are what I call off the reservation. I don't say that critically, but it's painful for me, an advocate for victims.

One of the unique experiences I have had -- I worked in the Philadelphia District Attorney's office for 14 years -- is watching the relationship between a prosecutor and the families of murder victims. Even if they thought the prosecutor was the most arrogant human being they ever met, they loved him. There is such a bond, because that's the person standing up in public saying your loved one's name. That's the person who, even though you tell them they are not representing you, they feel is representing the deceased.

But what I know is that, depending on the county -- in Pennsylvania, since our DAs are elected, if you don't believe in the death penalty and the prosecution is seeking the death penalty, you are off the reservation and you may be not in the capacity of what's going on. If you are in, if you are okay with the death penalty, you can then -- they may be part of it, whatever you need, if you want to be part of it or not. And I think that's sort of an avenue. There seems to be no real service for families of murder victims who are against the death penalty.

There is an interesting -- I'm sure that a lot of you have a lot of information and a lot of opinions about Philadelphia, so I am going to talk about Philadelphia. They are obviously a large city with more people on death row than anywhere else. This is not a county in 17 years that has never sought the death penalty when the victim's family didn't want it. The victim went to court and the DA wanted to pursue the death penalty. If the victim's family is not united on the issue, they go for the death penalty. If the victim's family doesn't want the death penalty, they will say, Can you not make that extremely public? I don't want you to just bargain away this negotiation.

I liked the fact that they didn't say that the victim -- the victim has some input. That the victim should determine that, I'm not sure.

But that's -- once again, that goes to the elected individuals. It's done by the individual elected DA in each county. It varies from county to county how victims are treated in the death penalty process.

I think an assumption, if you are not anti-death penalty, if you are not actively death penalty, if you are actively pro. Many of the people that sort of are on the reservation and pro, you really aren't. Either they are just happy to let the system do it or they are a family that's not united, but within that situation individuals have acquiesced.

You know, like my father died. Whatever my mother wanted was fine with me. I prioritized to her above me. I think we do that in trauma.

As I was leaving the Archdiocese on Tuesday a colleague of mine whose father was murdered in Philadelphia did do that. The DA wanted them to seek the death penalty. Her mother and her aunt wanted the death penalty. She didn't, but she acquiesced to her family.

So there is a lot of compromise, I think, for people; not just in reference to the system, but in reference to their own family.

I think there is an incredible injustice to families who are against the death penalty. What's interesting to me is -- and the only opinion I have on it here is the death penalty should basically be up to the legislature and not the court. I think that it's very

challenging for individuals to understand that in Pennsylvania. And anyone who knows, feel free to correct me, in regular cases -- meaning not capital cases -- you can pretty much do everything you want. But the court in Pennsylvania has clearly outlined what you may or may not testify to as a victim in a death penalty case. They have spoken very much on the uniqueness of the character of the person involved and that harm to society, but not necessarily that maybe I, as a survivor, haven't slept in 12 months, those kind of things. It has to be very correct. It's not in the legal language, but very crafted. It has to be in writing and it has to go to the defense beforehand.

We have had victims of murder against the death penalty. One of my colleagues said -- happens to be related to a young woman -- she said, "What about putting 'I am against the death penalty' on a T-shirt?" "Let me explain to you, not in court." That's our responsibility. But the victim impact statement in Pennsylvania is not for promoting whether you are for or against.

I think the struggle is, because of the system, the appearance is that it favors. It does not favor victims who are against or for or have no strong opinion. But I think that it's really upon us to be clear about what the victim's role is in the death penalty.

I have met a few victims who have a real clear opinion about what should happen. Trust me, I work for the Catholic Church and they have a few opinions about what should happen against a few Cardinals or Bishops, too. That's okay. People need to process through it and work through it.

I think, for the most part, my experience is most people really don't want that choice, that when really faced with whether or not they were the person who had to make the choice whether or not someone should die, I'm not really sure they would want to do it.

I don't have concerns in Pennsylvania. We have only had three executions. There weren't really a lot of people out there opposing the death penalty in those cases. They -- with respect to the individuals -- I only knew one of them -- they weren't individuals who were charming. They wouldn't be people who were found exonerated. They were people TV and society would probably refer to as monsters, not referring to them as that.

It's interesting to me the cases that we hold up as examples of the death penalty on TV, because it's never, for me, just the people, the most disadvantaged people.

But I think -- and I can't say that it's true. I think there is research that we don't have data about the death penalty. We don't really know the long-term impact of victims before and after. I think we really don't know.

I know people have been in therapy, because they were a homicide survivor, for 20 years. It's not like you go to therapy and, you know, you are going to get over it. It's not a certain set number of sessions. Betty Ferguson has taught me it's a lot of different little things; therapy, this, that, whatever it may be for individuals. And for some victims it is execution.

I think probably the most significant thing for me is in my previous job I got this appointment by the Governor and he put my name into the Senate. I was the only woman. I was all excited. I can help victims. All of a sudden the legislature is passing things and they want to put the victim in court. They want to have victims witness executions. I thought, Oh, my God, this is when they are going to find out I have absolutely no idea what I am doing.

But what became clear to me, the State College, the Correctional system -- they should probably not be seeking the death penalty. Okay? Now you know where I am. I don't know if I'm going to be tried for war crimes like a Nazi in ten years, but I want people taken care of in this process as best I can.

