

STATE OF NEW YORK  
COUNTY COURT: ROCKLAND COUNTY

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PEOPLE OF THE STATE OF NEW YORK : Rockland County  
 : Indictment Nos. 81-285  
 : 82-6

-against- : AFFIDAVIT OF  
 : JUDITH CLARK

JUDITH CLARK :  
 : Defendant :  
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STATE OF NEW YORK )  
 )ss.:  
COUNTY OF WESTCHESTER )

JUDY CLARK, being duly sworn, deposes and says:

Introduction

1. I was arrested on Oct. 20, 1981, after I participated in an attempted robbery of a Brinks truck in Nyack, New York. Peter Paige, a Brinks guard, and two policemen, Waverly Brown and Edward O’Grady were killed during the robbery, and others were injured. Accused of being one of the “get away drivers,” I was indicted on three counts of second-degree murder. I was not represented by counsel during voir-dire and at the trial itself. Instead, I represented myself and refused to participate in the proceedings, absenting myself from the courtroom for virtually the entire trial. I was found guilty and sentenced to three consecutive terms of 25 years to life. The trial judge did not appoint stand-by counsel. For virtually the entire trial, there was no one in the courtroom representing my interests. I am therefore submitting this affidavit in support of a motion made pursuant to CPL § 440.10 to set aside the judgment of conviction and to grant a new trial on the grounds that I was totally deprived of the right to counsel at trial, in violation of the Sixth Amendment of the United States Constitution and the comparable provisions of the New York State Constitution.

2. I am now fifty-three years old. I am very distant from the woman I was twenty-one years ago. I am deeply ashamed of my actions, which contributed to the deaths of three innocent men and physical and emotional injuries and losses to many others. I have spent a good part of my years in prison trying to understand the inner and external forces that propelled me into such self-destructive, anti-human behavior. I am now trying to live on very different, more responsible terms. I have also come to realize the ways that my single-minded fanaticism harmed me during the trial, through my blind rejection of my rights as a criminal defendant. I believe that even though I took a defiant stand at the trial, the court made errors, which served to deprive me of my constitutional rights.

3. In this affidavit, I will try to explain my state of mind leading up to the crime, my circumstances and state of mind throughout the pretrial period and during and directly after the trial. I will also describe the slow and painful process of my personal growth and intellectual pursuits through which I changed. While I draw on the psychological insights I have gained, I in no way wish to imply that any kind of psychological or historical explanation justifies or rationalizes my actions. My participation in the crime was inexcusable.

4. At the time of my arrest, I was thirty-one years old, a mother of an eleven-month old baby, and a member of the “May 19” Communist organization -- a small, tightly knit self-defined “revolutionary anti-imperialist organization.” My political activities, loyalties to “comrades” and identity as a “revolutionary” had been the defining reality of my entire adult life. I did not identify myself with the mainstream culture and values of this country. Bolstered by that viewpoint, I had cut myself off from any real relationships with people outside my closed political circles and refused to recognize any reality that contradicted our collective viewpoint. I was a single-minded fanatic who considered myself “at war” with America.

5. My behavior during the trial and the period immediately after my sentencing was an outgrowth of my psychological and political mindset, which found expression through extremist actions. The conditions of confinement and the special treatment of me as a high security prisoner during the two years of pre-trial confinement reinforced that mindset for a long time.

#### My Background and Childhood

6. I was born on November 23, 1949, and grew up with my older brother, in a Jewish, intellectual family very much defined by my parents' political past. My parents were members of the American Communist Party for many years. My father's life, in particular, had revolved around his work in this organization. When I was an infant, we lived in the Soviet Union for three years (1950-53). After our return to the United States in 1953, my mother left the Communist Party, disillusioned with what she had experienced in the Soviet Union. My father tried, with others, to reform the Party, but finally left in 1956. I was six years old at the time.

7. After my father left the Communist Party, he was blacklisted and unemployed for a number of years. As I grew older, I came to feel that something very important had been lost in my parents' change of heart and that I needed to retrieve it. I associated the warmth I remembered from the early years with their political involvement and their political disengagement with my own sense of loss. I took on the task of making up for my parents' loss through my own political involvement. I searched for a commitment that would be stronger and more enduring than my parents' commitment had been.

8. I found ample opportunity to pursue this mission, since the era in which I came of age -- the 1960's -- was one of great social and political turmoil in this country. Had you asked me back then, I would have balked at the notion that my leap into the movement was anything other than a political response to social injustice. But I now recognize the enormous psychological and emotional needs that catapulted me into activity. I saw myself as giving to a cause. In fact, I was seeking a great deal for myself: a sense of belonging and recognition, vindication and settling old scores. My resistance to understanding my psychological motivation blinded me at many crucial points to the extremist, destructive passions and mindset that drove my involvement.

9. Psychologically, I could not tolerate ambivalence and the anxiety which it produced. I felt that if I entertained any doubts, I would become like my parents and "sell out." This led me to seek the security of dogmatic faith, which allowed no room for critical thinking. In my interactions with others, I walled myself off and would not reflect on the impact of my actions on others, preferring to exist in the realm of abstract ideas. Whenever I felt doubt and anxiety, I catapulted myself into activity and action to relieve my anxiety.

10. Over the years, I took the most extreme positions and actions, always pushing myself and encouraging others to escalate the level of confrontation and violence. I demanded a blind adherence to rigid ideas and loyalties among individuals in my group. While other activists evolved in their ideas and activities by drawing lessons from their experiences and through open discussion, I sought the safety of dogma. My fanaticism became more extreme as popular support for and participation in the radical movements lessened through the decade of the 1970's. Ultimately it cut me off from any moral sensibilities and my own humanity.

11. My choice of social activism and even the vehemence of my beliefs were, in some ways, consistent with my parents' values and history. But my insistence on the need for violence represented a real break from their values. This was part of its attraction for me. While I was driven to take up their abandoned mission of transforming society, I also felt I had to atone for their failure to sustain their commitment. My father was an intellectual who used words and ideas in his political battles. In my questionable logic, I believed that violence was more "revolutionary" precisely because it was anti-intellectual. My attraction to violence was, in part, a way to reject my roots and identity as a middle class Jewish intellectual, to attempt to reinvent myself as more "grass roots" and thus to be seen as a more "reliable" participant to those in the struggle. It was also a way to overcome my inner sense of puniness and invisibility as a female and compensate for my sense of inadequacy and fears. My willingness to engage in an escalating pattern of violence over the years was my means of validating my revolutionary credentials and sense of self.

12. Despite my militant demeanor, I was very afraid of violent confrontations. On the way to demonstrations or actions, I would put myself in a semi-trance state in order to appear fearless and aggressive. This eased my feelings of self-doubt and fear of being exposed as a coward. But it also established a psychological pattern of disassociating as a means of coping with anxiety or conflict.

13. While there were several times over the years when I questioned the wisdom of my choices, I would not allow myself to follow the logic of my doubts because I was dependent on being part of “the group” -- be it Weatherman in the early 70's or May 19th Communist Organization in 1981. I was afraid of being alone and of living as an individual in the world. I craved the security I felt within the cocoon of my group, where I knew with certainty that I could be accepted and would rise to leadership by vehemently upholding our politics. These groups were not just political associations. They also provided us with friendships, a home and a personal support system. But all this came at a cost: giving up any sense of individual responsibility, morals or values. This cohesion was enforced through a system of rigid hierarchy and discipline to leadership. As a leader, I took my orders and gave orders; I was controlled and in turn, controlled and manipulated others.

14. The dynamics within these groups served to intensify an unreal sense of constant crisis and emergency. We kept up a frantic pace of activity and rarely slept for more than two or three hours a night. Many of us did not have regular jobs. Contacts with family and other friends were frowned upon. Secrecy and suspicion were the norm. We engaged in hours of what we called “criticism/self-criticism” that were so severe and personal, it left all of us ashamed and shaken. No matter how small the error or disagreement, the ensuing criticism session would raise larger accusations about one’s character and personality. Any time I was under criticism, I felt like my being was at stake; every time I criticized someone else, I feared being next in line. Participating in this process served, over time, to hack away at my personality and individuality, reinforcing conformity and my dependence on the group for validation and sense of self.

15. There was no such thing as partial involvement or critical support; it was all or nothing. This system, combined with our isolation, was extremely powerful psychologically. If someone failed to complete her work, or raised too many questions, she was criticized. Anyone deemed untrustworthy faced social ostracism from even her closest friends. My entire sense of self was derived from the approval of these groups, which were “my family” and my only source of feelings of self-worth and emotional security. Thus, my main goal in life was to succor credit in the group and avoid criticism. I was determined to sustain my loyalty and protect my image and position in the group. I was determined to be “a good soldier.”

16. When I turned 30, I decided to have a child. I gave birth to my daughter at the end of 1980. I was deliriously happy and totally in love with my child. Becoming a mother threw me into enormous inner conflict. Perhaps for the first time in my life, I felt drawn to someone -- my child -- and something -- being a mother -- that was utterly personal and not political. I wanted to focus all my energies on this new experience, yet I felt guilty for what I deemed was such a selfish, individualistic desire.

17. Having a child drew my parents more into my life. They urged me to spend more time with them and the baby. They also raised questions, understandably so, about my lifestyle, and ability to provide the stability my daughter needed. Alternatively, my friends were critical of my maternal preoccupation, because it took me away from my political tasks and group leadership role.

