

1 NYS DEPARTMENT OF CORRECTIONS and COMMUNITY SUPERVISION -
2 BOARD OF PAROLE

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5 Parole Board Hearing

6 In the Matter

7 - of -

8 JUDITH CLARK

9 DIN # 83G0313

10 NYSID # [REDACTED]

11 TYPE OF INTERVIEW: INITIAL

12 LOCATION: Bedford Correctional Facility

13 Video-conferenced to

14 314 West 40th Street

15 New York, New York

16 DATE: April 5, 2017 & April 6, 2017

17 DECISION DATE: April 20, 2017

18
19 BEFORE: COMMISSIONER STANFORD

COMMISSIONER LUDLOW

20 COMMISSIONER THOMPSON

21 ALSO PRESENT: Yesenia Cheverez, SORC;

22 Edna Crespo, APA

23 AT FACILITY: Joseph Greenfield, SORC;

24 Andrea Williams, ORC

25 VERBATIM REPORTER: Susan Fischler

1 BY COMMISSIONER STANFORD:

2 Q. Hello.

3 A. Good evening, I guess.

4 Q. Yes, ma'am. Could you please state your name for the
5 record?

6 A. My name is Judith Clark.

7 Q. Miss Clark, I am Commissioner Stanford and I am
8 joined this afternoon by Commissioners Thompson and
9 Ludlow for your interview.

10 COMMISSIONER LUDLOW: Good afternoon,
11 ma'am.

12 COMMISSIONER THOMPSON: Good
13 afternoon.

14 A. Good afternoon.

15 Q. Miss Clark, our records indicate that, due to
16 commutation, the time that you have served, and are now
17 eligible for parole consideration, totals 35 years,
18 5 months and 14 days, making your eligibility date now
19 March 15th of 2017, which has now passed.

20 We are seeing you to interview you related to
21 two counts of Murder in the 2nd Degree and four counts
22 of Robbery in the 1st Degree; is that your
23 understanding?

24 A. Three counts of Murder in the 2nd Degree.

25 Q. And four counts of Robbery in the 1st Degree?

1 A. One count of Robbery in the 1st Degree, I believe.
2 Am I correct? Oh, I see. And it does says two counts
3 on Murder in the 2nd and one count of Robbery in the 1st
4 Degree.

5 Q. I'm looking at your reception papers.

6 A. Yes.

7 Q. And your sentence and commitment. One moment,
8 because I want to make sure the record is correct.

9 A. Uh-huh.

10 Q. Okay. In your sentencing minutes from October 6,
11 1983, where the Honorable David S. Ritter was presiding
12 and he passed sentence, he passed it on counts 1, 2 and
13 3 of the indictment; those were all Murder in the 2nd
14 Degree. So, I misspoke by saying two; it's actually
15 three.

16 A. Okay.

17 Q. And then counts 4, 5, 6 and 7, which would be four
18 counts of Robbery in the 1st Degree.

19 A. Okay, correct.

20 Q. Sound right?

21 A. Yes.

22 Q. Okay. There was no appellate action that changed the
23 counts?

24 A. No. That is correct.

25 Q. Then, I stand corrected; it's three, and not two

1 counts of Murder in the 2nd Degree; and four counts of
2 Robbery in the 1st Degree. Those counts, if the records
3 that I have reviewed are accurate, the counts of Murder
4 in the 2nd Degree, basically felony murder counts?

5 A. Correct, yes.

6 Q. Alright. I want to try to, because there's so much
7 time that has passed and so much information, I want to
8 try to break up my questions with periods of time so
9 that we can get to know you before the crime, during the
10 time of the crime, and certainly in all these years that
11 have passed since the crime. So, I want to start by
12 talking about your early life.

13 A. Okay.

14 Q. Again, just so that we can, in this limited venue,
15 get to know you as well as we can, your early years, as
16 I said, that led to these crimes, and then since, but
17 try to do it in some kind of structure because it's so
18 much information.

19 Why don't you begin by telling us a little about
20 yourself? Were you an only child, where were you born?
21 That kind of thing.

22 A. I'm grew up in a family. I have a brother who is two
23 years older than me, so I was the youngest child. My
24 parents, [REDACTED], we primarily lived in
25 Brooklyn. My very earliest years were spent -- my

1 father was a foreign correspondent and we lived in the
2 Soviet Union, but I was too young to remember that. We
3 were back by the time I was three-and-a-half years old.
4 I grew up in Bensonhurst and then Flatbush, Brooklyn.
5 My parents had been Communists through most of their
6 young lives, and by the time I was a school-age child
7 they had renounced their activism as a Communist. But
8 it was a sort of tense period; my father was blacklisted
9 for a number of years. My mother was the person who
10 said, I want to take this marginalized family into the
11 mainstream of America. And she worked very hard to do
12 that. I went to public schools. I feel like, overall,
13 I had a happy childhood. But I was also -- I identified
14 with my parents early years. What they were giving up
15 on, I somehow still somehow believed in, even as a very
16 young child. And so, by the time I was in junior high
17 school, which was 1964, it was a period there were a
18 number of citywide boycotts demanding quality education,
19 equal education, and I joined those boycotts. And I
20 spent most of my young years active in the Northern
21 Civil Rights Movement.

22 Q. Northern Civil Rights Movement.

23 Just so that you know, we've got a court
24 reporter on this end and she's making a transcript of my
25 questions, your answers, and so she had a question about

1 that last part.

2 A. Northern. Sure. So....and I think those early
3 years, I participated in a peaceful, progressive, aware
4 way. I was certainly not -- I wasn't a troublemaker,
5 but I was deeply involved and my identity was tied to
6 that, and sometimes that created conflict with my
7 parents, but it's what I pursued.

8 I went to college at University of Chicago in
9 1969. I'm wrong, I started in 1967, and in '68 is when
10 the students' left really kind of erupted, and I jumped
11 in headfirst into it and I got expelled from college for
12 demonstrations in my second year. And, I think by then
13 I was starting to be much more vehement. And, when I
14 left school my parents desperately tried to get me to go
15 back to a different school, and instead I joined what
16 was then called Weatherman SDS, so, as part of a large
17 organization called Students for Democratic Society but
18 I was aligned with people who were beginning to say, We
19 need a revolution in this country. And I joined the
20 collective that became my total life, my total identity.

21 Q. Okay. Let me stop you there for a moment. About how
22 old were you by the time you were part of the
23 collective?

24 A. Nineteen.

25 Q. And you said it was a -- it wasn't strictly just SDS

1 - Students for Democratic Society - it wasn't strictly
2 the Weathermen, it was a combination?

3 A. Well, at that time, Weatherman was SDS. This is
4 before Weatherman went underground. But they were
5 pushing for SDS to become more militant, and I
6 identified with that and was organized by people older
7 than myself, but also believed in it. I had plenty of
8 people arguing with me to slow down a little. But I
9 was -- I know I had a chip on my shoulder I would say,
10 even back then. So, we were in the collective and it
11 was in Chicago. I was involved in a number of
12 demonstrations which definitely got violent. We
13 certainly argued for militancy I would say, back then.
14 And we got more and more -- I got more and more wrapped
15 up into this being sort of my people, and less and less
16 connected to old friends or my family. I still saw my
17 family, still was in touch with them, but I was less and
18 less honest with them about what I was doing with my
19 life.

20 Q. Now, at that point in time, did the Weathermen go
21 underground or become known by a different name?

22 A. I believe it was at the end of 1969.

23 Q. Were you still affiliated under this new moniker?

24 A. Yes, yes, I joined other people and was actually -- I
25 had had charges from the demonstrations in Chicago and I

1 skipped bail on those charges and went underground and
2 was arrested in New York in December 1970.

3 Q. Now, I'm looking at your records and it looks like in
4 Chicago, Illinois, in '69, September and then October --

5 A. -- yes.

6 Q.of the same year, there were the following
7 charges: Aggravated battery, aiding escape, mob action,
8 resisting arrest, aggravated battery, and there was
9 probation of three years?

10 A. Yes. Actually, I spent nine months in Cook County
11 Jail, and three years probation.

12 Q. Now, was it related to those charges that there was
13 the arrest in New York in December of 1970 or....

14 A. Yes.

15 Q. Okay, alright. So, you were arrested in New York?

16 A. Yes.

17 Q. ...and brought back to Illinois?

18 A. Correct.

19 Q. And then you did the nine months and got the three
20 years probation?

21 A. Correct.

22 Q. Was your probation transferred, or did you serve the
23 period of probation in Illinois?

24 A. I served the period of probation in New York and I
25 successfully completed probation.

1 Q. Okay. So how would you describe the change in your
2 mindset between a young person involved in civil
3 disobedience, peaceful protest, to the philosophies that
4 it sounds like you embraced later on that allow for the
5 possibility of violence by sort of any means necessary?
6 How did you transition?

7 A. I think, in part, I transitioned because I became
8 more invested in a very small group that all kind of --
9 we reinforced each other in seeing that nothing was good
10 enough but revolution. I think for me personally, I
11 felt that my parents had kind of failed, and so, if they
12 failed, I had to do something different than them. And
13 while they were committed, they were also very -- they
14 were responsible in their political activities and they
15 were strongly, you know, never believed in violence. I
16 think I was attracted to violence as something that
17 answered something to me at the time about how to be
18 willing to commit everything. I think it was a way of
19 trying to overcome being white and with privileges, and
20 I wanted to show I was willing to do what other people
21 were willing to do. I think that I romanticized the
22 revolutions going on around the world and, I sort of
23 felt like I had to show I could do whatever was
24 necessary. And it became almost like -- and I think I
25 was also -- I was not willing to see that people who

1 disagreed with me might have a legitimate perspective,
2 that, I more and more felt like this is the only way.
3 And I wouldn't listen outside of the same people who
4 believed in what I believed in. So, what I said, they
5 believed, and what they said, I believed.

6 Q. Okay. Now, I want to talk about, a little more about
7 that period of time between let's say the charges and
8 probation, and the crime itself. I want to focus now on
9 that period of time.

10 But before I move on, I want to ask my
11 colleagues if they have any questions about your early
12 life based on the answers you have already given, or
13 some other questions I did not ask?

14 COMMISSIONER LUDLOW: I would like to
15 open up. Miss Clark, I have had the benefit of
16 reviewing an affidavit I believe you completed in
17 support of a 440 motion.

18 A. Yes.

19 COMMISSIONER LUDLOW: This relates
20 back to December of 2002.

21 A. Correct.

22 COMMISSIONER LUDLOW: I think there's
23 a relevant narrative in here that might sharpen the
24 discussion which you just had with the Chair. I
25 would like to read portions of it and see if it's an

1 accurate description of that time in your life.

2 I am reading from paragraph 7 of that
3 motion, and I quote, "After my father left the
4 Communist Party, he was blacklisted and unemployed
5 for a number of years. As I grew older, I came to
6 feel that something very important had been lost in
7 my parents' change of heart and that I needed to
8 retrieve it. I associated the warmth I remembered
9 from their early years with their political
10 involvement and their political disengagement with
11 my own sense of loss. I took on the task of making
12 up for my parents' loss through my own political
13 involvement."

14 You went on to state in paragraph 9,
15 "Psychologically, I could not tolerate ambivalence
16 and the anxiety which it produced. I felt that if I
17 entertained any doubts, I would become like my
18 parents and 'sell out.'"

19 A. Absolutely.

20 COMMISSIONER LUDLOW: "This led me to
21 seek the security of dogmatic faith, which allowed
22 no room for critical thinking. In my interaction
23 with others, I walled myself off and would not
24 reflect on the impact of my actions on others. I
25 demanded a blind adherence to rigid ideas and

1 loyalties among individuals in my group. I sought
2 the safety of dogma. My fanaticism became more
3 extreme as popular support for and participation in
4 the radical movements lessened through the decade of
5 the 1970's. Ultimately it cut me off from any moral
6 sensibilities and my own humanity."

7 A. Right.

8 COMMISSIONER LUDLOW: You went on to
9 state, "But my insistence on the need for violence
10 represented a real break from their values," meaning
11 your parents' values, I believe. "This was part of
12 the attraction for me. While I was driven to take
13 up their abandon mission of transforming society, I
14 also felt I had to atone for their failure to
15 sustain their commitment. I believed that violence
16 was more revolutionary precisely because it was
17 anti-intellectual. My attraction to violence was,
18 in part, a way to reject my grassroots and identity
19 as a middle-class Jewish intellectual, to attempt to
20 reinvent myself as more grassroots and thus, to be
21 seen as more reliable as a participant to those in
22 the struggle. My willingness to engage in an
23 escalating pattern of violence over the years was my
24 means of validating my revolutionary credentials and
25 sense of self. On the way to demonstrations or

1 actions, I would put myself in a semi-trance state
2 in order to appear fearless and aggressive. I was
3 dependent on being part of 'the group,' -- be it the
4 Weatherman in the early '70s or the May 19th
5 Communist Organization in 1981. I was afraid of
6 being alone and of living as an individual in the
7 world. I craved the security I felt within the
8 cocoon of my group. As a leader, I took my orders
9 and gave orders; I was controlled and in turn,
10 controlled and manipulated others. There was no
11 such thing as partial involvement or critical
12 support; it was all or nothing. I was determined to
13 sustain my loyalty and protect my image and position
14 in the group. I was determined to be a good
15 soldier. By October 20, 1981, when I participated
16 in this crime, I was not a young idealistic
17 innocent, by any means. I was truly out of control.
18 While I did not go out that day intending to harm
19 anyone, I had every reason to recognize the
20 potential dangers involved. But I refused to think
21 of the consequences of my actions. I was incapable
22 of thinking or feeling on any real terms. Thus,
23 though my role in the crime did not involve shooting
24 anyone, I bear responsibility for the loss of life,
25 the injuries and the terror of that day."

1 Do those excerpts, Miss Clark,
2 correctly and substantially frame your mindset --
3 A. -- absolutely.

4 COMMISSIONER LUDLOW:at the time
5 in question that you discussed with Chair Stanford?
6 A. Absolutely, and, that it grew -- over those years it
7 grew and worsened, yes, absolutely.

8 COMMISSIONER LUDLOW: I have nothing
9 further right now, but we will pick up according to
10 the plan we have here to try and manage all this
11 information. Thank you, Miss Clark, for your
12 attention.

13 A. Absolutely. Thank you.

14 BY COMMISSIONER STANFORD:

15 Q. Miss Clark, what was the approximate size of your
16 intimate group, the group that you cocooned yourself
17 within, that you, in the words of your affidavit,
18 received direction from and gave direction to, that you
19 shared the same mindset in thinking and encouraged one
20 another? What was the approximate size of that active
21 group?

22 A. Oh, in the early time? Or later on when I was back
23 in New York?

24 Q. Let's focus for now on the early time.

25 A. In the early time? One of the many sad things to say

1 is that when Weathermen took over SDS there were
2 thousands of students in SDS. And by the time
3 Weatherman demanded this kind of level of revolutionary
4 discipline, we were down to maybe 200 people, and maybe
5 a hundred people at the end. I mean, it got smaller and
6 smaller in the end. And in my collective, which was in
7 Chicago, at the time probably had, I don't remember
8 exactly, but eight, 10, 12 people. It was tiny.

9 Q. So, 8 to 12 that you were interacting with on a
10 fairly regular basis in Chicago?

11 A. Yes. And probably another 20 I saw regionally, or
12 that were leadership in the city of Chicago.

13 Q. An additional 20?

14 A. Probably. But I would say the smaller group was who
15 I woke up with every day and went to sleep with every
16 day.