I was thinking about the Supreme Court, all that stuff on TV, it's a rather real experience. It's not with the victims. It's like -- being Irish Catholic, it was like a wake. For me it was a very emotional experience. I am actually working on a case in Philadelphia and then years later -- you very rarely get to that level and I remember this experience. There were two families. I can only speak about one, because I have permission to share from one family. They came, African-American. Their loved ones had been held hostage in the basement, tied up, raped for three months, chopped up, cooked, and we think possibly beaten. It doesn't really get much worse than that. And they came up.

And, first of all, they are African-American women in State College, Pennsylvania. They had these T-shirts with pictures. Two women, two families had pictures. Sort of that shiny style -- I'm not really sure -- of their loved ones on their shirts. That just overwhelmed most of the staff and the people around. They were really overwhelmed by that.

And, you know, the execution was this big thing. I am in the audience thinking, Oh, I know the procedures that everybody says are confidential. But you sit there with people, and they are talking and laughing and crying, and it's kind of a loving environment. Then they go into the room and view it and come back. I never went to that for personal reasons.

And they go out to this big barn where there is media. Here are these two strong, Christian women, African-American women. We walk into this barn and they are all white people. I'm telling you, not anyone is over the age of 32. There was one newscaster that was young. I thought, These people, with due respect, weren't even alive when their sister was chopped up. That's why they have that shirt on. Because once the case goes to the appellate process and there is an execution, it's all about the offender and nothing about the victim. That's why they have the shirt on.

This poor, lovely little reporter raised her hand and tried to explain to the family how she knew, because she had witnessed, because in Pennsylvania law six people -- by lottery, six media can witness the execution. She was very traumatized by that.

I was a little askance. I thought, We are going to have a battle. But, actually, it's very funny, because the victim ended up taking care of that person and really talking her through what had happened.

But when we left -- and as we left she was talking to the press, she said the chapter is closed on that individual because there is the endless appellate process that the offender controls and that ends up on the front page of the media on a regular basis. I thought, Oh, I get it. I get why she's here in that building.

You never really -- I can learn a lot from crime victims. I can see the panic. I can feel it, I can touch it, but I don't know. I haven't experienced it. Suddenly, I go, I get it. I get it from her perspective why she feels that way.

I think one of the greatest pieces around the issue of the appellate process and the media around that is what I like to call the Danny Faulkner case. Many of you, I really strongly suggest, and

particularly if you are anti-death penalty -- I don't really have an opinion on the death penalty -- is that you ought to read a book called Murder by Media. Maureen Faulkner is probably the most challenged victim in the United States because she has to run around this country, because it went from the death penalty to I'm innocent to all these other issues.

What's interesting about the book -- she grew up in northeast Philly. We all had big hair in the eighties. You younger people wouldn't know the big hair -- is that she talks about how it's not really an issue in Philadelphia. It's just an issue the further you get out.

And whether or not it's true or not or -- for some reason I think the death penalty is whatever, but I'm not sure -- it's sort of the issue of she is at home. She is riding on the highway in California and she sees signs about this case -- and she tells a great story in the book. She stops at a gas station. There is a young college student that has a shirt on. She says, "Hey, what's that about?" "I don't know." He really couldn't tell her. And she said -- she really is a very lovely woman. She said, "I think before you wear a shirt you ought to make sure you are not going to run into the wife." She explained the situation. The poor kid.

But it's an example of what she faces -- right or wrong, what she faced on a regular basis about the endless appellate process.

I started to read a book before I came here and I got the impression, because victims are not monolithic in their view, that they really weren't important in the anti-death penalty movement. I thought there is a lot of issues, you know. I would never want the appellate process to be streamlined like the federal government. I have never seen people do execution like those people. You want it to be fair. You want to make sure, if you are going to do this, you don't want anybody to be wrongfully convicted.

But at the same time, that process is incredibly burdensome on the victim, who feels, as time goes on and prosecutors change, that maybe this person won't be represented. Maybe they need to show up.

I was talking to a gentleman in the back. One of the most painful experiences I have had is to try to explain to a family why this organization comes in for the offender. They say they don't know Danny or they don't know Tommy. This guy wants to help. What are they doing that? It's so incredibly hard to do that.

Defense Outreach to Victims is a really great program, because I know the intention is not to be hurtful to them, but it's hurtful to them. But I think in the process of -- and I know I'm at an anti-death penalty conference, but it's clear on my feelings -- as you move along, I think that it's really important to recognize the needs of victims who, at whatever level, are against the death penalty. They might not advance particular issues or agendas you are involved in, but this is a process that's personal to them. It's not moral. It's not theological. It's personal. They have lived the issues.

Because, you know, I did a training at a seminar recently and I just want you -- they kept talking about the execution and the funeral. And one guy said, "Forgive me. Can you bury the person before you start talking about forgiveness?" If you were there, it's because they are Catholic.

But there they are, facing the greatest challenge that you and I, if you haven't experienced it, never have. It's real and personal, and there they are, faced with the concept of being involved in the process that seems something that maybe all their lives they were

against. It's not easy doing it even if you are for. It's not really easy being in the process.

So I would hope that as you move forward that, whether you are for or against the death penalty, that you look at the needs of victims and the importance of their participation in the process. I don't believe victims should decide an individual should get the death penalty. I think they should have some voice in the process. And I am actually kind of happy with the way it is playing out in Pennsylvania at the moment.

