Good afternoon and welcome. I'm very pleased to have you all here. My name is Jackie McMurtrie and I'm the Director of the Innocence Project, Northwest Clinic here at the University of Washington School of Law. It's wonderful to have you here and this program is being sponsored also by the Gates Public Service Law Program. I'm just going to give a very brief introduction in terms of what today's program is going to be about. We are going to be focusing on, not the causes of wrongful convictions because those could be topics for other week-long seminars, but the responsibility that our society has when a person has spent time in prison for a crime he or she did not commit. What is our obligation in terms of providing compassionate services and compensation to those people?

We know that wrongful convictions occur. There have been 261 DNA exonerations nationwide, hundreds of other exonerations based on non-DNA evidence, and you may have heard about the case just on Wednesday where a man was released from Texas' death row after serving 18 years for a crime he didn't commit.

So we're happy to have you here. We're honored to have our panelists and speakers, and without further ado, I'm going to introduce Professor Maureen Howard, who's the Director of our Trial Advocacy program. She's been recognized nationally and internationally for her skills in teaching trial advocacy. Maureen is going to introduce the program from her perspective as a former prosecutor and what that brings to this particular issue. Thank you.

Maureen Howard:

Thank you very much. Throughout the centuries and across continents, people have embraced the concept that society has a duty to protect innocent people from a wrongful conviction. This duty serves not just the individual, it's recognized that it serves society and that it has to be pursued at cost-even great cost-to society, like the legislation we're going to be talking about today: the compensation of those that are in fact wrongfully convicted. This is something that's been acknowledged throughout the centuries. William Blackstone said, "Better that 10 guilty went free than one innocent suffer." Ben Franklin raised the ante to 100 should go free before one innocent should suffer, and it goes back centuries to the Book of Genesis where God told Abraham that he would not fell Sodom if there were 10 innocents there.

Yet even though people embrace this concept, in concept, still across all continents, there are men and women who have been wrongfully imprisoned. Sometimes for political or religious reasons, sometimes because of overzealous or quite frankly unethical prosecutors who are willing to engage in base gamesmanship for the sake of winning at all costs.

We've come to realize there are other forces that contribute to the possibility of a wrongful conviction, the tragedy of a wrongful conviction, and that includes victims' willingness-even on a subconscious level-to believe that the suspects the police bring before them must have done something; and an eagerness to put that event behind them; and to make an eyewitness
identification that they'll stand so strongly behind; or jurors who will accept sketchy or circumstantial evidence and give undue credence to eyewitness identifications.

"Innocent until proven guilty, beyond a reasonable doubt." Two key components in that statement, and I just want to touch very briefly on both and say why, what the work of the Innocence Project here-nationally and internationally-is doing and why the legislation that we're going to talk about today is so important to make sure that we give teeth to those two concepts.

One is innocent until proven guilty. As a prosecutor and as a judge for two years, I saw so many trials where defense counsel would ask during jury selection of the potential jurors, "If you had to go back right now to the jury deliberation room and vote, how would you vote? Guilty or not guilty?"

You know, in all those years, my law students will give you a different answer, but of the potential jurors who answered those questions, not one of them gave a different answer than this: "I don't know yet. I haven't heard the evidence." And so, though most Americans will tell you they believe in guilty until proven innocent, the jurors that show up for duty do think subconsciously, "They've got the person here. There's some reason the police arrested them. There's some reason the prosecutor filed charges. They did something."

That leads, in my opinion and based on social science research, to a willingness by jurors in the deliberation room-again, perhaps subconscious-to maybe make jumps in logic or conclusion based on thin circumstantial evidence or eyewitness identification. I want to mention one quick note on an incident that happened-I just was notified yesterday-about the second portion of that credo, "beyond a reasonable doubt."

One of my former students who was still an LLM student here in the building, he reported he was on jury duty here in King County just shortly ago. In jury deliberation, he had concluded that although probably the individual had committed the crime, a property crime, the prosecution had not proven their elements beyond a reasonable doubt.

One member on that jury-a lawyer and I've been told a graduate of this law school-said, "I talked it over with my husband last night, and he and I agreed that it's more likely than not he's guilty beyond a reasonable doubt." If that is the interpretation of that standard by a lawyer, I think we as a society have our duty cut out for us to educate our lay population who serve as jurors. The Innocence Project and the legislation we're talking about today does that.

What must it feel like to be innocent and have that door close on you? What must it feel like to know you did nothing and yet it seems no one is there for you? I'd like to read to you the words of two men who suffered that fate. Each of them served over a decade in prison and was ultimately exonerated. I'm going to give you their stories briefly first, then I'm going to end with their quotes.

The first is Ronald Cotton, convicted in North Carolina in 1985 on two counts of rape and two of burglary. The case against him was a combination of thin circumstantial evidence, forensic evidence that was only consistent with and otherwise troubling, and the eyewitness identification of one of the victims. He was convicted to life plus 54 years. He was 22 years old. He was eventually cleared of all charges and released from prison based on newly tested DNA evidence, but only after serving ten and a half years.

The other individual I'm going to quote from is Dennis Fritz who, along with Ron Williamson, was convicted in Oklahoma 1988 of rape and murder of Debra Sue Carter. He was sentenced to life in prison. The trial didn't occur until over five years after the murder, and that had to do with irregularities in the police handling of the evidence and the forensic evidence collected.
The evidence, again like with Mr. Cotton, was circumstantial and forensic evidence that only was consistent with. There was also a jailhouse snitch who said that Mr. Fritz had given a confession. Again, he was exonerated by DNA testing that established that neither Mr. Fritz nor Mr. Williamson could have been the murderer, and that some of the forensic evidence such as the pubic hairs they testified were matches, didn't come off of either of the men.

Each of these men spent 11 years in prison for a crime they didn't commit. At one point, Mr. Williamson was within five days of being executed. There's a Russian proverb that says God sees the truth, but he does not respond quickly. I'd like to read now the words of these men.

"The Burlington police department didn't have a holding cell, so they handcuffed me and left me out the door on the side, not the public entrance I had come in before, and they put me in a cruiser. I went before the magistrate and was placed under $150,000 bond and then they took me to the county jail.

Alamance County jail was a cesspool and it smelled like it. It was an old, old building that was always having problems with the plumbing and the odor when I arrived in August was fierce. After they took all my personal belongings and put them in a brown envelope, they issued me a navy blue jumpsuit.

That night, I dreamed. I dreamed about the old white house in Glen Raven. It had a big wood stove where my mother used to cook a vegetable soup that would last for days. I turned 23 four days before Christmas inside that jail. My whole life was supposed to be ahead of me, but my life looked like it was already over.

'What up, man! What's your name?'

'Cotton, ' I replied, short enough to hope it would end the conversation there.

'How long you got?'

'Life plus 50, ' I said not looking at him.

'Watcha in for?' he pressed on.

Finally I turned to face him. 'Look man, it's none of your business. I don't want to be bothered right now.'

He left the room and I lay down on my bunk. It felt like even God had forgotten about me. The weight of the world was on me, sucking me down into a darkness I didn't think I could swim out of. By this time, the man on the front bunk had begun snoring. He sounded like a 747 taking off.

I turned over and faced the wall and pretended to be asleep. I heard other inmates moaning and groaning. I had an overwhelming urge to scream. My mind felt like it was slipping. Every nerve in my body felt like it had been pulled out and tightly strung.

At one point, I got up and twisted wads of tissue to put in my ears to minimize the racket and I climbed back on to the slab. I was mentally and physically exhausted. My thoughts bounded in so many directions, I couldn't concentrate. I could not think, either.

I wonder how Mom and Aunt Wilma were doing with this. And what about my daughter? Will she believe that her Daddy is a murderer? How would this affect her? I prayed, 'Oh God, please! Above everything else, protect my daughter and keep her in sound mind and spirit throughout all of this. If
I have to sacrifice my life for something I didn't do, all I ask is that you let Elizabeth grow up to be a happy person.

Most of all, though, I dearly missed my family and all the good times we used to have together—the laughter, the joy of sharing birthdays, helping Mom plant her spring garden and dig through the soil for worms for a fishing trip, spending time with Elizabeth and hearing her call me Daddy. All of that was gone. Gone.

I'd been thrown into a world of madness and turmoil with strangers who couldn't care less about my feelings or my dreams to be free again. The unbearable pain of having to withstand the torment of no one believing in my innocence—or even caring—was almost more than I could fathom. Why had this happened to me? What had I done so wrong in my life that I should deserve this kind of punishment?”

Michele Storms:

Thank you, Professor Howard. My name is Michele Storms. I'm the Assistant Dean for Public Service here at UW Law and I now have the distinct honor of introducing the keynote speaker for this afternoon. Earlier this week, it happened that I was at a dinner and Judge Robert Laznik, who is the Chief Judge of the U.S. District Court for the Western District of Washington, gave a short talk. He spoke and chronicled a long line of important civil rights battles and struggles and overcomings and he brought it home to Seattle, where he talked about having an opportunity last week to be with long-time civil rights champion and warrior, Representative John Lewis, up at Discovery Park.

They were there because Representative Lewis wanted to know more about what had happened here with the Fort Lawton soldiers. Who was their guide for that walk through Discovery Park and that lesson in history? It was our keynote speaker Jack Hamann.

Jack Hamann lives in Seattle where he's an author and a journalist with a career spanning 30 years, including a decade as a network correspondent and a documentary producer for CNN and PBS. His work has earned him journalism honors, including ten regional Emmy awards, but I think what's really important to us today is that Jack Hamann has used his skill and his profession to be a champion for justice.

His painstaking years of research and investigative journalism led him to author "On American Soil: How Justice Became a Casualty of WWII." This book is a non-fiction investigative account of one of the largest and most controversial events in American civil rights history.

After an Italian soldier was lynched at Fort Lawton, several African-American soldiers were court-martialed. Years later, after dozens of interviews and years of research, Jack was able to uncover previously classified documents which shed alarming new light on the conduct of key officials and the behavior of soldiers, both American and Italian.

"On American Soil" was selected as an outstanding investigative book in 2005 by investigative reporters and editors, but what really is so powerful is that that book was directly responsible for an October 26, 2007 decision by the U.S. Army Board of Correction of Military Records to overturn the verdicts on the infamous 1944 Fort Lawton court-martial.

Legislation signed by President George W. Bush in 2008 ensured that the surviving defendants or their estates would receive back pay plus compound interest. Jack is the winner of a 2007 Horace Mann award, an honor bestowed on those who've achieved victories for humanity and in 2008, our own Washington State Bar Association honored him with an Excellence in Legal Journalism award, and the Urban League has presented him with a Spirit award.
Jack's passion for justice, particularly for those who have been wrongfully convicted, continues to this day and that's why he's here with us today. There's much more that he's done and that he's involved with, and he's going to share that with you now, but he's very concerned about us addressing the needed reforms and in our own state, the compensation for the wrongfully convicted is not a reality.

So we are very fortunate that someone with his knowledge, his stature, and his willingness to work for this cause could make time to be with us today. I hope you'll now join me in welcoming Jack Hamann.

**Jack Hamann:**

Thank you, Michele. I'm really, really pleased to be at UW Law for a lot of reasons. It starts with your Dean, Dean Testy. A couple of years ago when she was at SU, she helped embrace the defendants who we're going to be talking about here by hosting them at Seattle University and actually bringing them to the chapel there at Seattle University where there was an extraordinary reconciliation. She's been really a champion of this book. Michele was very kind in her words. If you'd like to know the other side of the story, a couple of people in the crowd are my good friends. Kevin Washington is up there; we play volleyball every week and Kevin was a big part of that ceremony, but he'll tell you my other sides.

Joan Bird is a new friend of mine. She and I were at Costco three weeks ago, signing books. She's an author of a wonderful book that I recommend. Joe Brotherson and I were in Africa a year ago today together with the amazing Ezra Teshome who was vaccinating young children—we were right next to Somalia—who needed the polio vaccination, which we now hear this week has had spectacular success.

So it's great to be among friends. It's really particularly great to be here. Thank you for Michele, for Laura, who I met for the first time, and Jackie McMurtrie who is a real treasure of this law school and this community. It's great to be here because I'd love to tell you some stories that I think really apply to what I presume from what I've seen on the list, all of us in Seattle, but particularly those of you who have an interest in this particular topic.

Let me start with how many of you—you probably don't want to tell people you got a TV or access—did like me and watched a couple of weeks ago when that first miner came out of the mine in Chile? Quite a few of us. My wife and I were visiting my daughter and her fiancé down in San Francisco and we were watching there on the big screen, just really, really taken by that, and I found myself transformed here.

I knew I was going to be speaking here today and as I'm looking and thinking about the stories that the commentators are telling, I'm thinking, "These guys, through no fault of their own from all we know, are stuck down in this hole for an indeterminate time. They don't know whether they're going to live or die there, no matter what the promises are."

But more importantly, and not really expressed really well by the people who were on TV, they weren't with their loved ones. They couldn't confide in that one or two people that they really want and every day or every night touch and go out and tell what was important, what was bothering them. They were eating institutional food. Exonerees, sound familiar? They were not able to exercise. Sound familiar? They couldn't go to the bathroom with any kind of privacy. They were incarcerated, and really through no fault of their own.

I was taken back a little by the fact that the people who were responsible for them being there, somebody messed up. Somebody chasing profit who was trying to get a few more ounces of
whatever they were mining out of the ground. Regulators, perhaps, who looked the other way.