17 Q. So, did you reside together?

18 A. Yes.

19 Q. Socialize together?

20 A. Correct.

21 Q. Plan together?

22 A. Right.

23 Q. Can you describe it's makeup? What were those eight
24 to 12 people like, gender-wise, racially, academically?

25 A. We were all white, most of us had been students,

1 college students. I was probably on the younger end of
2 them. While the leadership was majority male, the
3 membership was majority female.

4 Q. Now, I want to go on to that period of time after
5 Chicago, coming back to New York. You came back to the
6 City in approximately what year?

7 A. I got out of jail in July 1971 and went to live with
8 my parents in Brooklyn, and I think the time in jail, it
9 made me think about the fact that I had been so enclosed
10 in this small group. And I had said to myself, I need
11 to find new ground for myself. And so, when I first
12 came out, I didn't rush back into whatever was there at
13 that time, but I got a job and I tried to figure out
14 what I was going to do with myself. And -- but soon,
15 very soon afterwards, I felt both internal pressure --
16 basically, a number of events happened: One was the
17 Attica uprising, and another thing was a number of
18 people from the Black Panther Party who were now
19 associated with the Black Liberation Army, were
20 arrested, various people got killed. And I began to
21 say, Oh, I can't go off on my own and rebuild a life, I
22 have to be responsible. And that same sort of mentality
23 and thinking came back to me. And so I would say for
24 the next couple years I did -- I did legitimate
25 political work, I did work work, and I also did

1 legitimate reasonable work, but at the same time I was
2 more and more feeling like, uh, I had to get more
3 actively involved in a more committed way. There would
4 be people who would come and see me and say, Wait a
5 second, you were involved with the Weathermen, I need
6 your help, we need money because so and so just got
7 arrested. And I spent more and more of my time feeling
8 like I had to re-associate myself with people who were
9 associated with the Weather underground, and people who
10 were associated with what had been the Black Panthers in
11 New York. And, by 1976 -- we formed May 19th sometime
12 around then, I can't remember the exact date. But I was
13 -- so I was kind of -- I was on two different plains in
14 a way. I work for the Women's Bail Fund, I worked on a
15 news letter called The Midnight Special that came out of
16 a legal organization that was doing work. And, so, on
17 the one hand, I was doing that, but on the other hand I
18 was saying, This isn't enough, people are getting --
19 people are going to prison, I have to do more. And
20 people were also saying that to me, and I was saying
21 that to people. So, by '76 I was back in a much more
22 self-enclosed - now it was called May 19th, but we lived
23 together, we worked together, we felt responsible to
24 give solidarity to various organizations, black
25 organizations, Puerto Rican organizations.

1 COMMISSIONER STANFORD: Commissioner
2 Ludlow has a question.

3 COMMISSIONER LUDLOW: Miss Clark, your
4 focus on revolution was not limited to the domestic
5 situation in the United States?

6 A. No.

7 COMMISSIONER LUDLOW: My understanding
8 is, from your own words, you focused on revolution
9 globally - what was occurring in other parts of the
10 world.

11 You made a statement, and I would like
12 to read what I believe to be that statement. "I
13 read about jailed revolutionary in other countries
14 who had resisted collaborating, and tried to pattern
15 myself on their example." Is that correct?

16 A. Yes. I mean, I have to say, when I hear those words,
17 it is true. One of the things I meant to do is that, I
18 completely didn't look at the fact that the conditions
19 in those countries were completely different. So I was
20 importing a view of the revolution happening in
21 third-world countries, and we literally would say
22 there's war going on in America, even though there was
23 no evidence of it.

24 COMMISSIONER LUDLOW: You were,
25 apparently, drawing enthusiasm about revolution on a

1 global scale.

2 A. Absolutely.

3 COMMISSIONER LUDLOW: And you went on
4 to say, "My need to project an image of myself as
5 more than as I was, now as a 'captive freedom
6 fighter' was far greater than any thoughts from my
7 legal rights or self-preservation."

8 A. Certainly once I was arrested, that was my state of
9 mind, yes. I think, in that period leading up to it, it
10 was my state of mind to push me to say whatever it is
11 that I'm asked to do, I have to prove I'm worthy by
12 doing what I am asked to do, correct.

13 COMMISSIONER LUDLOW: Thank you again.

14 BY COMMISSIONER STANFORD:

15 Q. Now, please describe the composition of the May 19th
16 collective, as you describe the group, in Chicago.

17 A. I would say we were even smaller, maybe 30, 40 women.
18 And again, a lot of the activity was completely legal,
19 legitimate activity but -- and we were divided into
20 different areas of focus. So, my area of focus was
21 supporting political prisoners. I spent a lot of time
22 working on people's cases, trying to organize support,
23 writing leaflets. Other people spent their time
24 supporting the Puerto Rican Independence Movement.
25 Other people spent their time working on supporting the

1 struggle that was going on in southern Africa. But we
2 were living, you know, maybe there was five or six
3 households we were all living in and we would --
4 whatever -- and, you know, people worked, different
5 people worked at different times and would support
6 everyone else. So it was sort of everyone's money was
7 communal. We helped raise each other's children. So,
8 our personal lives were very intertwined with our
9 political affinity, and part of what that meant is if
10 you decided you didn't like what was going on or you
11 disagreed with it, you were not just leaving a political
12 organization; you were leaving your friendship grouping,
13 your household. It had a lot of cult-like qualities to
14 it, I would say.

15 Q. Now, did you stay in that communal collective, as you
16 have described it, up until the time of the crime in
17 October of 1981?

18 A. Yes, I did.

19 Q. In the period closest to October of 1981, who were
20 your roommates or housemates?

21 A. Right. I lived with three women. One of them is a
22 woman named [REDACTED], who actually remains my friend
23 today. I lived another woman named [REDACTED], and I am not
24 sure I can even remember her name. A woman named [REDACTED].

25 Q. Excuse me, you said [REDACTED]?

1 A. Yes.

2 Q. How would you spell that?

3 A. [REDACTED].

4 Q. The last name of [REDACTED] was [REDACTED], [REDACTED] or [REDACTED]?

5 A. [REDACTED]. My household was less -- they were women I was
6 both friends with and they were in the organization.
7 I'd say I was more in leadership, more engaged than they
8 were in many ways. I would have to hold myself
9 responsible for pushing them to be responsible.

10 Q. Okay. Now, somewhere in your records - it may have
11 been the presentence investigation report that was
12 prepared prior to your sentencing - other names were
13 given as your housemates at the time.

14 A. What were those names?

15 Q. [REDACTED].

16 A. I lived with [REDACTED] for many years. I did not
17 live with her at the time that I was arrested, if my
18 memory serves me well. I lived with her many years in
19 Brooklyn, and, I think [REDACTED], at that time,
20 lived in Chicago. I may be wrong about that. But they
21 are definitely old friends of mine and definitely was
22 politically involved as I was.

23 Q. Okay. Did you ever live under the same roof as
24 [REDACTED] in those days, [REDACTED]?

25 A. Actually, no. When she was in New York, I lived on

1 98th Street and she lived on 100th-something Street. So
2 we saw each other a lot, but we didn't live under the
3 same roof at that time, I believe. Might be wrong about
4 that, but I believe.

5 Q. I am reading from page 12 of the presentence
6 investigation prepared by the probation department at
7 the time.

8 A. Okay.

9 Q. And, I know, by the way, that, when they came to
10 speak with you, you really didn't speak with them.

11 A. No.

12 Q. So, I am certain they must have gotten this
13 information from another source other than you.

14 A. Okay.

15 Q. It may have been your parents trying to fill in the
16 blanks of the section of the report called Family
17 Situation. But it says that, from 1979 to October 20,
18 1981, you lived at [REDACTED] West 98th Street, New York City
19 with friends [REDACTED] and [REDACTED], as well as
20 [REDACTED] six-year-old son and [REDACTED] daughter [REDACTED].

21 "Currently, [REDACTED] resides at the same address with the
22 same people. In addition, [REDACTED] and her
23 six-and-a-half-year-old daughter now live there." So,
24 maybe [REDACTED] came in and moved in after your arrest?

25 A. Yes. She moved in because we wanted the children to

1 be all together. Her daughter is sisters with my
2 daughter. They are half-sisters, they have the same
3 father. So they moved in to have a stronger situation
4 for the kids after I was arrested. So, I was always
5 close to her, but I didn't actually live with her.

6 Q. Okay. And, again, your daughter, her daughter, have
7 the same dad?

8 A. Yes.

9 Q. But her daughter was significantly older than your
10 daughter at that time, at the time of the crime?

11 A. Four years older, yes.

12 Q. But you think maybe [REDACTED] did live there?

13 A. Yes.

14 Q.or, you think this may have been erroneous
15 information?

16 A. That's a good question. The reason it's hard for me
17 to remember is because she and I lived together for a
18 long time in Brooklyn. But I don't think she was living
19 there when I was arrested, I think she moved -- I think
20 both she and [REDACTED] moved in so that all the kids could
21 be together.

22 Q. And, the name of her daughter's father and your
23 daughter, [REDACTED] dad, what his name?

24 A. [REDACTED].

25 Q. [REDACTED]?

1 A. Yes.

2 Q. Was he involved in any of the groups that you
3 previously described --

4 A. -- yes.

5 Q.including May 19th?

6 A. Yes, he was. And he subsequently spent time in
7 prison.

8 Q. For federal charges?

9 A. No, for state charges in Pennsylvania. He then was
10 released and worked as a doctor. Both he and [REDACTED]
11 are doctors.

12 Q. Medical physicians?

13 A. Yes. And he died several years ago.

14 Q. Yeah, I think I read that in the records, too. Now,
15 do you and [REDACTED] have the same birthday?

16 A. Yes, we do.

17 Q. I know I saw that somewhere and I wanted to ask you
18 about it. The exact same month and day of the month?

19 A. Yes. She was my birthday present.

20 Q. So it seems. What milestone was she experiencing by
21 October of 1981? She was almost a year old?

22 A. She was almost a year old. You know, I had wanted to
23 have a child and I had helped raise other children for a
24 long time. When I had [REDACTED], I think she was the
25 first thing in my life that pulled me away from being

1 completely, totally preoccupied with the group and
2 revolution, and my -- and I think people noticed that.
3 I was criticized for being preoccupied with her. I
4 think there was an impulse in me to want to do nothing
5 but be with her, and I felt guilty about that, and I
6 felt like I had to hide that, I felt like it was wrong,
7 and I also knew I was going to get criticized for it,
8 that, it made me sort of under suspicion.

9 Q. Was she walking yet?

10 A. No, she wasn't. She took her first steps, sadly,
11 when she came to visit me in the federal lockup. When
12 we were first arrested, we were transferred to MCC, and
13 she walked toward me and it was actually her first
14 steps.

15 Q. Who was caring for her in those initial days after
16 your arrest?

17 A. [REDACTED].

18 Q. Did you enjoy being a single mother, or as single in
19 a woman in that setting could be? Because, there were
20 lots of mothers.

21 A. Right. I loved being a mother, and I also felt very
22 split because I didn't think it was legitimate, I guess,
23 according to my political philosophy and my group
24 commitments. It felt like very individualistic, and so
25 I had incredible desire to just do nothing else but

1 mother her. I enjoyed infancy, but I didn't feel that
2 that was legitimate.

3 Q. Tell me, what was the philosophy of the group in
4 terms of the value of children to the group? Was it
5 simply to have new soldiers? Was it -- what would be a
6 motivation for any young woman to have a child in that
7 setting? What was the value of children, I guess I am
8 asking, to the group, if not to be able to shower
9 individual attention?

10 A. I think that, we certainly were not having children
11 to have little soldiers, but I think we saw ourselves
12 raising our children collectively. So, I shouldn't get
13 too individually connected to my daughter, even though
14 she's my daughter and everyone acknowledged that and
15 recognized that, but I had to temper my feelings of
16 intense intimacy with her with recognizing all our
17 children were being raised together. And so there was a
18 tension I guess.

19 COMMISSIONER LUDLOW: Miss Clark, you
20 actually felt a conflict --

21 A. -- absolute conflict.

22 COMMISSIONER LUDLOW: -- between being
23 a mother of [REDACTED] and your absolute loyalties to
24 the group?

25 A. Correct.

1 COMMISSIONER LUDLOW: The perception
2 at the time, I believe, from what I read, is that,
3 your attentions to the need of the child were
4 individualistic and not committed to the group as a
5 whole.

6 A. Correct.

7 COMMISSIONER LUDLOW: And, from the
8 perspective of the group, that was a distraction,
9 shall I say?

10 A. Correct. And I was criticized for it. But I had
11 that internal conflict, it was mine to have. You know,
12 I could have said, You know what, I'm taking this kid
13 and I'm gonna to raise her. And, I didn't.

14 COMMISSIONER LUDLOW: I have a quote
15 here that I think speaks to that, in paragraph 38 of
16 your 440 motion, and you state, and I quote,
17 "Because I had agreed that my daughter would stay
18 with my radical friends, I was more dependent than
19 ever on them to validate my relationship with the
20 group and with my daughter. Rather than question
21 this arrangement, I chose to perpetuate my sense of
22 absolute loyalty to the group."

23 A. Correct.

24 COMMISSIONER LUDLOW: Do you recall
25 that statement?

1 Q. Did that happen in federal custody, or county
2 custody, state custody?

3 A. In county custody.

4 Q. I am going to ask my colleagues if they have any
5 other questions about this time period we have been
6 discussing between you returning to New York and the
7 date of the crime.

8 COMMISSIONER STANFORD: Any other
9 follow up?

10 COMMISSIONER LUDLOW: Nothing further
11 for me at this time.

12 BY COMMISSIONER STANFORD:

13 Q. And, of course, you know, you can imagine by the time
14 we wrap this up, we may be going back to some sections.
15 But again, just to try to keep some order.

16 A. Sure.

17 Q.trying to do it this way.

18 Now I want to focus on the date of the crime.
19 Well, maybe even a little bit before the crime, to
20 explain, you know, the planning and all of that.

21 I also gathered, from official documentation,
22 that you're a petit woman?

23 A. Yes.

24 Q. Your records say that, at the time of the crime, you
25 were only - and probably still are - about five-foot

1 three-inches tall?

2 A. Correct.

3 Q. About 115 pounds at that time in your life?

4 A. Correct.

5 Q. And you were 32 at the time of the crime. Is that
6 accurate?

7 A. A month shy of 32, yes.

8 Q. You would have been, I think -- I want to say 33 the
9 month after?

10 A. Thirty-two the month after.

11 Q. You were turning 32 the month after?

12 A. Yes, yes, yes.

13 Q. Now, that would make you probably the youngest person
14 of those who were arrested. Because, based on other
15 information about everyone else's ages, you appeared to
16 be the youngest person in that group of people, again,
17 that were arrested.

18 A. Right.

19 Q. How long were you associated with the other known
20 co-defendants and/or co-conspirators for the events that
21 happened on October 21st, 1981?

22 A. I was associated with some of them for a long time,
23 and with some of them not at all. The setup was that, I
24 was a public person, I was doing public political work.
25 I worked with people in the Black Movement who also were

1 public political people, but all of us were also
2 supporting efforts of people who were not public and
3 doing illegal things. So, I had -- so I knew some of
4 the people that were involved in the crime, and there
5 were other people that I personally didn't know. But I
6 was associated with -- there were public groups that
7 were both politically supporting and sort of materially
8 supporting the building of a Black Liberation Army; and,
9 I saw myself as someone who supported that, and had
10 supported people who had been arrested for that, and
11 most of that work had been public work. But my rhetoric
12 was always you have to do what is necessary, and
13 therefore, you have to be willing to do what's necessary
14 to support it. So I had a strong rhetoric about that.