18. I felt pulled in opposite directions, between my two “families.” However, my life was different now. In the past I had successfully inured myself against fears for my personal safety. Now that I had a child, I felt much more vulnerable and hesitant to take such risks. I became ashamed of my doubts and my desire for self-preservation. I feared that my inhibitions would be exposed, and I would be deemed untrustworthy by my friends. Rather than face these conflicts, I quashed my personal sensibilities to prove myself to the group.

19. By October 20, 1981, when I participated in this crime, I was not a young, idealistic innocent, by any means. I had followed a chosen path that had led me deeper and deeper into a dangerous, moral quagmire. I feared for my safety, particularly after I gave birth to a child. But my fear of losing the only life and the only identity I had ever known would not allow me to stop or even question aloud. I was truly out of control.

20. There is no political or psychological explanation that can in any manner justify or make sense of the crime in which I participated. People in far more desperate conditions and at odds with our political, economic and social system would never have been as reckless and heedless of human life and safety. Three innocent men with wives and children needlessly died; others were seriously injured and traumatized and a whole community was shattered. While I did not go out that day intending to harm anyone, I had every reason to recognize the potential dangers involved. But I refused to think of the consequences of my actions. I was incapable of thinking or feeling on any real terms. Thus, though my role in the crime did not involve shooting anyone, I bear responsibility for the loss of life, the injuries and terror of that day. No matter what the outcome

of this appeal, I will carry a profound sense of remorse and responsibility toward the victims for the rest of my life. But it took me many years to come to terms with what I did.

#### Pretrial period

21. Immediately following my arrest (when my car crashed as we were being chased by the police), I was taken to the police station, placed in a room, searched, and questioned by an officer who informed me that, unless I gave them information immediately, I faced the death penalty because a policeman had been killed. I did not do so. Two other participants and myself were then arraigned in what appeared to be a makeshift courtroom at the police station. Then we were taken to Rockland County Jail. There, I was placed in isolation on the women's floor of the jail with the other female Brinks participant, Kathy Boudin.

22. I was in a state of shock following my arrest. During the short time we stayed at that jail, there was an overriding atmosphere of hostility and threat directed against us. All the other female prisoners were moved out of our area and warned not to talk to us. The female guards in the women's unit were polite and professional, but each time I was taken out of that area, I was escorted by a squad of boisterous male officers who cursed me and threatened me.

23. On the day after my arrest, I met with lawyers who had been contacted by my friends. I learned from them that one of the male Brinks participants, Sam Brown, had been arrested and severely beaten while in custody. We were taken to court for a preliminary hearing during which I (and others) were represented by Susan Tipograph. Then I saw Sam Brown. He appeared to have been beaten. He was wearing a neck brace, mumbling incoherently and begging for help. He had to be half carried-half dragged to his seat in court next to me. His pants were falling off of his body.

24. Ms. Tipograph argued to the Judge that Mr. Brown's medical condition was serious and that he needed immediate medical attention before the proceedings could continue. But the Judge stated for the record that he did not see anything wrong with the defendant and ordered the hearing to continue.

25. Of course, this antagonized me. In my mind, this incident and similar incidents over the next two years justified my cynical view of the legal process as sham and biased.

26. Shortly after this hearing, I was moved to the Metropolitan Correctional Center ("MCC") in New York City. There, I was kept in 23-hour "lock down" confinement on an isolation wing of the women's unit which had been evacuated to house the women prisoners who were being held in connection with our case. Our treatment was very different from that of the other women who were normally housed on that floor, in that we were kept locked. For one hour a day, each of us was allowed out of our cells one at a time. We were permitted only to walk up and down the corridor, we were not allowed outside. The entire time we were watched by a guard and forbidden to talk to the others locked in their cells.

27. Our visits were also segregated from the rest of the prison population. Others visits to prisoners took place in the regular visiting room. Visits were restricted to approved family members. Additionally, a special rule was implemented forbidding any physical contact with our visitors, including our children.

28. Because of security concerns, whenever we were taken to court, or anywhere else, the transports were conducted like high-speed military transports, with a long line of speeding cars, helicopters flying overhead, and dozens of state troopers aiming rifles out of car windows. One time, after a court appearance in Rockland, I was held overnight and taken to a medical appointment at a nearby clinic. As we reached the highway, the trooper in the front seat turned around and pointed his rifle at me. Then he screamed, "If we so much as go over a stone in the road, I will shoot you!" He appeared to chamber a bullet and put his finger on the trigger. At one point, he ordered the caravan to stop along the roadside, where we sat for what felt like an eternity. The entire time he repeated to me, "You are as close to dead as you will ever be." Finally, he ordered everyone to drive slowly to the clinic.

29. Paradoxically, the elaborate security precautions both traumatized me, and acted as an antidote to my feelings of inadequacy as a fighter. My need to project an image of myself as more than I was -- now as a "captive freedom fighter" -- was far greater than any thoughts for my legal rights or self-preservation. Thus, my defense against feeling both traumatized and inadequate was to consolidate my defiant identity. Isolated from other prisoners, I identified with imprisoned freedom fighters from other countries and times. I turned for support to the political community from which I came. I read about jailed revolutionaries in other countries who had resisted collaborating, and tried to pattern myself on their example.

30. In December, 1981, I and three other defendants were transferred to Woodbourne Correctional Facility for men several hours away from New York City. We were housed for the following year in a specially constructed, sealed-off unit called the “Brinks Unit”. We were not allowed to have any contact with other prisoners. Our legal and personal visits were held in a small room adjacent to our living area. The guards were not allowed to use their last names in front of us, for fear of revealing their identities. On the whole, however, they were civil and professional.

31. The unreal quality of our isolated existence was given a particular twist by the presence of Sam Brown, who shared our isolated quarters. Mr. Brown had by then begun to cooperate with the FBI. He was an utterly broken human being, at times lapsing into long rambling fantastical stories. At other times, he was cowering and crying out in fear. Living with him was deeply disturbing. His experience was a constant reminder of what could happen to me if I allowed myself to be broken by my inner fears, and the pressure of our situation. This pushed me to fortify myself “to be strong” and “resist.”

#### The Effect of our Arrest on the Group

32. In the months after our arrest, the state's investigation into our activities broadened. It affected many other people in my political community who had not necessarily known anything about the Brinks robbery. There was a great deal of criticism within our group about the politics of that action. In particular, people seriously questioned the use of violence, the role of white radicals within the Black nationalist movement, and revelations of drug abuse. Other activists were being arrested and called to grand juries. Some cooperated with the investigations.

33. I felt that my dream of revolutionary solidarity was unraveling, and I feared that I, too, could unravel. I felt haunted by a sense of guilt and failure. In hopes of rebuilding our “revolutionary” credibility, I decided to reject any legal strategy and refuse to cooperate with any legal proceeding.

34. While awaiting trial, I wrote political tracts defending the strategy of armed struggle, and the need for white people to fight in solidarity with the black liberation movement. I felt I had to show that I was willing to face the same consequences as the black people who had been arrested. I was determined to avoid using my “white-skin privilege” to negotiate a better deal with the prosecutors or to pursue a legal fight that might have distinguished my secondary role in the crime.

35. During the months I was held in Woodbourne, we were taken several times to Rockland County Court for appearances and legal meetings. I recall these experiences as a mix of exhilarating reunions with my co-defendants, and tense confrontations with the authorities, especially when I refused to cooperate with line-ups, or give up samples of my hair. After these confrontations, I felt buoyed by having proven myself, and by the support I gained from others.

36. Throughout this pretrial period, I was represented by Susan Tipograph. While technically a lawyer, she was part of our political circle and saw her role primarily as a political supporter. In our legal meetings, we rarely discussed legal issues and options, but focused on political discussions and friendly banter. Ms. Tipograph never offered any practical legal advice, nor recommended to me that I seek proper representation, and I never asked her to recommend another lawyer.

37. In the quiet days at Woodbourne, I focused most of my energy on my daughter. I thought about her all the time. I spent my days making presents for her, such as painting small pictures for her and writing poems and stories for her. At times, I would weep alone in my cell at the thought of being separated from her forever. Late at night, I was haunted by the image of her lying and waiting for me to come back on that day I had left her never to return. It was difficult to protect myself against this anguish. When it became too painful, I tried to cut off all personal thoughts and feelings.

38. I had two basic needs at the time: first, to be part of a collective identity, and receive the group’s validation and second, to maintain my sense of myself as a mother. Because I had agreed that my daughter would stay with my radical friends, I was more dependent than ever on them to validate my relationship with the group and with my daughter. Rather than question this arrangement, I chose to perpetuate my sense of absolute loyalty to the group.

#### My Refusal to Mount a Defense

39. There was a great deal of discussion in our circle about the danger to our goals from “collaboration” with the authorities. Initially, “collaboration” simply referred to someone giving information to

the police or testifying before a grand jury. But in our post-arrest discussions, this concept was expanded to include almost any level of cooperation with the legal process. For example, one woman, who had been indicted on false charges related to our case, was told not to allow her lawyer to bring in exonerating evidence, because it could be construed as collaboration.

40. Further, when one of my co-defendants decided to pursue a more traditional legal strategy and fight her case, she was viewed by the others, derisively, as an “individualist.” She was seen as pursuing her own interests at the expense of the group, and the overall needs of our struggle. Her decision threw me into turmoil because a part of me yearned for the possibility of a hopeful outcome that her strategy was directed toward.