I think the death penalty debate is for the legislature. It makes me nervous, the conversation about the medical society. I love that they make statements, but the people thinking of arresting doctors or doing things to them, I'm thinking, Are the corrections people nuts? That's like back dooring it to me. I think it helps the court. You want to get those professionals that have contributions, but the people involved, I think, need a little time and a little respect.

I think I'm going to stop talking now. I'm never good at ending.

MR. LOGE: Thank you, Mary. If you have questions, you can go to the microphone.

QUESTION: I would just like to take an issue with way you portrayed the law enforcement community. You said organizing victims for law enforcement for or against the death penalty. The law enforcement community is not unified with the death penalty issue or the death penalty. In Pennsylvania the District Attorneys' Association has taken over speaking for law enforcement.

But I would also clarify, they are really not professionals. They are politicians. I'm sure you also come across people in corrections opposed to the death penalty. Have you ever dealt with people who felt the moral conflict?

MS. ACHILLES: Actually, I did misspeak. What I really meant was the system. The system is building and it goes towards the death penalty. You're right. I didn't mean what I said. Thank you for pointing that out.

I've met people. I can only tell you in my world, as an advocate for victims, particularly in my current position, I need to be very clear and open to everyone, so that there are certain positions I would never take publicly. I know people in my field that are sort of challenged by that. I think it's a little hard to be a prosecutor or people involved in this kind of situation and not be for it, because your responsibility is to carry it out. If you are a prosecutor, that is your job. So that I think that I find people not getting into that work. When they get in moral conflict, they leave.

QUESTION: There are a lot of people also in law enforcement against the death penalty. The problem is they can't speak out because they are public servants and it's public policy. They can't speak out. The only people who do speak out are the district attorneys. And to say a district attorney can't oppose the death penalty is often not true, because the District Attorney in Oklahoma City refused to impose the death penalty. He's been on record for a long time.

MS. ACHILLES: I'm not saying that they can't. I think it's hard. If you are a DA and you go, I'm not trying that case, you are not going to be employed tomorrow.

I don't know that I said a district attorney couldn't speak out. I think that's their job and it's fairly common for people. And I do know people who have worked in the death chamber and so I think it's very comminuted situation.

What's interesting is people are very critical of people like this. When that stuff started happening in Pennsylvania, there was nowhere for us to go. There was no place people could talk it through and be accepted.

I think the problem in Pennsylvania, quite honestly, we can't really talk because we've only had three executions. I don't at all want to minimize that. We are not active. So it's not real to people kind of thing. That's how I see it. That's just not being in the system anymore. It's not real.

QUESTION: You mentioned that you think that the death penalty should be the job of the legislature. The legislature is like a body on behalf of the people. It is the most qualified to make this decision. And it is my belief the legislature is least qualified to make any sort of objective decision regarding the death penalty. You think they take the position that the victim and how they feel in the issue and that pretty much you put the issue with the legislature, who makes public policy and what is popular, and the district attorneys do what they are told.

I would think they would do that in court with far more objectivity on specific issues and decide it, and the legislature is far more biased one way or another, I think the at the top level, of the death penalty.

MS. ACHILLES: I think it should be the will of the people. If 60 percent believe it, then that's what it should be. I think my work is to show people what's good or bad about it. I believe very much in the separation of government and the power of individuals. There is some issues around the court, but the courts are elected in Pennsylvania. What's the difference? The judges are elected. I mean, it's just a matter of your view and mine.

Quite honestly, I think half of the Pennsylvania legislature right now is going to go down under indictment. They are going to do time.

I perceive it differently. If -- when I say it doesn't go in the courtroom, I mean it doesn't belong with 45,000 people in the back row holding signs saying, I am anti-death penalty. That's what I mean. I mean the care that we bring about and the delicacy around this life will be taken and this life that wasn't.

Also, I think that's the best I can say about that. I just disagree. I think that's where we should --

MR. LOGE: Last question.

QUESTION: Pennsylvania is increasingly being surrounded by neighbors without the death penalty. Now New York, New Jersey, West Virginia do not have capital punishment, so victims in those states never confront the question about whether to pursue capital punishment is something that they favor or disfavor.

Can you separate, is it possible, victims being legitimized by the state responding with the maximum punishment, whatever that might be -- life without parole would be the maximum in those other states -- versus specifically wanting capital punishment for a response to a murder?

MS. ACHILLES: First of all, with the New Jersey change, we don't have a long history of surrounding people. As I said before, I think the people who are not actively and publicly speaking as victims, anti-death penalty, what they are doing in the system are clearly defined, but the other folks aren't. I do think that in that other group are people that really, you know, are kind of along for the ride. This is the punishment and they are going, Okay. I am going to kind of go with this. Unless they have a really strong opinion, as I explained in that one county. In that one county they really listened to the victim.

But I have some concerns about the victim getting to decide whether or not there is capital punishment. I'm not sure that you pick your victim, you pick your punishment.

I don't know that I answered your question, but that's the best I can do.

MR. LOGE: Thank you very much. One of the roles of moderators is to try to cut the conversation short because we need time for the next speaker. Thank you.