15 COMMISSIONER STANFORD: Commissioner
16 Ludlow has a question at this point.

17 COMMISSIONER LUDLOW: In that regard,
18 again, I would like to refer back to your own words
19 in the 440 motion that I think speaks to the point
20 on the table at this moment.

21 "My participation in the crime was
22 inexcusable. At the time of my arrest, I was
23 31 years old, a mother of an 11-month-old baby, and
24 a member of the May 19th Communist organization -- a
25 small, tightly knit self-defined revolutionary anti-

1 imperialist organization. My political activities,
2 loyalties to the comrades and identity as a
3 revolutionary had been the defining reality of my
4 entire adult life. I did not identify myself with
5 the mainstream culture and values of this country.
6 Bolstered by that viewpoint, I had cut myself off
7 from any real relationships with people outside my
8 closed political circles and refused to recognize
9 any reality that contradicted our collective
10 viewpoint. I was a single-minded fanatic who
11 considered myself 'at war' with America."

12 A. That is correct, that was my mind.

13 COMMISSIONER LUDLOW: You relate to
14 those words, Miss Clark, in terms of framing your
15 mindset at the juncture we are at?

16 A. Yes, yes.

17 COMMISSIONER LUDLOW: Thank you,
18 ma'am.

19 A. And, I think I, you know, thought that everyone I
20 supported on trial, it was unfair they were on trial and
21 that, obviously, I experienced the government as
22 repressive and didn't respect that repression.

23 COMMISSIONER LUDLOW: Thank you.

24 BY COMMISSIONER STANFORD:

25 Q. Now, would you continue to describe yourself at the

1 point in time when the planning was commencing as you
2 were before as both follower and leader to some extent,
3 or....

4 A. In May 19th I was a leader. Most of what that meant
5 is telling people they better do more leafleting or
6 fundraising. The leadership part I was involved with
7 was primarily in the political activity. I think I was
8 a follower in the sense I believed I had to follow black
9 leadership, and so, if I was asked to do something, as I
10 was in this case, which was that, money was needed to
11 build a black underground, and the way that money was
12 being raised was through a Brinks truck; and the way to
13 make it happen quickly and easily was to have white
14 people as getaway drivers, and therefore, they needed me
15 as a getaway driver.

16 Q. So, would it be fair to say, based on your response,
17 that, the composition of the group you aligned yourself
18 with in the planning of this particular robbery, now
19 included black men and/or women?

20 A. Yes, yes.

21 Q. And, it was your decision to follow their leadership?

22 A. Absolutely.

23 Q.to the extent they were involved?

24 A. Yes, yes.

25 Q. Describe the meetings that led up to the crime or the

1 point that it was organized and planned?

2 A. Right. There were very few meetings that I was in.
3 It was actually just one-on-one, someone saying, This
4 needs to happen, here's how it needs to happen, here's
5 where you need to be.

6 It wasn't like big meetings with everyone there.
7 The way I think perceived it at the time was: I have a
8 support role and I only need to know what I need to
9 know. So, what I needed to know was, I had to go in a
10 car up to Rockland, and I knew, you know, the position I
11 had to be in.

12 Q. Okay. Who was your primary contact? Was it always
13 the same one individual in these one-on-one
14 conversations, or was it more than one?

15 A. No. It was primarily a man named M'Tyari.

16 Q. Can you spell that?

17 A. I'm not sure I can spell it. M-'-T-y-a-r-i.

18 COMMISSIONER LUDLOW: Is that the same
19 individual referred to as Mutulu Shakur?

20 A. No. M'Tyari was killed in a shootout after the
21 arrest. So, he was associated with Mutulu, but he was
22 the person I was talking to at the time.

23 COMMISSIONER LUDLOW: Did you have any
24 direct contact, at any time, with Mutulu Shakur?

25 A. I had a lot of contact with Mutulu; not particularly

1 about this crime. He and I had done political work
2 together. He was someone who pushed me about being
3 committed, and he and I probably had a long association
4 over a number of years, primarily in terms of supporting
5 the same politics and pushing for them around political
6 prisoners and things like that. But he wasn't the
7 person I was dealing with in this moment.

8 COMMISSIONER LUDLOW: In hindsight,
9 would you say Mr. Shakur was in fact the central
10 strategist to the crime in October 1981?

11 A. I can only say that because of what I knew
12 afterwards, to be honest. Because, the way we worked to
13 compartmentalize everything, and the whole picture did
14 not come out until afterwards. But, so, I could say it,
15 but more based on what I understood afterwards than
16 before.

17 COMMISSIONER LUDLOW: Alright. With
18 regard to preparing for the crime, did you make two
19 trial runs into Rockland County in preparation for
20 the actual crime?

21 A. No, I was not on the trial runs, I was not on the
22 trial runs.

23 COMMISSIONER LUDLOW: You made no
24 trial runs into Rockland?

25 A. I think I went up there once to see where it was, but

1 there was no trial runs that I was in.

2 COMMISSIONER LUDLOW: And did you
3 practice with weapons or a weapon such as a
4 .38-caliber pistol?

5 A. No, absolutely not.

6 COMMISSIONER LUDLOW: At any time
7 prior to the commission of the crime?

8 A. No, absolutely not, no.

9 COMMISSIONER LUDLOW: Over what time
10 period would you say you, quote, unquote, "prepared
11 for the crime"? Would it have been days, weeks,
12 months?

13 A. Days, it was days.

14 COMMISSIONER LUDLOW: Okay. And
15 during that period, I presume - tell me if I am
16 wrong - you had opportunities to exit from the plot?

17 A. Absolutely.

18 COMMISSIONER LUDLOW: I think you
19 identified in your affidavit that I referenced
20 earlier, or it could have been in your interview
21 with [REDACTED] in 2011, in one of those you
22 identified there were two exit points which you
23 encountered that you could have withdrawn from the
24 planning of the crime and commission of the crime
25 but you chose not to?

1 A. I'm not sure what I was referring to there. But what
2 I would say is, when I was asked to do it, everything in
3 my own gut said, You can't do this, you have a baby.
4 And I squashed that impulse. I'm not even saying I
5 questioned the rightness of the crime, I'm not saying I
6 thought they were wrong to do it, I would never be able
7 to say that about myself back then. But just out of a
8 self-protection level, I was scared to put myself in
9 that situation, and I shut that down and said, I have to
10 do it, I am a good soldier.

11 COMMISSIONER LUDLOW: But you knew
12 leading up to crime during the -- I think you days
13 or weeks? What was it? In preparation.

14 A. Days. It was almost immediate, basically.

15 COMMISSIONER LUDLOW: Did you know
16 that the ultimate goal here was to steal money in
17 significant --

18 A. -- yes.

19 COMMISSIONER LUDLOW: -- amounts, over
20 a million dollars?

21 A. Yes, yes.

22 COMMISSIONER LUDLOW: And, that the
23 intent of those funds were to buy bombs, ammunition,
24 weaponry, bulletproof vests, assault weapons? You
25 knew that the ultimate goal was to buy weaponry and

1 items of mass destruction, correct?

2 A. Yes, yes. I knew absolutely that it was going to be
3 an armed robbery and that I was going to be going into
4 that armed robbery as a getaway driver.

5 COMMISSIONER LUDLOW: Did you also
6 know assault weapons were going to be implemented
7 and engaged by the perpetrators in the commission of
8 the crimes?

9 A. I don't know if I knew what kind of weapons. I just
10 knew that they were armed. I definitely knew that they
11 were going to be armed, and I was willing to do that,
12 absolutely.

13 COMMISSIONER LUDLOW: We are talking
14 about a band of perpetrators, direct perpetrators, I
15 think it was what, four or five that were armed with
16 assault weapons?

17 A. Correct.

18 COMMISSIONER LUDLOW: And bulletproof
19 vests and -- squat type equipment to carry out the
20 crime, is that right?

21 A. Correct, absolutely.

22 COMMISSIONER LUDLOW: Thank you again.

23 BY COMMISSIONER STANFORD:

24 Q. Had you ever held a gun before the day of the crime?

25 A. The only time I ever held a gun was a rifle, hunting,

1 probably in 1969. But I was not someone who was
2 involved with guns.

3 Q. Were you armed on the date of the crime?

4 A. No, I was not.

5 Q. The vehicle that you were driving, do you know whose
6 vehicle that was?

7 A. That was the vehicle that I drove up there, and I was
8 the only person who was in it until after the shootout
9 with the police.

10 Q. And, so you drove the vehicle --

11 A. -- yes.

12 Q.from New York City to --

13 A. -- yes.

14 Q.to Rockland County?

15 A. Correct.

16 Q. Was this a vehicle that you drove as part of a member
17 of your group? Was this a vehicle owned by the
18 collective? Was this a vehicle rented, loaned?

19 A. It was a vehicle I borrowed from a friend, actually.

20 Q. Okay. Someone not in the collective?

21 A. Someone who was close to us politically but not --
22 she didn't know what I was using it for.

23 COMMISSIONER LUDLOW: Was that car a
24 tan Honda?

25 A. Yes.

1 COMMISSIONER LUDLOW: And you drove
2 the tan Honda from New York City up to Nanuet?

3 A. Yes.

4 COMMISSIONER LUDLOW: Did you, at any
5 time, drive the red Chevy van that carried the armed
6 perpetrators?

7 A. No, I didn't.

8 COMMISSIONER LUDLOW: Were you
9 anywhere near the shooting that occurred that killed
10 [REDACTED]?

11 A. Where I was, where I was positioned -- it's a large
12 shopping mall and it has a large parking lot. I was at
13 the end of the parking lot which was sort of at a higher
14 elevation. So that I could see, I guess it's that car
15 you are referring to, I could see when that car was
16 driving off and I could follow it. So, I was -- it was
17 quite a ways, I can't say how long it was, but it was
18 quite a ways. But I had a view of that car driving off
19 after the robbery.

20 COMMISSIONER LUDLOW: Now, there was a
21 third vehicle that was involved described as a white
22 Oldsmobile. What do you know about that? That was
23 reportedly registered to a woman in East Orange, New
24 Jersey.

25 A. I know there was at least one other car that was

1 involved when we were driving. I can't personally
2 remember if it was a white Oldsmobile; it could've been
3 a white Oldsmobile. But there was at least one other
4 car at the time.

5 COMMISSIONER LUDLOW: Thank you.

6 BY COMMISSIONER STANFORD:

7 Q. From your vantage point in the parking lot at the
8 mall, did you see or hear the shots fired?

9 A. I definitely didn't see it, and I don't know if I
10 heard it. Because I've spent 35 years knowing about it,
11 I can't remember if I heard it at the time or I remember
12 afterwards. I remember seeing the car speeding away and
13 I think that I must've had to have heard gunshots,
14 because even if I couldn't see it, gunshots are loud and
15 you can hear it. But I don't have a memory of hearing
16 that.

17 Q. Was there any pre-meeting prior to your parking in
18 that spot at the mall?

19 A. Only the time when I was shown where they wanted me
20 to be, you know, and that was the only -- it wasn't a
21 meeting; it was a person telling me: This is where we
22 want you to be.

23 Q. Did someone physically drive you to that location, or
24 did you drive someone and then follow their direction to
25 that location?

1 A. I think we drove together. If my memory serves me,
2 we drove in the same car. And I can't remember -- I
3 don't think I drove at the time.

4 Q. And who was this person?

5 A. That was M'Tyari.

6 Q. M'Tyari. Okay. So the car drives by and you follow
7 it?

8 A. And I followed it, yes.

9 Q. And, you say you were not armed?

10 A. No.

11 Q. As far as you know, there was no gun in that car; it
12 was a friend's car who wasn't associated, right?

13 A. Correct.

14 Q. And, was there anything else that was to be used in
15 the commission of any crime in that car?

16 A. No.

17 COMMISSIONER LUDLOW: Uh, how do you
18 account for a search of the tan Honda that
19 discovered a .38-caliber under the front seat,
20 loaded with a clip?

21 A. By the time we were arrested, there were two other
22 people that came into the car. It was a totally chaotic
23 situation, and I think, you know, something else went
24 on. But personally, I wasn't armed, I wasn't supposed
25 to be armed. My whole role was to be sort of a decoy

1 getaway driver so.....

2 COMMISSIONER LUDLOW: There was an
3 observation made that, when you crashed the car, you
4 attempted to reach behind the seat, and it was
5 presumed you were reaching for that .38. Do you
6 deny that?

7 A. I've read that, and I definitely deny that. I
8 wouldn't of reached for a gun, not because -- just, I
9 wouldn't of reached for a gun because I wouldn't have
10 thought to reach for a gun. It wasn't what I was
11 prepared to do.

12 COMMISSIONER LUDLOW: Alright, thank
13 you.

14 BY COMMISSIONER STANFORD:

15 Q. Now, did you consider the possibility, before you set
16 out that day on that drive, did you consider the
17 possibility of being arrested or killed?

18 A. I think I had fear, a sort of general fear, but I
19 would not let myself have those kinds of thoughts. I
20 put myself in that same kind of trance state that I
21 described about earlier times. I think I just said, you
22 know, Let me get through this and then it will be over
23 and I will proven, you know, that I'm willing, you know,
24 my commitment, and it will give me some space to
25 continue to raise my daughter and do political work,

1 less risky political work. So, I felt it, I felt the
2 possibility of being arrested but I didn't let myself
3 follow that train of thought. I just kept saying to
4 myself, This is what you have to do, you have to do it,
5 I have to do it.

6 COMMISSIONER LUDLOW: You were a
7 blinded revolutionary at that time, is that correct,
8 ma'am?

9 A. Yes. And to the extent that I felt fear, I was
10 ashamed of my fear, so I didn't let myself acknowledge
11 my fear.

12 COMMISSIONER LUDLOW: Thank you.

13 COMMISSIONER STANFORD: Commissioner
14 Thompson has a question, ma'am.

15 COMMISSIONER THOMPSON: You said you
16 met with M'Tyari?

17 A. M'Tyari, yes.

18 COMMISSIONER THOMPSON: That day? And
19 you drove to the location or....

20 A. Not that day. It had to be the day before.

21 COMMISSIONER THOMPSON: The one where
22 you went to that location --

23 A. -- right.

24 COMMISSIONER THOMPSON: ...was with
25 him?

1 A. Right.

2 COMMISSIONER THOMPSON: And that was
3 your only contact?

4 A. Correct.

5 COMMISSIONER THOMPSON: And you spoke
6 to him on the phone, you said two times, before this
7 occurred?

8 A. Not on the phone. Always in person.

9 COMMISSIONER THOMPSON: Always met?

10 A. Correct, yes.

11 COMMISSIONER THOMPSON: Alright. And
12 what car did you drive to that location the day
13 before?

14 A. I honestly don't remember. I don't think I was the
15 driver, I don't think it was my car.

16 COMMISSIONER THOMPSON: So he drove
17 you to the location. Was there any tactical plan
18 prior to this?

19 A. He just said, you know, You are just here as a
20 backup, just stay here; you are going to see a car
21 leaving, follow that car. If all goes well, no one will
22 even have to go into your car; but just in case, we need
23 you to be a backup getaway driver and you will follow
24 others out of there.