These guys were innocents, and I saw them coming out, the first guy particularly, within mind what exonerees must have to go through. Was this, oh my God, I'm actually, possibly, going to be able to spend time by myself, or with the one I love, in a place that the air doesn't stink, and it's quiet.

Then the next day, we happened to be in front of the TV again, they had, my old network, CNN, up. I think all these anchors were really hoping that the last guy would come out on their watch, because that was going to be their big coup. Unfortunately for all of us, and for perhaps CNN, it was Elliot Spitzer and, who's his new partner, they're new anchors at CNN. They're obviously really not tuned into this story at all, except for the glory that they're going to be the ones when this last guy comes out.

Suddenly, one of the anchors starts what became a mantra for the next 20 minutes. Yeah, the last guy's getting out, she said. It's not that bad, he's got all these book opportunities and people throwing money at him. Ten minutes later, oh yeah, well gosh just think of these guys. Look, they're going to get paid for this thing. She just kept getting worse and worse and worse. I wanted to jump into the TV and say, why not?

Look what these guys had gone through. Every moment they had no idea if this is where they're going to spend their last days, and yet here this wealthy anchor, sitting in her cocoon in New York City, probably being paid a whole lot more then she should have, was passing judgment on whether these folks deserved compensation. It's the feeling I get sometimes when people talk about the incarceration that you and I do as citizens of the United States, of people for whom the evidence just shows, did not commit those crimes.

The story I'd like to tell you, comes in two parts, and when I'm asked to speak, I usually only get time to tell the first part, and I love the second half. So this time I get to go through the first half, enough I hope to interest you, and then concentrate on the second. The first is how we found out about this story and how we got the book out. So much has happened since the book came out, including, as you've heard a little bit about, the extraordinary story of actually trying to compensate people who had been wrongly convicted.

Let me start at the very beginning, when I was a young television reporter for King TV, here in Seattle. I had practiced law for a year, decided it wasn't for me, ended up getting this offer. King was a pretty hot shot place back then. We did a lot of documentaries, a lot of long-form, really well respected. None of these live shot things you see all the time.

Yet, even with my law degree and my idealism, I was the young guy. They sent me one day to Discovery Park in Magnolia. Does everybody know where that is? Discovery Park, you've been there, I hope. Because of all things, the assignment that day was that they were going to have the next in an interminable series of public hearings about whether or not they should expand the sewage treatment plant at Discovery Park.

I get there and it's as dull as dull can be. I must have been bored because I stood in the back of that public hearing and up walks an employee of Discovery Park. She sidles up next to me and says, boy do you look bored. I said, well thank you for noticing, I am here. She said, you know it's really to bad because you reporters come here to Discovery Park, you leave, and you really have no idea how many real cool things are here. I said, like what? Tell me, I'm dying, this meeting is...

She said, well, for example, did you know that this used to be a really big Army fort, called Fort Lawton? I said, well yeah, I know that. We raised our kids in this neighborhood. They went to Garfield High School, and the kids, when they were young, would come here and play. She said,
but you know, that fort is almost completely being torn down, but there's this really amazing part
that we presume will never be torn down, and it's this hidden little military graveyard, not far from
here.

Like most military graveyards, the headstones are laid out in nice, neat little rows, and columns,
and the headstones are of similar size and shape. She said, but over to one side, outside these four
grassy quadrants, is this striking, large headstone, that appears to be in the shape of a Roman
column. Designed, it looks, as if it's top is broken off. At the base, she said, there are some words
that aren't in English. She thought they might be Greek or Latin or something, and she said, nobody
knows why it's there.

Well, the moment that sewage treatment meeting ended I beat it out of there, and we went looking.
Sure enough, we walked in there and if you did this, this afternoon, you'd see the same thing I saw
way back in 1986. You go in there, there's the headstones, and way over to the side is that one. You
walk up to it but you quickly realize it's not in Greek or Latin, it's in Italian. It says, and it's pretty
easy to read with the way it's done, Italian soldier Guglielmo Olivotto. It says that he died on
August 14, 1944.

From what I knew of history I realized this was still World War II. In fact, it was exactly one year
to the day from the end of World War II. I looked at that headstone and I thought, what is an Italian
soldier doing in Seattle during World War II, much less dying in World War II, and why is he here.

It's 1986. I went home, I couldn't just Google it. There was no Google in 1986, so I had to go down
to the Seattle Public Library. I went into the basement where they had the microfiche and
microfilm, and I began looking for the newspapers from August 14, 1944.

Lots going on. D-Day had only been a few weeks earlier so the American troops and Allied troops
are going across France, heading toward Germany. Eleven days from then, Paris would be
liberated. That winter the Battle of the Bulge, and in the Pacific, MacArthur had vowed to return to
the Philippines, but that required bloody battle, after bloody battle, on islands throughout the South
Pacific. So lots of news, but nothing at all in the newspaper about anybody being lynched, or
pardon me, being killed. I've given away a little, but you knew that all ready. Being killed or dying
at Fort Lawton.

So I looked at the next days paper, August 15th and still lots of headlines, nothing about a death.
August 16th, still nothing, but on August 17th, at a time when war was the preeminent news, there
were huge banner headlines in all the papers, the Times, the PI, the Herald, and it said, riot at Fort
Lawton. Italian prisoner of war lynched, two hundred Negro soldiers in custody.

I looked at that headline and I was stunned, but I didn't know where to begin being stunned
because, first of all, we had prisoners of war in Seattle. I never heard of such a thing. I never
remember reading anything about prisoners of war in Seattle. I didn't stay on that long because the
second line said, we had a lynching in Seattle. I'm like, wait a minute. When I grew up lynching,
what's that? That's Texas, Louisiana, Mississippi, Arkansas, that's not Seattle. We don't have
lynchings here. I've never heard of such a thing.

I didn't even stay all that long on that line, because it appeared from the third part of the headline,
that on the first day anyway, all of the suspects that they had in custody were African Americans.
You can, to this day I can tell you, we have put this challenge out to Universities, and Civil Rights
groups, and academics, and historians, we have never found another case in American history,
where African American men stood trial accused, and eventually convicted, of a mob lynching.
Ever. Yet, it took place here, in Seattle, in Magnolia, of all places.
Well it wasn't just a headline for a day or two, it was a headline for weeks, and months. As it turned out this became the largest and longest U.S. Army court martial of World War II, 43 defendants, and it lasted five weeks. The prosecutor was none other then Leon Jaworski. For those of you my age and older, Leon Jaworski is one of the most famous names in history.

In legal history, in America, he was the youngest man, at the time, ever to be a member of the Texas Bar Association. He rose to become Lyndon Johnson's personal attorney. He was on the Warren Commission investigating President John Kennedy's assassination.

He became President of the Texas Bar Association. He became President of the American Bar Association, but we know him most famously because he was the prosecutor in the Watergate affair, the special prosecutor who championed the landmark case US v. Nixon that led to President Nixon's resignation in 1974.

Leon Jaworski was the guy that the Army had given two and a half full months and all the resources they could muster to get here and try to figure out whom he was going to charge and what he was going to charge them with. When he made those charges, the Army then turned around and said to those 43 soldiers, "All right, we're giving you two lawyers between you. All 43 will share two lawyers, and those two lawyers will get just 10 days to prepare your defense."

In a capital case where several were charged with first-degree murder that would have landed them in the gallows, and all of them faced the potential for life in prison- two lawyers, 10 days.

One of those lawyers, quite famously, went on to become one of the most infamous federal judges in Washington state, William Beeks. For the longest time, I think the record's been passed, he was the longest serving federal judge ever. He was a young lawyer back then.

The other is Mr. Howard Noyd, an extraordinary gentleman, an old Iowa football player, who is now 95 years old. He's still living in Bellevue; my wife and I have lunch with him as often as we can. He's a huge source for a lot of our material, as you can imagine.

I put all that together- a prisoner of war lynched, allegedly by black people, in the largest and longest court martial of all of World War II, prosecuted by Leon Jaworski- and I thought, "I must be the stupidest person on Earth." How could I have never heard of this, in my own backyard, in a place where my kids played?

I picked up the phone and I began to call people who would set me straight. I called professors here at the University of Washington, people who specialized in history, civil rights, military history, law.

No one knew anything about it. I called the same kinds of folks at Seattle U. I called the Pentagon. I called the Army War College. I called everywhere I could think of that would have knowledge of this giant court martial, and couldn't find a single person who knew anything about a case that, by the way, had not just made headlines here locally- this was a headline in the Los Angeles Times, the New York Times, Time magazine, Newsweek; this was a headline in the Hindustan Times of India. Yet, somehow, we seemed, only a few decades later, to know nothing at all about it.

I spent a better part of a year with some colleagues at King TV doing what we could do, looking for sources and trying to find some of the defendants. We did find a few in Texas and talked to them.

We put together a documentary in 1987 that aired on King TV, won a whole bunch of awards, and got a lot of acclaim. In fairness, here's how you might summarize what that documentary said- it was, "Hey Seattle, isn't this amazing? We had this incredible thing happen a long time ago. And
wow! Leon Jaworski, this idol of the Watergate baby boomer era, he went after these guys who killed this Italian.

Why did Jaworski say they killed him? Well, he said that here they were, in a segregated army back in 1944, black soldiers were kept in an area far from the rest of the fort. The formal name for it was called "the colored area." When Italian prisoners of war were brought there to do menial labor around the fort, they were put right next to the black soldiers in "the colored area."

Jaworski said black soldiers thought, "Well this isn't right. How come we are Americans, we're really in this substandard part of the fort, you bring the enemy over here, and basically, when we look around, we black soldiers are doing the same thing they are. We're doing the menial jobs."

Jaworski said that one night, these black soldiers said, "That's it. I've had it. Enough. We're going to go next door to these guys' barracks. We're going to scare them. We're going to beat them up."

And, ah ha! Here comes this skinny little prisoner of war. He alleged that at least four of the black soldiers grabbed him, dragged him all the way down the base of the magnolia bluffs, and lynched him. That's what Jaworski said. That's what the media reported back then. That's what the court believed, and 28 of those 43 were convicted, sent to prison, and stripped of their honorable discharges.

And that's where the story may have ended. Now, the next part of this story I usually take about 20 minutes to tell. So, forgive me because I'm going to do it in about five or six, but I'm more than glad at other opportunities, because I really want to get to what happens afterwards.

Here's the summary of what happened. My wife and I were not really thinking anything was necessarily wrong with that verdict. Many years later, our two children graduated from Garfield High School. My daughter went down to college. My son had already gone off. We looked at each other, thinking "What would we really like to do next?"

It was just after 9/11. We remembered this story, because, over the years, friends of ours had said, "Don't you think there's something weird about that Fort Lawton story, Jack? I mean, come on, black people committing a lynching? The whole case seeming to have disappeared from the public consciousness?"

I'd have to say, "Yeah, I agree. It's kind of weird, but what are you going to do? The case was decided. There was the record. They were convicted. It went up on appeal. That's that, isn't it?"

But the truth is that it bugged me. It bugged my wife. We thought it long enough to say, "You know what? Maybe there's nothing that we'll find out wrong about it, but it sure deserves a lot more attention. Why don't we try to do a book."

We went through the process of getting a publisher and an agent. We put together a database of more than 350 names of black, white, Italian- officers, enlisted men, civilians- people who had any connection at all to this trial. One day we got in our Volvo station wagon, and we set out across the United States of America with the information that we had, looking for any clue, hint, or people to interview.

We went to the deep South- where so many of these men were from- in tiny little towns in Louisiana, Arkansas, Mississippi, Texas. We went to the upper Midwest, where many others were from, in the inner city of Chicago, Detroit, Milwaukee.

We made our way to all kinds of university libraries, archives, and all; but we ended up at what
ends up being the star of this show, as far as I'm concerned, and that's the National Archives in Washington DC. That's actually the one that's not the one we all go to where the Constitution is, but up the road in Maryland at the National Archives in College Park, next to the University of Maryland.

Has anybody been there? It's an amazing place, isn't it? Unbelievable. Billions of pages of our American history are there in the rawest raw form. It's all of the papers that agencies are required to turn in, that most of us never have the time, energy, or effort to look at.

We figured, let's go there, because we can walk in, which we did, and say, "Hey, you got a World War II section in here. We'd like to see all the papers from the largest and longest court martial of World War II."

The first guy we talked to said, "You know what, that's not exactly how it works here. We have billions of pages of documents. We can give you a guide to these giant sections. For example, one big section is called World War II Court Martials. You can start looking through the amazing number of files there."

We said, "OK. How hard can it be?" So, we began to start looking. We looked and we looked, and we found nothing, nothing at all about the largest case. We went back to this guy and said, "Come on, wait a minute. We found every other court martial you can imagine."

He said, "Well, now listen. Here's how this works. Some time in the late 40s or early 50s, some poor clerk is given just boxes and boxes of new files that come in. They have to decide where to file them. They might decide to file them in some other apparently appropriate category.

"Did you know," he said, "that we have an entire section on Fort Lawton?"

We were like, "Why didn't you tell us in the first place?"

[laughter]

Jack:

So, we began looking and looking. Frankly, we learned a lot about Fort Lawton at that time - not as much as we would have liked. After looking and looking, we found nothing, nothing at all about this trial. We went back to this guy a third time, a fourth time, more and more hints, and finally one day, I turned to Leslie, my wife, and said, "That's it, we're going home. There's nothing here."