41. However, I gave too much credence to what my friends would have said against mounting a defense, and I could not bear the idea of being seen as disloyal. Certainly, our lawyers raised no objection to my refusal to mount a defense. They never even questioned me about it. Even my old friends who were not activists who visited me avoided the issue, fearful of alienating me because I was so closed to discussion. As a result, I had almost no contact with anyone who questioned my decision. The sole exception was my parents, who had expressed horror at both my crime and my chosen course. They periodically tried to talk to me about my legal plans, but their anguish so distressed me that I warded them off.

42. I wish I could say honestly that I thought about the three men who had died, and those who were injured and traumatized, during the Brinks robbery, but the truth is that I did not begin to face that for many years, long after my trial was over. I pushed away any thought of the human toll by framing the events abstractly, as a “revolutionary expropriation.”

43. I am appalled at my rationalizations and the defenses I used to avoid any thoughts or feelings about the victims of this crime back then. I am ashamed that I rationalized the deaths as “casualties of war in America.” I used such abstractions to protect myself from thinking about the victims on human terms and imagining the loss and pain of the survivors. To the extent that my more humane instincts were troubled by such unfeeling hardness, I mollified myself by focusing on my willingness to sacrifice myself, as though a reckless disregard for my future could balance the toll of my actions on others.

44. Toward the end of 1982, I was transferred back to Rockland County jail, because we were scheduled to go to trial there. However, the case kept being postponed, due to legal issues fought by the one participating defendant. Her lawyers won a change of venue, so we were all moved to the Orange County Jail.

#### The Immediate Pre-Trial Period

45. During our last pre-trial appearance, we made applications to represent ourselves. We wished to appear as our own lawyers so that we could continue our political struggle and present our political sentiments in court. We felt like soldiers in a battle. I had no sense of my own-self interest, but saw every action as part of the politics of the situation. The judge granted our motion. At the time, each of us had a lawyer who we requested be permitted to serve as our legal advisers.

46. However, there was a problem with this arrangement. Two of our lawyers were also representing clients in a related federal case that was being tried at the same time. The judge in our case would not postpone our trial in order for them to be available. So all three defendants were left with one person, Judith Holmes, who was allowed to sit with us at the counsel table, but was not recognized in an official capacity as our lawyer or legal advisor. I remember thinking at the time that it was unfair that we were not to be allowed three official legal advisors, even though we were representing ourselves. However, I could not challenge this decision without appearing to cooperate with the legal system, so I did not question the procedure.

#### The Trial and our Non-Participation

47. In a strange way, after all the build-up of the preceding two years, my actual trial felt like a non-event. Having gained the right to represent ourselves, we removed ourselves from the courtroom for most of the trial, both physically and psychologically. The circumstances under which we left the courtroom for the first of a number of times were as follows: On June 2, 1983, prior to jury selection and just before the judge heard our pro se applications, there was a commotion because some of our friends in the spectator section of the courtroom refused to stand up when the judge entered. We protested the arrest of supporters by refusing to participate when the judge tried to begin the proceedings. As he was addressing the spectators, we interrupted him:

THE COURT: . . . We will go forward in accordance with the rules that are established for the conduct of a courtroom and a trial. I will give you every reasonable opportunity to observe and do anything else that a spectator is permitted to do.

MS. CLARK: Four people were already denied that right and they are under arrest and we want them to be brought here. We want them to be released.

THE COURT: Please don't interrupt me.

MS. CLARK: We are saying we cannot proceed. That is what we were saying. We have issues we want to proceed with. We cannot proceed with them while people are being attacked in the courtroom. And the only way that can be redressed -- you just said people have to conduct themselves, your police did not conduct themselves in any way except as fascist goons.

THE COURT: Do you want to stay in the courtroom?

MS. CLARK: They attacked them and they beat them and now they arrested them. We are saying the only way that can be redressed and we can proceed with what else is on your agenda is to see these people free and to see them back in this courtroom with every right to be here. They conducted themselves perfectly reasonably with perfect self-respect.

THE COURT: You will leave me no choice --

MS. CLARK: We have to be able to respect ourselves, because we are freedom fighters and we respect the people and we know your people don't respect the people.

THE COURT: Do you want me to have you removed from the courtroom?

\* \* \* \*

THE COURT: Is that what you wish?

MS. CLARK: We are saying we do not wish to proceed.

THE COURT: Do you want to be removed Miss Clark? Do not speak to a subject other than the one that I have asked you. Do you wish to be removed?

MR. GILBERT [CO-DEFENDANT]: We cannot proceed until it is established that our people will not be attacked and the people who were attacked be released and brought back.

THE COURT: Mr. Gilbert, you are going to leave me no choice but to remove you if that is what you want, sir.

MR. GILBERT: You provoked it. It was your goons, and you saw it, who attacked him.

MR. BALAGOON [CO-DEFENDANT]: You are responsible.

THE SPECTATORS: Traitors. We hold you responsible for their safety.

MR. GILBERT: The man was sitting down. He was singled out as a black activist and the goons went and clubbed him for sitting down.

THE COURT: Will you remove Mr. Gilbert, please?

MS. CLARK: We will go ourselves.

MS. TIPOGRAPH: What is this?

MS. CLARK: We will not proceed under these conditions.

THE COURT: If you wish to be removed as well, all right. Mr. Balagoon, do you wish to be removed?

MS. CLARK: This is a freedom fight. We are freedom fighters.

See Exhibit A, Trial Transcript of June 2, 1983, at pp. 6-9.

48. Mr. Balagoon, Mr. Gilbert and I were then escorted from the courtroom by the marshals. Our lawyers, who had not yet been released by the Court, also left the courtroom. (See Exhibit A, Trial Transcript of June 2, 1983 at p. 11)

49. We returned to the courtroom later that same day to proceed with the pro se hearings. During the judge's questioning of defendant Balagoon on his request to appear pro se -- but in the presence of all of us -- the judge outlined the ramifications of our decision to represent ourselves:

You should also be aware of the fact that if you are permitted to defend yourself you will not receive any special favors. Rather, you will be subject to the same rules as a lawyer. Special rules are not made for those who choose to represent themselves, nor can the judge become a legal advisor to the self-represented defendant. The judge's role is to remain neutral and detached.

You should also be aware that self-representation is not a license to abuse the dignity and decorum of the courtroom. The person who represents himself must conduct himself as would any lawyer in the case. If a defendant conducts himself in such a way that the fair and orderly presentation of the issues during the trial is prevented or the progress of the trial is undermined, upset or unreasonably delayed, then the Court may remove the defendant from the courtroom.

If that occurs, do you understand that during the period of removal, the defendant who is representing himself will not be represented by anyone, *thus he has waived both the right to be present at his trial and the right to represent himself or be represented by counsel.* Do you understand the significance of what I just said?

See Exhibit A, Trial Transcript dated June 2, 1983 at pp. 41-42 (emphasis added).

50. When the judge questioned me personally on my pro se application, the following exchange took place:

THE COURT: Miss Clark, I want to cover two other topics with you. One I have already mentioned twice and I won't repeat it in full. You are aware that if I grant your

application, and I am disposed to do so, that if there comes a time where I am required as I see fit by reason of your conduct to remove you from the courtroom, you will, at that juncture, be unrepresented. Are you aware of that significance?

MS. CLARK: I am perfectly aware and I would like to make clear that I left voluntarily this morning. I was not removed. I left because I was not going to continue the conduct in this court while people were being mauled for trying to come in as our supporters. And that is why we left, because it would have been an abrogation of our principles to continue as though everything was just all right.

Exhibit A, Trial Transcript dated June 2, 1983 at pp. 65-66.

51. A short time later, we were granted permission to appear pro se. I then made the following remarks to the judge:

MS. CLARK: I have one other issue, if I may, before that, which is just perhaps you will say it is a question that has to be addressed about how we deal with the trial. I just want to make my position clear. You referred to us defendants. We do not consider ourselves defendants. We consider ourselves freedom fighters, and we do not believe that the question at hand in this situation has anything to do with guilt or innocence or the question of criminal acts, but has to do with the underlying issues of the struggle, a just struggle for national liberation by New Afrikan forces and New Afrikan people, and the responsibility of white anti-imperialists to give support to that at every level, and as such, we find that term one more way in which the State attempts to criminalize us, and in which we object to it and will object to it and conduct ourselves not as defendants, just like we are not criminals, but as freedom fighters.

Exhibit A, Trial Transcript of June 2, 1983 at 74.

52. During the first several days of the trial, we had decided only to participate in certain aspects of jury selection by posing questions that would bring out what we considered to be the "real" political issues in the trial. Thus we asked the following questions of jurors during the voir dire:

MR. GILBERT: Could you explain to me your criteria for why you would consider that George Washington isn't a terrorist and Black people fighting for independence are terrorists?

MR. GRIBETZ [PROSECUTOR]: Objection, Your Honor.

THE COURT: Sustained.

MR. GILBERT: I just take the first part again. Can you explain your reason for saying George Washington, who did use violence, is not a terrorist?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: I will let you answer it then. Then we are going to move on. If you will, sir.

NUMBER 65: George Washington was in the revolution for our country. I don't really understand at all what I'm being asked though, Your Honor.

THE COURT: Go ahead.

MR. GILBERT: If there are Black people who feel they are fighting a war for their independence, would you call them terrorists.

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MR. GILBERT: I will stop with that.

THE COURT: Miss Clark.