There is a lot of interesting debate and discussion around victims and the role of victims and the effect of capital punishment on victims. I hope all of you get a chance to talk to Ms. Achilles later and others.

The other person we will hear more of are those wrongfully sentenced to death. Since about 1999, media coverage of the death penalty has shifted and it shifted to be about the numbers of people who have been sentenced to death who shouldn't have been sentenced to death. A speaker you will hear from later this afternoon is sort of the keeper of the list.

A death row exoneree is going to tell his story next, the other personal side of capital punishment. It's a pleasure to introduce Jay Smith, who is a local graduate of another smaller school in Philly, the University of Pennsylvania. The kids who don't get in here go there.

After Jay -- I am going to cut his bio a little short to get to his story. But after Jay ended up on death row for six years an extraordinary event occurred. Using money that was a bribe, money that he had received from an author of a book, the chief investigator in the murder case decided to buy a new house. And when he moved he chose an antique dealer to clean out his house.

The antique dealer bought the investigative material, buying 60 bags and a box containing more than 1800 plus notes of seven plus years of the investigation. Instead of taking the box of evidence to the incinerator, the junk man gave it to a lawyer, who revealed its contents to the press and turned everything over to the courts. The box contained letters and evidence of bribes, hidden evidence, evidence of a deals of inmates released from prison, as well as perjury of other witnesses.

After his release, William Bradford, another teacher at Upper Merion High School, where Jay was the principal, was convicted of the murder of Susan Reinert and her children. Jay is retired U.S. Army Reserve full Colonel. He lives up in northeastern Pennsylvania near the New York border. I will let him tell his story. He is one of the

more than 125 people wrongfully sentenced to death. Thank you very much.

MR. SMITH: February 17th, 1992, I was moved to phase two, which means I would have been executed within 15 days. In September of the same year, I was put outside the prison where I was held for almost six and three-quarter years, given a ticket to Philadelphia and \$11, by myself and I did not know where the bus station was.

This is the longest case in Pennsylvania history, so I am going to try to summarize it. I just returned from Gadsden, Alabama. And you can imagine in a very large auditorium the kind of controversy that arises there. As a result, I put two extra pages on this sheet and ran them off two days ago. I want to bring them to you because they are very important and they relate directly to the death penalty.

You look at the last page, 25 -- is there anyone that doesn't have any? Is there a beautiful student who has all the papers and will hand them out? There she is.

I want you to look at the page that I have, 25, the lower right-hand corner. It's actually page 21 in the text. Quickly. This is a new King James version of the Bible. And if you look on page 21 of that version, Genesis 24, they list there and they say, "Cursed be Canaan; a servant of servants. He shall be to his brethren."

This was the beginning of reducing the blacks to slavery. This Bible truth, so-called truth, interpreted by religists, reduced black people to slavery.

We have a black candidate now for president. You can hear some echos of all this slavery and the way the blacks have been treated and the effect of this particular item in the Bible that some people worship years and years and years of punishment, much more than I ever had.

Now for the death penalty people, I want to make sure that you put down on this paper Genesis 4:15. Here God says that if you give the death penalty to somebody, he is going to curse you seven times. Do not kill Cain. No death penalty.

I can go through that Bible for a long time, but it's one of the main arguments I get when I go to the South.

I want you to mark down Leviticus 27:34. This takes care of all of this an eye for an eye and a tooth for a tooth thing. God said to Moses -- all of these laws are mentioned for the children of Israel as the law given from Mount Sinai. None of those things are mentioned for anyone but the children of Israel, an eye for an eye and a tooth for a tooth.

Now, I don't get to Jesus often, but that's a question you have to answer. The wrong question is, What would Jesus do? The question is, What would Jesus want you to do? But you can't do what Jesus did. You have to figure out what he wants you to do.

If you look at your second page, it's a picture of junk mail. One sheet I handed to you indicated that I was convicted before William Bradfield. Bradfield was convicted for the murder. He was the head of the teachers association in 1981. I was convicted five years later. If you look at this picture, that's the junk man.

The next page gives you the agreement that existed between the detectives and the author, Joseph Wambaugh. I have a book coming out in September -- finally I got to it -- called Joseph Wambaugh and the Jay Smith case.

Here is the agreement, the secret agreement that began in 1980, and existed until the junk man found the evidence in 1992. This agreement went on between the detective and Joseph Wambaugh secretly.

In 1986, Joseph Wambaugh made the same agreement with the prosecutor, the chief law enforcement in the Commonwealth of Pennsylvania, Richard L. Guida, the prosecutor, a secret agreement. The prosecutor got a role in the movie. The prosecutor was also mentioned in the book as a hero, as were the detectives. And that's the way I was convicted.

Look back at the junk man and we will find out what he found inside the box. Now, he had 15 duffle bags, heavy bags of evidence, from the evidence room of the Pennsylvania State Police supposedly -- one of the questions I ask in the book is, Who owns the evidence? Who owns it? Can detectives put it in their attics, where this was found? Can they put it in their car?

A man I was on death row with who was arrested and convicted of cocaine distribution as a dealer, when he was caught he had 13 kilos of cocaine in his possession, as well as \$756,000. When he was tried only four kilos showed up. The prosecutor, Richard L. Guida, eventually went to jail, to prison, state prison, for possession and distribution of cocaine. He refused to answer where he got the cocaine.