Leslie said, "Not on your life. We've been here this long." She goes back to the guy by herself and he says, "Well, you seem like the persistent type." He goes, "We do have a category under World War II that we call miscellaneous..."

[laughter]

The archives are open six days a week. Every day, they open at 9:00. Some nights they're open as late as 10:30. We would almost always be the first ones in line there with our cup of coffee because there was a table that we particularly wanted to work at. We would usually be the last ones to leave. We did this day after day after day until finally, one day, while I was going through some other dead end, Leslie was going through another big pile, she suddenly turns to me and said, "Jack, look at this." There she had found the first page of what turned out to be thousands of pages of a previously classified US Army report that had been prepared by the Army in advance of this prosecution, and it had been shared with Leon Jaworski, that made it as clear as could be that these
men did not commit this crime, and furthermore, a long careful reading of these thousands of pages made it clear that the Army pretty well knew who did.

A white MP who hated blacks, who hated Italians, was supposed to be the one keeping order the night of this big affair. Rather than keep order, he helped spawn what was eventually a big fistfight between Italians and blacks by encouraging them to fight with one another and never calling any other member of the Military Police to help. Something that the Army knew full well and yet, Leon Jaworski went ahead with the trial, prosecuted him.

Two-thirds of the way through the trail, Mr. Beeks and Mr. Noyd looked over, saw Jaworski fiddling with some papers and making some statements on cross examination that they said, "Your Honor, wait a minute. What's he reading from? What in the world does the prosecution got over there because we don't know what he's talking about." Jaworski says, "None of your business. This is something that I'm allowed to have." Beeks said, "The heck you are! We're the defense attorneys here. These are our men. They're on trial for their lives."

Jaworski said, "No, I'm sorry. This is information I get directly from the Pentagon. You want to go ask them? Go ask them." As they got closer and closer, Jaworski, essentially, lied and said, "This is really not relevant to this case. If you want some little excerpt from it, perhaps I can let you have it." Beeks and Noyd, not able to really have any other evidence to know to the contrary, had to let it go, and these men were convicted.

That report, as you can imagine, became really the smoking gun that made our book possible. Now, we move in that second half that we talk about that is the focus today.

A friend of mine read the book and gave it to Congressman Jim McDermott. One day while my wife and I were out in our garden, the phone rings. "Hi Jack, this is Jim McDermott." Well, I knew he was my Congressman, but I didn't know him. I said, "What is it?" He said, "Well, you know, I've just read your book, and I just couldn't put it down. Last night, my wife dragged me to the opera, even, and she caught me reading it and was elbowing me to stop. Now that I'm finished, I want to know what can Congress do?"

I said, "Well, I don't know. I'm a reporter. I'm a writer. I, frankly, haven't thought it out that far." And he said, "Well, this is an outrage." So he and his staff spent the next couple of months drafting legislation, consulting with others, getting several other dozen of their members of Congress to co-sponsor legislation in 2006 that said, hey, US Army, you've got to reopen this case! Even though it's 60 years later, you've got to reopen this case. Well, it gets submitted, a few media notice, not many, and nothing happens.

One day the phone rings again, it's my mom. Mom lives down in San Diego County. Mom and Dad are in their 80's, they are as spry as if they were in their 20's. I could tell you stories forever about them. Mom says, "Jack, what's the deal? I thought I'd be tuning you in on C-SPAN testifying before Congress about this bill, and I don't see or hear anything."

I said, "Well, Mom, here's the thing, " remember, it's 2006, not yet November, and I said, "Mom, in Congress, if one party is in charge, they'll let a bill get introduced, but if it's introduced by someone from the other party, it's not going to go anywhere. It's true if Democrats are in charge, it's true for Republicans.

Right now, this is in the Republican controlled House Armed Services Committee, and it was introduced, Mom, by Jim McDermott. And Mom, he's not just any Democrat, they hate this guy! This is Baghdad Jim they call him, and he's in a big million dollar lawsuit with Representative Boehner, of all things."
So I said, "Mom, I think it was a nice gesture, but..." [sighs] We hang up the phone. Mom is really, really upset. Without telling us, she gets on her computer, and she bangs out a letter to her member of Congress. Dear Congressman, I'm writing to you as a mother. Yes, my son and my daughter-in-law wrote this book, but I'm writing to you because I know, after reading this book, that these young men were on trial for their freedom, if not their lives, for weeks on end when they were supposed to be fighting for our country's freedom. They didn't have their mothers there, they didn't have anybody there to be there to support them and help them.

In fact, only one, Sadie Hughes of Chicago, was able to make it. My mother says dear Congressman, why is that a partisan issue? And she sends it off. Well, Mom did not know that her member of Congress was not just any member of Congress, he was the Chairman of the House Armed Services Committee. If Jim McDermott is way over here to the left, that Congressman would probably have said he was way over to the right. Duncan Hunter was his name. He ran for President, at one point.

Duncan Hunter gave this to his staff. They came back and said, it all checks out. On one extraordinary day, Hunter walks up to Jim McDermott, they probably never agreed on anything in their lives, and said, "Yeah, you bet. We've got to do this." None of this was known by me. We were here on this campus, Leslie and I, one day and the phone rings again. This time, "Mr. Hamann?" "Yes?" "This is Rick Schwagart from the Pentagon." I said, "Yes." He says, "We're looking for information, perhaps contact information, about people who were the defendants in a 1944 Fort Lawton trial."

I said, "Well, yeah, but whatever for?" And he said, "Well, we've been ordered by Congress to reopen this case some 60 years later." And his voice didn't sound all that excited about it. We cooperated as well as we could, but yet again, you know this story, months go by, a year and three months go by, still nothing until finally, one day, I get to my computer, turn it on in the morning and all these emails are flying, Jack, have you seen this? Have you seen this?

I realize that it's a written opinion by the highest court for the United States Army Appellate Court. I was too nervous to read it. I printed it out, brought it to my wife with a cup of coffee, and there, in this eight page unanimous decision, the Army had ruled that Leon Jaworski had committed "egregious error in refusing to turn over exculpatory evidence that even under the law then, " in the military then, this wasn't some new phenomena.

In 1944, if you were a prosecutor, you had to turn over exculpatory evidence. There was no question. He even bragged later in his own autobiography, oh I was such a hardworking prosecutor in the Army. It was the only time I was ever a prosecutor, but, oh dear reader, if you're not a lawyer, you have no idea, if we had evidence that would make it better for the defendant, we had to turn it over to them. So, oh man, I was really a great prosecutor, said he to his dear readers.

They said, in that opinion, the unanimous opinion, I think there's some excerpts that you have here with you, that they had denied due process for these men, and they overturned all of their convictions, insisted that they be given honorable discharges, and this, the most extraordinary and most interesting, to me, part of all, they said that these men or if they had died, which most of them had, their surviving families were entitled to back pay and benefits that they had been denied while they were incarcerated.

Well, it was stunning, but it got weirder. It got lots of international attention. It got all kinds of things in there. But one of those still living defendants was this amazing man by the name of Sam Snow, lives in Leesburg, Florida, just north of Orlando. He'd call me all the time on just anything or nothing. "Mr. Hamann, how are you today?" "Fine" "How's the weather in Seattle today?" We'd talk about it. "How's the Orlando area?" "Oh, it's just great. Well, that's all. I just wanted to say hi, "
and he'd hang up.

One day he calls up, "Mr. Hamann, I got this check from the United States Army." I said, "Really?" And he opens it and he says, "I opened it up and it said that if I sign this check, that all my claims are done with the Army and we're completely done." I said, "Wow! That's amazing." He said, "Yeah, the only problem is the check is for $725."

Because, as it turned out, even though the Army had ordered this, the regulations for the United States Army had no provision for paying interest, cost of living, or anything else. They had to pay him, under those regulations, what his salary as a private had been in 1944, which was 40 bucks a month, or something.

Jim McDermott got right back on it. This time he had lots of members of Congress riding with him, including Democrats and Republicans. Eventually, it landed on the desk of President George W. Bush. He signed it, and those families were then entitled to all of that money plus- as you can imagine from all your business classes- the compound interest, which was a substantial bit of money.

When we talk, as we are now, about compensation, let me make a couple of points that are not as happy to me. Number one, although that compensated them for the time they were behind bars plus interest- you already know what I'm going to say- it could never in a million years begin to compensate them.

Let's start with the fact that these men were African Americans in the 1940s. They go back home after they're out of prison. The war is over. People are treating the returning soldiers as heroes. We saved Democracy. There's jobs available. There's the GI Bill. There's all kinds of ways to buy houses and do other things that are coming online.

Yet, these black men had to go back, usually to either the segregated North or the very segregated deep South, with a criminal record and a dishonorable discharge. For the rest of their lives- I don't care what they apply for- you can't apply for a civil service job or a teaching job. You couldn't apply to be a coach anywhere, probably.

Everything that those things implied were a stain. There isn't a job application that you're going to get that doesn't say, "Did you serve in the military? Have you ever served time? What was your honorable or dishonorable discharge?"

So, no compensation for any of that. There are dozens of heroic stories about, by the way, what guys including Sam Snow did to overcome that. They didn't just roll over and die. A few did, by the way, but the ones we got to know did not. That was an extraordinary burden.

Furthermore, I started to allude to this, they were being compensated just for their wages, but they didn't get, back then, the advantage of other returning veterans. What about the house they could have bought and gotten the equity in, the education they might have had paid for, or all the other benefits? None of those were available to them.

So, even though some of these families... So far, the most heartwarming to me was a family that I'd gotten very fond of- the family of Les Stewart. They're in Austin. Les's widow, whom I'd gotten to know over the years- a very shy woman- had initially said, "I don't really want this money, because I feel like I just don't know if I can or would."

Well, when the housing crisis hit, last year or the year before, she was one of those that got suckered into- as, at that time, an 85 year old woman- signing one of those horrible mortgages, such
that "Yeah, it's three percent interest today, and in three months it's 30 percent interest," or some
darn thing.

She called me up, very embarrassed, and said, "I'm going to lose my house. I've got another
month." So, I said, "Well, are you going to do the paperwork?"

We called the US Army, and they said, "Dude, we will take care of this;" and they did, by the way.
every time one of these people had been paid, they don't just send something in the mail anymore.
They were pretty embarrassed by a New York Times story, which you have a copy of in here, about
Snow getting his $725 in a check.

From then on, anything that was delivered was delivered not by just some colonel, or even a
captain; the people who came and delivered it were the Assistant Secretary of the Department of
Defense, sometimes with media, a lot of times without, because it meant so much to them that they
make this right.

One more fact before I then talk a little bit about this compensation as it applies here, and that is
that of all the wonderful things that have happened here, one of the most tragic parts still goes back
to the issue of race. Of the 28 families that are due this money, and in some cases a huge amount,
we've only found 14.

The other half are out there with this money. Why does that have to do with race? In large part, it
had to do with the fact that in many cases, Leon Jeworski, when he decided who to charge, was
about as racist as one could imagine, for then or now.

He'd get these what we later showed were very suspect witnesses on his behalf. In one case, the
witness said, "Well, I saw Booker involved with all this."

He said, "Well, I'm looking at the roster; there's two guys named Booker."

"Oh, we call him Booker T."

"Well, there's Booker Townsell and Booker Thornton."

"I don't know which one. It was Booker T."

So, Jeworski charged both of them, and both were convicted. There are guys with the last name
Smith, Brown, Jones, and Johnson. My wife found Bill Jones, believe it or not. Can you imagine
how many "Bill Joneses" there are in America.

A lot of these people and names just didn't... You go back to it, and this is really a story my wife
can tell, in the 1940s, very few newspapers- there were some in Chicago, Los Angeles, and
elsewhere- very few were for African American communities and constituencies. White papers,
particularly in the South, wouldn't run obituaries if you weren't white.

That's one normal way of finding people. Where are they now? You read the obit and their son
Jeffrey from Memphis is mentioned, and you go to Memphis and find him.

Other records that normally, for a white community- over a non-minority community- would have
been kept carefully, were, for us, frustratingly absence. The normal way of us chasing down people
have been shut left and right.

The last few that we have found happened because, god bless NPR, they've done five national
stories on this. Almost without exception, someone will listen and say, "Oh my god, that's my Uncle Bob's story," or whatever, and tells Aunt Mary, who then tells someone else, and sure enough.

It doesn't really solve our problem fully yet, because until we get all those people their compensation... For this conference, I have to say, you all know the expression that "justice delayed is justice denied." Boy, is that true.

For some of these men it was too late. There was a man, and all of his fellow defendants said that this ruined his life. I mean, it just completely... They all knew they were innocent. First of all, let's not be too up in the clouds, here. These guys knew they hadn't done it. Several of them stayed close for maybe the next decade afterwards.

So, they knew when some of their friends were just like, "I just can't handle this. I can't get a job. I can't get anybody to believe me."

More importantly, like veterans of all colors after World War II, they didn't want to talk about it. They didn't tell their families. You can't believe how many families we've come to with this story, and they're like "What? You're from where? You are who?"

Then, when we begin to give them enough information that we send them... But with all of that, the truth is this- the compensation that these folks absolutely deserve, while it could never and will never fully, in this sense of the legal-technical term, compensate them for all that they went through, both their prison time and beyond, we have seen it make a difference.

