



CRIMINAL JUSTICE POLICY COALITION

Collective Action for Humane, Healing, and Effective Criminal Justice Policy in Massachusetts

A Quarterly Newsletter

Summer 2010

LIFE WITHOUT PAROLE

“Prison should be a place for predators and not dying old men. Some people should die in prison, but everyone should get a hearing.”

-Burl Cain, Warden of the Louisiana State Prison in Angola

The CJPC is committed to affecting change in Massachusetts’ criminal justice policy and one of the most important issues that we face today concerns the sentence of life without parole. For the crime of first-degree murder in Massachusetts, there is a mandatory sentence of life without parole, even if the offender is a juvenile. The following newsletter speaks to the shortsightedness of this approach and its denial of the possibility of rehabilitation. Moreover, this newsletter gives an inside look at how parole can work, benefitting both the offender and society in the end.

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Redefining Parole

On August 26, 2010 Tom Neumeier had a chance to speak with Leonard Lacy, who provides an interesting perspective on the effects of life without parole on the inmates serving those sentences.

Leonard Lacy was convicted of first-degree murder in December, 1974 and sentenced to life without parole. That year in Boston, a black man posed as a senior citizen worker and entered the Roxbury apartment of Lillian Fitzgerald. The trespasser struck Mrs. Fitzgerald and then fled. Mrs. Fitzgerald died eight days later in the hospital from pneumonia and congestive heart failure. For over 36 years, Lacy maintained his innocence, but failed to make any progress in the court system. Finally, after receiving an attorney committed to exposing the tainted police methods and racial bias involved in his case, Lacy was released in February of 2010.

While serving his sentence, Lacy spent time in various Massachusetts correctional facilities, eventually being placed in a minimum security institution in 1987 where he had a chance to volunteer outside the walls of prison. However, in the wake of the Willie Horton case involving a lifer who raped a woman while on a furlough, inmates serving life sentences, including Lacy, were suddenly disallowed from serving their time in minimum security prisons.

Over the course of his prison sentence, Lacy developed a strident belief that offenders can change if given the chance and hope for a new life. Life without parole, “that’s a death sentence,” says Lacy. “People can change...and I know plenty of people that have changed while in jail.” Lacy’s long time companion, Peg Malt, who he met when volunteering at a hospital between 1987-91, says that she would feel safer if all lifers had the opportunity of parole. Lifers who have reformed could be released and “tell troubled kids their stories,” preventing at-risk youths from making the same mistakes. Lifers could actually be an asset, not a threat, to society, according to Malt.

Overall, Lacy’s story tells us many things, namely that the criminal justice system in Massachusetts is in need of reform. More specifically, Lacy’s hardship and eventual triumph over his life sentence shows us that life without parole risks closing the door on a person whose case deserves a second look.

The CJPC thanks Leonard and Peg for giving us the opportunity to speak with them.

Life Without Parole: A Reconsideration

[CJPC has sponsored a paper in which the authors propose an alternative to the sentence of life without parole. The following is an excerpt from the introduction.]

By Gordon Haas and Lloyd Fillion

"In Massachusetts, the maximum penalty for murder is life in prison without the possibility of a parole (LWOP). Often, when murder is discussed, the most heinous or bizarre murders take center stage, as if their perpetrators, the Charles Mansons or Ted Bundys, are representative of all those serving life sentences. The nearly one thousand men and women serving LWOP in Massachusetts, however, include those who were juveniles at the time of the murder, those who participated in a joint enterprise in which another person committed the actual murder, as well as some who have served decades in prison and who no longer pose a threat to society by reason of rehabilitation and/or age. A considerable number of these thousand individuals both recognize, and are repentant of, the suffering they have caused, and have done the difficult work needed to transform themselves into, and become, agents of constructive change for others...

There should be no gainsaying that any killing of a human being is horrendous. As with all killing, murder, the unlawful taking of a life, sows pain and suffering much beyond the immediate victim or victims. A murder rips through, and often rips apart, close families and friends of the victim, and most often does the same to the murderer's family and friends. Murders also impact less close associates of the victim and of the offender as well; murder destroys a part of the social fabric of the broader community.

It is impossible to deny these impacts. Nothing can absolve the murderer of the responsibility for the consequences of this act, as nothing can reverse that loss of life. All affected survivors are forced to come to terms with the murder, its consequences, and suffer the voids which murder creates. This process can take years, often a lifetime.

That said, life is not frozen at the point of a murder. People move on, struggling to self-mend, perhaps even those who perceive themselves as to be frozen by that act. The community is better served by recognizing that movement and embracing such healing in perpetrators and their families and friends as it intends to do in the families, friends and associates of the victims. It is in that healing that the community's social fabric can be rewoven.

There is substantive literature addressing the devastation of murder and the impact on survivors. This paper only intends to address one aspect immediately impacting certain individuals- the murderers - as well as the community, which aspect has not received such attention: the punishment of life-without-parole."

This paper argues for the introduction of a parole hearing after twenty-five years of incarceration for those sentenced to LWOP as a way to recognize the healing which can occur in all, even those who have committed murder."

A Letter from Inside...

The following letter was written to CJPC board member Nancy Ahmadifar. Mr. Haberek is serving a life-sentence here in Massachusetts.