25 So that's about as much as -- it was sort of --

1 I don't know, maybe he saw my nervousness so he was
2 reassuring.

3 COMMISSIONER THOMPSON: Now, they used
4 you as the getaway driver, as you stated, but was
5 anything planned: Well, what if it goes wrong, what
6 was your role in that? And, that you knew the
7 individuals entering your car were going to be
8 armed? And if they were going to have a
9 confrontation like happen, did they explain the
10 outcome? Because it looks like --

11 A. -- right.

12 COMMISSIONER THOMPSON:they were
13 shooting to kill and that was their mindset at that
14 time.

15 A. Right. I think my feeling was, or my sense from not
16 a lot of specific information, but just sort of the aura
17 of this was that these people had, you know -- if they
18 do a robbery, they are good at what they do, they go in,
19 they come out and then it's over with. So I think that
20 I didn't -- I certainly didn't engage in any discussion
21 with anyone about what it if goes wrong. And I
22 certainly didn't let myself ask that question.

23 COMMISSIONER THOMPSON: Well, being
24 involved with this group for so long, did you ever
25 think that they had to carry weapons? This was a

1 lot of money and they really believe in this cause,
2 that, their mindset was they going to shoot to kill
3 if anyone stands in the way?

4 A. I didn't see them as that. First of all, most of my
5 contact was with people who were not actually doing the
6 robberies, they were the people who were supporting the
7 people doing the robberies. But my view of them had
8 been, Well, these guys really know what they are doing;
9 they are not going in there to shoot to kill; they are
10 going to go in there to use guns to intimidate people to
11 get the money and then get out fast.

12 If I let myself question that, I would say, If
13 you are going with guns and there's resistance, someone
14 could get killed -- I absolutely could have said that to
15 myself and said, What do I think of that? And, I didn't
16 let myself ask that question.

17 COMMISSIONER THOMPSON: Were you aware
18 of any other robberies that went bad and people were
19 shot and killed prior to this?

20 A. No, no.

21 COMMISSIONER THOMPSON: Was there a
22 clip found on you? Did you have a clip for that
23 weapon that was found in the vehicle?

24 A. There was a clip in the bag that I had, yes, and it
25 was not my clip and I don't know how it got there.

1 COMMISSIONER THOMPSON: And, this is
2 your purse, your personal property?

3 A. Yup, absolutely.

4 COMMISSIONER THOMPSON: And, was there
5 glass from the officers' vehicle found on your
6 clothing? Were you that close, or how did that come
7 about?

8 A. I know that, at trial, there's testimony there was
9 glass fragments found. The closest I ever was to the
10 U-Haul was down a road that was lower than where the
11 U-Haul was. I don't know how glass fragments carry, so
12 I can't answer that question. But I never left my car,
13 I stayed in that car. I wish I had driven off, but I
14 didn't. I stayed in the car during the time when that
15 -- when the shootout happened, and was in that car at a
16 sort of side exit road, when two people jumped into my
17 car.

18 COMMISSIONER THOMPSON: Right. So you
19 did observe that shooting from the U-Haul truck?

20 A. Yes. I certainly heard the shooting. The angle
21 didn't probably allow me to see the shooting, but I
22 certainly knew that there was a shooting at that time,
23 absolutely. And I waited -- excuse me?

24 COMMISSIONER LUDLOW: Well, we are
25 talking about, uh, different steps here in terms of

1 vehicles. It was reported that the initial attack
2 on the Brinks truck was facilitated by a red Chevy
3 van.

4 A. Correct.

5 COMMISSIONER LUDLOW: After the
6 shootings at the Nanuet Mall, the money was -- a
7 certain amount of money was transferred from the
8 Brinks truck into this red Chevy van?

9 A. Correct.

10 COMMISSIONER LUDLOW: My understanding
11 of the facts is that the perpetrators proceeded to a
12 second location which was --

13 A. -- correct.

14 COMMISSIONER LUDLOW: That was some
15 kind of a commercial shopping area. There was a
16 transfer from the red Chevy van to a, call it a
17 U-Haul truck, for lack of a better description?

18 A. -- correct.

19 COMMISSIONER LUDLOW: Like, a small
20 delivery van?

21 A. Correct.

22 COMMISSIONER LUDLOW: And, I believe
23 Miss Boudin was in that truck.

24 A. Correct.

25 COMMISSIONER LUDLOW: And there was

1 was a small Caucasian male driving?

2 A. Correct.

3 COMMISSIONER LUDLOW: That was all
4 planned in advance to throw off the police, is that
5 correct?

6 A. Yes.

7 COMMISSIONER LUDLOW: Were you aware
8 of that transfer point, and were you at that
9 location when the transfer took place?

10 A. I wasn't aware where that transfer point was going to
11 be, beforehand, but I knew I was supposed to follow the
12 car to it. And I was at the transfer point. And that,
13 the time of the transfer point, that was the point at
14 which actually a money bag was put in the car that I was
15 driving. So, there was a money bag put in the, in
16 the --

17 COMMISSIONER THOMPSON: -- in the
18 trunk?

19 A. The trunk, yes, at that time. And then we drove, you
20 know, sort of caravan away, and I was at the end of that
21 caravan.

22 COMMISSIONER LUDLOW: Did you know
23 where you were headed, ultimately, once you left
24 with the U-Haul truck?

25 A. I knew we were going to be going back to the City.

1 COMMISSIONER THOMPSON: By way of
2 Tappan Zee Bridge?

3 A. I don't remember. I am sure I knew then because -- I
4 am sure I knew that much because I -- I'm sure I knew
5 that much, but I don't remember how to get there. I
6 just know that the place in which we were going to get
7 on the highway -- I don't know what highway that is
8 anymore because it's 35 years.

9 COMMISSIONER LUDLOW: Mountainview.

10 A. Right. But the highway at that entrance was into,
11 was taking us to a highway that was going to take us
12 back to the City.

13 COMMISSIONER LUDLOW: New York State
14 Thruway, 87?

15 A. Correct.

16 COMMISSIONER LUDLOW: Off of
17 Mountainview Boulevard in the town of Nyack,
18 correct?

19 A. Correct. Yes, yes.

20 COMMISSIONER LUDLOW: Alright, thank
21 you.

22 BY COMMISSIONER STANFORD:

23 Q. Now, so you go to -- no, let me go back for a second.
24 My last question had to do with you considering the
25 possibility of being injured or arrested.

1 A. Right.

2 Q. Did you, before you left home that day, did you make
3 any arrangements for [REDACTED]? Did you have a
4 conversation with someone: Hey, listen, if I don't come
5 back this is what I need you to do? Anything like that?

6 A. No, I did not. I was in full, complete denial about
7 that possibility. I left her with a roommate, saying, I
8 have stuff I have to do, I will be back this evening.
9 And, that's all they knew.

10 Q. Okay. So you didn't actually see any shooting at the
11 mall; you did see the transfer of people and/or property
12 at the second location.

13 A. Yes, I did.

14 Q. What exactly did you see? What can you remember
15 seeing at the transfer point?

16 A. I saw people coming out of that red Oldsmobile and
17 going into the U-Haul. Everyone looked very
18 disorganized and frantic, I guess is the way I would say
19 it. For instance, I was pretty shocked when they said
20 to, Open up your trunk and put money in it. Because, I
21 had not been told that was going to happen. And then I
22 saw people getting into the cars and driving away and I
23 followed.

24 Q. How many of the people, at that point, did you know
25 by name, even if it was just first name?

1 A. I'm trying to think. Maybe three.

2 Q. Which three were those?

3 A. I'm trying to think who I even knew. The reason why
4 I am hesitating is because afterwards, I knew much more
5 than I did at the moment. So at the moment, I was not
6 aware of know it was who was doing the actual robbery,
7 you know. So I -- I -- and I didn't sort of try to
8 identify who was who at the time.

9 Q. Okay. I guess I'm trying to determine whether or not
10 you knew any of the people who you saw --

11 A. -- right.

12 Q.getting into, or already inside, or coming out of
13 vehicles by name? If you knew, for example, Kathy
14 Boudin; if you knew, for example, Samuel Brown? Did you
15 know any of them from your travel or your association?

16 A. Right. I knew Kathy, but not at that time. Kathy
17 was a fugitive at that time; and because I was a public
18 person, we didn't have contact in that period. I had
19 known her beforehand. So, I knew her quite well, but
20 not from this involvement. I knew Sam Brown because he
21 was part of BAAANA.

22 Q. What's that?

23 A. He was part of a black acupuncture program which is
24 where I knew both Mutulu and M'Tyari from. So I knew
25 them from that context, yes.

1 Q. Okay. My question is fairly simple. It's just,
2 simply, did you see folks that you recognized in that
3 second location, even though you might not have been
4 meeting and talking --

5 A. -- right.

6 Q.and planning together just before the commission?

7 A. Right.

8 Q. My question is, did you say to yourself, That's
9 Kathy; oh, that's Sam?

10 A. I actually didn't see Kathy at that time. I only saw
11 Kathy later, at the next thing. So, I didn't see her at
12 that time, but I probably saw Sam and I probably saw
13 Kuwasi. But I don't remember seeing anyone and saying,
14 Oh, that's so and so.

15 COMMISSIONER LUDLOW: How about Donald
16 Weems?

17 A. That's Kuwasi. Yes, I -- we saw Donald Weems.

18 COMMISSIONER LUDLOW: You were
19 acquainted with Donald Weems. And he was known as a
20 alias as what?

21 A. I didn't -- I actually didn't know him then. I got
22 to know him because he was my co-defendant. But I
23 didn't know him until afterwards, but.....

24 COMMISSIONER LUDLOW: He was a lead or
25 a scout at Nanuet Mall?

1 A. Right.

2 COMMISSIONER LUDLOW: He was there
3 ahead of the red truck?

4 A. Right, right. But I know that from what I know
5 afterwards, not actually before. And I got to know him
6 because we were co-defendants, but I wouldn't of
7 recognized him at the scene.

8 COMMISSIONER LUDLOW: Okay, alright.
9 Thank you.

10 BY COMMISSIONER STANFORD:

11 Q. So, at the transfer point, you did recognize Sam,
12 Samuel Brown?

13 A. Yup.

14 Q. And that's it?

15 A. I don't know if I -- I don't know who -- it was such
16 a chaotic moment, I don't remember who I saw. I just
17 saw figures moving. I definitely remember him because I
18 had just seen him up there. I probably saw M'Tyari. I
19 think probably -- the only other person that I saw,
20 actually, was a white woman, Marilyn Buck.

21 Q. And this is at the scene of the transfer?

22 A. Yes. No, I don't think I saw her there. Well, maybe
23 I did. I don't remember, I'm sorry.

24 Q. That's okay. And that was a long time ago. And our
25 records don't have the details that we are seeking from

1 you.

2 A. Right, right, right. And I feel like a lot of detail
3 I know comes from later. So, how much do I remember,
4 and how much have I pieced together, sort of backward
5 memory, rather than what I saw at that moment.

6 Q. Okay, fair enough. That's a fair comment.

7 I just wanted to clarify. You said M'Tyari.

8 So, he was there and he was a participant that day?

9 A. I believe so. Again, I am trying to remember who I
10 saw, and I'm thinking, Oh, did I see M'Tyari that day?
11 And I think I did. But, you know, do I remember that
12 because later on it came out or because I saw it there?
13 When I think back at it, it was pure chaos that day.
14 And I don't remember sort of seeing individuals; I sort
15 of remember being in the car, not knowing why things
16 seemed chaotic, being shocked when I had -- and then
17 moving along.

18 Q. Well, it might be reasonable for you to expect chaos
19 if you heard gunfire and cars speeding away.

20 A. Right, right.

21 Q. Okay. So who put the money in the trunk, in the
22 trunk of the car you were driving?

23 A. I think it was M'Tyari. I was saying that -- when
24 I'm trying to remember it, I think it was probably
25 M'Tyari.

1 Q. Did you have to give him the key so that he could do
2 that?

3 A. No, I think I did it from, you know, something you
4 pulled from inside, or I got out. I don't actually
5 remember, but I don't think I gave anyone the keys.

6 Q. Now, I'm not a car expert and I don't know what the
7 features the Hondas had in those years.

8 A. Right.

9 Q. But I wouldn't of expected it to have some interior
10 way that you could've let --

11 A. -- I actually -- I mean, I'm sort of making it up now
12 because I can't remember if I got out then and did it or
13 gave the keys to anyone to do it.

14 Q. But you believe that the person that put the money in
15 the trunk was M'Tyari?

16 A. I think so.

17 Q. Okay.

18 A. But honestly, I'm not sure.

19 COMMISSIONER STANFORD: Commissioner
20 Ludlow?

21 COMMISSIONER LUDLOW: If I can
22 interject, I think we jumped over some salient facts
23 here that deserve focus that occurred at Nanuet,
24 before we move on to the Korvette store, Korvette
25 spelled with a K.

1 And, uh, at Nanuet Mall, Brinks guard
2 ██████████, he didn't have a chance. Those
3 automatic weapons absolutely overwhelmed him. I
4 believe he died at the scene. He had, I assume, a
5 revolver that was no match for the assault weapons
6 that were trained on him.

7 A. Correct.

8 COMMISSIONER LUDLOW: In addition, ██████████
9 ██████████, the other Brinks guard, was wounded and he
10 took some pretty good hits; not as bad as ██████████,
11 but he was wounded. He was able to pull himself
12 into the Brinks truck for some degree of cover from
13 the assault gunfire. ██████████ was the third
14 Brinks employee associated and assigned to that
15 truck. ██████████ reportedly stayed behind in the
16 truck, remained in the passenger seat, and it was,
17 uh, either Donald Weems or Samuel Brown trained a
18 shotgun on the windows of that Brinks truck. ██████████
19 had to dive down to the floor, or nearly so, to
20 protect himself from shattering glass.

21 And I think before we move on to
22 Korvette, we should recognize the horrendous,
23 unbelievable assault that cost the life of ██████████
24 ██████████ and almost caused the loss of ██████████,
25 who, as you know, ironically he was killed in the

1 September 11th World Trade Center. These are three
2 distinguished Brinks employees who were trying to do
3 a legitimate job, trying to protect other people's
4 assets. The monies from the stores, they were going
5 to transport to a depository somewhere, and they
6 were absolutely overwhelmed by the force that was
7 thrust upon them with no notice.

8 A. I think when I think about the crime that day, I
9 don't think about all the specifics of, you know, where
10 I was and what I did. What I think about is exactly
11 what you are speaking of which is that -- that, at that
12 moment in that first part, [REDACTED] was shot to
13 death, and [REDACTED] was shot and could have died
14 just as easily, and there was no thought about human
15 life at that point, and, that I'm appalled at myself for
16 having a direct role in what happened to them, and later
17 on what happened to the police officers. And I agree
18 with you, that that's -- that's what I think about now
19 when I think about the crime, I think about what's
20 happened to them.

21 COMMISSIONER LUDLOW: Well, I believe
22 it's very important that we focus on those facts
23 that I presented so that the chronology is true and
24 accurate before we move on, and to pay respect to
25 the memory of [REDACTED], and to the memory of [REDACTED]

1 [REDACTED] and the trauma that [REDACTED] went
2 through.

3 A. Absolutely.

4 COMMISSIONER LUDLOW: And
5 additionally, there were spectators who were
6 passersby who gathered. And my understanding of the
7 facts is that one of the perpetrators actually
8 trained a weapon on passersby to keep them at bay,
9 presumably so that no one would intervene with the
10 plot. So, this was a multidimensional thing that
11 happened directly to Brinks and indirectly to the
12 passersby.