MS. CLARK: Your last statement, sir, said George Washington wasn't a terrorist because he was fighting for independence for our country. Do you think that people fighting for independence in South Africa today are terrorists?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: We believe we are trying to get at a certain question of how he defines terrorist.

THE COURT: Why don't you ask your questions and I will rule on them.

MS. CLARK: Do you believe there could be people who live within the confines of the United States who have been subjected to a history of racist domination?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: Do you believe that people fighting in El Salvador are terrorists?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: Do you think that John Brown was a terrorist?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: Why is George Washington allowed and not John Brown? I am just asking?

THE COURT: It is not your place to ask. Just move on.

MS. CLARK: Do you think once there is defined within a situation a state of war that people who exercise violence in the context of that war and soldiers of that war on either side are terrorists?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: Do you think that the term freedom fighter and terrorists are synonymous?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained. There is no foundation for that.

MS. CLARK: Have you heard the term "freedom fighter" used by us? In reference to us?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Overruled.

\* \* \* \*

MS. CLARK: If I were to tell you that I believe that the United States is illegally constituted and that there are within the Mexican people, the people of African origin who have a right to right to wage a struggle for freedom and that I, as a conscientious white person, believe it's my duty, if I look, like at the international law and it says people have a responsibility to fight - by all means - racism and, therefore, I participate in that struggle and I call myself a freedom fighter because of that, in your mind does that equate me with being a terrorist?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Overruled. I will let you answer it.

NUMBER 65: If you are saying you are going to do it with violence I can't agree with you, no.

MS. CLARK: What is the difference if I do it with violence or George Washington did it with violence?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

See Exhibit B, Trial Transcript of July 20, 1983 at pp. 718-724.

\* \* \* \*

MS. CLARK: Are you a member of the Ku Klux Klan?

NUMBER 65: No, ma'am.

MR. GRIBETZ: Objection.

THE COURT: Overruled.

NUMBER 65: No.

MS. CLARK: Do you know anyone who is a member of the Ku Klux Klan?

NUMBER 65: No.

MS. CLARK: Have you ever been approached by anyone who is either a member of the Klan or other -- I will use the word "white supremacists." By that I mean organizations who, through military and political means, attempt to maintain domination of black people by white people?

NUMBER 65: No.

MS. CLARK: Have you ever been approached by any people who are in the Klan or other white supremacists organizations?

NUMBER 65: No, ma'am.

MS. CLARK: Do you know that the Klan is organized in Orange County in this period of time?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: What do you feel about the Klan?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

\* \* \* \* \*

MS. CLARK: Have you heard of any leanings between the F.B.I. and the Klan?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

MS. CLARK: Just come back to the question of prejudice for a minute. Do your children play cowboys and Indians?

MR. GRIBETZ: Objection, Your Honor.

THE COURT: Sustained.

Exhibit B, Trial Transcript of July 20, 1983 at pp. 754-755, 758.

53. The prosecution objected to most of our questions to the anonymous pool of jurors. Nearly all of their objections were sustained. In addition, we complained several times to the judge that we were not permitted by the jail authorities to have legal meetings, either with one another or with Ms. Holmes, our only legal advisor. The judge reiterated his position that Ms. Holmes had no formal standing in this case:

THE COURT: Miss Holmes, please listen to me. You are here as legal adviser to the defendants. You are not here as the spokesperson for the defendants. That's a subject that I examined each of them about at some length, and they were all very clear in saying that they wished to speak for themselves. If you want to consult with your clients, you may do so. If you want to give them advice on what they should say, you are free to do that as well. You are not here as a spokesperson. Resume your seat.

MS. HOLMES: Judge, I am a spokesperson in regards to people trying to visit at the jail to conduct legal visits.

THE COURT: You are not a spokesman now. Are you intentionally trying to --

MS. HOLMES: The subject is about my ability to go into the jail. I have a right to speak on that subject, unless you don't want to hear it.

THE COURT: You have a right to take any action that you wish to do on that subject. This is not a forum for you to speak to that subject. That's not right. Resume your seat, please.

MS. CLARK: One correction. She is not allowed to visit us, so you should please stop repeating that, that she is allowed to see us. That is not true.

THE COURT: All right, bring in the panel, please.

Exhibit C, Trial Transcript of July 25, 1983 at pp. 1018-1019.

54. The next day, we decided that continuing to participate in the voir dire might be construed as legitimizing the entire proceedings, so we informed the judge that we did not want to participate further:

MS. CLARK: . . . For us to continue voir dire and give any legitimacy to the picking of a jury whose function is illegitimate and whose fascist implications are made more extreme by its anonymous nature would undermine our basic principles. I join in saying I do not wish to be here anymore. And with regards to your question, do I wish to be held downstairs, no, I don't wish to be held downstairs, but I am dragged downstairs in chains when I make my wish not to be downstairs, so I have no choice but to be downstairs.

THE COURT: I will permit the defendants, at their request, to withdraw from the courtroom. They are to be held in the downstairs holding area. We will activate the microphone system. You may return when you wish to do so, provided you are willing to abide by the rules that apply to courtroom conduct. We will take a brief recess.

Exhibit D, Trial Transcript of July 26, 1983 at p. 1248.

At that point, we left the courtroom and went to the holding cells, described below.

55. After the jury was selected (without our participation), I and my two co-defendants returned to court to give opening statements. Mr. Balagoon began reading a long speech. Part of the way through, the judge stopped Mr. Balagoon from continuing his statement. We objected. The Judge informed us that if we were disruptive he would remove us from the courtroom and the trial would proceed without our being represented. But what the judge considered “disruptive” was our effort to mount what we considered our only defense, namely to present our political platform. The judge’s comment made clear that we were faced with the alternative of not being able to present our political justification – the only defense we were prepared to make, as the judge surely knew -- or being deemed disruptive in which case he would exclude us from the trial, leaving no one in court to defend us. I can understand the judge’s concern about the trial becoming a circus, but looking back, he did have another solution. He could have appointed stand-by counsel as a protection against disruption, even in the face of our objections (which I am sure would have been strenuous). That way, the decorum of the proceedings could have been protected, and our stand-by counsel could have presented a traditional defense. But that alternative was not made available. Instead, when the judge made his ruling, we decided to leave the courtroom permanently. The following is what transpired:

MS. CLARK: We are not going to continue when you throw Mr. Balagoon out.

THE COURT: By “we are not going to continue”, do you mean that you wish to withdraw from the courtroom, is that what I am to understand? You are apparently packing up.

MS. CLARK: Number one, I am an anti-imperialist freedom fighter. I don't recognize the legitimacy of this Court. Second of all, I am not going to continue here just as though everything was just proper when what's obvious is obvious, which is, that the truth about the question of New Afrika is not allowed to be spoken in this courtroom.

MR. BALAGOON: If the State and the media can rant and rave about this matter for two years to the point where there is everybody who is a prospective juror has to be investigated as to how much contact they had, and I’m not given 45 minutes to give opening statement, then obviously I have no business in this courtroom and not having any business in this courtroom, I would be glad to leave right now.

THE COURT: All right, members of the jury, I'm going to send you out. You may retire to the jury room. Remember the admonitions that I have given to you about how you are to conduct yourselves. You may stand down and retire. (Whereupon jurors exit courtroom and return to jury room.)

THE COURT: All right, Mr. Balagoon, you have made it clear that you wish to withdraw. I will permit you to do so. As I have said to you at an earlier stage, I repeat, I don’t consider it to be in your best interest to do so. You may be a full participant in the trial within the framework of what is legally permitted. If you withdraw, that is a choice that you may make. I will permit you to withdraw under the same circumstances as earlier in the case, and if, at any stage, you wish to return and participate within the framework of the rules that apply to a case of this sort, I will permit you to do that as well. You may communicate your wish to the officials who are in the holding area. Mr. Gilbert. You have not spoken with respect to this subject. You're entitled at this juncture to make an opening statement if you wish to make one.

MR. GILBERT: The State and the police and the media have had two years to carry out a political propaganda campaign. This court facilitates that. You won’t allow us an hour or two to speak to the basic issues. It's clear that the Court is part of the U.S.

imperialism, part of suppressing New Afrika, black people in general. I don't want to be involved in these proceedings any further.

THE COURT: Do you understand, sir, that if you leave the courtroom, and I say this to all three of you, that during that period that you are absent the case will continue, it will go on. You will not be able to participate in those steps of the trial, namely the presentation of a proper opening statement within the boundaries of what is permissible. You will not be able to participate in the examination and cross examination of witnesses in raising objections while you are out of the courtroom, and in doing any of the things that a person accused of a crime is permitted to do. If you make such a choice, I repeat I think it is short-sighted, but it is a choice that you may make if that is what you wish to do. Miss Clark, you wish to withdraw as well, is that correct?

MS. CLARK: Yes.

THE COURT: All right. All of you may withdraw. You know how to come back and under what conditions if you wish. Court stands in temporary recess.

MS. CLARK: You say we may withdraw. It should be obvious that we have been forced into this court. We don't accept its legitimacy.

Exhibit E, Trial Transcript of August 8, 1983 at pp. 2873-2876.