Not as much to them, perhaps, but to their progeny. We've seen numerous examples of usually grandchildren, by now, who might be high school age, who do reports about what their grandfather went through now that they can read the book and see this.

At first, I heard that story. Then I met one of these young folks when they came here to Seattle. I was just blown away, because how are you going to feel if, tomorrow, somebody walks up to you and says, "Do you know what? Your grandfather, whom you may or may not known very well, had to carry this burden with him his whole life. He probably never even told your own mother or father, and certainly never you. Now I'm coming to you, telling you he didn't do it."

How would you feel? You'd feel outraged, but you'd feel relief. More importantly, you'd care, wouldn't you? You'd care because you know that's part of who you are, who your own children and their children are going to be. It's a matter of dignity. It's a matter of respect. It's a matter of how you look at yourself in the mirror.

So, they didn't get the money the needed- and they should get it- but what they really, really need is a very affirmative statement from more than just some bureaucrat saying, "Here's a piece of paper. Have fun on the outside." They need somebody acknowledging the wrongness, and why it was wrong.

I've got about 10 minutes, right? To start some questions here. Let me tell you something. I wasn't in the military. My father was. He was drafted twice, in World War II and Korea. I was a product of the baby boom era. I was a product of Vietnam. I was not on the pro-Vietnam side, I can say.

But I have to tell you that the United States Army maybe because we had the goods on 'em, has been nothing but great with this story. They've never fought us, they've never gotten in our way and sometimes, to the contrary the United States Army has really been ahead of the curve on this.
And so, a couple of years ago, Tim McDermott and governor Greg Warr and county executive Simms and mayor Nichols, invited all of the surviving families who could come, to come here to Seattle, so that the United States Army bringing, the assistant secretary of the army, the highest ranking African-American in the United States, Army, to be able to give a ceremony to the families and to the men who are still surviving.

And they did two things. They handed them their honorable discharge, which in it of itself, I got to tell you blew my mind and brought tears to my eyes.

To see this honorable discharge in its formal thing, and they put it in the most wonderful plaque to be honored forever.

But guess what else they did? They handed all of them a similar plaque, that was in the form of a letter, from the secretary of the United States Army.

And I turned at the secretary of the army and I said, "What's that all about"? And he said, "You know what? What I don't want is in 50 years some grand child to be relaying the same story to someone else and say, oh here's my proof, here's the honorable discharge".

"And they can say that doesn't prove anything. You got an honorable discharge. So did everybody else. Big deal".

So the second thing they gave them, was a letter from the secretary of the army explaining why this had been done.

Explaining that the United States Army and the United States government had screwed up, how they screwed up and why they screwed up.

Either way, that we are sorry. Amazing, to me. And that's part now of the family record. They all digitized them, so that that wouldn't be lost and spread it to all of their families.

The money is critical. It's the way we measure things.

But I think we got to talk, when we talk about these reparations and compensations, going to the really deepest meaning, so that generations down the line will have that benefit.

Questions please? Conversation even. Yes.

[audience question]

Jack:

Yes.

[audience question]

Jack:

Sixty years of compound interest.

[audience question]
Jack:

Yes.

[audience question]

Jack:

Oh, it's in the six figures, and one who we haven't found would be beyond.

[audience question]

Jack:

It's a great question. Why not the families just bring a case? I must say, at least as far as I've been involved in this, and there's an attorney in Washington DC who's advised many of the families. There's never been, as there was with Sam Snow, a quid pro quo thing anymore that says, if you sign this you get rid of all claims in the future.

There is one family who is doing exactly what you said. A Los Angeles family who's trying to pursue a further claim.

Who believe that this money is still not enough. So that was the decision. The decision of the other 13 families so far, has been that this is sufficient and that as far as we are concerned, this closes it.

But the other family does not feel as if it's been in any way ... And so they have not accepted the first check.

They've just simply gone to an attorney and pursued this, administratively initially. So, that option still, in this case, wasn't precluded in any of that.

There's not a whole lot of law here. In fact, one of the most interesting things we discovered on this, has anybody here have any background in military law, defending members of the military at all?

No one? OK, what do you do sir?

Well one of the most intriguing things is that this is all happened right at the transition of the old Articles of War, which is what since the beginning of our country govern military justice, to the creation of the Uniform Military Code of Justice, which is we still use today.

And this case was cited as an example of why we needed that. About 20 years ago, the family members of the doctor who treated John Wilkes Booth after he shot president Lincoln, he ran to a farm and this doctor helped him.

There's a lot of books it. But he was also himself a member of the military, that doctor, and he was court-marshaled.

And the family, the descendants, from all his line, came forward and said we demand that his name be cleared and that we be compensated and this went before the highest court and they made this ruling that said, you know what?

Based on our reading, if this had been a Uniform Code of Military Justice case, there is a stature of limitations and, you know, it's military, and we got it and here are the things we can do.
But for cases that were tried before the UCMJ, the army board of review, you have complete latitude. You could do whatever you want.

They didn't give Wilkes Booth's family all they wanted, but that was the precedent that they cited to say, because of the John Wilkes Booth case, that doctor, that we now have the power, since this was a case, the fore-longed case, that took place before the uniform code to, if we decide that it should be overturned, to be able to determine the penalty.

So, back to your question. I think the army had the ability to do more if they wanted to. There's blowback on this folks. Every once in a while, when I come here, I go to Seattle University, people live there and there are white supremacists there with their signs.

And every step we had, in fact if you go look at Nicole Broder's column today about this, I tried to tell my wife not to look at this, but sure enough out of the 30 or 40 comments that we've seen so far, there's probably five or six that are just flat racist.

And so there's a lot of that. And so whether that has anything to do, and it should not in my view even in the tiniest, tiniest bit, it's a reality out there that there are people who have said, a tinie, tiny, very loud, minority who've said, what are we doing?

Slavery is over. I had nothing to do with this. That, you hear that all the time. If that had anything to do with their decision? I don't know.

Other comments, questions, conversation? Yes sir?

[audience question]

Jack:

Leon Jaworski, had a ranch near where George W. Bush has a ranch and he was out cutting wood one day, and dropped down over dead, in 1992, before we did any of this. And, an enterprising, veteran reporter from the Dallas Morning News, interviewed me at one point and he called me back and he said, "Mr. Hammond, there's only two kinds of people that never, ever fail to return a reporter's call".

"Number one is a politician running for office. And number two is an author who has a book out and is trying to get publicity. Leon Jaworski has got two grand kids who 're pretty powerful in this state. One of them is a politician running for office".

"The other one is an author. Neither one of them called me back. You must have one hell of a story here".

[laughing]

He pursued it for weeks and he eventually got a front page, you can see that on my website, front page, Sunday, story expose about what in the world were the Jaworski family think of this book and all that happened. To quickly summarize, they said, "You got 'em". You know? You nailed them. We respect the book, we respect what the author has done. All I guess we can say is that all great men make mistakes and this was his.

That's more complicated than that. We spent a lot of time, those of you who've read the book, you're talking about the fact that Leon Jaworski who is a really brilliant lawyer and a signing light most of his career was extraordinarily distinguished.

Today, one of the largest firms in America still bears his name, down in Texas. But he really, really, really knew that the plum assignment after World War two was over, was to go prosecute suspected war criminals.

And his writings, which he donated, which we got to read, at Baylor University Law School, made that really clear.

He's writing from the Olympic hotel and telling people, "Oh man, this case is gonna be my ticket. I'm gonna get that".

And guess who got the job of the first prosecutor of war crimes after the war? Leon Jaworski. If he'd lost this case, maybe not.

In fact the first case ever tried, ever, under the Geneva Convention, was in Russelsheim, Germany, and it was Leon Jaworski who got the victory.

So, that I think was part of his motivation was, if he was gonna win this at all cost. So one of the grandsons at first got a little upset, but I said, "Well, we've got 40 pages worth of references in the back of the book if you wanna go check 'em out".

Four months later he wrote to me and he said, "Oh, I guess that's why grandpa never talked about this case". So they dropped it. What do we have now, anymore time? Five minutes? No minutes? Hi, Kevin.

[audience question]

[laughter]

Jack:

Well, first question was, "Is the army helping find these families?" And some of you probably know this story, it's tragic. In 1971, I think it was, all of the military records of the United States for World War II and Korea are stored in a warehouse in Saint Louis, Missouri, and there was a huge fire there. And 70 percent of all military records before 1971 were destroyed.

I have now, after extraordinary skepticism for years, come to really be able to trust a couple of people who are at the highest level in the army. And I think they have worked their tails off to find what they can find. And really, they see their role right now as expediting if someone else like Mrs. Stewart, who says she's losing her home. If we find them, they're going to try to make it quick. But, they have not. They think they've hit all dead ends from their perspective.

So, again, we rely on attention. We rely on news stories. There is a screenplay that is being done by, well, we have a teeny bit to do with it, but it's actually being written in Hollywood right now.

Did we find other things when we were mucking around? You know, yes and no. It's like addicting to be in those archives. I mean, you can't, if you love research, and I was a law student, I was a lawyer. Those are your law students, like "God, what am I doing with all this research?"

I'm telling you, you get in a place like that with something you care about, you don't want to leave. And then, the two or three times Leslie and I have gone back, we get there, and we just don't want to leave. And yes, there were a lot. And what I try to tell everybody, but students in particular, is we really hung onto this story only because it was in our neighborhood. These things happened not far from where we lived. So, we had a stake in it. We cared about it.
People have said, "Why don't you go down and do a story about, a whole book about Leon Georsky?"

Well, you know what? That'd be best done by a Texan who gets Texas and gets the whole culture. And they should do it.

But, in your own life and your own experience, something's just not going to seem right to you somewhere. Like for me, you know, black people committing a lynching? And maybe you'll be less dense than I was, and not wait as long and pursue that.

And so, do I have a specific example or two? I certainly got an ugly picture of how poorly African American soldiers were treated everywhere. One of the greatest things I heard, was somebody said to me, "Well, you know, you used the 'N' word in your book. And what you don't understand is, in 1944, that wasn't an insult."

And so, I said, "Well, you know what? We were going through the archives."

And it's in the book. We put it in the book.

Right over in Vancouver, Washington, at the fort there. There was a recreational play that was being put on by soldiers. And some of you are already ahead of me, you know what's going to happen here. White soldiers get up there, and what do they do? They dress in black face, and they use the "N" word.

And, do you know that within five minutes, we have all the reports of this, the black soldiers in there all stood up and left.

1944. Two weeks before this thing occurred. So, don't tell me that this was some, you know, whatever. And a lot of that behavior, we were so good right now at thinking, "Oh, things were way different then." Or, "People didn't, you know, this or that." And, it's just not true. It's just not true.

I think I've used my time. I'm really grateful, as I said, to be here, because what I want you all to know, that Leslie and I have concluded about this, is this. The first draft of history is always written by those in power. Not a good thing or a bad thing, necessarily. It's just the way it is. The people in power, they own the printing press, the TV stations, the Internet. They write the first draft.

But, history is so much more important and rich. It's what happens to everybody that was at an event that we care about. Not just those who have the ability to make the first record.

And so, sometimes, you have to go back day after day after day and go into a miscellaneous section. Sometimes, you have to go to a sewage treatment plant meeting to get kicked in the head to see something.

[laughter]

Jack:

But, the truth is, history is for all of us to learn more about. And all of us to help flesh out. So, thank you. Thank you very much.

[applause]

Laura Zaroski:
Thank you, Jack Hammond for that amazing talk, and all of the wonderful and inspiring work that you've done. Really appreciate and are honored by your being here today. We're going to take a break right now. So, a ten minute break, and we'll reconvene at about five to three. Thank you so much.

OK, I think it's probably time to start. Good afternoon, everyone. My name is Laura Zaroski, and I'm the policy staff attorney for The Innocence Project Northwest Clinic here at the University of Washington's School of Law.

Today I'm going to be discussing the manner in which wrongful compensation has been provided in the United States. When cases of wrongful conviction are discussed, as you all probably realize after this point, after Mr. Hammond's discussion and just in having an interest in the issue in general, the question almost invariably arises, after the discussion of the case, and the facts of the crime, and the conviction, and ultimately being overturned. The question almost invariably arises: "OK, what now? What do they get?"

And, the short answer to that question in most cases in the state of Washington, and the other 22 states that lack a statute to compensate the wrongful conviction, is, very simply, nothing. They don't get anything.

In fact, whether or not a person will receive compensation at all depends largely on the laws of the jurisdiction in which they were convicted, and the particular facts of their case.

And today, I hope to provide you with a general picture of how compensation for wrongful conviction has been provided in the United States. A sense of what might be considered a fair and compassionate state response to these cases. And, where we can go from here in the state of Washington.

So, I'd like to start by just identifying for you the three methods by which compensation is generally pursued in the United States. The first, of course, is a lawsuit. As many of you in the room may be familiar with a 1983 claim, a civil rights action based on some sort of official misconduct, either by police or prosecutors in the case.

Another approach that is available in some states is through private bill. It's not available everywhere, but in some states, a bill can be introduced on behalf of an exonerated individual to try to get a direct budget appropriation on their behalf.

And, in the states where it's available, a claim can be submitted under the jurisdiction's Wrongful Compensation Statute. And, as I just said, whether or not compensation is available in a discrete case will depend on where the conviction happened, and whether or not there was misconduct in a particular individual's case.