13 A. Right.

14 COMMISSIONER LUDLOW: Okay, thank you.

15 COMMISSIONER THOMPSON: Now, were you
16 at that location as well?

17 A. I was at the -- I was in the parking lot above that.
18 So, I couldn't actually see the actual movement of what
19 was going on during that time.

20 COMMISSIONER THOMPSON: But you were
21 instructed to follow that vehicle once it left that
22 location?

23 A. Correct.

24 COMMISSIONER THOMPSON: And that's
25 what you did?

1 A. And that's what I did.

2 COMMISSIONER THOMPSON: And you didn't
3 observe anything that was there: The Brinks trucks
4 with bullet holes, any bodies on the ground? You
5 didn't observe any of that as you passed by to
6 follow this car -- that van?

7 A. I didn't pass by them. The car drove in the opposite
8 direction, and I followed the car in the opposite
9 direction. So I didn't actually observe -- I didn't get
10 closer to the murder that just happened, I drove further
11 away from it. But I heard it.

12 COMMISSIONER THOMPSON: You heard it?

13 A. I'm sure I -- I only know that because there's no way
14 you can hear gunshots and not hear it. So that's how I
15 know I heard those gunshots, even though I didn't know
16 exactly what happened.

17 COMMISSIONER THOMPSON: What did you
18 think happened when you heard the gunshots?

19 A. Excuse me?

20 COMMISSIONER THOMPSON: What did you
21 think happened when you heard the gunshots?

22 A. I don't think I was thinking, I think I was on
23 automatic drive. I think I was not letting myself think
24 anything except do what you are supposed to do.

25 COMMISSIONER THOMPSON: How many

1 individuals were involved, do you think, that you
2 saw that day besides, you know, the co-defendants?
3 Did you see -- was it 10, 12? How many people did
4 you see?

5 A. No. I think that there were probably five people, I
6 would say. I mean, again, I only know what I know from
7 afterwards, but I'm sure there were at least five people
8 involved in the robbery and there were at least three
9 cars.

10 COMMISSIONER THOMPSON: Do you know of
11 anyone that got away?

12 A. No, absolutely not.

13 COMMISSIONER THOMPSON: Okay.

14 BY COMMISSIONER STANFORD:

15 Q. How long were you at the second scene when money was
16 placed in the trunk of the car you were driving and
17 vehicles were abandon and other vehicles occupied?

18 A. I don't know how long it was. It probably felt like
19 much longer than it was. It was probably minutes.
20 That's what I would say, it was probably minutes, but I
21 don't know, really, how long it was.

22 Q. And when you drove away, where were you? What was
23 your position in the caravan - as you described it?

24 A. There was at least one car between me and the U-Haul.

25 Q. And you were in front or behind?

1 A. I was behind, I was in back of that.

2 Q. So at least three vehicles, with the U-Haul type
3 truck - if it was a U-Haul type truck - in the middle?

4 A. No, I think the U-Haul was in front. I think there
5 was another car between me and the U-Haul and then there
6 was me.

7 Q. Okay. Now, how long were you driving before the --
8 before the U-Haul was stopped?

9 A. I don't know how long it was. I think it was only a
10 few minutes, actually. But I know that when we -- when
11 I was driving, following them to the entrance to the
12 highway, there was already a roadblock. And the U-Haul
13 drove up to the roadblock and I turned on that side
14 road, I guess Mountainview Road, and I just drove a
15 little ways up and then stopped my car and waited.

16 Q. So did you have to pass by the car that was ahead of
17 you and the U-Haul to get to the on-ramp?

18 A. They went on the on-ramp and I didn't.

19 Q. You stayed on the road that were you traveling on?

20 A. No, there's like -- there were two roads to turn
21 into; one was the entrance to the highway and the other
22 was a road. I went to the road and the U-Haul went to
23 the entrance to the highway where the roadblock was.

24 Q. What about the car in the middle?

25 A. I think that it must have been behind the U-Haul,

1 must have been where the U-Haul was. I know it wasn't
2 where I was, so I'm not sure where it could've been.

3 Q. And at this point in time, as far as you know, the
4 only proceeds from the crime is one bag of money in your
5 trunk?

6 A. Right, right.

7 Q. And as far as you know, there are no weapons in your
8 vehicle?

9 A. Right.

10 Q. And you're the only occupant?

11 A. Correct.

12 Q. And you can't see what's happening up ahead?

13 A. I mean I can see the U-Haul, I can see it. Because
14 it's up a hill, I couldn't see everything going on. But
15 I definitely heard all those shots when that happened,
16 and I saw people running from that and I saw you the two
17 people that got into my car.

18 Q. Who ran from that into your car?

19 A. Samuel Brown and David Gilbert.

20 Q. Did you recognize David Gilbert? Had you ever seen,
21 met --

22 A. -- yes.

23 Q.spoken with him?

24 A. Yes, yes, we were in SDS together.

25 Q. Now, as far as you knew, did he have any relationship

1 to Miss Boudin?

2 A. I don't know if I knew back then, but I know he did
3 have a relationship to Miss Boudin. They were in a
4 relationship.

5 Q. Did they have any children together?

6 A. They have a child together, yes. They, also, had an
7 infant son.

8 Q. So only the two of them came to where you were
9 parked?

10 A. Correct.

11 Q. And did they have anything with them, any weapons,
12 any money?

13 A. I don't know. I assumed that Solomon had a weapon on
14 him, but only because he was part of the actual robbery
15 team.

16 Q. Did you say Samuel or Solomon?

17 A. I'm sorry, he was known by both names.

18 Q. But it's the same person?

19 A. The same person, yes.

20 Q. Samuel Brown, also known as Solomon?

21 A. Correct.

22 Q. You didn't see rifles or long guns, weapons?

23 A. No, I don't remember him carrying anything like that,
24 but I also wasn't looking that carefully. They just ran
25 into the car, jumped into the car, he was in the back

1 and said, Drive.

2 Q. Where did David Gilbert enter the car?

3 A. In the front seat, with me.

4 Q. And you saw them running from up ahead?

5 A. Yes.

6 Q. And you saw them from a distance from where they
7 started to your car?

8 A. Yes.

9 Q. Which doesn't sound like it was very close, right?

10 A. Yes.

11 Q. But you didn't notice if they had long guns?

12 A. I don't remember -- I don't think that Solomon had
13 any -- I don't think they had long guns on them, no. I
14 didn't see them carrying them.

15 Q. Did you discover, later on, that there were guns in
16 the car that you know weren't there before?

17 A. Only once we were arrested.

18 Q. And, once you were arrested, what guns were found in
19 the vehicle?

20 A. There was a gun, a -- I think a pistol or a .380 is
21 what I heard it. But I know that from the trial, I
22 don't know that from then. But there was a gun found in
23 that car.

24 Q. Did you see it recovered at the scene of your arrest?

25 A. No.

1 Q. Again, you had a purse?

2 A. Correct.

3 Q. And, ammunition was found in the purse?

4 A. Correct.

5 Q. Was there an opportunity, that you can think of,
6 where someone could have put it in your purse or....

7 A. I think that it was a very chaotic scene and it could
8 very well have ended up there. I just know I didn't
9 leave with it, because I wasn't one of the arms people,
10 I was one of the getaway drivers. So the only
11 explanation I have is that one of the two people that
12 ran into the car ditched it there. That's the only
13 thing I can imagine, but I don't know.

14 Q. And, as far as you were to learn later, was the
15 ammunition found in your purse suitable for the weapon
16 that was found in the car?

17 A. In the evidence that is what it said, correct.

18 COMMISSIONER LUDLOW: We spoke about a
19 bag of money that was put in the trunk of the tan
20 Honda.

21 A. Yes.

22 COMMISSIONER THOMPSON: My
23 understanding is that bag of money contained in
24 excess of \$800,000.

25 A. Correct, that's my understanding too.

1 COMMISSIONER LUDLOW: Thank you again.

2 BY COMMISSIONER STANFORD:

3 Q. Okay. So, Samuel Brown, David Gilbert come and get
4 in your car; David Gilbert's up front, Samuel Brown's in
5 the back, and Samuel says, Drive?

6 A. Correct.

7 Q. So, which way did you drive? Did you drive in such a
8 way you had to pass that scene?

9 A. No.

10 Q. Or, in a different direction?

11 A. In a different direction. I was facing the opposite
12 direction that whole time. You know, I was sitting
13 saying to myself, I should just leave. And, I wouldn't
14 let myself leave, I just stayed there. But when they
15 said, Drive, I just kept driving along the same road
16 that I was facing. And by then I was lost, to be
17 honest.

18 Q. And how far did you get? How long did you drive
19 before you were stopped again?

20 A. It was not very far. I kept driving along that road.
21 And, at a certain point, a police car that was driving
22 in the opposite direction turned around and started
23 following me. And I continued to drive, and drove
24 faster, and made a left turn and crashed into a
25 retaining wall.

1 COMMISSIONER STANFORD: Before I go on
2 any further to what happened after that,
3 Commissioner Ludlow, would you care to commemorate
4 for the record what happened at that the second
5 scene? Are you able to do that?

6 COMMISSIONER LUDLOW: We are speaking
7 about the entrance to the Thruway?

8 COMMISSIONER STANFORD: Yes, sir.

9 COMMISSIONER LUDLOW: My understanding
10 of the facts, Miss Clark, and, if I misstate
11 something, please correct me. The scene at the
12 Thruway was absolutely devastating. There was a
13 detective, Detective [REDACTED], arrived on the scene.
14 The radio traffic, uh, for the police was chaotic;
15 one call was interrupting another call, a third call
16 was stepping on yet another call. But, Detective
17 [REDACTED] was there, Officer [REDACTED], Officer
18 [REDACTED]. Detective [REDACTED] was not
19 sure that they had the vehicle that was identified
20 in the radio traffic. The report from Nanuet Mall
21 to the Clarkstown police was that there were black
22 male perpetrators of whom they were looking for.
23 And, just as the plot that was reportedly determined
24 by Mr. Shakur almost worked because the police were
25 thrown off, they said, Is this really the correct

1 vehicle? Because the description of the perpetrator
2 did not match the driver, and the female passenger,
3 Miss Boudin. Detective [REDACTED] had doubts.

4 Detective [REDACTED] went around, and, I believe the
5 door on that U-Haul was like a garage door, it
6 recoiled, lifted up. [REDACTED] tried to lift the door.

7 The U-Haul was stopped, the people in the cab were
8 apparently still in the cab. [REDACTED] tried to lift

9 the door, the door would not go up. I think one

10 could infer, knowing what happened momentarily

11 thereafter, that, perhaps had the perpetrators had

12 their feet on a foot stop on the inside of that door

13 and wouldn't let it go up. If you got four or five

14 guys in there with their feet on that door, the

15 detective could not lift it. But he went around,

16 told the driver, I want that door open. Close in

17 time, that door opened of his own volition, and out

18 jumped, essentially, a terrorist SWAT team; the same

19 group that had perpetrated at Nanuet Mall were ready

20 to fire again. They jumped out of the vehicle. One

21 of the shotguns belonging to Nyack police was

22 actually restored to the patrol car because they

23 felt they had the wrong vehicle, so that particular

24 officer was at a disadvantage, he didn't have a

25 shotgun. Officer [REDACTED] tried to return

1 fire with his revolver. He took cover behind one of
2 the police cars, he emptied his revolver. He was
3 able to mostly reload and return fire but he was hit
4 several times. [REDACTED] was tragically -- if he
5 didn't die at that moment at the entrance to the
6 Thruway, he died shortly thereafter.

7 Officer [REDACTED] attempted to
8 return fire. He, likewise, had no match of weaponry
9 for the assault rifles that were trained on him.
10 Again, tragically, a very admirable police officer
11 like [REDACTED], Officer [REDACTED] was fatally
12 hit. Is that your understanding of the facts?

13 A. That's my understanding of the facts from what I
14 understood afterwards. And, I think -- I think many
15 things, but one thing about when you describe it that I
16 can remember in my own experience, I can remember once
17 they took me into custody, I think my sharpest memory of
18 that day is actually at that moment because the officers
19 who were driving the police car I was in were
20 traumatized. And I remember sort of finally realizing
21 that I wasn't the only person who was feeling completely
22 traumatized in moment; that they were clearly
23 overwhelmed and traumatized.

24 The other thing I want to say is that, you know,
25 it took me more time than before my trial to ever really

1 think about the toll of lives that day. But, I'd say
2 for the last 30, more than 30 years, I think about what
3 they, you know, went through that day; that here were
4 small-town policemen who left their home that day,
5 expecting a pretty calm day, and instead found
6 themselves completely outgunned, outmaneuvered and
7 overwhelmed by people intent on killing them.

8 COMMISSIONER LUDLOW: If we reflect on
9 the three who were killed, there are some common
10 denominators here that I think we should recognize.
11 All three of these honorable gentlemen - [REDACTED]
12 [REDACTED], [REDACTED], [REDACTED], all
13 served in the greatest military in the world, the
14 United States military. In particular, [REDACTED]
15 was a Navy veteran, serve admirably in that branch
16 of the service. [REDACTED], Semper Fidelis:
17 Once a Marine, always a Marine. [REDACTED]
18 [REDACTED] served in the United States Army in Korea.
19 The weapons that were trained on them that day were
20 the weapons they may have had some experience with
21 while in the military, an active duty military.
22 They did not have the benefit of protecting
23 themselves with those weapons on the day in
24 question. It was a slaughter, it was a slaughter by
25 a terrorist group that you helped to facilitate.

1 Uh, and I would say, I know in later years at
2 Bedford, I think you stated to [REDACTED] in
3 that March 2011 interview, that you always live with
4 hope, hope that a new puppy can help a veteran from
5 the puppies program that you have assisted, and
6 commendably assisted, which is very noble to help
7 our veterans. But ironically, the three who died
8 that you helped to facilitate were notable,
9 distinguished military veterans of our country.
10 It's a great irony to me as a member of the Board of
11 Parole as I look at these facts, draw comparisons,
12 draw analogies. You are helping veterans today,
13 which is very noble, Miss Clark. But three great
14 veterans, distinguished police and a distinguished
15 police officer for Brinks, they paid the ultimate
16 price, the ultimate price.

17 A. I agree that it is deeply ironic and deeply tragic.
18 And I also think about the fact that all three of those
19 men had children, young children, who were left without
20 their fathers; that each of them had a wife that's lived
21 their life ever since without their husbands. I know
22 that both Sergeant [REDACTED] and Officer [REDACTED] were
23 responsible for larger, you know, for extended families,
24 that they were the people that really kept whole
25 communities together. And I am as ashamed and as

1 appalled at my participation today as I have ever been.

2 COMMISSIONER LUDLOW: You received an
3 aggregate sentence originally, by Judge Ritter,
4 Rockland County, 75-to-life.

5 A. Correct.

6 COMMISSIONER LUDLOW: The surviving
7 spouses, the surviving children, they indirectly
8 received a life sentence of sorrow, pain,
9 disruption, tragedy, of proportions, I believe, that
10 we can not fathom.

11 A. I think that's true. I absolutely know that that's
12 true and I would never want to minimize any of that in
13 my efforts to get out. That's always going to be the
14 truth that I have to live with.