56. As the record indicates, there was then a daily ritual of the judge stating, at the beginning of each day of the trial, the fact that we had chosen to remain out of the courtroom. The following is one of the longer statements he made:

THE COURT: Good morning. The sound system [in our basement holding cells] is in place and functioning. The microphones are on and communicating sound from the courtroom down to the holding area where the defendants are. My plan is, as I have indicated, to continue with the trial and to each day take as many witnesses as may be reasonably examined in the course of the day's proceedings. By voluntarily remaining out of the courtroom, the defendants are giving up their right to be present and to participate in the trial by cross-examining witnesses, by making objections and motions, offering evidence, making final arguments and requests and objection to the final charge, as well as all the other rights that are provided by law. The defendants, collectively or individually may, of course, return to the courtroom at any time that they or any one of them wish to participate in the trial. Each day, including today, defendants are asked by the deputy sheriffs, who are assigned to be with them, if they wish to return to the courtroom. If and when they, or any one of them do, that, of course, will be permitted, and the defendants may meet in the conference room that adjoins the courtroom here for the one hour period that we have provided, before the commencement of the court session before the trial begins, on any day that they wish to return to the courtroom. Is there any other matter that we need to take up before the jury is brought in Mr. Gribetz?

MR. GRIBETZ: No, Your Honor.

THE COURT: Bring in the jury. (Jury brought in)

THE COURT: Ladies and gentlemen, good morning to you. We are ready to continue. The defendants have elected not to be present today, as is their right. You are,

of course, to draw no inference unfavorable to them or favorable to anybody. You are to draw no inference from that fact at all. We will simply proceed with the case as I indicated yesterday. All right Mr. Gribetz, call your next witness.

Exhibit F, Trial Transcript dated August 9, 1983 at pages 2911-2912. See also August 10, 1983, p. 3098, August 11, 1983, p. 3270, and August 15, 1983, p. 3398

#### The Basement Holding Cells

57. Thus began our long sojourn in the basement of the courthouse. We were taken directly from the jail to the basement holding cells each day court was in session. I was manacled before I left the jail. Then I was escorted by two officers to a car, in which each of us was driven in a convoy to the back of the courthouse.

58. Once we reached the courthouse, I was walked up an iron fire escape and down an inner stairway to the basement, where a special isolation unit of three cells had been constructed for our trial. It appears that the authorities had anticipated our political defense and resultant exclusion from the courtroom and had prepared these cells with a loud speaker system for that purpose. Originally, we were kept in those cells during the times court was not in session, but once we left, we ended up staying in those cells for most of the trial.

59. The holding area in the basement where we were kept contained three separate cells, each with a small bench attached to the wall. We were each placed in a separate cell, alone. I could not see my co-defendants. I could not speak privately with them either, because the cells were separated by solid walls. Through my cell bars, I could see the many sheriff's deputies who sat in the area outside our cells, chatting with each other as they watched and listened to us. I could only talk with to the others by shouting from cell to cell, so any conversation was overheard by the police who were guarding us. Therefore, I kept talk to a minimum, avoiding any comments about the trial itself.

60. I was able to hear the proceedings in court via a speaker system which was wired onto the wall opposite our cells in the area utilized by the officers. I could hear the voices of the prosecutor and the judge through those speakers, but it was virtually impossible to follow what was actually happening, because I could not see who was speaking to whom. I could not tell whether the prosecutor was talking or the witness. Worse, when the witnesses referred to exhibits (of which there were hundreds), I had no idea what they were talking about. We were certainly never shown the exhibits before they were introduced into evidence. See Exhibit G, Trial Transcript of August 16, 1983, pp. 3543-44; 3603, 3681-83.

61. In addition, during the long hours each day, alone in our cells and unable to communicate in any normal way, the proceedings piped over the speaker were easily lost in the sounds of bantering police conversation, and movement by officers in the area. There were many parts of the proceedings which we could simply not hear. I can understand the judge's dilemma, but our experience in the holding area was nothing like being present in a courtroom.

62. At other times, I felt like I was alone in a cage, being observed and wishing I could go back to the relative privacy of my jail cell. I did not want any of the police to see me react to anything I heard over the speaker system, so I just tried to block out both them and the noise.

63. The conditions in the basement enabled me to do what I most wanted to do: to disassociate myself mentally from all that was happening in that other distant room, the courtroom. I could almost convince myself that my trial was not really about me, and that none of this was really happening to me.

64. Instead of doing anything remotely beneficial for my case, I spent my time in that basement doing crossword puzzles, reading, exercising and idly chatting as best I could with my co-defendants from cell to cell. The piped-in trial proceedings were like background noise, like the radio in a shopping mall.

65. There were times, though, when I would direct my attention to what was being said. For example, when I heard a witness or the prosecutor say something that I thought could be challenged, for a fleeting moment I would realize that, by refusing to mount a defense, I was throwing away the last shred of hope I had of ever getting out of prison.

66. At other times, I felt like Alice in Wonderland, listening to a mad version of a trial, where the judge and the prosecutor join with each other against the defendant. I turned my attention back to my crossword puzzle to distract myself. I had trapped myself in my political principles.

67. I never talked with anyone who was actually in the courtroom during the entire course of the trial while I was in the basement. I was very self-conscious because of the police guarding us and listening to the proceedings.

68. Between August 8, 1983 when the trial proper began and the end of September, 1993 when closing statements were made, we went back into the courtroom only twice, first, when our one defense witness, Sekou Odinga testified, and second, to give political speeches, which the judge cut short, at our sentencing. (See Exhibit H, Trial Transcript of October 6, 1983 at pp. 21-30, 39-48.) By then, I was operating completely on “automatic drive.” All I wanted was for this process to end, with no real thought to the fact that my own life hung in the balance.

69. This was not because I truly believed, as we had stated in court, that “the revolution would succeed long before our sentences were over,” but because I had stopped thinking about reality. I had fully lost myself in my attempt to believe in the strength of our slogans. Throughout the trial, I was operating on a level of consciousness that was closer to being in the throes of religious fervor, alternating with absolute, self-absorbed removal, rather than any sort of concrete interaction with reality.

#### Arriving at Bedford -- The First Thirty Days in SHU

70. After my sentencing on October 6, 1983, I was immediately taken from the courthouse directly to Bedford Hills Correctional Facility for Women (“Bedford”). Again, I traveled in a long military convoy with police helicopters overhead. Furthermore, the prison population had been locked into their cells for hours before my arrival.

71. Once the troopers handed me over to the prison authorities, I was escorted around an empty prison, and taken through the various steps of inmate processing. No one explained anything to me. Then they brought me to a small building where I was locked into a cell alone. No one answered my question as to whether this was the normal procedure. I somehow knew that it was not.

72. As I subsequently learned, I had been placed in SHU, the “Special Housing Unit” used for punitive segregation and protective custody. I was kept there, essentially alone, for one month. I felt devastated and terrified. At night, other reception status inmates came to lock in just for the night. They left in the morning. I was only allowed out of my cell after these other women had been taken out for the day. I was not allowed to interact in any way with any other inmate. Neither I nor my lawyer, Ms. Tipograph, was told why I was there or how long I would stay.

73. The one thing that I had hoped for at the end of my trial was some relief from the constant state of embattlement. Instead, I feared the prospect of years of solitary confinement. My paranoia escalated when I heard officers discussing rumors that I was in protective custody because I had “ratted” on my co-defendants.

74. I was very self-conscious of being perceived by the staff and other inmates as dangerous and uncontrollable, so I tried hard to remain calm and cooperative. Overwhelmed by my present isolation, along with my fears about the future, I sank into a deep despondency. I could not think about the trial or my sentence, or even reconsider my stance of non-participation and file a notice of appeal. I was totally depressed and could not even conceive of taking any legal steps to appeal.

75. My mental state while I was in the SHU in 1983, immediately after the trial, was later described by Dr. Stuart Grassian who examined me in 1988 and 1990 and filed a report describing my mental state in connection with a lawsuit about conditions in the SHU (see *Langley v. Coughlin*, 715 F.Supp. 522, 542, 543 (S.D.N.Y. 1989)). His conclusion was also based on my medical records and the pre-sentence report.

In regard to her month in SHU in 1983, my recent interviews established quite clearly that she did suffer a serious depression after she was brought to SHU on October 6, 1983. She is able to clearly and convincingly distinguish her state of mind during this period from that during the period of pretrial/presentence incarceration from October 1981 until October 1983. When she began her incarceration in SHU in October 1983, she clearly developed symptoms of Major Depression. She describes a massive feeling of exhaustion, of having no energy. Previously, she had been able to keep herself going emotionally, largely by using her intellect -- by rallying to fight her situation legally. Yet now, despite her belief that her SHU incarceration was illegal and that it was seriously harmful to her, she found herself frighteningly too exhausted to function

mentally. She felt herself craving to withdraw – “to sink into myself.” She was unable to adequately fight against this urge. Suddenly she could not think well; not only could she not plan regarding her legal situation, but she did not even have adequate mental condition to read anything requiring any thought. . .

Exhibit I, Grassian Report at page 3.

76. In a letter to Dr. Grassian, I described my feelings during that month-long stay at the SHU. He quotes from my letter in his report:

“She had always been vaguely aware that she needed the validation and support of friends to feel whole and valuable, and now, stripped of this support, she felt exposed and humiliated. Prior to sentencing, she had been mostly incarcerated with a close friend -- Kathy Boudin -- and had had frequent contacts with her co-defendants. They had given her validation and support. Now she was alone. ‘I felt incapable of doing anything, overwhelmed. There was no one to cover for my lack of aggressiveness /assertiveness. I felt like my political friends would be contemptuous of my weakness. My parents were arguing with me about the care of my child. I felt criticized and unworthy of both my political friends on the one side and my parents on the other. I felt inadequate and humiliated - exposed as a fraud. . . the guards held me under constant surveillance . . . I was so anxiety ridden: I had to force myself to stay focused on the present.’”  
Exhibit I, at page 4.