And there are clearly benefits and drawbacks to each of these methods, as there is with any other similar system. But as it has emerged in the way that states have dealt with these cases, in the past couple of decades particularly, it has emerged that statutes tend to be accepted as the best method for doing this. And there are a few reasons for that.

Before getting to the statutes, I'll just kind of cover some of the obvious drawbacks that go along with the other methods. And, I'd like to qualify my statements first by saying the percentages that I'll be giving about compensation, and what has been awarded so far, and the methods that they've used, relate specifically to DNA exonerations.

And, as we all know, there are many methods in addition to DNA to pursue, or sort of reveal, a
wrongful conviction. But, the bottom line is that the data that has been collected with regard to DNA cases is simply better and more straightforward. So, this has been the best way to use it.

So, in the case of lawsuits, about 28 percent of those who have been wrongly convicted and exonerated through DNA testing have successfully pursued compensation through a lawsuit against the state. Many more than that have filed, and have been unsuccessful. There is an incredibly high burden to overcome due to immunity provisions when it comes to law enforcement and prosecutors.

So, in cases where that burden can be overcome, cases are successful. It's a very small number. Certainly less than half of the cases of wrongful conviction involve provable misconduct by some official. This method involves, as anyone who has been involved in civil litigation knows, a protracted, and expensive, legal battle. This is, for those who have been wrongly incarcerated for years, and sometimes decades, resources are simply not available. And assistance and services are certainly needed well before the years that it sometimes takes to resolve the civil case.

This is also an expensive approach for the state. Of course, the litigation costs involved are expensive for the exoneree, also expensive for the state. And jury verdicts tend to be exponentially larger under statutory compensation awards.

And I have an example up here for the state of New York. New York has had a compensation statute for some time, and they've made eight awards under the statute. Those awards have ranged from $300,000 to $2.6 million. And just, by way of reference, $2.6 million is the largest compensation amount that has ever been awarded under a statute.

Just last week Alan Newton was awarded $18.5 million by a federal jury for his case against the city of New York City. There was a clear misconduct in his case related to the evidence, and that was the outcome in that case.

The other method that's available other than statutory claims is through private bills. As I said, this is not available in every state. And then jump to the bottom of that slide and kind of cut to the chase it is not available in Washington State. That is because we have a constitutional provision in our state constitution that prohibits the enactment of any private or special laws.

So this isn't an avenue just to put it out there right from the beginning. It's not available in the State of Washington. But about nine percent of those exonerated through DNA testing have been compensated in this way.

As you can imagine, it is a politically charged process. Much of the success under private bill relates a lot more to the personality of the legislator that has decided to take on the bill, the amount of publicity that a given case has received, and what it results in is wildly. I use the word wildly, but I think that's true.

This is one example, but really drastically different awards based on the same number or at least comparative numbers of wrongful incarceration and in the same jurisdiction. And of course the florid example is here for you. Wilton Dedge was awarded $2 million for spending 22 years in prison for a crime he didn't commit. Alan Crotzer was awarded 38 percent less than that for spending three years longer in the same jurisdiction.

So clearly private bills are up against the same issues that any bill on the legislature would be up against. They'd be dictated largely by budget concerns and other variant factors that have nothing to do with the underlying merits of the claim. So as I said, regardless of whether the wisdom of this method is simply unavailable in some states, in many states.
So given all of these drawbacks, what has emerged across the country is this increase, particularly in the last ten years or so, in the enactment of statutes to compensate wrongful conviction. There is a few reasons for this. There is equal treatment for qualified applicants. Typically these statutes are very clear in indicating who qualifies and who doesn't.

I'll go over a couple of those requirements in a moment--the general provisions. But once someone has kind of gotten through the door in one of these statutes, once you've been put in the category of wrongly convicted person, then they are treated the same.

So generally the compensation is awarded based on the number of years of wrongful incarceration and not on any other extraneous factors as they sometimes can be, the decisions are sometimes based under the other methods.

There are clear eligibility standards. The statutes, particularly the newer ones are very clear about indicating exactly what needs to be proven, the kind of documentary evidence that's required, and how the finding is going to be made.

These statutes, they provide for reliable application and approval process. These processes are generally handled through courts and through administrative agencies that are set up to make fact determinations and to apply the law.

And as I indicated before, there is a greater uniformity in the amounts that are awarded under these statutes because they tend to be based on the simple factor of how many years the person spent and incarcerated for something they didn't do.

So far statutes have been enacted in 27 states, the District of Columbia, and by the Federal Government to compensate a wrongful conviction. In general... and I have to squeeze them into these categories because there are so many variants depending on the state.

Each state has such unique procedures in terms of administrative procedure and their separate claims processes. But for the most part, eighteen of the statutes fall under the process of a civil cause of action. It's simply a statute that allows a cause of action to be brought based on the fact of wrongful incarceration.

The other 11 fall under what would you call it an administrative process. One state, Montana, actually has the department of corrections as the administrative agency that handles these claims. But for the most part it's some sort of claims border process and in some cases, it's a claims board that has actually been created under statute to deal specifically with these cases.

Here, I just sort of wanted to give you a visual representation of how long these statutes have been around, and to show this trend is particularly in the last 10 years, to enact these statutes. The first two statutes to compensate wrongful conviction were passed in 1913 by Wisconsin and California.

Then we had a couple, the Federal government followed in 1938. We had a couple of dormant decades there. But the real kick in passage of these compensation statutes, really happened in the 1980s and 90s, and then in the last 10 years 13 of the 29 statutes have been passed.

And I think it goes without saying that much of the increase in the need for these statutes and therefore the enactment of these statutes, corresponds with the use of DNA technology to establish innocence.

So it would be impossible and incredibly boring if I went through all of the statutes and their discrete provisions. So I just thought I would give you an overview and kind of a general sense of
what is in the statutes that are currently on the books across the country.

Every one of them require the ... or most of them, for the most part, require the prerequisites that
are here in the first bullet points. First and foremost, judicial or executive relief has to have been
secured. So that means there has to be ... the conviction has to have been vacated or reversed.

There had to be an acquittal after retrial. And in terms of executive relief, of course, a pardon
would also qualify. And the pardon almost, I believe in every statute, has to be on the basis of
innocence. The claimant has to be able to prove by documentary evidence that they were actually
innocent.

Sounds like a difficult thing to do given our presumption of innocence in how our system usually
works. It seems like a reverse process, and in many ways it is. Some statutes are better than others
in providing guidance on how that can actually be proven.

But what it comes down to, is that the finder of fact has to be convinced of the actual innocence,
and there are certain statutes are more clear than others on how that can be done. And almost every
state includes a provision that the claimant may not have caused or brought about their conviction. I
always pause when I reach this provision, because I find it difficult to understand how someone
would cause or bring about their own conviction in any way beside a guilty plea to the charge, or a
false confession.

And so the first era of wrongful conviction statutes don't qualify for this at all. They say if you
contributed or caused your conviction, you don't qualify for compensation. The later statutes, the
more modern ones, have said you may not cause or bring about the conviction, but a guilty plea to
the underlying charge, or a confession that's established to be false is not a bar to compensation.

So it's sort of ... there's an evolution in that area that I'm sure is sort of ... there's an evolution in that
area that I'm sure is developing along with an understanding of how often false confessions happen
and how often guilty pleas are entered despite actual innocence.

The awards are generally, the awards under the statute are generally determined as I said earlier
based on the number of years of incarceration. That's the general model. There are exceptions. But
the range is anywhere from $5,000 a year in Wisconsin to $80,000 a year in Texas. And to be fair,
depending on the charge, that amount in Texas is more like $105,000 a year. So I'll get to the Texas
statute a little bit later.

And there are discretionary amounts in the statute of the six jurisdictions that I've indicated here.
That means that the judge is simply, or the fact finder of the administrative agency, is authorized to
award any amount that is fair to compensate the individual for the years they spent wrongly
incarcerated. Montana is the only state that does not provide monetary compensation. Their statute
provides for tuition, and that's it.

And it's interesting, that for my research and everything that I've been able to find out about it, one
person has been awarded compensation under this statute and it has not been funded. So it seems to
be an entirely empty promise at this point. But we'll see that there is some effort to reform their
statute, so we'll see what happens with that in the future.

And as you can see, a good number of these statutes have caps on the total amount of the award.
New Hampshire is of course the glaring example at $20,000. And they go as high as Florida, at $2
million. And Florida is a very new statute. It was passed in 2008, so ... but for the most part, some
of these caps are generally from some of the older statutes, or the earlier generation of statutes, but
they're still present in the newer legislation.
The question is, given the disparity across statutes and how different some of these statutes are, I think the question that readily emerges from any of these discussions is well what counts as fair. What counts as a fair and compassionate provision for compensation for these individuals. And it is a difficult question to answer.

And I think the reason it's so difficult is much of what Jack Hammond had said earlier, it's very difficult to imagine any amount of money compensating someone for going through this experience. I think there's no way to put a dollar figure on the loss of enjoyment of your family. The loss of an opportunity to pursue employment or jobs or just your interest, whatever it is that... your freedom.

So despite that, I mean, we have to come up with a number. And I think the standards in the federal statute, which I'll get into the details in just a second, have been widely considered to be considered fair.

I mean, it's arguably, as I said, that nothing is enough.

But that standard is $50,000 a year for each year of wrongful incarceration, $100,000 a year for each year spent on death row.

And another thing I'd like to bring up from the earlier presentation is, I think that cannot be overstated, the significance of an official acknowledgment of the wrongful conviction. And that's something that should be done by the state, and through compensation is a good way to do that.

I think in many jurisdictions where there's not any form of relief, many times, the exonerees are left in a position where they have to carry around a news clipping from their story to explain what happened to them and why because the court documents are going to be telling any story. And if they've had their conviction vacated, ironically, sometimes that has turned out to be a bad thing because they don't even have it on their records.

So it just appears that they disappeared for 10 years or 20 years. And so some sort of official acknowledgment, I think, is clearly... there's a panel that's coming up soon that can speak to this with much more authority than I ever could. But I think that that shouldn't be overlooked.

So the federal statute, because it's been used as a model, I wanted to spend a little bit of time on it because it's referred to regularly as the gold standard. It was first proposed in 1912 by a man named Edwin Borchard, who if anyone's familiar with it or get to... he is an author. But at the time he proposed it, he was the law librarian of Congress.

An editorial in support of his proposal was submitted at the same time by John Whitmore, who was then the dean of Northwestern University's School of Law.

The federal statute didn't go anywhere during that time. But the very next year, California and Wisconsin passed their compensation statute. So there was some effect to his pleas for compensation statute.

And it's interesting to note that he was arguing that the United States... and right now, we may be arguing that Washington State is behind in the United States, by not having a compensation statute. In 1912, Edwin Borchard was arguing that the United States was behind the times because Europe and many industrialized countries had already provided in their laws for compensation for the wrongly convicted.

So 20 years later, Borchard, who was then the law professor at the Yale University, published his
book "Convicting The Innocent Sixty-Five Actual Errors of Criminal Justice, " which is very interesting reading and highly recommended. And it is disturbing how little has changed in the causes of wrongful conviction.

It's very interesting reading and fun, because he never says gun, he always says pistol and revolver and things like that. So it's a fun read, and moving, and really still relevant to everything that we're saying today related to compensation.

The federal compensation statute was finally enacted in 1938, 26 years after it was first proposed. And the damages follow the recommendation at the time, a $5,000-cap which in 1938 was a fair amount of money. But it was not amended until 2004.

So up through 2003, you've got $5,000 under the federal statute. And that's when under the Innocents Protection Act, which was part of the Justice For All Act signed by President George Bush, the standard was raised to $50,000 a year, with $100,000 for each year spent on death row.

So this statute is considered the gold standard because it's widely considered. And really that the statute doesn't provide for much, except the monetary compensation. There's nothing in terms of services, there's not a lot in terms of procedure. It's a very straightforward statute.

But if this is the gold standard, then believe it or not, Texas is the platinum standard. Texas has assorted history and the dubious distinction of having the largest number of DNA exonerations in the country.

The last I checked, it was 40. I think it may have gone up by one. Their statute was effective in 2001 and provided $25,000 a year with a cap of $5,000. It was later amended sometime in the 2000s to meet the federal standard, which had been put forward.

And by midyear of 2009, about $9 million had been paid out to 46 wrongly convicted people. So obviously, this is an example of something more than DNA being used to compensate, since there's only about 40 or 41 DNA exonerations.

And $5.5 million of this amount was paid through the states' compensation statute. So if that weren't enough, last year, through the Timothy Cole Act, the taxes statute was revised once again to become, by far, the most generous compensation statute in the country.

Some of you may know the case of Timothy Cole, who passed away in prison in 1999, while serving a 25-year sentence for sexual assault that he did not commit. His family continued to pursue his case to clear his name and he was posthumously exonerated in 2009.

Given this, the amendment to the statute were taken under his name, and a large part of that is under the lump sum payments and maybe awarded to family members. To my knowledge, this is the only statute that family members of the exoneree can actually initiate the compensation suit in the first instance.

In many cases, once it has been initiated, if there are payments due, they can be assigned to the estate. This is the only one I am aware of that the family members could actually initiate the case in the first instance.

But in addition to great services including reentry and reintegrative services... job training, counseling, healthcare, tuition, child support payments and arrearages that built up while they were wrongly incarcerated.
In addition to all that, there is a lump sum payment of $80,000 year for each year of wrongful incarceration. $25,000 year for each year required to be on parole or register as a sex offender.