The biggest theft going on in the United States is by police officers from evidence rooms. The largest theft in United States history was by New York detectives. They stole over \$100 million worth of hard cash and cocaine from the evidence room of the New York Police Department and then sold it on the streets. The largest robbery in U.S. history.

In this box you have to remember -- and this is the item I hope you remember and especially you experts on the death penalty -- right now we are hearing a lot about DNA. Very, very important, because DNA now makes liars of prosecutors. Before they said there were just mistakes made, big investigation. Mistake. Everybody knows. But DNA proved the innocence of at least now 31 individuals or even more. It keeps growing all the time.

I want to introduce my concept to you that I argue about and get in great controversy about, but it's very important. It's called DNV. If you look at the sheet that you have -- I am not going to go on too long -- back here on page -- what the hell are you doing with all these sheets? Gracious. I usually go on for about an hour and a half.

But there is an excerpt here from a detective's notebook which is the key to the DNV. I don't know what page it's on. I should have had it here. Very important. I even give out samples of the notebook normally to the audiences. There it is. Page eight.

Most detectives, I believe, when they begin a case try to be honest. I don't think they're there with some preconceived notion as to who committed the crime. They come there with their notebook, who were the witnesses, what evidence is found, how much blood is collected, where there is some shells from a gun, is there a comb here. They make a list of the things.

In this case, in my case they make a list of the things that they take from the car, the automobile. It's usually a long list. And I'm not speaking for Susquehanna, but most of us our cars have a lot of junk in them, so the list is rather long. So notice, then, you have a list of what comes from a car.

In Mrs. Reinert's car they found a small pin, a lapel pin that bent over someone's coat or dress. It's a pin given out at the Philadelphia Museum of Art when children go in there to visit various

places. If you are in New York, you remember from Rocky, you know, they still have his statue there.

This pin was found in Mrs. Reinert's car. There is a list of evidence that lists that. This was found in 1979. I was not tried until 1986, almost seven years later. When they gave my lawyer the list of what was found in Mrs. Reinert's car, it did not have that a pin was found in her car. The list with the pin on it was kept by the detectives and they had another list that said they found the pin in my car. You see what that means?

So that when the detective was driving around in his new Porsche with his girlfriend, he was buying a new home, he wanted to clean out his house, he called an antiques dealer. The antiques dealer came, cleaned out the duffle bags, and inside one of them was this evidence and inside was a list that shows the pin was found in Mrs. Reinert's car. They had made up a list and gave a false list to the jury.

One of the things we try to do is -- two jurors were willing to do it, but they found that the prosecutors are immune. Two jurors wanted to bring cases against the prosecutor. That really woke them up.

Everybody forgets the jury, but they were sitting through this case, for almost two months in my case, trial, sentence, all that stuff. So they were two jurors with two months of their time and being cheated by the prosecution. The pin was a very, very critical item of evidence in the case.

The second thing -- and this is a very complicated item, but keep in mind DNV -- because the detectives' notebooks have all this information in it. When we got the notebook -- inside this double bag were 24 notebooks, each with about 72 pages in it. So we had 1776 pages of notes from the crime. That's why the detective's notebook in every serious crime is very important, so that the other attorneys can see how this developed, which witnesses were not interviewed, what was the total evidence, how much blood was taken. That's very important. Very important.

What happens if the policemen keeps the blood and drops a little blood on your handkerchief from the crime scene? You are a dead duck because of DNA. You get it? They can put your blood anywhere. People will believe DNA like they believed fingerprints previously.

The second word -- and I won't go on, because I think we are going over. The second word is the word Sirchie. This is a difficult word, Sirchie.

Normally when a person's fingerprints are taken -- and I've had fingerprints taken most of my life from the time I was 18 going into the military, from a Private all the way up to a Colonel, so I have had a lot of fingerprints taken. When arrested your fingerprints are always taken with ink.

But there is one dangerous time occurs when they go to their little box that's marked Sirchie and they take an item out that's about a little larger than a Band-Aid. You can think of one of the Johnson and Johnson Band-Aids. It's a plasticized material that has a slight bit of cellophane over it to protect the plastic. They take your fingerprints with the Sirchie, put the plastic back on. Fingerprint, palm print, they have all in the Sirchie there.

They are supposed to use that for dead people. We have to prohibit Shirchies for live people.

Go home this evening, get a piece of scotch tape, put it on your finger, look at it in the light, and then put it on a cup in your house

with the scotch tape on it and then go back to that, take it off, you can take your fingerprints off a cup.

We had the top fingerprint person actually in the country in our case, because we found the Sirchie in the box. They took my fingerprints with Sirchies. I didn't know why they were doing it, because I didn't know anything about Sirchies. That's the name of the company that makes all the fingerprint stuff for most places in the world, the Sirchie International -- they have a large name - Forensics Corporation. The Sirchies that were used on me were found here inside the box.

The expert took them, chemically measured it, and saw that two of the Sirchies were missing from the fingers they had on an envelope of a letter sent to a murderer who died about three years ago. They had taken my fingerprint with a Sirchie and put it on an envelope that he had in his house. See, there is no way to connect me with him or even with Mrs. Reinert; okay?

They planted fingerprints. This is not the only case. If you look back at the Ranck case, they did it in the Ranck case. The sergeant in my case, Sergeant Joseph Van Nort, actually lost a civil suit. This was after my trial. And Ed had to pay \$50,000 to the Ranck family for planting fingerprints in his case, but he was exonerated in the trial because they caught the fingerprints when he was there.