77. Dr. Grassian described my feelings of hopelessness in that period:

In my interviews, one of Judith's most striking and initially puzzling descriptions was of how badly she was affected during that month by the distorted perceptions of her by the guards and other inmates at BHCF. For example, when she first arrived at the prison, several guards were detailed to hand her prison clothing. They had expected an "amazon" and had set aside size 18 clothes. During her month in SHU she had no opportunity to meet and socialize with other BHCF inmates and, given her notoriety, inmates and guards apparently tended to stare at her as though she was different, frightening, alien -- at least she experienced them as so doing. Under the pressure of these conditions, and deprived of any normal interaction and feedback, Judith started to in fact doubt whether she was normal. She experienced herself as somehow loathsome, alien, different. This was terrifying, because she somehow knew that her emotional survival desperately demanded human contact, but she felt incapable of it. She started to develop a syndrome common to people exposed to solitary confinement -- she felt stressed and highly anxious when she had to converse with another person. Instead, she wanted to curl up into herself and withdraw totally.

Later, she developed two other symptoms typical of Major Depression - a feeling of helplessness and of doom. The very circumstances of her incarceration in SHU - without explanation, justification or legal process, reinforced her sense of helplessness and doom. There had been no way in, there would be no way out of the situation and she was too exhausted and feeble (sic) and inadequate to fight it. Exhibit I at 4-5.

### My Release from SHU

78. After several weeks, due to the efforts of my lawyer Elizabeth Koob, representing Bedford Hills inmates in a class action suit, a court-appointed monitor charged with overseeing the prison disciplinary procedures ordered that I be given the stipulated hearing legally required before any inmate may be confined in

SHU. See *Powell v. Ward*, 562 F.Supp. 274 (S.D.N.Y. 1983). The hearing was held, and I won. I was released into regular reception housing, and then eventually into the general prison population.

79. But my feelings of hopelessness and depression did not disappear immediately.

Dr. Grassian explains:

Judith's depression did not quickly abate when she left SHU; she continued for several months suffering depression, severe anxiety, insomnia with early morning awakening, decreased self-esteem, and the urge to withdraw socially - an urge against which she had to constantly struggle. She continued feeling "different", alienated, unable to reach out to others for the support she desperately needed. Exhibit I at 5.

80. I wrote to Dr. Grassian:

"Once I was in population, I really felt disoriented . . . I felt literally dizzy when I was in a room with a lot of people. I was intently conscious of trying to act 'normal' - all the more because I felt like everyone was busy 'checking me out.' Indeed, many of the women who later became friends told me they were checking me out - because they heard such wild rumors and because they had been so affected by the special security procedures surrounding me . . . and then the month that I was an unseen mysterious presence in the prison had completely inflamed those first reactions, so . . . at the very point when I indeed felt disoriented and shaky and in need of support, I felt that it was necessary for me to present myself as calm, friendly, at ease enough to put others around me at ease. (Also) at a time when I needed help from staff, I felt that all my energies towards them went into calming them down and reassuring them that I was not really this wild, unruly monster . . . (I)t left me feeling uneasy, anxious and overwrought within myself . . ." Exhibit I at 5-6.

81. My emotional state improved after that -- I began to work in the library, I registered for college courses, and began my life as a long term prisoner at Bedford.

82. For the next two years, my life gained some aspects of normalcy; I had a routine. I worked and went to school. I made friends and generally got along with the staff. Much of my energies remained focused on my relationship with my daughter and on my old circle of activist friends. I wrote letters and political statements, and entertained a steady stream of visitors.

#### The Custody Fight Over My Daughter

83. I continued to identify myself as a "revolutionary anti-imperialist political prisoner," and I continued to justify my past actions within that context. But within that overall picture, my fierce mindset was beginning to fray.

84. The chief reason for this was my conflicted feelings about my daughter's future. Then a three to four year old, she was living with a group of my activist friends, where I had lived with her before the robbery, and visiting regularly with my parents.

85. But there was growing antagonism between them. My parents felt that my child's living situation was unstable and entirely unsuitable. Adding to their distress, my friend who had assumed responsibility for my child's day-to-day care was facing a three-year prison sentence for her refusal to testify before a grand jury.

86. I could not disagree with my parents' concern over what would become of my daughter, yet my friends accused me of undermining them in this developing battle over custody. I felt guilty, and tried to compensate for my torn feelings by expressing my continued loyalty to and faith in my friends and allegiance to our politics.

87. Two events broke open my uneasy balancing act. First, my parents sued me in Surrogate's Court for custody of my daughter. They were successful and custody of my daughter was awarded to them. Initially I was angry, I felt betrayed by their actions. But deep inside, I was relieved because I knew my daughter would be secure with them.

88. Thereafter, my father began to bring my daughter regularly for visits to Bedford. Though initially I was hostile and distant toward him, I did not want my daughter to feel caught in the middle of the family antagonism. Over time, my parents' action made me face the reality of my being separated from my daughter, and the profound loss both of us had experienced. As a result of their determination to protect my child, my father and I rebuilt our close relationship during these visits.

89. In September, 1985, a second significant event took place, which really set in motion the collapse of my defiant mindset. After several fugitives were arrested in Baltimore in May, 1985, letters implicating me in a possible escape plan were found in one of their secret safe-houses. I was charged with conspiracy to escape and sentenced to two years in solitary confinement in the Special Housing Unit (SHU).

90. It was in SHU that I finally began to unravel emotionally and, on some level, to "disarm." Without constant interaction with people, I did not have to appear strong and confident. For the first time, I was able to admit to myself that I was depressed.

#### My Interviews with Dr. Gilda Zwerman and The Collapse of My Defiant Mindset

91. In August, 1985, I had began a series of interviews with Dr. Gilda Zwerman, a sociology professor who was writing about women imprisoned for politically motivated crimes of violence. Once I was confined in SHU, our interviews were terminated due to rules limiting media access to inmates housed in SHU. Dr. Zwerman negotiated with officials in Albany for several months to be able to come in on regular visits, without her tape recorder. Her persistence in her efforts helped to establish my trust in her. At first, I approached the interviews as an opportunity to explain myself and my politics. But over time, and with her prodding, I began to explore more openly my past actions and my inner self.

92. Rather than being suspicious of her open disagreements with my perspective, I appreciated the chance to talk with an independent person. I looked forward to her visits.

93. A crucial turning point in my transformation came during our last formal interview, which focused on my relationship with my daughter, and my choice to become a mother. Dr. Zwerman asked me how I could have participated in the Brinks robbery, an action which carried the risk of being separated from my child forever. For once, all of my stock political answers lost their meaning. I broke down in tears.

94. When I went back to my cell after that interview, I was deeply shaken, but also deeply relieved. I felt like I had taken off a layer of armor. It left me more vulnerable, but also much less encumbered. I no longer felt like I had all the answers, but I was left with many serious questions. How could I have taken such risks? Could I justify actions which had caused so much loss? Why had I lied to my parents for years to avoid open conflicts? Why did I feel so full of guilt and conflict? Did I have an identity that was separate from my group identity and politics?

95. Moreover, while I was not ready to face fully the events which brought me to prison, I did admit to myself that it was my own blind stupidity which had brought me back into SHU. My communications with the fugitives outside had not been motivated by any real expectations of escape, but by my need to sustain my sense of being part of a group which was united by a sense of mission. My driving need to "belong," and to banish any feelings of ambivalence for fear of what lay underneath, had brought me to this abysmal point in life.

96. The one thing that gave me a sense of meaning was my daughter. I wanted to be there for her and I realized I could only do so by coming to terms with myself and what I had done. I understood that I could not do this alone. Yet, with her interviews at an end, the person with whom I had begun to open up was scheduled to leave. Dr. Zwerman offered to continue the dialogue with me. It was understood that our discussions would focus on my relationship with my daughter and my identity. Both of us understood this would entail a re-examination of my past and directions for the future. I think that when I accepted Dr. Zwerman's offer initially, it was as much because I didn't want to lose my connection with her as it was a deliberate decision to work to change. I had come to trust her for very different reasons than I had put my faith in others. Whereas most of my close friendships were based on mutual identification and agreement, Dr. Zwerman had, throughout the months of interviews, refused to identify with my politics or actions, remaining separate, critical, but interested.

I liked her blunt honesty and the way she challenged me to think on new terms. While I understood that for Dr. Zwerman, it was an academic endeavor, I used it as a way to examine myself.

97. Thus began a new period of self-examination and change, one which would slowly, ultimately lead me to accept responsibility for my role in the deaths during the robbery and to reconcile with my family.

### The Beginning of my Transformation

98. In the past, I had been suspicious of purely psychological approaches to understanding human behavior because it was “apolitical.” Now, I looked at myself and my history through that very lens. For the first time in my life, I kept a journal, writing to memorialize my emotions and insights into my past.

99. I pulled back from identifying myself as a person who belonged to a group. I began to extricate myself from an unexamined, rigid, collective identity -- I tried to become an individual. I strove to tolerate my emerging personal and political feelings of ambivalence, without having to act impulsively or recklessly in order to defend myself against my inner fears and doubts.

100. I questioned the truth of my asserted solidarity with African-Americans which had been based on the fiction that a small group of militants was equivalent to a revolutionary movement. I began to acknowledge the considerable toll that my recklessness and self-righteous rage had taken on so many people’s lives, including that of my own daughter.