And the lump-sum payments survive. So that's the case that the family could collect or initiate the suit. In addition to this, an annuity is purchased in the name of the wrongfully incarcerated person, in the amount equal to whatever their lump sum payment is. And that amount is paid out beginning a year after the lump sum is revived in monthly installments for the rest of their life.

And so what it does is creates an income for those who had been wrongly incarcerated and gives them those monthly payment so that they have subsistence. I thought I found that interesting, and there's a lot of discussion in the passage of that statute through those committee hearings.

And a lot of it was, look, if you haven't had training in how to handle a lump sum of money, if you walk in and you... it's possible that that lump sum could go away and maybe mismanaged. It could be taken advantage of, there's all kinds of different possibilities.

And this was meant to create an additional safety net for those who've been wrongly incarcerated so that no matter what happens with that lump sum payment, they can always have an income from the state.

And there are restrictions, strict restrictions on the annuity payments. They can't be encumbered or assigned in any way. So they're only for the benefit of the individual person.

So that leads us to what about us, what about Washington State. As I vindicated, we are by far, we are in the minority of states that do not have a statute to compensate the wrongly convicted. We have a constitutional provision that prohibits private bills from being enacted.

So what that leaves us with is that lawsuits are the absolutely, the only avenue for relief available, and even then only in the small number of cases in which provable official misconduct exists.

So I just wanted to point out, I think, in your materials you have, believe it or not, the light version of the bill that has... that bill dropped the language that we drafted, for what we would consider the best possible outcome to provide fair and compassionate assistance to those who've been incarcerated in Washington State for crimes that they did not commit.

And I say the light version, because it's only four pages.

For those of you who'd like to torture yourself and want to read a 15-page bill, then I'm happy to send that to you, if anybody is interested in it. But copies of those are available and just come up and I'll give my contact information.

And so that's what I have. If you have any questions, I'd be happy to answer them.

Yes?

[audience question]

Laura:

No, that's just Texas. That's the state of Texas. Yes?

[audience question]
Laura:

Yeah. Well, I think there's a couple of reasons. They have so many DNA exonerations; they have so many exonerees, not just DNA exonerees that they have created a fairly strong lobby. And they have quite a bit of influence there, a few legislators that are very invested in the cause and have been instrumental in securing the release and compensation of some of these offenders, and offenders. Since some of these people who are convicted of things they didn't do. And so there's an investment and there's a growing community. And I think that due to the introduction of DNA evidence, they've all been fairly recent. So, unlike other cases that maybe sprinkled throughout the generations, these are class of individuals that have emerged in the state of Texas.

And it appears to be that's why the implicit explanation that no one is willing to stay that, I imagine, is one of the real explanations is that there's a tremendous class action suit that was involved. And I think it actually saved the state quite a bit of money to pursue this avenue.

There's no provision in the Texas statute that says that a civil rights action can't be instituted. There's only one or two statutes that provide for compensation and say that it's an exclusive remedy. I think it's really only one or two cases. Part of the justification and desire to have a statute on the books is that many people emerging from their wrongful conviction really don't want another court battle.

It would be nice to have something in place that they could pursue compensation and get what is a fair and just amount without having to go through another protracted legal battle through a civil suit that could take years and years. Yes?

[audience question]

Laura:

Well, we've been approached by a couple of legislators that are interested in the issue after they heard of the cases of some of our exonerees that got judicial relief this year. We've had some response; we're not sure, but we're hopeful that something will be introduced this session. It is the worst possible budget time, but I don't think that should stop us from pursuing compensation. Anything else? OK. Thank you very much.

[applause]

Laura:

All right. Now it's just my great privilege to introduce some gentlemen for whom the question of compensation is more than just academic. As the director of the Innocence Project, Northwest Clinic, I've had the pleasure of getting to know these guys, some of them over more protracted periods than others. I'd like to introduce them briefly to you. A longer summary of their case histories, including some of the articles that were released when they were exonerated are included in your materials; but we do want to provide the opportunity to have a discussion about what it is like to be in prison for a crime that you didn't commit. What are some of the challenges that you face after exonation?

So, we're not going to talk about the specifics of each of these gentleman's cases. Again, that would be a subject for many other symposiums about what leads to wrongful convictions. Instead, our focus here is to really have the opportunity to experience what none of us could imagine, which is the injustice of being in prison for a crime that you did not commit.

To my far, far right, Ted Bradford. We worked on Ted's case since 2002. Ted was 22 when he was
convicted in 1996 on rape and burglary charges. He was one of the first people to contact the
Innocence Project when we started up as a clinic in 2002.

We worked to secure DNA testing in Ted's case, and, in 2007, the Court of Appeals overturned his
conviction based on that newly discovered DNA evidence. Ted had already served over nine years
in prison when his conviction was overturned, and the state chose to retry him despite the DNA
evidence. So, he lived under that weight until February 11, 2010, when all charges were dismissed
against him after a jury acquitted him of the rape and burglary charges.

Next to him, and actually a former band mate of Ted's in prison, is Alan Northrup. Alan was also
one of the first folks whose cases we worked on in the Innocence Project when we began as a
project in 2002. I'm going to introduce him in conjunction with his co-defendant Larry Davis, who
is to my immediate right.

Larry and Alan were convicted in 1993, again on rape and burglary charges. Again, some of the
first people to contact the Innocence Project Clinic, and we began working on obtaining post-
conviction DNA testing in their cases. We had to fight hard to get the DNA testing in this case. The
prosecutors wouldn't agree to the testing, and, under the former statute, it was the prosecutor who
had the decision making authority to test or not to test.

We had to get the law changed in order to get these guys their post-conviction DNA testing. That
happened in 2005. Judge Robert Harris ordered testing and the testing proceeded. It took a number
of years for a test to be conducted, but ultimately, again, every item of evidence that was tested
excluded Mr. Davis and Mr. Northrup as being the potential perpetrators and identified two other
male DNA profiles on very provative items of evidence.

So, after we brought a motion for a new trial, the judge granted the motion for the new trial in April
of 2010. At that time, Larry had already finished serving his seventeen year sentence and had been
trying to make a go of it back at home in Vancouver; but Alan had another four and a half years to
serve.

So, it was quite a moment to be in court when the judge overturned their convictions and released
Alan from prison. It was quite a moment to have him be there in his orange jumpsuit, handcuffs,
and shackles, and have the judge say "You, you there. You're getting out today."

When Jack Hammond told the story of the minors emerging, I thought of Alan at that moment. All
charges against them were ultimately dismissed. The prosecutor, even though the judge had granted
them a new trial- we were going to proceed to trial- but on July 14, 2010, Bastille Day, the
prosecutor agreed to dismiss the charges. Larry and Alan were fully exonerated on that day after
serving 17 years in prison for crimes that they did not commit.

In the center there, James Anderson, who's joining us from Los Angeles, CA. James' case is
unusual in the sense that I didn't have to work for eight years on his case. [laughs] He contacted the
Innocence Project in 2008.

He had served four years on a 17 year sentence for a robbery that took place in Tacoma, WA.
James had been fighting this fight on his own for many years before he contacted us. His is a non-
DNA case. The evidence that James had struggled so mightily to get when he was on trial were
records from his probation officer in Los Angeles showing that he had reported to his probation
officer right before the time that he was supposed to be committing a robbery in Tacoma, WA.

One of my law students was able to quite easily get that information. We filed the petition for
personal restraint. The court granted the motion for a new trial in December 2008. Some of you
might remember that was the big snow storm that was happening. We just were so anxious to get
James back to Los Angeles- probably he was more anxious than us...

[laughs]

Laura:

... in time for Christmas. How was that going to be accomplished? The courts were closing, the airports were
closing; but by some miracle after another, we got the paperwork to Walla Walla on Christmas Eve. A
corrections officer gave him a ride from the prison to the airport. He flew home on Christmas morning and was
able to spend Christmas with his family- his first one in five years. So, I just want to say what an honor it has
been to work with these gentlemen, and I just want to recognize and honor them for being here today.

[applause]

Laura: So, we may not be Texas but we certainly have a class of exonerees that deserve justice
after what they have been through and I am just gonna ask them to share some of their experiences
and then we're happy to open it up to questions from other people. But to starting with you Larry,
can you just tell us a little bit what it was like for you when you were released from prison and
some of the challenges and struggles that you faced since you returned home.

Larry Davis: Yeah! In prison you're in a different world, a world where when you come out in this
world, you are like in a little bubble, trying to know your family and friends again. Transformation,
to learn how to drive again, you'll see the old trail out there but everything build around it. Hard to
get that driver license, but for the most part, try to find employment is not easy, is almost like I am
one step away from holding a sign up that says I'll work for food.

A lot of people find about a place is hiring, they have one open position and they have 500
applicants. If they find out you'd been in prison they don't want to talk to you. Somebody was
saying earlier: you have to hold up your paper that says your exonerated, but that doesn't do much. I
get a phone call back, but the part of it is overwhelming, trying to be able to talk to people. Is like
what you are saying you know is right, but what they hear you saying is totally opposite.

That's what I had rough time with, seemed like everybody in my family they are happy to see me
out, like each one at different times all took a shot at me, you know [laughing] , you know.

Like OAU man!, am I saying something right or am I saying something wrong, you don't know. I
don't have any employment, I don't have any medical insurance it will be taking care of yesterday, I
have no hope you know, when applying for basic help and they turn you down. I don't have
anything.

I have a driver's license and a car. I actually met somebody in prison that when they got out pulled
his jack up and said that he might be the first one to hire me, you know, on a construction job, so I
got out, I got hired, worked three days, and that was like eight months ago. I've been hanging on to
the fact that maybe he is gonna call me back, but.

As far as counseling goes, I just thought there's no resources because I haven't found them yet. For
the most part, I mean I lost all this years, I lost o a lot of people, that can't be given back to me, and
sure would be nice to have some help, to pass a bill, help me with the pain in my life out here, or
shot me arm.

Hopefully something will come through with that, other than that, I am 53 years old a I got to go
out there and look for work. My age is gonna work against me as well as everything else. But, you
know, I've survived the worst part of the war, you know, I have to put one foot in front of the other until something happens one way or another.

It's been rough, doesn't seem like, some days are happy, funny it is like a bipolar situation, be happy in one day and in the next day is just... I am sure they got a pill for that but I am not in taking that [laughter] I'm way on the side of the spirituality, you know.

I don't know, I mean as far as transitional, that's gonna take a little bit, I've heard people, you know, for example, people in Vietnam war, it took 15 years to get over they went through and this is similar in ...it might take me one year, it might take me 5, I don't know, sooner the better. Some people say that in a good way but... You have any questions, or?

Laura:

I think will let everybody, give everybody a chance to talk and then open it up for questions. Thank you Larry, thank you. James what kept you going when you were in prison, what are the things that kept you going, that kept you strong?

James Anderson:

Well, I kept calling my mother and my grandmother, faith, a lot of phone calls, I called like once or twice a month, and they were always telling me: talk to God, always talk to God. But, you know, every time I called they just talked to God, God don't talk back, but he just, you know, showed me when you came here, like an angel. I got that phone call, I was in here, we were watching a basketball game and they told me a lawyer want to talk to you in the day room and I guessed God answered my prayers, and you came.

Because I heard a lot of research "hoop", yeah, it seems like in jail you can't do a lot, and, open cases, but some days in jail, you know, my father died, and you know, you get your downs, you got good cells and not it is different in there. If you know you did something wrong I guess is different. To me I didn't want to do nothing but law library, nothing, law library to prove my innocence and when praying to God angels help you out.

What helped me a lot was prayers, my mom and my grandma, but I made it here thanks to you, thank you. And now, I got released for Christmas Eve, thank you Sir and God blessed me once again, great Christmas 2008. I've seen my mother that night, when he kidnapped me for the whole Christmas, that night we went to see my mother, but it felt I was blessed like, you know, all the years because I used to pray every day, for help, you know.

I said God, I had my own relationship with you, bless me, and I continue, bless me, and I learned that when you are doing bad you need to keep your head up no matter what and if you've got like, other than support groups helped you a little bit, helped you deal.

But it's sometimes crazy and you, caught up in hell, got to pray. Right now, I'm living, I'm married and I'm living with my wife. I have a stepdaughter, I have a daughter, three year old and have a baby on the way next month. I've been having jobs, here or there, here or there, [inaudible 118:19] hours. Nothing major but I still pray. God, I pray god will help me. Thank you.

Laura:

Allan, how are you doing?

Allan:
little nervous.

Laura:

Yes. [laughter]

Allan:

Overwhelmed.

Laura:

This is the first time that these four gentlemen have been together and have met each other and have, much less, spoken at an event with more than a hundred people. And Allan, what was it like for you when you were released from prison and how have things been going since that day in April?

Allan:

Well, the release was just - I don't know how to explain, just overwhelming. I mean, I was like just awestruck. I mean, my family is here, Jackie and the team. And it was just overwhelming. A lot of just looking around going "Oh, no way." Seeing my kids all grown up, that was...

Laura:

Allan had, yes...