15 The only one thing I want to say....you said
16 it's an irony that I help veterans. I think one of the
17 reasons I do the puppy program is for the recognition
18 that I am responsible for the death of veterans, and I
19 am responsible for the chaos we created. Both raising
20 dogs that went to veterans and also raising explosive
21 detection dogs has one of the ways I have tried to say I
22 am responsible, how do I repair. And, that's where it
23 comes from, rather than nobility

24 COMMISSIONER LUDLOW: I appreciate
25 that, and I appreciate your comments in that regard.

1 COMMISSIONER STANFORD: I'm going to
2 ask at this point, because we have going about two
3 hours now, would it benefit everyone if we took
4 maybe five minutes? I want to give our reporter a
5 brief moment to rest her fingers, maybe stretch our
6 legs, if you have to go to the ladies' room,
7 something like that, okay? Maybe pause for about
8 five minutes, and when we see you back in the chair,
9 we will get going in about five, okay?

10 OFFENDER: Alright.

11 COMMISSIONER STANFORD: Thank you.

12 (A six-minute recess was held, after
13 which the following took place:)

14 BY COMMISSIONER STANFORD:

15 Q. Okay, we are back.

16 A. Okay.

17 Q. Alright. I just want to say, too, that I found it
18 ironic that one of the men killed was, I believe, the
19 first African-American officer of his department.

20 A. Right, correct.

21 Q. And I wonder if you have ever reflected on that, the
22 fact that so much of your movement and activity was for
23 the uplift of black Americans, and yet, by all accounts,
24 this fine, loved black man, head of his family was one
25 of the victims?

1 A. I have reflected on that many, many times. And I'll
2 say, my father was the first person who saw me after my
3 arrest and -- I was in Rockland County, and we saw each
4 other through glass, and he screamed at me about that
5 very point. He said, How do you claim yourself
6 supporting a black revolution, and kill a black officer
7 in the line of duty?

8 I think it's both ironic and tragic and kinda
9 shows the bankruptcy of my politics and my actions at
10 the time. So, absolutely.

11 I wanted to say one other thing, because I was
12 thinking during the break. You know, when you were
13 asking me the specifics, I realize -- I just want to,
14 you know, I really don't know who it was that put that
15 money bag in the car. I'm trying to be as accountable
16 and specific as I can, yet I feel a little bit like a
17 bad eye witness that is trying to put together the story
18 that I don't know. And, what I remember from that day,
19 it's so chaotic, it makes sense to me it might have been
20 him, but I really don't know the particulars. That idea
21 that I sort of saw -- my experience was much more cut
22 off than that, and, so, I don't want to be inaccurate,
23 either, and I just wanted to say that.

24 Q. Thank you. One other request that I am making is,
25 because the reporter can really only capture one person

1 at a time, wait until you hear a pause before you answer
2 so that she doesn't get caught in a situation where
3 she's trying to account for more than one person
4 talking.

5 A. Thank you, I will.

6 Q. And we will try to follow that as well. We will wait
7 until you pause significantly enough before we talk.

8 Okay?

9 A. Thank you. Yes.

10 Q. Were any of the people who were later to become
11 co-defendants and/or co-conspirators killed that day?

12 A. No.

13 Q. At the scene, at the mall or on the highway?

14 A. No. The only people killed that day was Officer
15 [REDACTED], Sergeant [REDACTED] and [REDACTED].

16 Q. We talked about the fact that [REDACTED], the late
17 [REDACTED], the father of your daughter [REDACTED] was
18 charged. Was he charged in connection to this crime?

19 A. He was originally accused of being -- of treating
20 someone of a gunshot wound after the crime, but I think
21 he eventually was not tried for that. He was tried for
22 separate charges.

23 Q. Okay. As far as you know, there was no direct
24 connection to him that was proven in any court of law?

25 A. No, absolutely not, no.

1 COMMISSIONER STANFORD: I am going to
2 ask my colleagues if they have any questions about
3 that time frame, the crime itself? Because, now I
4 am about to move to the arrest and trial.

5 COMMISSIONER LUDLOW: Nothing further
6 on the crime.

7 COMMISSIONER THOMPSON: No further.

8 COMMISSIONER STANFORD: Okay, alright.

9 BY COMMISSIONER STANFORD:

10 Q. Now, you described the scene as chaotic, you
11 described so many of the people, yourself included, who
12 you encountered after the second crime scene as in some
13 form of shock.

14 How would you describe your behavior at the
15 point of your arrest? Not necessarily with a mind to
16 what was motivating you at the time, necessarily, but
17 looking back, what can you accurately recall about your
18 behavior?

19 A. Oh, I think my behavior, as soon as I was arrested,
20 was to -- one, I think personally, I was relieved, to be
21 honest. But I think I immediately took a rather
22 resistant militant stance. You know, I was certainly
23 not forthcoming with the officers who talked to me. I
24 wasn't uncooperative in that moment, there was nothing
25 to be uncooperative about. But I was quickly adopting a

1 kind of resistance stance in the face of my arrest.

2 Q. So, is it fair to say you may not have been
3 experienced by others, law enforcement in particular, as
4 having remorse or having concern for the officers, or
5 [REDACTED] or the other Brinks employees?

6 A. I feel ashamed to say this, but I have to say it if
7 I'm going to be truthful, that, at that time, I did not
8 feel remorse. I did not let myself think about the fact
9 that three people were killed. I think there were
10 moments when I heard that someone died when I -- when it
11 caught me, you know, but I didn't let myself feel bad
12 about it. I shut myself off from any real feeling about
13 the fact that people were killed, at that point.

14 Q. In the moment when your father made that statement
15 that he made, that you shared with us about Officer
16 [REDACTED], did that -- did you express anything to
17 him in that moment where, perhaps, you had some privacy?
18 I don't know, but did you express anything to him that
19 he might have interpreted as remorse, or shame or
20 empathy?

21 A. I think that if I had any kernels of shame, which I
22 think I had, I suppressed them for at least two years,
23 more than two years. I responded to the disaster that
24 happened not by saying this disaster happened and I am
25 responsible for the three deaths and the mayhem that

1 affected so many people; I responded by saying, I did a
2 lousy job as a getaway driver, let me be a strong, you
3 know, political prisoner. You know, that was where I
4 went. I am going to justify this complete disaster on
5 everyone's part by justifying it politically, and I
6 think I shut off any real feelings, even about my
7 daughter, immediately after that.

8 COMMISSIONER STANFORD: Commissioner
9 Ludlow has a follow up.

10 COMMISSIONER LUDLOW: Again, I am
11 going to reference the affidavit that I referenced
12 earlier. I think it speaks directly to the point
13 that we are focusing on now. If you disagree,
14 please tell me.

15 I am quoting from the affidavit,
16 paragraph 42.

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

25 A. Correct.

1 COMMISSIONER LUDLOW: "I am ashamed
2 that I rationalized the deaths as casualties of war
3 in America. I used such abstractions to protect
4 myself from thinking about the victims on human
5 terms and imagining the loss and pain of the
6 survivors."

7 You sought to represent yourself to
8 appear as your own attorney so that you could
9 continue a political struggle and present political
10 sentiment in court. Quoting yourself, you said, "We
11 felt like soldiers in a battle. I had no sense of
12 my own self-interest, but saw every action as part
13 of the politics of the situation."

14 A. I would stand by that statement today, having written
15 it quite awhile ago. I think it accurately describes my
16 state of mind, and it accurately describes how I feel
17 about that now which is enormous shame about it. But it
18 is, honestly, what my state of mind was.

19 COMMISSIONER LUDLOW: Thank you, Miss
20 Clark.

21 BY COMMISSIONER STANFORD:

22 Q. Were you offered a plea prior to going to trial?

23 A. No, I was not.

24 Q. Did you testify at your trial?

25 A. No.

1 Q. Okay. Did you call a co-defendant or co-conspirator
2 as a witness at your trial?

3 A. Yes.

4 Q. Who was that?

5 A. Uh, I believe I called Sekou Odinga. Am I correct?

6 Q. I think that's what my records reflect. And, the
7 spelling of the first name, from my records anyway, is
8 S-e-k-o-u, last name O-d-i-n-g-a, also known as
9 Nathaneal Brown. Nathaneal is spelled N-a-t-h-a-n-e-a-l
10 Burns, not Brown, Burns. And, what did he testify to
11 that you felt warranted his being called as a witness?

12 A. I can not remember any specifics of his testimony. I
13 think that we were -- I think his testimony was to try
14 to argue that this was a legitimate political action and
15 that we part of a legitimate political movement.

16 Q. Did he testify from a point of view of first-person
17 knowledge of the crime, it's commission, or aftermath or
18 planning?

19 A. I don't believe so. I think he testified as a
20 representative of the politics of the Black Liberation
21 Army, and I think we attempted to just ask political
22 questions rather than talk about the crime.

23 Q. And, the prosecutor did not attempt any cross-
24 examination to get to his involvement or knowledge of
25 the crime?

1 A. I don't remember, but I can't believe he didn't. But
2 I will be honest, I don't remember that he did.

3 COMMISSIONER LUDLOW: Miss Clark, who
4 was Susan Tipograph, T-i-p-o-g-r-a-p-h?

5 A. She was initially my lawyer before I chose to
6 represent myself. And she was a lawyer, but she also
7 was involved with our overall political group, so she
8 functioned -- she didn't function as a real defense
9 counsel, but she was my lawyer.

10 COMMISSIONER LUDLOW: In that regard,
11 in your affidavit, I'd like to refer to again, you
12 state, quote, "While technically a lawyer, she was
13 part of our political circle and saw her role
14 primarily as a political supporter. In our legal
15 meetings, we rarely discussed legal issues and
16 options, but focused on political discussions and
17 friendly banter. Ms. Tipograph never offered any
18 practical legal advice, nor recommended to me that I
19 seek proper representation, and I never asked her to
20 recommend another lawyer." Do you recall that
21 statement?

22 A. Absolutely. And that's true, I was not at all
23 interested in fighting my case legally, even though I
24 had the example of someone who did so and was therefore
25 able to get a lesser sentence. But I was not able to do

1 that at that time, I was not able to realize that that
2 was what I needed to do.

3 COMMISSIONER LUDLOW: If we could back
4 up to clarify the meaning of the organization May
5 19th?

6 A. Where it gets its name?

7 COMMISSIONER LUDLOW: Yes, the origin
8 of that name. Could you explain that to us?

9 A. Yes. May 19th was the birthday of Ho Chi Minh and
10 Malcolm X, so we chose that name because we were
11 commemorating them; we were supporting the movements
12 that they were a part of.

13 COMMISSIONER LUDLOW: That's my
14 understanding of the facts as well. Thank you.

15 A. Yes, yes.

16 BY COMMISSIONER STANFORD:

17 Q. Did you learn what you now know about [REDACTED]
18 [REDACTED], [REDACTED], and [REDACTED] and others who
19 were wounded, did you learn what you now know about them
20 primarily at the trial, in terms of their families,
21 their family composition, information about them?

22 A. No. I really -- I didn't follow the newspapers, I
23 didn't think about them yet, at that time, during the
24 trial. I can honestly say, unfortunately, I didn't
25 think about the fact that their families were probably

1 in the courtroom when I was making political speeches
2 and justifying the deaths of their loved ones. It was
3 afterwards, you know, in the years when I began to
4 rethink that crime, that I went back and looked at some
5 of the articles from the early period, and got to
6 realize the scope of what I had caused, the death and
7 destruction and loss that I had caused.

8 Q. I do want to turn my attention to the sentencing.
9 It's clear that the prosecutor didn't feel that
10 rehabilitation was possible. In fact, he said
11 specifically, "Your Honor, rehabilitation is impossible
12 in this particular case." That was -- was that Kenneth
13 Gribetz, who was actually the district attorney of
14 Rockland County at that time?

15 A. Yes.

16 Q. Do you recall if he was the prosecutor of the case?

17 A. Yes.

18 Q. And Gribetz is G-r-i-b-e-t-z?

19 A. Yes.

20 Q. He goes on to say....."for rehabilitation imports a
21 demonstrated ability to conform and a capacity to accept
22 society's disciplines and limits." And he goes on, "By
23 their own admissions, each of these defendants are
24 incapable of developing such qualities. In this case,
25 deterrence and the protection of society must be the

1 sole and paramount goal, and for that reason I recommend
2 the sentence that be imposed must be one which will
3 ensure that these defendants are removed from the
4 streets of society for the balance of their natural
5 lives." That was his request of the court and, in fact,
6 a recommendation that he learned the court later
7 followed.

8 A little further in, he's speaking specifically
9 about you, talks about your history in Illinois, talks
10 about your characterization in the presentence report,
11 talks about Mr. Gilbert and you, and says on page 13 of
12 the sentencing... and I'm not sure if he was referring
13 to comments that you made during closing, or Mr.
14 Gilbert. But it almost sounds like he's attributing it
15 to you because he says, "In her closing argument, told
16 this court," and then concludes that comment to say,
17 "This defendant told us that revolutionary violence is a
18 necessity."

19 Did you say that in your closing argument, or is
20 it likely or possible that you said in that your closing
21 argument?

22 A. Yes, I did.

23 Q. And again, he repeated, "It is obvious that this
24 defendant Clark is beyond all hope of rehabilitation."

25 Then, of course, you did have an opportunity to

1 speak and you did speak at length, and you described
2 yourself on page 22 of the sentencing minutes by saying,
3 quote, "I am a revolutionary. I am not a criminal. I
4 am a anti-imperialist freedom fighter."

5 Even at that point, how would you describe the
6 fact that you didn't see yourself as being a criminal,
7 though men were killed, a robbery occurred?

8 A. I was -- I shut down any real thought and any real
9 feeling in order to maintain this very strong militant
10 stance. And I think I did know, even by our standards,
11 what I have called then the action, what I now call the
12 crime, was a disaster and, so, I saw myself trying to --
13 trying to, uh, reassert the politics of it, and in order
14 to do that, I had to not think about the fact of people
15 and the lives lost; I had to think in these very
16 general, abstract terms. And that's what I did during
17 that whole period, and it really didn't change until I
18 came to Bedford. I maintained that and was vehement
19 about it, was thoughtlessly vehement about it.

20 Q. Do you recall the sentiments of any of the family
21 members at the time of your sentencing? Do you recall
22 being aware of their views about what should happen to
23 you?

24 A. Not at the time. One of the things that happened is
25 that I came into the courtroom to make my statement and

1 then I left, as I had for most of the trial. And I
2 think that I protected myself from really opening up to
3 hearing the feelings and sentiments of those who were
4 actually harmed.

5 Q. Did you review the presentence investigation that was
6 prepared in your case for the judge, before your
7 sentencing?

8 A. I probably read it, but that's it. I was a non-
9 participant in every form of the word.

10 Q. And again, I do realize that -- and I think it's
11 reported in the presentence investigation, that you may
12 have said something like, With all due respect, I don't
13 want to talk to you. Or something like that.

14 A. Uh-huh.

15 Q. I think it happened in the creation of the
16 presentence investigation. But the presentence
17 investigation includes -- no, it was -- to be specific,
18 you are alleged to have said to Probation Officer Audrey
19 Coleman, quote, "Nothing personal, I don't want to talk
20 to you." And that was it.

21 But there are victim statements in this document
22 from a representative of the [REDACTED] family who was an
23 attorney. [REDACTED], the wife of [REDACTED] spoke;
24 she said, -- well, it says, quote, "[REDACTED] felt the
25 defendants deserved to be put up against a wall and

1 shot, they don't deserve jail." She also related she
2 was aware this was not an option available to the court.
3 She did state that she wanted the defendants to be
4 incarcerated quote, "forever, and never be eligible for
5 parole." She stated, "I know it (incarceration) won't
6 bring my husband back, but it will prevent them from
7 killing someone else."