101. I renewed some important relationships during this period, beginning with my family and old friends with whom I had lost touch because of my single-minded political focus. I did continue to see friends who had been politically active with me, many of whom were also trying to change their lives, and I talked openly about my efforts to change.

102. I grew close to several staff people from the prison, particularly Sister Elaine Roulet, the director of the Children's Center, who has been pivotal in my life. I also became close to the librarian, Rose Palladino, and my correctional counselor, Glenda Gregory, both of whom have helped me tremendously. I worked closely with two lawyers, Elizabeth Koob and Joan Magoolighan, who represented me when I challenged my sentence in SHU, as well as representing me in a class action suit over conditions for inmates with mental health problems in SHU. My role as plaintiff's representative in that suit was recognized by all parties to be helpful in bringing about positive changes for troubled inmates. See *Langley v. Coughlin*, 715 F.Supp. 522, 542, 543 (S.D.N.Y. 1989) and *Powell v. Ward*, 562 F.Supp. 274 (S.D.N.Y. 1983). Their dedication and successful efforts challenged me to recognize legitimate avenues for change.

103. When my daughter was six years old, she began to question me about why I was in prison. I realized that I would have to answer for myself many times as she grew older. Her questions confronted me with the fundamental questions I had to ask myself in order to respond to her needs: Why I had abandoned her for a revolution that didn't exist? Why three men were dead, one of whom was black? Why her mother, unlike other people sentenced even for murder, was never getting out of prison? My father and I talked with her together. At each stage of development, we offered different explanations, appropriate to her age and needs. He and I also began talking to each other about a wide range of concerns, as he responded to seeing me becoming more open and self-critical. It meant a great deal to me that we had become very close again. In addition to conversations with family and friends, and my discussions with Dr. Zwerman, my changing attitudes and thinking was spurred by the hours I spent reading a broad range of literature and non-fiction. I read books on the history and development of psychology and different clinical perspectives in order to understand better the framework I was beginning to utilize to explore myself. I read many books on child development to help me think about my daughter's needs and reality. Through several novels and studies of Jewish life and culture, I began to rethink my own Jewish identity, which I had largely rejected. This spurred me to initiate long conversations with my father about our family's history and his life experiences. I took two courses through the mail with professors from SUNY Purchase, on feminism and political science, which challenged me to recognize the range of analysis I had previously cut myself off from in rejecting anything other than our political dogma. I realized the importance of disciplined study and real critical thinking. Ironically, though I was physically more isolated than ever, I was finally freeing my mind to explore the world as I had never done before, and to think critically and with an open mind.

### My First Recognition of the Brink's Victims

104. By this time, many years after the robbery, I recognized that my political passions had been fueled by serious personal problems that I needed to resolve in order to act more responsibly. Although I had not experienced a complete political conversion, I found that I could no longer blindly demonize individuals who worked for "the system." I had come to know many Correctional Officers on a more personal, day-to-day level. It was clear that some of them went out of their way to be helpful and fair to me. I could no longer think of them as faceless police in uniforms.

105. From this experience, I began to ruminate about the other men in uniforms who had lost their lives during the Brinks robbery as real people with families and loved ones. I began, literally, by making myself say their names out loud. Peter Paige. Edward O'Grady. Waverly Brown. Doing so dissolved the protective fog I had maintained with abstractions and slogans about "casualties of war." These men had not been soldiers going into battle that day. Each was a working man who had gotten up that fateful morning, kissed his wife and children goodbye, and gone to work like they did every day with no reason to believe that they would not be home for dinner.

106. I recalled from the press reports at the time that each victim had a wife and children. I thought of all the times I had been haunted by the image of my daughter waiting fruitlessly for me to come home that day. What of each of their children? How old had they been? How was it for them to grow up without their fathers? Shamefully, I contemplated the irony that in the name of Black Liberation, a respected black police officer, Waverly Brown, had been murdered. I remembered that other officers had been injured; that an elderly lady had been trapped in a commandeered car. I wondered about the long-term physical and emotional scars suffered by all the victims of the crime.

107. I could not stay long with these thoughts because they filled me with enormous guilt and shame. But I knew that my efforts to retrieve myself would have to entail coming to terms with my own responsibility for the losses suffered by each of the victims and their families.

### The Transfer to Arizona

108. I got out of my second term in SHU (based on the discovery of the letters referred to above) in the beginning of September, 1987. I went back to college, and I began doing AIDS-related work and in general experienced myself as a regular long-term prisoner. Then three months after my release from SHU, in December, 1987, I was suddenly transferred from Bedford to a federal men's prison in Arizona. For once, I had not done anything to precipitate this transfer. I had received no disciplinary charges throughout my time in SHU or after. Therefore, this move came as a tremendous shock.

109. The transfer was particularly difficult because it took me so far away from my daughter. The close relationship I had built with her was dependent upon regular, personal visits. During these visits we could touch, play, and interact as mother and child. I was very worried about the impact of yet another loss in her life. I was also going to miss her terribly.

110. My transfer was accompanied by all the old accoutrements of special police convoys and security precautions. The prison was a men's institution with only a small women's unit used primarily for temporary detention.

111. Now, however, this treatment felt discordant with my self-perception. I had no desire to act out the role of a strident, captive freedom fighter. Instead, I turned to my parents and my lawyers for help. Led by my father, they initiated intensive efforts to pressure the prison officials in Albany for my return.

112. Their efforts focused on the punitive impact this transfer had upon my daughter, and the fact that my behavior had been impeccable since the time I was placed in SHU. Numerous psychologists who knew my family, teachers, and old family friends wrote letters to the authorities arguing how important it was for my child to maintain a close, active relationship with me.

113. In the meantime, my parents and my brother made the trip out to Arizona with my daughter -- who was then seven years old -- six times. I was particularly moved by Sister Elaine's support, when she brought my daughter for a visit. All of this made me feel that we were truly united as a family now. I was able to feel for the first time remorse toward my parents for what I had put them through.

114. I spent much of my time thinking about my past. I was very depressed. I discussed with my parents my feelings of guilt both about the Brinks' victims and about my daughter. Dr. Zwerman visited monthly and we spoke by phone. Dr. Zwerman finally insisted that I accept the offers of some local people to visit. I also met several times with a psychiatrist from the area who had been recommended to my parents. Finally, a year after my transfer, I was sent back to Bedford. I wrote my parents a letter thanking them for their trust and support.

### My Father's Death

115. Ironically, just one month after my return, my father, Joe Clark, died suddenly. He had been so pivotal in the successful push to bring me back to Bedford, and in encouraging my personal transformation. His death was devastating. I miss him enormously.

116. In the days after my arrest, my father was the one person who came and screamed at me for the immeasurable pain I had caused. I understood that fully coming to terms with my crime -- and the victims and their survivors -- was a burden for which I had only begun to make restitution.

### My Work at Bedford

117. In the years since I came back to Bedford, I have tried to build a productive life, one in which I could make a contribution to the community in which I live.

118. I was also determined to be a mother to my child, and to meet her needs as she grew into adolescence. My own mother, Ruth Clark, and I built a closer relationship, centered on helping my child be happy and feel secure. My mother opened her home to my friends who have continued to be an important part of my daughter's life, as they rebuilt more productive, responsible lives. All of this has helped me to believe in the possibility of reconciliation and repair.

### Appealing My Sentence

119. Soon after I returned to Bedford, my mother and Sister Elaine raised the subject of appealing my sentence. They felt strongly that I should try to challenge the length of my sentence.

120. For a long time, I believed that, because of my original position, I had eliminated any possibility of an appeal. I spoke with several lawyers who concurred with my pessimistic view that there was nothing I could do legally. In addition, I felt inhibited about challenging the sentence, because of my guilt about my crime and the resulting loss of life. Instead, I focused on building a meaningful life in prison.

121. I worked with my co-defendant, Kathy Boudin, to develop an AIDS Counseling and Education program in the prison -- now known as ACE -- which I had helped to initiate before my transfer to Arizona. Now funded by the AIDS Institute, ACE is a nationally recognized model program, which responds to the crisis of HIV infection among prisoners and their families. A book relating to our efforts and including essays by the women involved has recently been published under the title "Breaking the Walls of Silence."

122. Whereas in the past, I had responded to social problems through confrontation, my successful role in the initiation and implementation of ACE was based on building a cooperative relationship based on the different but overlapping concerns of the administration, staff and inmates. Ms. Boudin and I published articles on ACE in *Social Justice* and *The Columbia Journal of Gender and Law* (1991). These articles have also been cited in a 1990 U.S. Department of Justice report on AIDS in prison.

123. When I returned to Bedford, I resumed my college classes at the Mercy College Bedford program. I earned my Bachelor's degree in 1990. I gave the Valedictorian address at the graduation ceremony, in which I noted that the college experience in prison enabled us, as inmates, to redefine ourselves as women who could make contributions to our families, to the prison community and to society at large. While I spoke in general about all the students, I knew I was also talking about myself. I committed myself to continue my work with ACE and otherwise, as one small way to make amends for my crime.

### My Graduate Education

124. After I received my Bachelor's degree, I continued my education in psychology through a graduate program of Vermont College of Norwich University. Elaine Hopson, a clinical psychologist and one of my Mercy College teachers, became my mentor. In my Master's degree thesis, I explored the experiences of "long-termer" mothers -- such as myself -- in prison. I examined the impact of our lives on our children. This encompasses the challenge each mother faces to take control of her own life, to build meaningful relationships with her children, and help them face the burdens of growing up while their mothers are in prison.