Allan:

...but, yes it was great. Awesome. Awesome experience. And then after the days started quieting down a little bit, a little rough at times. Like Larry was saying, it was kind of off and on day to day. But, thanks to my brother and friends, and you of course. It made it all better. I'm still getting used to all this. It's still very overwhelming. Especially right now. [laughter]

Allan:

Doing the music thing while I was in there and a lot of other guys that I was real close to, that did a lot of getting me through it. I mean, that wasn't the only thing but. Having close friends in there. Good cellies, like you were saying. And keeping in touch with family. I couldn't always do that. I did when I could.

I tried to make something good out of it. Even though I had my moments, a lot of them. I just got in the weight pile, and took my frustrations out that way and stayed in shape. Tried to make some fun out of it, believe it or not. And just got through it. Kept driving.

I knew I was in good hands, so I tried to keep my focus in there, actually. Tried to keep a good attitude about things and know every thing's is going to get better. Played a lot of music.

Man:

Yeah.

[laughter]
Laura:

Thank you, Allan, yes. Fred you were 22 when you were convicted. Talk a little bit about what your life was like then and what's happened since.

Fred:

Like you said, this was in 1996. I was 22. I was just recently married. I had two young children at the time. I was sent away to prison for 10 years, and I get out and my son is taller than me. My kids are all grown up, and for a long time I hadn't seen them. I divorced some years after I got... It was really tough, you know. And that transition when I got out, I had completed my whole sentence. There was no fanfare or media at the gates waiting for me. No offense, but. [laughs]

So it was really tough. I'd like to add what the guys said before. Like James, what you were saying, a whole different world in there. It is. It's like a community within a community, I guess you'd say. It's really difficult to get by. You have to find something to take your mind off of everything, least of all being in there for something that you didn't do.

You have to find something to fill your time up, so you don't drive yourself crazy thinking about it. The music helps, prayer helps, whatever. I played a lot of handball, lot of sports, music, artwork, just whatever I could find to get me through it.

Laura:

Well, if there are questions that people would like to ask? Yes, Rita?

[audience question]

Laura:

The question, if I can repeat it so that other people can hear, was how the experience in prison changed you and whether there was a time when you began to feel like an inmate and how it affected your self-image while you were in prison. And whether that has changed since you were released or exonerated.

[audience question]

Laura:

Anybody else want to answer that question?

Larry:

I know that when you're in prison for something you didn't do, especially the case that me and Allan was on, sex case. Those kind of cases in there, people are really against. Not cool and once they find out, they're out to get you and they will. They pretty much control where you go. In some cases, they'll ride you from day-to-day. It was like from the neck up, a mental. And you can only, it never happened to me, but I've seen a lot of people that it did. And they dictate and control every move that they make. They can pay rent. Whatever happens at one prison, it follows you through the whole prison system, and when you get out on the street, add jacket.

Fred:
Somebody always knows. No matter if you change ...

Larry:

Eventually somebody will find out, you don't have to have computer access. But the thing is, if somebody does confront you in the joint ... you have to do what they call, squash it. Keep going on and it goes to another level. You always have to know who's around you. You have to know who's in your surroundings. Not only do you have to know who is in your surroundings, who used to be there, and who took their place. Because in the joint, if somebody wants you taken out that they're going to send what they call a missile at you. In other words, they'll pay somebody with drugs to take you out and you don't know who that person is.

You've got to know it's all around you all the time. [clears throat] Things that happen in there, you have no choice but to go to chow, come back, hit the movements, go to the yard, go to the library, go to the music room, whatever. Go to the chapel. You have to have a regular routine. Daily. Get accustomed to, while you're in there.

I'm out here. A lot of people forget who and what and where. James said God came into his life. And I believe that. I've got personal testimony beyond [inaudible 129:28] on the positive. I've done all that, you know I worked on the wave deck. That balanced me out.

You know, actually I used my mental, physical, emotional and spiritual. Exercise each one of those every day. That kept me balanced and focused on my priorities and goals. Those to prove my innocence. The first year I was in there, fucking shock. But not numb.

As I thawed out, I got sort of angry at the system. I go, 'They're not going to get away with this.' You can have the best legal beagle. You have to make sure that they were confidential. You know, because you don't want anyone knowing why you're in there. In the turn of events trying to seek out the best, take a crash course in law.

You go to the law library, and you search. A lot of cross reference and [inaudible 130:39]. You have to find a case that's similar to yours and hopefully after the stack of books you go through the conclusion is good. It doesn't matter. You know, I mean you might know how to do all that, but talking to the court. Talking to the people at the appellate courts, stuff like that is a whole different ball game.

You can get shot down. Shot down through the whole process. Lost your state remedies and then you go to Federal court, and it's like well I have issues, this case has merit, and let's go on to the next circuit. And then it gets shot down because they uphold the lower court decision.

You know, and at that point you're like ready to throw the towel in, but I can't. And you finally realize that you're as strong as your weakest link. It's OK to be weak as long as you turn it into the strength Of that little anger, that edge, got me going. I had to hang onto that but those four things exercise, you know, mental, physical.

If you look in the mirror one morning, and you go man, I look all sucked up, that just makes you feel weak. You go out to the weight deck. Pump up. Look in the mirror and go man, I look good. And then mental acts will make you feel good.

So you exercise the spiritual. I ask God in prayer to help me with a legal eagle. And all of a sudden, this guy comes one bam comes in, one guy came into our pod one day. That was the best legal beagle in the system. I had an open book, and it's like, wow, you know, stuff like that.
Just stuff that you can't even imagine happened. But it made a believer out of me, you know.
There's more. But as far as going from the inside to outside. When you're on the inside, you can't
live the outside world on the inside, it'll tear you up. Do your time, or do the outside and tear
yourself up.

There's a lot of things you have to balance.

[audience question]

Ted:

I'd like to answer that. All I can say ...

Laura:

Yeah, yeah.

Ted:

Sorry.

Laura:

First. Thank you. That's all right. First, Joe, I just want to thank you for acknowledging that we as
citizens owe these gentlemen an apology, and they haven't received it from anyone yet. So thank
you for that. And the question was whether any of them or all of them had family members or
friends who from the moment they were accused, believed in them without question. And believed
in them throughout this entire process as they fought their conviction. And so, Ted, I think you
jumped right in there.

Ted:

Yeah, because I'd like to point out my brother is here with me today. He drove over for me after,
and he's been there every step of the way. All the court proceedings and everything. He's helped me
out with money, food, whatever I need, since my release in 2005. Yeah, family is very important.
Made a huge difference in helping me transition to living out here in the free world. I'd like to thank
him.

Laura:

Brian, I think you're going to have to stand up.

[applause]

Laura:

And I can vouch that Ted has a wonderful family. I guess one of the benefits of working on
somebody's case for eight years, is that you do get to know family, and his mom, and brothers, and
sister, girlfriend, all were in the courtroom during the trial and provided him with a tremendous
amount of support throughout this process. Anybody else want to jump in on that question?

Larry:
Yeah, I had total support from my family. I met people in there that were in the same shoes. Didn't have anybody. Didn't have anybody to turn to, nobody to do the foot work on the outside. So I felt pretty fortunate.

Laura:

Larry's sister, Sharon, is a little bit like the women in Conviction. I don't know if any of you have seen the movie or the trailer for the movie Conviction, where a woman goes to get her GED and then she goes to college and then she goes to law school in order to exonerate her brother, and is successful after 17 years that he served in prison. So his sister, and it's based on a true story of Betty Ann Waters. And so Larry's sister Sharon was always there, providing us with documents, getting things for us, as well. Yeah.

Larry:

I stretch your mind to the outer limits.

Laura:

Yeah.

Larry:

It's like, if you need something in there. If you need some legal copies, and you need copies to go to the court or something like that. You need them a long time ago. I go, well, I'll get em, I'm getting around to it, well where are they, where are they? And through the years, it's like ... I might have been a little bit too demanding. And I found myself apologizing, if anything. You know, but if it wasn't for my sister, my dad, and ex and my mom, things wouldn't have got done. They said I met people that were unfortunate. That didn't have anybody. Even though I was in a bad situation, I helped other people out because I had... It wasn't always easy. You have to sit down and take the time to just listen to somebody. It helps them.

Laura:

Is there a question? Yes.

[audience question]

Laura:

Let me repeat the question, too. And the question was whether in some 17 years, nine years, four years, whether after you were released the state provided any kind of assistance in terms of programs to help transition back into society. And I think the answer to that is, I mean I can answer that, it's no. People who are exonerated get less than those who are released after serving a sentence for which they are guilty. So there's no access to any kind of probation services or counseling services. There's barely even, I don't know, I think they were offering James a bus ticket to take the bus from Walla Walla to Los Angeles after he was released. There is absolutely nothing for people who are exonerated because they are not guilty and they're not entitled to services.

And in fact, Allan after he was released, he got served with notice of back child support payment in the amount of $110,000 for the state having paid money for raising his kids while he was in prison for a crime he did not commit.
Laura:

Yes, sir?

[audience question]

Laura:

Well, the question was, as Laura Zaroski pointed out, there is no way of getting compensation through a state statute in Washington. And the only way that somebody in Washington state can get any money for wrongful incarceration is to sue the state in some sort of federal action for a violation of their Constitutional rights. And so the question was whether or not any of these gentlemen are pursuing those claims. And I'm going to jump in here, too, and answer that question. Which is we're not going to answer that question.

[laughter]

Laura:

Just because I don't want to put them in any kind of jeopardy or single out one over the other in terms of the validity of going forward on future lawsuits against the state. So, thank you for your understanding on that question. Yes?

[audience question]

Laura:

The question is a two part question and was, were any of the cases based on prosecutorial misconduct or ineffective assistance at counsel. And I'm sorry, again, I'm going to jump in here because those are questions that are related to potential future civil lawsuits and I don't want to do anything to jeopardize these individuals' futures. So, thank you for your understanding on that. You may, you may ask another question.

[audience question]

Laura:

The question is whether or not these gentlemen were involved in any kind of programs while they were in custody to help them keep themselves together and whether they've been involved in any kinds of programs or what's helped them since they've been out. And, specifically, a 12 step program like Al-Anon or AA. And I don't know if any of you want to jump in and answer that or?

Man:

Well, they had programs as far as being able to get your GED, like computer classes. They had anger/stress management classes, drugs, alcohol, meetings, stuff of that nature. And, well, music program is very important. They had programs like that. They had religious type of things going on, activities and programming like that. So, there were things of that nature accessible. Lot of guys took advantage of it.

Laura:

question here.

[audience question]
James:

Yes, the same prosecutor in both parts. Tim Jones.

Laura:

All right. Thank you. The question was who was the prosecuting attorney in Mr. Anderson's case. A question in the back, here?

[audience question]

Laura:

The question is what process did you go through in order to get the Innocence Project interested in your cases?

James:

Well, with me, after they found me guilty, my mind went into, like, I had to do something. So, I started writing everybody. And I had my girl, everybody I write, she write. We started writing. And the Innocence Project was one of them.

Laura:

I think in Mr. Anderson's case, one of my students, again, took his folder out of the filing cabinet, out of the hundreds of files that we have in our office and really took an interest in the case. And his now wife, Hassani, was very helpful to us in getting us information that we needed to proceed.

Ted? You want to talk about that? How did you get the Innocence Project interested in your case?

Ted:

I didn't drag him back up there, but. Actually, it was during one of those darker periods. I had just got back from Colorado. They shipped a bunch of us down to Colorado. I had just lost my appeal, my final state appeal. And my attorney was pretty much signing off, saying "Well, good luck, best of luck with the federal appellate court." So, I was really down. I didn't know what else I was going to do. I thought, well is this ever going to get resolved... out of here. Once again, my brother and my sister-in-law mailed me the questionnaire that you send out to potential clients. So, I filled that out. I think it was like, 10, 15 pages long. Filled that out and sent it to you.

I forget how long it took for a response, but two law students came to visit me and listened to my story. And from what I understand, they walked away from that meeting saying "OK, well, we got to work on this guy's case."

That's how I got [inaudible 146:42]

Laura:

And Allan and Larry, I don't know if you wrote separately to us. You must have, because you weren't in the same institutions. They can't be in the same institutions when you're co-defendants, but you both wrote at about the same time. So, I'm not even sure I know how you found out about the Innocence Project.
James:

Well, with me, like I just came back from a state transfer from Colorado. And I was in the same predicament. And my appeals were all exhausted. And my 'cellie,' at that time, he says, "Why don't you write the InnocenceProject@udub?" And I said, "Why don't I?"

[laughter]

James:

So, I filled out the packet, and I had physical evidence on my side of it. I knew there had to have been something there. And that's what I really made obvious when I wrote to you. So, that's how that went.

Laura:

Larry, I don't know how you found out.

Larry:

I was over at WSR, in the library. A library clerk got called back up to the unit, to his counselor. He came back to work and we were still down there, all happy and bubbly. And I go, "What's up?" He said, "The lawyers called and said, 'How would you like to go home for your birthday?'" Saturday... Wednesday... "I've won my case." "Who are you and where are you from?" I can't remember his name, but he was in the Wenatchee sex ring. There were 35 people that got taken down falsely on that stuff.

"Who'd you go through?" He goes, "The Innocence Project, north west." I go, "How do you get a hold of them?"

[laughter]

Larry:

So, dang, you know. I wrote them a letter. I didn't hear back nothing. Man, this is Arrgh, you know? But I learned how, in your darkest moments, the light shines the brightest. About three months later, I got a letter back. And I looked at this letter, and I was so upset by not hearing a fast response, that, "I'm not going to open it."