We didn't catch our fingerprint planting in my case until we got the Sirchies and the expert could check it. Somebody had made a mistake, too, because both of the fingerprints on the envelope was a straight line. They measured that and it was the same size as the Sirchie. So somebody took it and put it there, you see, and did it incorrectly, which also was very, very telling to the jury and also the separate jury that I had and also with the Supreme Court; okay?

There were a lot more items of evidence that were hidden in this case. The letter from, as you see here, Joseph Wambaugh, a letter of agreement was found in there. Nobody knew about that agreement. And also we have a lawsuit there working. Wambaugh has written and admitted that he was paying them to convict me. He told them without Smith there would be no book and no movie.

When the Supreme Court got this -- this is more important, I guess, for the lawyers rather than us -- but if you look at 21, you will find 21 -- today in the Supreme Court they are debating the gun -- Second Amendment, you know, about guns, militia, and stuff like that. You will note this provision of the United States Supreme Court, Federal Court.

Most lawyers don't know the state constitution. I can bring a couple lawyers here and give them questions from the constitution, they would fail it. All of our legislators, you know, passed a law giving themselves a pay raise, which violates the constitution. You can't give yourself a pay raise during your time in office, according to the Pennsylvania Constitution.

The Pennsylvania Constitution also provides - this is a big argument -- but it also provides that in capital cases -- we are not talking about robbery or rape and the lesser -- capital murder cases; okay, you have double jeopardy according to the constitution. You can read it there, no person shall for the same offense be twice put in jeopardy of life -- I don't know what that last word is, but it's life or limb. They used to cut off fingers. They don't do that anymore, but they do kill them.

What we should push for is this, that if the prosecutor is going to ask for a death penalty, he gets one chance or else shouldn't go for

it. This is a serious matter. You can't go for a death penalty more than once. That's not true now.

Some people -- the prosecutors always claim they made a mistake. There never has been a prosecutor in the whole history of the United States -- I've tried to read a lot of them -- who have said, Yeah. I broke the law. I cheated. No. They will say, A big case. We don't make mistakes. Don't you make mistakes? Well, yeah. They were committing crimes, these prosecutors were, crimes, but they were immune.

Now, this is going to sound facetious or maybe it won't be because you are not lawyers. Neither am I. But if you look -- this is also found in the -- this particular thing, I think, for some people. Then I'm going to quit. If I can find it. I put these new pages in here and I renumbered all the pages.

The double jeopardy business is on page 13. But I wanted to get to prosecutors' lies and the very funny statement. It wasn't funny to the Supreme Court, but it's funny to other people.

I have a sheet in here that lists his lies. Maybe you'll find it. He said he was an officer of the court and they couldn't get him for perjury, because he had not taken the oath to tell the truth during the trial. You see how? That guy should have been a legal scholar, coming up with something like that.

I always thought the court had an oath to tell the truth all the time, that it was automatic, but it's not. So we have to make these people take the oath, like everybody else does, when a capital case begins. I should go into others, but I am talking about capital cases tonight.

They went into prison, again breaking the law, and took a person out of prison illegally. The only way you can get out of prison is if a court lets you out. You got to get an order from the court. Then they can take you out.

The other way you can get out is if you can get paroled or pardoned. There aren't any of those. Very few pardoned in Pennsylvania. They were eliminated. There are no more pardons. They gave that up because they are all hard nosed about that.

When you talk to them privately, if you look there you can see I spent three years dealing with legislators to get the law changed, which I did. You can see it there. They call it the Jay Smith Bill. But the prosecutors won't want to take that oath like everybody else does when a capital case begins.

Those prosecutors took the person out of prison, promised him he would never go back. He was a detective from Fayette County, Uniontown. He was the head of a detective crime group, committed 363 burglaries out in Summerset, Fayette. He was in prison. They took him out, gave him -- the police -- you know, the Pennsylvania State Police are in charge of the inspections of machines. They gave him an inspection sticker for his thing and got him his driver's license. He got on the stand and said that he was on parole. Lie. He was never on parole. Then he said he never got anything. Lie.

Now, remember, the prosecutor is right here; okay? So is the police who got him out illegal. Then he said, "Well, I was walking -- Smith was walking in the yard. I went up to him and he was frustrated and he said, 'I'm sorry I killed anybody.'" Another lie.

Then this prosecutor, Richard L. Guida, the head of all the criminal investigations in Pennsylvania -- I mean, he is not just a lawyer. He is in charge of all of them. He said, "You heard Raymond Mark Frank. He is on parole. If he lies he will go back to prison.

Mark Frank wouldn't lie to you." He was lying then, the prosecutor was; okay? We didn't find that out until we got the information from the junk man.

Thank you very much for inviting me. I am not Kirk Bloodsworth. Kirk is a great fellow. I know him very well. He said he was ill and so I came out to meet with you. Thank you.

MR. LOGE: Are you willing to take any questions?

MR. SMITH: Yeah.

MR. LOGE: If you could go to the microphones.

MR. SMITH: You all have permission to be late for your next class.