Reflections on doing a life sentence

By William Haberek

Here I am closing in on 58 years old. The other day at a quiet moment I wondered how I screwed my life up so bad. Thought I was smarter than that. Passed the screw up stage (teens, early 20's). Bang! At 32... I'm doing life. Lost a business, family, homes, etc. All because of drugs. Coke made me crazy. I tried to pawn responsibility off on others...like they introduced me to the stuff. But, what it comes down to-- I alone put that straw to my nose. The man in the mirror.

My 25 plus years in. I shy away from drug use. Have taken a drink maybe 10 times in the past 25.

I may not be the brightest bulb in the box. But, I do know how to learn a lesson. I look around at certain guys and they stay on the path that put them here. Me..I try to live a life that's clean and get those little weebits of enjoyment now and then. Which are too few.

My best times seem to be awaking early (5 am), sit and have a quiet cup of coffee, then practice yoga or calisthenics. Guess they are my drugs. The sad part, these lessons were learned in prison.

I've run off enough, time to hush.

Your friend,

Billy

Q+A With Board Member Fred Smith

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How long have you been on CJPC's board and why did you decide to serve?

I started my journey with CJPC in the summer of 2008 as a result of being nominated by Eric Tennen with whom I had occasional dealings in my capacity as an advocate for ex-offenders through my work at St. Francis House. When you are in the business of assessing damage and helping to repair lives, it is not a great leap to seek ways to change some of the underlying causes of this dysfunction. The criminal justice system needs fixing (overhauling?) and I hope I can make some small contribution to that end by working with CJPC.

What is one interesting thing about yourself which is not in your bio?

I have a part-time job, which I have had for 37 years, operating a gentlemen's skeet and trap shooting club on the north shore.

What experience(s) in your life most influenced your viewpoint(s) about criminal justice issues?

Every single visit I have ever made to an inmate in prison. Every single visit an ex-offender has made to my office at St. Francis House. All of these encounters have made me an eyewitness to everything that is pathetically wrong with our criminal justice system and, I must say, everything that is redemptive and corrective.

What is the single most important criminal justice issue facing Massachusetts right now?

The simple, and most defensible, response would be poverty. Economic and social justice are the cornerstones upon which a functional criminal justice system stands. For me, a more likely and manageable issue would be to create an effective and sanctioned mechanism by which ex-offenders can work toward, and achieve, rehabilitation. Such a certification/designation would mitigate the everlasting burden of punished behavior often fueled by addiction, mental illness and physical/emotional trauma. Imagine a criminal justice response that focuses on goal setting and achievement rather than the onerous supervision and re-incarceration!

What is one thing that Massachusetts does well when it comes to criminal justice?

That's a tough one. . . in addition to all the disrepair there are so many structural problems it is difficult to get to a "does well" assessment. I will say, my experience with the Committee for Public Counsel Services (Public Defenders Office) is a bright light in the delivery of justice in Massachusetts. They are hard working, conscientious and, all in all, provide a high degree of legal and social support to the folks they represent.

What is one thing that Massachusetts needs to improve when it comes to criminal justice?

Once again, outside of a sea change in the alignment of rich and poor, as someone who has spent countless hours in courtrooms and as an advocate for swift and sure justice, the trial court should be brought into the 21st century through the use of remote video conferencing, night court and eliminating routine, do nothing, "everyone on deck" pre-trial conferencing that only serves to destabilize the lives of people already on the brink and waste the resources that pay Judges, Clerks, Court Officers and Lawyers.

Other causes or organizations do you support outside of CJPC?

I support adoption, especially domestic. My wife and I are honored to have been given the opportunity to adopt three children from the state's social service system. All of them were victims of abuse and/or neglect and now that they are all in, or approaching, adulthood, I am constantly reminded of the lives they could have led every time I walk into St. Francis House. The faces of our homeless and formerly institutionalized guests are the faces of my children absent economic opportunity, social supports and unconditional love.



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A Final Word On Life Without Parole:

The CJPC has never been afraid to challenge conventional wisdom about criminal justice policies, especially if those policies are not based on evidence that they work or are rational. In the past--in the pages of this newsletter and elsewhere--we have advocated for changes that, while perhaps novel at the time, grew into real, progressive policy shifts: e.g. CORI reform, evidenced-based sentencing. We are hopeful that our support for the elimination of life without parole sentences in Massachusetts will likewise grow into a real and progressive policy.

We are extremely proud of the work by Lloyd Fillion and Gordan Haas, who have authored a thorough and well-reasoned paper suggesting that the time has come to eliminate the arcane idea of locking people without leaving open the possibility that they may one day change. While we support the idea that no one should ever receive such a sentence, the paper is quite helpful in highlighting several classes of persons who are particularly undeserving of life without parole: juveniles and co-conspirators.

We are extremely hopeful that this paper will spark a frank yet open discussion of the benefits or drawbacks to eliminating this sentence. We are going to do our part to start this discussion by sponsoring an event this fall in which we will present the paper to the public through a panel discussion composed of legal scholars, attorneys, victim advocates and more. Details will follow, but watch your e-mail (and our website) for details.

Chairman,
Eric Tennen



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