I threw it over here, you know. And I smudged it off with some sage, and said a prayer. I opened it up and there was a questionnaire in there, and filled it out sent it back. It took quite a while. Then they go, "Do not write us; write you and ask you of a question."

So, every three months intervals; it went by for two years. And finally, the law students came up there. They told me things I didn't know. I know nothing, anyway. I was impressed by what they did know. It was good news.

They had this greenness, and stuff like that. After, about, two hours... "Welcome aboard." I was so high on endorphins, that when I left I had to go back to the cage and think about it. The best thing that ever happened. It took nine years.

Laura:
Laura:

OK, thank you. So, there has been some discussion, and you've shared some of the physical and emotional experience of being incarcerated. But the question is more; what are the facilities like? What are they like, in comparisons, between the facilities? What's the medical care like? [laughter] Yes. What's the food like? I think we were talking about fish sticks at lunch, and how you all would avoid that particular meal. Are there institutions that were better; some better than others?

Larry:

Well, the main institutions that we were at; I was at eight different ones, in my little period, there. But the medical; if you have something wrong with you, you have to sign up for a thing, it's called, 'Sick call.' Then you go up to Medical, and you're put on a list. And they put you in this room of 30 people, over on McNeil Island, they'll sit there for three or four hours. You get in there and tell them exactly what's wrong with you, then they want to tell you what's wrong with you instead of listening to what's wrong with you.

Well, it's all done for nothing. And if you're in dire straits of something that's a chronic disease or just something that's real bad, don't do anything for you. They might give you a pill, a prescription, but it doesn't cure it. It just treats the symptom, barely. You have to go through the process of the grievance system, you have to grieve them, then you have to go three steps through that and if you don't concur with it, then you have to take it to the courts.

Just over something that needed to be done and they neglected that. So different institutions have different medical. Place before McNeil Island, I got sent, matter of fact I was camped eligible at the time, and I just lost my dad and I was trying to get down close to the family to help heal.

Hauled me in a week later after I got found camp eligible and said what size is your shirt and your pants. I go, why is this, and they go, well you're getting sent out of state. So they sent me out to Minnesota and I did three years out there. It was under a private prison, CAC, or CCA.

And man, I'll tell you what. I thought it was bad. The food and stuff was bad at the place I just left, after going out there, it's like portions went way down. Gave you a tray of food, barely a little bit of [inaudible 153:47]. Every day. And the food's terrible. It's like processed turkey meat, and potatoes with rocks in them. Beans that had broken glass in them. It was ... the guys that worked in the kitchen, they'd thing on one of the pallets that said 2000, 1996. Not made for human consumption.

And it's like wow, man, is there any way you can get that sticker to me? [laughs]. You know, it was terrible. The medical ... the only way you're going to get treated for something is in your dying last days. It's going to help you out a little.

Laura:

But coming out of prison don't have very good teeth. Dental care is really poor.

Larry:

But you get out here, and it's the same thing. You don't get anything. You actually got more
assistance in there than you did [inaudible 154:49]. You have a job and you have ...

Laura:

In the back?

[audience question]

Laura:

The question was, whether or not these gentlemen were familiar with the publication "Prison Legal News" and whether it provided any kind of assistance while you were in prison.

Larry:

Not really. They had some pretty good articles in there and stuff. Things that I was looking for were [inaudible 155:35] cases. Cases that actually won. I was always searching for something until I...

They had different things to offer in that magazine, like different books that you could buy, and you know. Use them as tools, stuff like that. As far as it helping? It's almost like the legal process. You get helped by one of those, you know.

Laura:

Yes, one thing I'm curious about too, is how much did you talk about your innocence in prison? So Alan, did you talk about other, to other inmates that you were actually innocent, is that OK for you to do in prison?

James:

Oh, yeah, I whined about it non-stop. [laughter]
[inaudible 156:23] about it. Yeah. Yeah. But the other guys were really quiet about it, and I couldn't really understand that. If you're innocent, let it be known. So that's the way I looked at it, and sometimes I kind of overdid it.

Larry:

But I don't think you knew that Ted, when you met him, was claiming his innocence, did you?

Laura:

No, I knew, you know.

Ted:

I was one of the quiet ones. I didn't tell anybody about it. I did when I was first locked up in county jail. And some old timers, as they call them, they warned me against that. They said well when you get to Walla Walla, you better keep your mouth shut. You don't want to be going around saying this is what you're in for and that you're innocent, because they don't care." It's true. I clammed up after that; but when I was first convicted and the whole time I spent in the county jail, yeah, I was talking to anybody that would listen. I would tell them my story. That soon stopped after prison.

Laura:
I was wondering, do the guards treat you any differently when you say those sorts of things? James, would you tell the guards that you were innocent? How did they react if you did that?

James:

Yeah, I think I told everybody I was innocent.

[laughter]

The guards, they got different persons. They got cool guards, they got ones that don't care about nothing, that treat everybody the same. They didn't believe me until I got released. I think I got released at 11:00?

Laura:

Yeah, it was late. [laughs]

James:

That's when they... But they treat you the same, like everybody else.

[Audience question]

Laura:

"Would claiming innocence have an impact on your counselors or eligibility for parole?" Well, we don't have parole in Washington State. We have determinant sentencing. Unless you were sentenced prior to the Sentencing Reform Act, you're not going to be eligible for parole. I'm just wondering if it might make you end up in the Hole if you protest too much that you're innocent, or give the corrections guards too much lip about not being in the right place. Did it have any effect on your counselors? I think that was the question.

Fred:

Counselors, they usually say, well, you can say you're innocent all you want, but what we have to go by is what's on the computer. Good luck to you. When that time comes, we'll...

Laura:

Yes?

[audience question]

Laura:

The question is whether or not any of these gentlemen had communications with the jurors who convicted them initially after they were exonerated. Interestingly, each of these- well, James, you moved back to live with your family in Los Angeles, and you were convicted in Pierce County, but Ted has moved back to Yakima, where he was convicted. Alan and Larry live in Clark County where they were convicted. I know, Ted, probably you experienced something a little different after all the newspaper articles after your trial, where there was front page coverage every day covering the trial, showing you being found innocent. I don't know that anybody has had any contact with any of the jurors, but has there been a different change in the community since you were
exonerated, or how people treat you in the community?

Ted:

I haven't noticed much of a change. I'm still unemployed right now. I work at a temp agency. I can't find steady employment. It's either, "You had a felony," even though it's been expunged, or whatever they called that. Even if you had that thrown off your record, how do you explain this 10 year absence of work history? So, either way it's kind of tough, but I haven't really noticed any change. It's still the same as before I was exonerated, pretty much, except for with family and friends.

Fred:

I never had contact with any juror members. The only thing that I knew of the jury was when I looked at the jury instructions. [laughs] I just sort of gone through the paperwork to see what was in there.

Laura:

Yes, um-hmm.

[audience question]

Laura:

I think the question is, "When you were in, did you notice that there were people who were suffering from mental illnesses, mental infirmities or defects, and whether that was something that you experienced as well while you were in prison?"

Fred:

There's a lot of people in there that are mentally challenged. I know I speak for myself- I never had any mental problems at all, but it was more of a stress. It's like your mind can never rest. In the process of that you're in the day rooms, which are just... at the noises... Let's say if they start talking at once in here, if you raise the volume up about ten more notches. It's like that all the time, all the way up until 11:30 at night, everyday. It'll wear on you. You know what I mean? Do the time, or the time's going to do you. So, you have to try to avoid that. There's a lot of people in there that are on medications.

[audience question]

Laura:

The question is, what happens to the people who are mentally ill or have mental defects?

Fred:

They have a place over in Monroe, WA. It's called the Special Offender Unit. It's for the criminally insane, people that can't handle the system. They break down and they usually put them on Thorazine and...
[audience question]

Laura:

Great question. If someone made you the head of the Department of Corrections, what would you change about the way that prisons were run? So, we can go right down the...

Fred:

[laughs] First and foremost, I'd have to say medical.

Larry:

Yeah.

Fred:

Second, the food. If you give them a little bit now and then, they'll give back in a good way, but if you take things away like they do, it just makes people upset all the time. I'd loosen the reigns a little bit on a few things. Christmas packages, maybe more things available in the store for next price. You're only making 42 cents an hour. That's 40 bucks a month.

Man:

If you even have a job.

Fred:

Then you go to buy at the store and it's three bucks for this, two bucks for that, and by the time you get half a sack, you're broke again. [inaudible 165:49] [laughs]

Laura:

Interestingly, you might not know, when people send in money to family or friends that are in an institution, the Department of Corrections takes a percentage out of that gift. So, every time these guys would be getting $20 from a family member or a friend, the Department of Corrections would take that money away. We had to fight really hard to get that money back for them after they were exonerated.

Yes? This is Rolondo Nixon. He's actually James' first cousin. I know that he might have a question, or he might have some things he'd want to say just about what it's like to have experienced this with James.

[audience question]

Laura:

Oh, I'm sorry, I'm sorry. I'm turned this way. So I should focus here. Thank you.

[audience question]
Laura:

If I can remember the questions, and thank you for waiting so patiently, and again, Mr. Nixon is Mr. Anderson's cousin and he was actually with him in Los Angeles when these robberies were taking place. And their family was camping along with family members and Mr. Anderson's now wife when the robberies took place. The questions were, first, in terms of whether Larry and Allan knew each other before they were convicted for these crimes. And the second question was whether because you were convicted of a rape charge, whether people treated you differently and what you had to look out for when you were in prison.

And finally, in terms of your family members, what did it cost them to take care of you and look after you when you were in prison? Especially when you take into account that the state takes off 40 percent of every dollar that comes in as a gift to a friend or relative.

[audience question]

Laura:

Right, right. So you're not only doing the time but you're being charged for being in prison for something you didn't commit.

Allan:

As far as me, I was pretty fortunate to not have anybody know. I happened to know somebody, Scooter Tramp, had fell in 1982 for a murder. And he recognized me. I'm the kind of person that didn't want to know anybody and ended up meeting everybody. I never had any problems with anybody. But as I progressed through the system, I worked on the weight deck and took up boxing and stuff like that just in case something would happen. I never got mistreated, ever. No one ever came around and hold me up and ask me...

As far as my family, they helped when they could. It wasn't much as far as money and stuff like that. But through the years, I'd say the phone bill went up by quite a bit. But you have to have some means of communication. Communication is very important, whether it be through visiting, telephone or by letter. The phone costs money.

As far as taking 35 percent out, yes, that sort of hurts. All in all though, it's not what happens to you. It's what you do with what happens to you that matters, all in all. I've seen people in there that do get picked on. I've seen people that do abuse their family's help. Want too much of their trying to keep up with somebody else as far as what they wear.

Laura:

And Allan, you and Larry knew each other before you were convicted.

Allan:

Yes. The only thing that we had ever been in trouble for, ever, was driving on a suspended on his motorcycle.

Laura:
Right, I heard a story about that over lunch, too, about driving fast.

Allan:

I'm not sure, I was on the back and I says "Don't you ever do a wheel spin again when I'm on the back" and what's he do? Wheel spin. [laughter]

Allan:

And we got pulled over.

Laura:

And then when Larry, who had already been released, was in court for our hearing in April and Allan came through, I heard him yell out "Smurf."

Allan:

Oh yes.

Laura:

That was their nickname for each other. I think we have time for one more question before. Yes, Judge Wortnick?

[audience question]

Laura:

Everybody went to trial, so Ted went to trial, yes.

Ted:

All of the above.

[laughter]

Ted:

Sorry.

Laura:

It's probably hard when the process ends up convicting you and you're innocent to feel good about the process or the judge who presides over that process.

Ted:

All I know is that a prosecutor has a quasi-judicial responsibility to make sure that justice is served [inaudible 173:49] everybody else but not to tack as many butts to the wall with convictions, just to either keep their seat, buck for judge or a pay raise. Seems like they're out to help you. Some are, some aren't. I don't know.
Laura:

But interestingly, in Larry and Allan's case, Judge Harris was the original trial judge. And when we went back to him with a motion for post-conviction DNA testing he granted it right away without any kinds of questions or problems. So, it's always interesting to have that longevity in a judge and the ability to be able to see that perhaps mistakes were made. So with that, I do want to say that it takes a village to exonerate an innocent person. And there are a number of people in this room who have, as former students or current students or volunteers, assisted with the exoneration of these four gentlemen. So I would like them to stand up and be acknowledged, and I know who you are so you're going to have to stand up.

[applause]

Laura:

Jeff, Jeff Walker, Tully Canary, yes, Laura Zarosky, you've already met. And most especially, in the back, Felix Luna. Felix, can you raise your hand because you're already standing up, who was Ted Bradford's trial attorney and co-counsel during the collateral proceedings and did all this work. He works at a law firm, Petersen, Young, and Putra did all this on a pro bono basis. Put in months of work on Ted's behalf. And so again, I really want to thank you all for being here, for caring enough about this issue to spend Friday afternoon with us. And I hope that it's been as meaningful to you as it has been to us in knowing that Washington state has a responsibility to people in these gentlemen's positions, to people who have spent time in prison for crimes that they did not commit.

And we have an obligation as citizens, not only to apologize to them, and thank you again for doing that, but also to provide them with compassionate services and compensation. So, I look forward to being in touch with all of you as we work on that journey. Thank you so much.

[applause]