8 And then of course there were extensive
9 statements by Judge Ritter as he passed sentence. The
10 part of his sentence saying -- that I think bears
11 mentioning in this record is -- begins with, quote, "I
12 harbor no illusions about any of the defendants. They
13 hold society in contempt and have no respect for human
14 life. Indeed, they probably declare that their criminal
15 enterprise was justified because it was part of a self-
16 proclaimed war against those perceived to be enemies.
17 Everything that the defendants have done and said compel
18 the conclusion they are prepared to repeat their lawless
19 conduct in furtherance of their extremist views,
20 irrespective of the cost in lives and without remorse or
21 repentance. There is no reason to believe that any of
22 the defendants will change despite the understandable
23 hopes of their parents and families."

24 And, at that point, I'm pausing to say, it's
25 clear people wrote in on your behalf specifically,

1 including [REDACTED], President of the
2 Graduate School and University Center of the City
3 University of New York, in a letter to the judge, the
4 Honorable David S. Ritter, dated September 20th of 1983.

5 And he goes on to say, "Each defendant
6 represents a clear and present danger to society because
7 each believes that he or she is justified in deciding
8 whether there will be more violence and death to further
9 their radical philosophy. Society is entitled to be
10 protected from these defendants and the violence they
11 represent. That can be accomplished by imposing the
12 longest minimum sentence permitted by law for each
13 murder, with each minimum to run consecutive to the
14 other minimum sentences imposed. It is my intention to
15 impose the maximum term of imprisonment that the law
16 allows and to make the defendants ineligible for parole
17 until they have served the longest consecutive minimum
18 term permitted by law," which we learn later on ended up
19 being a 75-year minimum.

20 Q. I am going to ask my colleagues if they have any more
21 questions about the trial, and sentencing, and arrest
22 phase?

23 COMMISSIONER THOMPSON: No.

24 A. Can I just make a comment?

25 Q. Sure.

1 A. I understand why anyone looking at my behavior in
2 that room would assume that I would never change,
3 because I really was a shutdown, mindless zealot that
4 was not allowing myself to be affected by the actual
5 events that I was a part of, not even my own situation.
6 And, I think my behavior in that courtroom almost begged
7 for the sentence that I received at the time because it
8 was disrespectful to the court, it was clearly
9 disrespectful to that community that suffered so
10 grievously, it was disrespectful to my own family and
11 certainly to my child. And the only thing that has
12 changed is that, I was able to change and I'm grateful
13 that that happened. Do I wish it had happened earlier,
14 do I wish I would have allowed myself to think of things
15 earlier? Yes, but I didn't.

16 Q. Thank you, ma'am.

17 COMMISSIONER STANFORD: Commissioner
18 Ludlow?

19 COMMISSIONER LUDLOW: Miss Clark, I
20 would like to refer back to your interview with
21 [REDACTED] that occurred, I think it was
22 March 25th, 2011. You said in that interview, in
23 part, that, "Mercy produces mercy; violence shuts
24 down mercy."

25 A. That's absolutely true. And in that situation, my

1 violence certainly gave no opportunity for anyone to
2 distinguish my role or think about anything other than
3 protecting themselves from me.

4 COMMISSIONER LUDLOW: There was no
5 mercy shown for the victims who were killed.

6 A. Absolutely.

7 COMMISSIONER LUDLOW: And indeed, no
8 mercy extended to the spouses and the children of
9 the three families.

10 A. Correct.

11 COMMISSIONER LUDLOW: There was no
12 mercy to [REDACTED], there was no mercy to [REDACTED]
13 [REDACTED] who was sprayed with glass while he was
14 sprayed in the Brinks truck.

15 A. Correct.

16 COMMISSIONER LUDLOW: We think about
17 mercy today, but there was no mercy back in October
18 21st, 1981. Would you agree?

19 A. I absolutely would agree with that. I could define
20 my stance and my hold to mean it as merciless. And,
21 it's a terrible vision to have to remember, but it is
22 who I was at that time. It's how I responded to being
23 in crisis was to not allow myself to feel anything, and
24 then certainly could not feel any mercy, absolutely.

25 COMMISSIONER LUDLOW: Okay. Thank

1 you.

2 BY COMMISSIONER STANFORD:

3 Q. How did things work out for the others? How many of
4 the participants, that you're aware of, are still
5 living, how many are deceased, how many are still
6 incarcerated? What do you know about your other
7 co-defendants or co-conspirators?

8 A. Well, the three of us were tried by the state and
9 found guilty and given 75-to-life sentence. Kathy
10 Boudin fought her case and ultimately pled guilty to one
11 count and got 20-to-life and got out. Samuel Brown was
12 convicted in a separate trial and I actually don't know
13 what happened to him. I mean, he was sentenced to the
14 same sentence. I don't know what happened to him.
15 Everyone else was tried in a federal RICO case, and the
16 only people that were convicted of being -- that RICO
17 case had a number of robberies and at least one other
18 murder as part of the conspiracy. And I think the only
19 people who were convicted there was Mutulu Shakur and
20 Marilyn Buck. Mutulu is still in prison, and Marilyn
21 Buck received a sentence, that she got out of federal
22 prison, but subsequently died.

23 Q. So, do you believe as you speak with us today, that
24 she and Mr. Shakur were actively involved in the events
25 of October 1981?

1 A. I think so.

2 Q. And the other person that was sentenced with you was
3 Mr. Gilbert?

4 A. Yes. I'm sorry, yes, Mr. Gilbert and Kuwasi Balagoon
5 were both sentenced with me.

6 Q. Kuwasi Balagoon, does he have a different name?

7 A. Donald Weems.

8 Q. Alright. Now I would like to turn my attention to
9 prison and the things that you did and experienced in
10 all of these years. And as we have said at the
11 beginning, you've now served over 35 years?

12 A. Correct.

13 Q. Describe your early years.

14 A. When I got to Bedford, I think I was a very split
15 person, so more than one thing was going on for me. On
16 the one hand, I was getting used to figuring out how to
17 maintain a life in here. I spent the first few months,
18 I had to fight my way -- I actually went to court to get
19 out of solitary confinement. And, once I was in regular
20 population I got a job. I was seeing my daughter and my
21 family quite regularly. My daughter was living with my
22 friends, my parents were getting very actively involved
23 in her life. They were urging me to let them take her,
24 and my friends were urging me to tell my parents to be
25 less involved. So I was once again in a conflict over

1 my child. And I was being criticized by my political
2 friends for, once again, being individualist for
3 questioning what should happen to my child and giving my
4 parents too much power. So I was desperately trying to
5 keep my stance, and it was starting to fray, I guess is
6 what I would say. And certainly, day-to-day in here, I
7 was able to kind of work, get along with staff. But
8 below the surface, I was still in turmoil. Two years
9 into my sentence --

10 Q. -- one second. Below the surface you were still in
11 turmoil; is that what you said?

12 A. Yes. I was writing political tracts, still
13 supporting things, but also very, very worried about my
14 daughter.

15 Two years into my sentence several things
16 happened. One was that, my parents took me to court for
17 custody of my child which meant taking her away from my
18 friends. And that kind of burst a certain bubble of the
19 reality that I had lost my child and I had abandon my
20 child. I also got a disciplinary ticket for writing
21 letters to fugitives that was found in their safe house,
22 and those letters were the basis of my spending two
23 years in SHU for my conspiracy to escape. And I was
24 beginning to talk to a sociologist who was interested in
25 trying to understand why I did what I did, and was for

1 the first time in conversations that were not abstract
2 slogans, but were actually reflective. The combination
3 of all those things, including the time in SHU and
4 having to reflect, is the time I began to realize -- I
5 think the first thing I realized was that I had abandon
6 my daughter; I think my first experience of remorse was
7 about that. But once I began to think about that, I had
8 to begin to think about the three men who were killed.
9 That's the period when I went back and started to read
10 some of the original articles and realized the scope of
11 devastation, what had happened to people, and the
12 losses, and the trauma and the ongoing losses. So I
13 began to -- I guess what I began to do is realize I had
14 no way of understanding what I did as an individual,
15 that, I had always thought of myself as we: We have to
16 make a revolution, we have to do this. And, that, I had
17 to find myself as an individual if I was going to take
18 responsibility for what I had done and what I needed to
19 do then. So, I went into a period that was much more
20 self-reflective. I stopped trying to be a public
21 political person. I winnowed down who was visiting me
22 to the people who were -- that I had real friendships
23 with rather than just political alliances with, some of
24 whom I had political alliances with, but they were also
25 friends. I began to see my father on a regular basis.

1 He came with my daughter every week until she started
2 school, and he and I began talking. And I continued
3 with my conversations with a woman named [REDACTED],
4 who was the sociologist. And, you know, her questions
5 and our conversation was the first time I was willing to
6 cry, be ashamed, think about what I had done.

7 I think the other thing that was happening in
8 that period was that I was -- in SHU you spend a lot of
9 time with officers, that's who you are in contact with.
10 And I spent a lot of time with officers in talking to
11 them, and realized that they were just like the officers
12 who were killed that day. So that was the beginning of
13 my reflecting and realizing that I had to begin to
14 become a person and responsible for myself, and pull
15 back from my political identity.

16 Q. Do you remember the year or the specific period of
17 time you were in Special Housing, what years that
18 encompassed?

19 A. Yes, from 1985 to 1987.

20 Q. I do have some of the documentation from your early
21 years. This particular documentation is entitled
22 "Program and Security Assessment Summary" of what was
23 then State of New York Department of Correctional
24 Services. In terms of custodial adjustment in a period
25 covering February '85 to August 6, '85, it says, "Her

1 custodial adjustment for this period is outstanding.
2 She continues to relate well to both staff and peers."
3 And then in terms of program involvement, it says, "Her
4 program involvement is acceptable." Then we have got --
5 go ahead.

6 A. No, you can finish.

7 Q. Then we've got the same document for a period of
8 August '84 to February 4, '85, which would have been the
9 period before the last. And it says -- for custodial
10 adjustment, "Her adjustment is acceptable." So, you
11 improved from this period to the next. This was the
12 prior period. "Her adjustment is acceptable, with the
13 exception of the above charge," and it was some, I don't
14 know, 15 five days for following staff direction charge.
15 "She relates well to staff and peers." And you weren't
16 not in programs yet, for program involvement assessment.
17 And then the period before that, February '84 -
18 August '84, "Judith's custodial adjustment has improved.
19 She has not received any infractions for the past six
20 months. She relates well to both staff and peers." But
21 it's marked as outstanding for custodial adjustment and
22 outstanding for program involvement. "Judith's program
23 attendance and participation are outstanding. Her
24 program evaluation states that her work is exemplary."
25 So, we are going backwards in time. The one before that

1 is the last one of this kind that I have -- actually,
2 I've got some for a later period, but let me focus on
3 this one. This is October 6th, '83 to March 12th, '84.
4 "Custody adjustment acceptable. Program involvement
5 acceptable." And then there's one for the period
6 between May '87 and February '89. So, I'm sorry, would
7 that have been during the same period as Special
8 Housing, or just after?

9 A. No, after.

10 Q. Just after, okay. Or near after. And your custodial
11 adjustment is noted as acceptable and your program
12 involvement is noted as acceptable. It says that you
13 were a member of NOW, NAACP, and the Parenting -- I
14 think that's what it is, it's very faint. "She attends
15 church regularly." I'm not sure what this other
16 notation is about, something she was at the federal
17 correctional institution at -- I can't read what it
18 says. Was there some -- did you have an outside court
19 appearance or something between '87 and '88, perhaps?

20 A. Oh, actually what happened was, I got out of SHU in
21 the fall of '87. In December '87 I was transferred to
22 federal custody and I was at Tucson FCI for a year.
23 And, when my parents and lawyers questioned what
24 happened, they were told that it was nothing I had done
25 - as I had previously - but they were doing security

1 work that meant they wanted me out of the facility for
2 the year. And a year later I was brought back to
3 Bedford.

4 Q. Alright. Now, some of the other documentation in
5 your records from those early years includes a letter
6 that you received -- actually, two letters, that you
7 received early April of 1990 from [REDACTED],
8 [REDACTED], who was a member of the Senate at the time,
9 and in fact Chairman of Crime and Corrections Senate
10 Committee. And it was sort of an honorable mention
11 letter about two of your pieces of artwork. One was
12 entitled *Self-Portrait*, and then there was another one
13 as well. But he signed off on these letters and sent
14 them to you to let you know your artwork was featured in
15 an art show, *Correction on Canvas, 24 Art Show and Sale*,
16 held in the Legislative Office Building in Albany, New
17 York, letting you know you were awarded honorable
18 mention in mixed media category. "Congratulations on a
19 job well done," he says in both letters.

20 So, hopefully that gives us a little bit of
21 flavor for what your life was like in those first few
22 years when you were received in State custody. My
23 records reflect October 6 of '83, at least through 1990
24 or so.

25 A. Yes. I think I was able to adjust well. I think

1 that, for me, when I think of that period, what's
2 significant is when I began to reckon with my crime.
3 Before then I was able to cooperate with staff,
4 participate in programs. The real shift that happened
5 was waking up to the fact that I had participated in the
6 murder of three innocent people, and a crime that caused
7 so much loss and so much chaos. And that -- and also
8 waking up to the fact that I had abandon my daughter,
9 and wanting to rebuild a relationship to my parents so
10 we could cooperate with each other with my daughter and
11 for her needs; and also, they had been there telling me
12 the truth and I had to reckon with it. So, in a way,
13 those are the things I think about most about that
14 period.

15 Q. Okay. Again, what year would you say stands out in
16 your mind? Did you say '92, or are we talking --

17 A. -- no. In terms of beginning to think about the
18 crime, I would say 1985 and '6, when I began to do the
19 interviews with [REDACTED].

20 Q. And how do you spell her name? Do you recall?

21 A. [REDACTED].

22 Q. Okay. Now, we have in your advocacy materials, your
23 attorney, Mr. Zeidman, shared the *Fortune News* piece
24 from '94 and the *Journal News* piece from 2002. What was
25 *Fortune News*? I didn't bother to try to Goggle and see

1 what it was. I'm not really familiar with what it was
2 at the time.

3 A. *Fortune News* was a newsletter by an organization
4 called The Fortune Society which does work on behalf of
5 prisoners and helps people in their re-entry work. It
6 put out a newsletter called *Fortune News*. And they had
7 a issue that was devoted to women in prison and they
8 asked us to write things, and I wrote a poem which they
9 printed. In the editorial, the editor talks about women
10 in prison and made a distinction that said, Political
11 prisoners, you know, unlike others who are ashamed of
12 what brings them to prison, political prisoners are
13 proud of what they did. And I realized that my changes
14 had been -- I had purposely not been involved in any
15 media, or publicity or anything. But that I had to
16 begin to be public about not being a political prisoner,
17 and, my remorse for the crime. That was the first time
18 I wrote a letter that was public and announced.

19 Q. Okay. And I am familiar with Fortune Society but I
20 didn't make the connection. I wonder, do they still
21 publish *Fortune News*?

22 A. I haven't seen it in a very long time.

23 Q. Okay. I highlighted a lot of what you said in the
24 submissions from Mr. Zeidman for our consideration,
25 which is several volumes. It's called the "*Parole*

1 *Advocacy Packet.*" There's, like, six bound volumes, the
2 first being the lead document with its own exhibits.