125. While my study was grounded in psychoanalytic theory and ethnographic research, it was also intensely personal. As I went deeper into my research, I struggled to channel my feelings of guilt into a more forward-looking sense of remorse, motivating me to fulfill my responsibility to work toward repairing some of the damage I had caused.

126. I earned my Masters degree in 1993, and began working in the Bedford Hills Children's Center, facilitating pre-natal and parenting classes under civilian supervision. I was overjoyed to be able to apply what I had learned in my studies to practical use that could help other mothers. I also was happy to work with Sister Elaine who has encouraged and taught me so much, and to contribute to a program that has helped me immeasurably in my relationship with my daughter.

### My Removal from the Children's Center

127. My work was going very well, but after several months, I was removed from my job because of security concerns. This was not the first time that I had been removed from, or denied access to, work because of administrative security concerns. This time, though, they were groundless. Through the efforts of my family, friends, prison staff and my own introspection, I had transformed my life. My own sense of responsibility, awareness and investment in my work would never allow me to violate the trust and responsibility that my job represented. I decided to address the alleged security concerns directly.

128. I wrote to the Commissioner of DOCS (Dept. of Corrections) in Albany, acknowledging my responsibility for the security concerns, given my crime and my initial attitude of a decade earlier. I described my efforts to change and my good record since leaving SHU and asked for the chance to do meaningful work. Neither I nor my mother, who also wrote to the Commissioner on my behalf, received any response. However, Dr. Zwerman initiated discussions with the Lieutenant Governor, Stan Lundine, in which she laid out her view of my past and present state of mind. (See attached Exhibit J). While I waited and hoped that dialogue would go further, I concentrated on my writing and my child. I also realized that while I was frustrated with not being able to work in the Parenting Center, that the responsibility for change was primarily my own and had to come from within, rather than seeking approval from other. I took the obstacles I faced as reminders of the damage I had done in the past and tried to turn my energies toward repair.

### My Writing

129. For several years, I participated in a creative writing workshop offered by Hettie Jones, a volunteer teacher. I have published work in a number of literary journals including *The New Yorker* (Feb. 24-March 3, 1997) (Exhibit K) and in an anthology of prison writing, *Doing Time* (edited by Bell Chevigny). Over the last few years, I won several awards for my poetry in the annual PEN Prison Writing Contest. I won first prize for a poem entitled "Write a Poem That Makes No Sense" and a group of my poems were published in a collection called "Aliens at the Border." (See Exhibit L).

130. I wrote an article, based on my Master's thesis work, on the impact of the prison environment on mothers, which was published in *The Prison Journal*, a respected criminology publication (Exhibit M) and another article for *Zero to Three*, a noted journal on early childhood intervention programs. (Exhibit N).

131. In 1995, Dr. Zwerman's discussions with the Lieutenant Governor's office bore fruit, and I was allowed to resume work in the Parenting Center. I was grateful for some recognition that I had changed. I have been facilitating pre-natal and parenting classes since then and work closely with civilian and inmate staff of the nursery program. In December 1996, Sister Elaine presented a paper I wrote about the nursery program at a national training institute on early childhood intervention programs sponsored by Zero To Three in Washington, D.C. I enjoy my work and am happy to be able to do work that can give back to others. But while I thrive on

working with people, I am no longer dependent on others for my sense of identity and worth. I have become more grounded in myself spiritually, psychologically and intellectually. Continued scholarly work has been critical to that shift, as I have tried to learn from the examples of new friends, such as Suzanne Kessler, a professor at SUNY Purchase, Elaine Hopson, my Master's degree mentor, and Virginia Casper, a professor at Bank Street College. My long relationship with the facility's rabbi, Rabbi Robert Fine, and with Sister Elaine have nurtured my spiritual practice that grows in importance to me.

### My Profound Feelings of Remorse

132. Throughout these years, I have thought a great deal about the events of October 20, 1981. The victims have long since ceased to be faceless abstractions in my mind. They were real people with families like my own. In all my efforts to rebuild my own family ties, I am reminded that the families of the people who died can never reclaim their loved ones.

133. As I have watched my daughter grow, I have had to consider the fate of the children who lost their fathers that day.

134. In 1992, one of my poems was published in *Fortune News*, a criminal justice newsletter. An editorial that accompanied that issue spoke of the political prisoners whose works were included in laudatory terms which implied uncritical support for our past actions. I realized that I had to begin to make public my changed attitude about my crime. I sent a letter of apology for my crime, in which I expressed my sense of responsibility and remorse toward the victims and the families of those who were killed, which was published in a subsequent issue of *Fortune News*. The death of Joseph Trombino (who had been injured during my crime) in the World Trade Center bombing on 9/11/01 prompted me to write a direct letter of apology, which was published in the *Rockland Journal* in March, 2002 (see Exhibit O.)

135. While I know that I can never repair the damage wreaked on October 20, 1981, I am committed to making reparations to the victims for the rest of my life.

### My Renunciation of Violence

136. The issue of violence in movements for social change is a very personal issue for me. Many people who are active in such movements at times debate the relative appropriateness of violence. I know and deeply feel that I could never again, under any circumstances, resort to or promote violence. My past attraction to violence, while framed in a political context, emerged out of enormous emotional conflicts that took the form of impulsiveness and self-righteous entitlement that I have worked hard to understand and change. My involvement with violence entailed a repeated denial of other people's rights and humanity. I thought I was better than others by virtue of my political vision, and could therefore flaunt the law and impose my needs and priorities on others. The impact of this attitude on so many lives was devastating. Now, I believe that any efforts toward change at any level must begin with oneself. Political violence is a complex issue, but given my past and how out of control I was, I don't believe my political views have any credibility. Maybe one day, I will have something useful to say about political violence. But right now, I can only promise that I will never participate in any form of violent activity. I believe I have the impulses that moved me toward violence under control, and that I will only work in legal, institutional avenues for change.

137. In addition to participating in the anti-violence programs offered at Bedford, I try to apply these lessons in my daily life. In my work and personal interactions I try to defuse potential confrontations and to help others understand the roots of their anger and the consequences of "going off." I encourage reason and dialogue as alternatives to violence, and have nurtured my own use of and belief in the power of the written word.

138. These days I see the consequences of our romanticization of violence on today's younger generation. Young women come into this prison who express a romantic admiration for my past. I talk bluntly about my feelings of regret and remorse. I explain the way that my singular focus on government repression enabled me to overlook and justify our own corruption and mistakes. I share with them my letter of apology to the Brinks victims. I feel a responsibility to demystify the myths with which we promoted ourselves. None of this can ever undo the terrible consequences of my past actions, but it is one small way to take responsibility for them. Moreover, while I am still socially concerned, my identity and sense of self is not rooted in a political role. My relationships with people are personal, not political. This shift included changing my relationships

with former comrades, some of whom are now personal friends. I do feel some apprehension about the reactions of those who continue to hold to the old process about what I am now doing and saying. I do not wish to hurt anyone. Ours was a collective effort. I cannot take responsibility for how others think and I cannot blame them for my thoughts and actions. I wish only to take responsibility for myself, to face the court on the criminal charges of which I am accused and to fight legally as a criminal defendant.

### My Appeal

139. As I read the transcripts of my trial now, I see how deeply I denied the reality of the entire situation, and I am appalled by my behavior. I feel that I am looking at someone who is in an altered state of consciousness. I believe that I was driven to deny reality as strongly as an addict in denial of their addiction. I did not merely enact a political position, I denied the very reality of that court and that trial, despite the obvious consequences to myself. I acted as though I could force the others in that courtroom to acknowledge my version of reality by virtue of my emphatic insistence and my apparent lack of concern about my future. I realize that in the manner in which I used the *voir dire* to harangue the jurors, I was essentially harassing them. My complete lack of concern for these citizens who were merely there to carry out their civic responsibilities was yet another sign of my own moral deterioration.

140. I am ashamed of my blind disregard for the feelings of the families of the people who died, and the other victims of the crime. I realize that my remorseless and defiant attitude in court could only have compounded their grief and rage.

141. It is striking to me that I, who had fought so many times in so many courtrooms for the rights of the accused, was so unconcerned about my own rights. I can fully appreciate the judge's fear of our disrupting the trial proceedings, given our vocal political stance. But seeing how truly out of control I was then, I cannot but wish now that someone had spoken to my interests as a defendant since I was so clearly incapable of doing so.

142. I am now over fifty years old, and a totally different woman than I was when I entered prison. Understanding and taking responsibility for my past actions, a process which took me over a decade to accomplish, has pushed me to re-open my legal case and appeal my sentence, which is essentially a life sentence. I feel that I could make restitution more constructively in the long run by continuing my work and building a new life outside prison. I realize that my attempt to reopen my case through this appeal will impact on the survivors and families of the victims. I do not wish to add further to their grief and anger. I hope that knowing that I now take responsibility for my actions and my deep feelings of remorse toward them can be of benefit to them.

143. At any point in this process, I am available to the victims for a formal victim-offender mediation and/or negotiation related to restitution. I have discussed the possibility of victim-mediation with Dr. Zwerman and others, and I understand that my participation in such a process can not in any way be based in my seeking advantages for myself legally, but only to take more direct responsibility for my actions with any of those victims who choose to participate.

Dated: December 2002

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Judith Clark

Sworn to before me this  
day of December , 2002

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Notary Public