MR. SOBEL: Jay, I'm not so sure that the audience understands the nature of the charge against you which led to your conviction and the sentence of death. I'm wondering if you could explain to the audience the underlying facts and give them some sense of what you are accused of doing and what ultimately happened after you were released from custody. I think that you sort of picked up in the midstream.

MR. SMITH: Mrs. Reinert and her two children were murdered in 1979. Now, the next thing I am to going say very quickly, but you have to realize --

MR. SOBEL: Use the microphone.

MR. SMITH: The thing that you have to realize is that nowadays in school districts a very powerful person is the head of the teachers union; okay? And where I was a principal of a large senior high school, 1500 students, 100 teachers, et cetera, et cetera, this fellow was an English teacher in the English department and also the head of the teachers union, a very wealthy -- he came from a wealthy family, the Dorrance family. That's Campbell Soup. He had a lot of problems with his father. Vice president of Westinghouse. I mean Western Electric. But he was estranged from his dad.

And he was a lover of women. He was a very handsome guy, big, tall, six three. I'm six two, but he was about an inch taller than I was. Very good looking. He didn't look like me, of course. Reddish-brown hair. You have to understand, very brilliant. A top graduate from Havorford College, one of the best colleges in the country, also a champion wrestler. He coached our wrestling team, too, and he was a champion wrestler.

So you could see he had the mystique, the mentique, and the chemtique, as well as the money. He has all those things going for him and he has a powerful position. He deals with the school board. Of course, it undermined my position a lot, because I had a lot of rules for teachers and I had merit rating instituted and stuff like that.

In any event, Bradfield was a lover of women. You have to get this. When Bradfield was a student at Havorford he got interested in poetry and he started writing to a famous American poet by the name of Ezra Pound. And Ezra Pound was in prison, in a prison hospital called St. Elizabeths.

For you grammarians here, that word Elizabeths is spelled without the apostrophe. It's one of the only words not spelled with an apostrophe. You might want to keep that down as a grammatical punctuation demon for your students.

St. Elizabeths is where Kingsley was kept, who shot the president. He was there until a couple months ago.

Bradfield wrote to him, went there, met with Ezra Pound every summer and became Ezra Pound's fact toto. He was a bright, brilliant individual, literate, a kind of person women who got any brains go for. He had everything.

She fell in love with him, Mrs. Reinert did. This was in 19 -- she fell in love with him in '73, '74, '75, '76, '77. We knew that. As principal, you know what's going on everywhere.

He promised to marry her, and he promised to take her and her children to England to live there. He had done some studying in summer classes at Oxford, England. She fell for this.

Now, here comes a fantastic thing. Through the year of 1978 and '79, William Bradfield was so convincing of Mrs. Reinert that he finagled her to take out insurance policies on herself for \$972,000 and everybody agreed. How the hell could a woman take out policies? Well, we say to them, you've never been in love, because people do strange things when they're in love.

In October of 1978, about nine years before the murder, Mrs. Reinert's mother died. She left Mrs. Reinert a large estate of about 300 some acres in Ridgway, Pennsylvania -- her parents were publishers of a newspaper there -- and \$50,000 in cash.

Bradfield finagled her again to sign an investment with him. He would put up 50,000. She would put up 50,000. They would have 100,000 that they would invest in the Bache Money Company, Bache, Incorporated, and then when they were in England eventually get a check permanently throughout their lives, plus, of course, being he would take care of her children if anything happened to her. I think that was a very important thing in her mind, because he was a very educated person.

Bradfield also had a little clique about him. I remember -- a teachers union person sits in on all grievance committees and many women and men often get into trouble with principals. You put a slip out and they come out and they want to fight. So he is there fighting for the teachers; okay? Fighting for the teachers at the school board, protecting the teachers. Very powerful position, especially when you have some unmarried teachers like Mrs. Reinert was. Eventually she got divorced from her husband Kenneth.

And so, therefore, he developed a powerful position. He even had it so that the school board agreed that teachers did not have to call me when they were going to be out. They would call their own substitute; okay? Also, in his free period, free periods -- I have to talk a little bit. Free period is when they have no teaching classrooms. He could leave the building. That's in the negotiated agreement. In school work the negotiated agreement is law. You must follow it. You have no choice. So he developed a powerful position for himself.

Whatever Mrs. Reinert -- this next thing is a little bit unbelievable. Ezra Pound was a very famous poet who also helped very famous poets. Just accept that. He is considered up top as far as a poet in the United States literature or near the top. He helped so many other fellows. And he worked with a psychologist by the name of de Garmond, who was one of the famous psychologists in France. He used

to purchase corpses and study corpses, especially brains. He was interested in the brains.

He came up with the deduction -- and you can imagine how weird psychologists can get. I guess you know that. Sorry if there are any here -- that the brain fluid was related to the semen.

Laugh if you will. Everybody does.

But the gist of it is semen was related to the brain fluid. So, therefore, to increase your creativity you increase your sexual activity. He talked this. Many bohemians were sexually promiscuous because of de Garmond's pronouncement.

Ezra Pound was very close. He translated de Garmond's book, which was titled The Chemistry of Love.

Anyway, that's very important because this is one of the reasons Bradfield was promiscuous and had a lot of women and was creative in negotiations -- I used to say after I found this out -- was very creative at the negotiation table. I don't know about writing poetry and the rest.

He convinced Mrs. Reinert and he had stuff that they were going to have a job over there in the British Library when they got there. But remember what is coming to him now is he had this group around him. The detectives called it the vamps, V-A-M-P-S. That's the name of the people there, including Joanne Layton, Susan Reinert, Wendy Zigler, a 19-year-old paramour of Bradfield. All three women involved are his paramours, also. Those were the vamps.

He was telling the vamps that all along that Smith was having a secret affair with Mrs. Reinert and that Mrs. Reinert jilted him and he was going to murder her. Now, he is telling this to those vamps.

Now, you would think -- Mrs. Reinert was working in the same department as Wendy Zigler. They all worked in the English department. You would think they would go to Mrs. Reinert and say, Bradfield said you have a problem with Smith. They didn't.

This is one of the mysteries. Why didn't they go to the police, say, You know what that wacko principal is up to? They didn't; okay?

So Bradfield, for many reasons, mainly, of course, she would have uncovered his fraud, plus she demanded that he give it up. He was cohabiting with another English teacher, Susan J. Miner, for almost three years and that was a battle. And Susan Miner beat up Susan Reinert two -- two or three times. I even suspended Susan Miner because of beating Mrs. Reinert up in school and calling her bad names, you know. Bad names, the F word and stuff like that. Beat her up three times. So you would think someone would report that, but they didn't.

Susan Reinert was insisting that Bradfield give her up, period and give up his other women. Also, the day was coming when the money would be coming in from the Bache investment. So that, up against the wall, he murdered Mrs. Reinert. The question -- and killed her two children.

The question is where? Okay. He murdered them -- the murder weekend was June 22nd, 25th, 1979. Mrs. Reinert's car was found at the Host Inn about 15 miles outside of Harrisburg, right off of the Pennsylvania Turnpike, at an exit near Furman. Her car was found there with the hood open.

That began the investigation. They immediately found out Bradfield was telling lies about Mrs. Reinert, that he had her \$50,000. He had things for these vamps that were her friends. One, he bought a car that day. You could buy a car for \$4,000 in that day. So he murdered her because he would have been exposed.

When the police found out that he was that close to Mrs. Reinert and the insurance was made out in his name, and she had made a will three months before giving all the property to Bradfield and also requesting that he have custody of her children, because he was a renaissance man, she said, and that's the way she wanted her children to be raised, that immediately throws the thing on him.

This became a very big case. A famous author, Joseph Wambaugh, was looking for a book to write, so he read about this case and got into it and secretly met with the detectives. He said, Does Smith have a thing? They said, No. The chief detectives says, Doesn't have it. I don't know much about it. I have Morrow Publishing. If there is any way you can get Smith even just arrested for the crime, that would be okay. You don't have to kill him. You can see the agreement that's in this list that I gave you.

So they keep the investigation going. They get Bradfield and they say, You got money, Susan Reinert's money, and you are going to be tried and face trial. And that was the trial, the Bache trial, where Bradfield was accused and convicted of stealing Mrs. Reinert's money. And the family and friends of Susan testified against him, and he was convicted and given 24 months in prison for stealing her money; okay?

The investigation continued and they got - he claimed he never had anything to do with Mrs. Reinert, that, as the teacher leader, he was just helping her with her problem. But all of the neighbors saw him going and staying overnight and the grandchildren knew Mrs. Reinert was talking about Bradfield and getting married; okay? So that his reply was he had nothing to do with Mrs. Reinert except to help her with her personal problems.

Also, her psychologist that nobody knew about - she was meeting a psychologist in therapy -- he testified, too, that Mrs. Reinert and Bradfield were lovers and Mrs. Reinert never mentioned Dr. Smith, had anything to do with him.

But still these people are thinking of getting a book and getting in the movies. Bradfield was tried and convicted in 1981, given three consecutive life sentences at the Graterford Prison. '81.

The thing went on. They had no evidence of me. I wasn't in any of the trial. This is where the detectives began to decide how to get Smith; okay, so they needed evidence. That's why they claimed the pin. That's why four years later they came and took my fingerprints with the Sirchies. I was surprised when they came, you know, took my fingerprints with the Sirchies. And you can see the other evidence in here.

Remember, they are making their notes in their detective notebooks about this case. That's why the DNV is very important. This is as important as the DNA. Believe me. Very important. Because there you can see who the witnesses are, what they collected, when they collected. The times are very, very important. Everything is.

As a result of their planting the evidence, I was tried and convicted in 1986, and placed on death row with three death sentences. There is a mistake that was made on the second phase. I would have been executed 15 days later. They confused me with another inmate and even he shouldn't have gone, because there had already been a reversal of his case. But I was sitting now in phase two.

Remember, the prison you see, it's not like death row. Death row -- there is no bars on death row. You are in a concrete cage almost a foot thick and there is a little hole at the top through which they give you your food and the mail. There are no bars like you see in the movies, none of that, and you are out 45 minutes a day. They say

an hour a day. You are taken out to cages and you are allowed to walk in those cages for 15 to 20 minutes. That's it. You get a shower once a week.

In the book I tell a lot about death row and how you kill the mice and how you kill roaches and stuff like that. You will enjoy that.

MR. LOGE: If you have a place to be --

MR. SMITH: If you have any more questions, I will --

MR. LOGE: I think we are running a little late. Thank you for your time.

(Whereupon, the panel discussion concluded at 11:40