3 And then is a breakdown of other exhibits, all the way 1
4 through 17. So, I have the piece, highlighted quite a
5 bit of it. I would like to quote some of it.

6 Specifically, you say in 1994, you say, "It took me many
7 years to open myself up to genuine feelings of loss and
8 remorse." And then you talk about the starting point,
9 by realizing that your daughter needed something more
10 from you than unspoken paralyzing guilt. You also say
11 in another place, "I'm not at all proud of the actions
12 for which I am in prison. As a woman who has lived in
13 prison for over 12 years, witnessing the toll of
14 violence, and broken lives and families, and as a mother
15 whose child had to grow up without me, I can not feel
16 pride in actions which left three men dead, others
17 injured, three grieving widows and many fatherless
18 children. I feel only enormous regret, sorrow and
19 remorse."

20 And then you say, at the end, "While I know that
21 there is no way that I can take back the consequences of
22 my past actions or recover the lives that were lost and
23 maimed, I feel responsibility and desire to extend
24 myself to victims and survivors. It is for this reason
25 that I now break with the long public silence and move

1 beyond what has been an essentially private process of
2 change to express my remorse publically here and
3 elsewhere. Respectfully, Judith Clark."

4 Was this your first statement of a public
5 nature?

6 A. Yes. This was in -- in 1994. I probably sent it to
7 them end of 1993. When I say *public*, I mean publicly
8 published. I think everyone who knew me in here and
9 outside, knew that I felt remorseful, that I had really
10 changed my attitudes towards almost everything, and
11 certainly violence. But this was the first time I put
12 it in writing and published it somewhere outside.

13 Q. You probably wouldn't know what the circulation of
14 what *Fortune News* was, or who in the public domain would
15 be likely to get it? I imagine people had to subscribe,
16 perhaps, or be donors or something?

17 A. Yes. I think it is small. But it became a practice
18 of mine, if anyone called me a political prisoner, even
19 if I got a letter -- I still get letters that say that,
20 and I always respond I am not a political prisoner.

21 That implies a justification of my crime; I do not
22 justify crime, I do not justify violence. And that was
23 sort of the first time I did it, and I have tried do it
24 pretty consistently since.

25 Q. Now, the next document I have is this piece in the

1 *Journal News*. Now, this was a publicly circulated
2 newspaper, right?

3 A. Yes.

4 Q. And do you know what region the *Journal News* is
5 published in?

6 A. I sent it to the *Journal News* because it's read by
7 people in Rockland. And I realized, while I have been
8 public for many years, I wanted to directly apologize to
9 the community that I had harmed. And I did it in the
10 wake of the killing of [REDACTED] in the World
11 Trade Center bombing.

12 Q. Alright. Now, the published date of this, if the
13 caption is correct -- it's not in the type of the
14 article, but it's typed on top: March 31st of 2002.

15 A. Correct.

16 Q. There's a piece of this I want to ask you about.
17 Pardon me while I just look for it, because it was the
18 piece where -- okay, I think this is it. "I dread
19 having to claim kindredness with those who perpetrated
20 the carnage of September 11, 2011, but my shame and
21 remorse do not diminish my responsibility to examine the
22 long knotted thread that connects my actions with the
23 recent attacks."

24 Now, what did you mean by the *connection*
25 statement?

1 A. I meant that, I had to realize that, while the scope
2 of what I did was certainly not the scope of what
3 happened in the World Trade Center bombing, that my
4 zealotry and that group dynamic of only being internally
5 loyal to ourselves and not thinking about other people
6 as human being on their own terms, that that having been
7 propelled by that state of mind to do with an action
8 that essentially terrorized people, I had to try to
9 understand the motivation, my motivation, and realize it
10 was no better than their's; that that way of operating
11 was devastating. And I owed it to society to
12 acknowledge what it was, you know, that what that state
13 of mind where you only think about your cause and people
14 are not important unless they are part of your cause,
15 can lead to actions that create enormous loss. So
16 that's what I meant by the *kindredness*. Not that I felt
17 connected to their cause, but that the same madness that
18 I think drove them, happened to me. And I to be
19 responsible for that.

20 Q. Have you, in all these years, had an opportunity to
21 counsel - for lack of a better word - anyone else who
22 came in your presence, either by wanting to be pen pals
23 with you, or visitors, or even other women who came to
24 spend time at Bedford, who might have at one time
25 conceived of themselves or been thought of, quote,

1 unquote, "political prisoners"? Have you had an
2 opportunity to counsel someone who may have felt like
3 you felt at the time of your participation?

4 A. I do that probably almost every day of my life in my
5 work in here. Because once I took off that armor of
6 political prisoner -- I was someone who was motivated by
7 the need to belong, by the need to show that I was
8 tough, to participate in violence. And I work with
9 women in here whose circumstances are very different,
10 but who also often times have been caught up in violence
11 in that kind of way of not -- of trying to compensate
12 for their sense of weakness by pardoning themselves and
13 propelling themselves into violence. And I work with
14 the woman in the nursery and I talk to them, and it goes
15 on in terms of their day-to-day arguments with each
16 other. So sometimes it's just about you have to
17 remember the person that you just were having that
18 argument with feels as strongly about what they think as
19 you do. I think when you take away the politics of it,
20 one of the things I've learned and one of the things I
21 feel so strongly is that everyone has as much of a sense
22 of themselves and that they are right as I do, in any
23 kind of argument. I think I also do try to -- I get
24 lots of letters. And I people ask me all the time, Tell
25 me about the Black Panthers; Oh, you were really down.

1 And I always try to say, Actually, my crime was a
2 terrible crime, be grateful you are here for far less
3 than the loss that I caused; and there was nothing
4 courageous about it; and there were people involved in a
5 movement and all we did was hurt those people as much as
6 any other action could have hurt them. So, I think goes
7 on kind of as part of my life in here. I have had many
8 conversations with officers about it as well, you know,
9 who I feel like I have to be responsible to them about
10 what I came to feel. And I also get letters from young
11 people who call themselves anarchists. I am a terrible
12 correspondent, but I try to write back and say, You can
13 be passionate about what you feel, but please remember
14 everyone has a right to life, and to their point of
15 view, and liberty, and don't trample on other people for
16 what they believe.

17 You know, it's changed the course of who I am
18 close to and my own identity, which I am grateful for.
19 Q. I have been presented, as part of the many documents
20 that we have received in preparation of this interview,
21 a book called *Spirit on the Inside, Reflections on Doing*
22 *Time* with Judith Clark, a photo essay by Sarah Bennett.
23 And I just want to share one of the brief comments with
24 a photograph. They all have comments from ladies who
25 have served time with you. This one is by a woman named

1 Donna, who served almost 27 years and was released in
2 2012. She said, "I started out in SHU, solitary
3 confinement, and Judy was in the cell next door. From
4 that day on she was my mentor, my mother, my big sister.
5 Judy tells you the truth about yourself that you don't
6 want to know or see. At first, she pissed me off for
7 doing that, but I am forever grateful to Judy for being
8 one of the catalyst who allowed me to work on 'me' and
9 who instigated my changing into the person I am today.
10 I love her for her humanity, she truly cares."

11 A. Thank you. I think that that work is the only way I
12 can live with myself in the face of the crime, you know.
13 It's the only way to take what I did and redeem myself.
14 And it has allowed me to live a life in here that I can
15 have pride in, in the face of feeling really, really
16 terrible about both my participation in the murders and
17 in the crime, and also in my stance in court.

18 Q. What do you anticipate will be your opportunities to
19 continue to do that if you were granted release to
20 community supervision?

21 A. Well, one thing is, both of two organizations I work
22 the closest with which is Hour Children which runs the
23 nursery program I work in, and Puppies Behind Bars, were
24 looking forward to my continuing to work with them
25 outside. A lot of women I work with in here in the

1 nursery go on to live at Hour Children. And I work with
2 them and I hope to continue to be that person that says
3 things that maybe they don't want to hear, and maybe I
4 don't want to hear, but is necessary. And I absolutely
5 want to continue to help PBB raise their dogs. So those
6 are two of the things. But I also hope to do something
7 new. I mean, I have a job offer that I'm excited by,
8 working with an organization called Brightpoint Health,
9 and they provide primary care to underserved
10 communities. And it allows me to broaden also the
11 places where I can have an impact, hopefully.

12 Q. We will talk about more about that. I've got a whole
13 other section to deal with your future plans and
14 prospects.

15 I think you did speak to what led to your change
16 of heart. Did you appeal your conviction?

17 A. I did, quite awhile afterwards. I think when I first
18 started to have both feel remorse about my crime, I also
19 felt remorse for having thrown away any opportunity of
20 getting a lesser sentence. I was doing time with
21 someone who was facing a lesser sentence, whose child
22 was the same the age of mine. And I had to face the
23 fact that [REDACTED] -- that I threw away the chance of
24 being with her ever. But I also felt so guilty and
25 ashamed of the crime, I couldn't figure out how I could

1 challenge the case if I was feeling, you know, if what I
2 did was wrong. And it took me a long time to sort that
3 out. Certainly my parents urged me to try to go back to
4 court. And eventually I was in touch with a lawyer who
5 said, Listen, you were a lunatic, but the court erred in
6 not having someone - above your objections - to defend
7 you. He said, I want to take your case back to court.
8 And, so, he took my case back to court and I actually
9 won my federal habe, and then that was reversed by the
10 next higher level. But in a way, I think of that as
11 also part of my reparative efforts, because I was coming
12 back into court with respect for the court. You know,
13 I've been in court around a number of things, with
14 respect to the court.

15 Q. There are some who might consider your delayed
16 appellate efforts as a further sign of disregard or lack
17 of remorse. Is that an accurate way for anyone to
18 interpret your appeal efforts?

19 A. What I was trying to do -- what I tried do in my
20 appeal was the affidavit that you've been reading from,
21 and which was to be very clear that I was -- I
22 responsible for the crime and I was responsible for not
23 participating, and that that was the basis upon which I
24 was going back into court, that, I did believe the court
25 erred in not appointing me standby counsel. And I also

1 felt that, at that point, a court would be looking at a
2 very different person than they were looking at at the
3 time. So, to me, it was not lack of remorse; it came
4 out of a time of great remorse and trying to be honest
5 and say, I hope in being able to be clear about my
6 remorse for the crime, I can -- I can address the stance
7 that I took of disrespect at the time of my trial. So
8 no, I don't think it came out of lack of remorse. I
9 think it came out of believing you should participate in
10 the system, and believing I owed it to my daughter to
11 see if I could repair the damage I caused legally to
12 myself.

13 Q. Did your appeals end when the federal decision was
14 overturned?

15 A. Yes.

16 Q. How did your pursuit for clemency begin?

17 A. When I won my habe, you know, there was a year when
18 my conviction was overturned and we were waiting, you
19 know, to see what the next court did. And I think it
20 was a time when I could begin to imagine that, having
21 redeemed myself, I could ask the system to recognize
22 that and redeem me in some way. So I think that it
23 allowed me to imagine that there was -- that I could say
24 that the judge had every right to believe that I would
25 never change at the time. But, it turned out that I

1 did. And, if part of his sentence was based on saying I
2 was who I was and there's no reason to think that I was
3 ever going to change, that, I wanted it to be known that
4 I had changed and was asking to have a second look
5 25 years later, or by then 30 years later. So, I
6 decided to go for clemency. And at first it seemed like
7 a fool's errand, to be honest. But I felt like for me,
8 it's been part of a journey, I guess, to change what I
9 could change and acknowledge what I could.

10 Q. How many separate applications did you make for
11 clemency?

12 A. I put in the first application when Governor
13 Patterson was the governor, in his last year, working
14 with a lawyer, Sara Bennett. And he considered it to
15 the end of his term and then decided against it. So,
16 either the first or second year of Governor Cuomo's
17 office, I resubmitted an application. And, the way his
18 office worked, once the application was in, you -- he
19 may not have given it to anyone, but he didn't deny it.
20 So that's been the same application, and all I've done
21 since is sort of build, is add to it in terms of letters
22 and other material.

23 Q. Now, you mentioned Sara Bennett. She was the same
24 author of the book that I read from, *Spirit on the*
25 *Inside*?

1 A. Yes.

2 Q. And it says on the back, "Sara Bennett is the pro
3 bono attorney for Judith Clark."

4 A. Right.

5 Q. Now, she represented you through the first clemency
6 application. Did she cease to represent or be part of
7 the team representing you for the second application
8 that you continued to build on?

9 A. No, she remained my attorney until about a
10 year-and-a-half ago. And she had stopped being a lawyer
11 herself and this was the one case -- she was a single
12 practitioner and she needed to continue -- she has
13 continued to advocate for me, but she really wanted
14 someone else to take over. So, she was very happy when
15 Professor Zeidman took on the case.

16 Q. And clearly, from the volumes that we have, he's put
17 a lot of work into your application, and now your *Parole*
18 *Advocacy Packet*, some of which is the same material, but
19 some is new and updated.

20 And, so, how would you describe your direct
21 involvement in your clemency work, the clemency effort?

22 A. The primary thing it did for me is that I met an
23 enormous number of people, people who were supportive of
24 me, would talk to other people. And, it often times
25 takes a direct contact. You know, otherwise, I am like

1 one more case. And, so, a lot of people who I did not
2 know came to visit me, and I got to speak about my crime
3 and my remorse, and answer questions for the next five
4 years. And I think that was good for me. Aside from
5 ultimately getting clemency, I think it allowed me to
6 live the process of taking responsibility for my crime,
7 because that's the only basis that I could ask for
8 clemency. I did some, you know, writing to people and
9 things like that, but I spoke to a lot of people in
10 person, answered questions, encouraged people to work.

11 Q. In fact, one of your supporters, or person who would
12 become one of your supporters, was one of the witnesses
13 in your trial who was a woman whose car was commandeered
14 during the flight --

15 A. -- yes.

16 Q.from the second scene, the second crime scene
17 shall I say?

18 A. Yes, yes. [REDACTED].

19 Q. [REDACTED]. And her information is documented within
20 your advocacy binder.

21 COMMISSIONER STANFORD: I am going to
22 pause for a moment and ask my colleagues if they
23 have any further questions about this period of
24 time, your prison years, leading up to today,
25 appeals and clemency?

1 COMMISSIONER LUDLOW: Nothing further
2 at this time, on this portion.

3 COMMISSIONER THOMPSON: No further
4 questions, thank you.

5 COMMISSIONER STANFORD: We are going
6 to pause for just a moment. Just stay where you
7 are. We will just pause for a moment.

8 (A five-minute recess was held, after
9 which the following took place:)

10 BY COMMISSIONER STANFORD:

11 Q. We are back on the record.

12 I had a brief conference with my colleagues. We
13 still have quite a ways to go. And, in the interest of
14 fairness and making sure that we all get back to our
15 destinations safely, and for the benefit of the record
16 which is considerable, we are going to stop now and pick
17 it up in the morning. Okay?

18 A. Okay.

19 Q. Is that alright with you, ma'am?

20 A. Okay.

21 COMMISSIONER STANFORD: We are going
22 to reconvene at 8:30 tomorrow.

23 (Offender was excused.)

24 (The parole hearing was adjourned and
25 reconvened Thursday, April 6, 2017 at 8:42 a.m.)

1 BY COMMISSIONER STANFORD:

2 Q. Good morning.

3 A. Good morning.

4 Q. We are going to try to pick up where we left off, and
5 I want to move into more recent times.

6 A. Can I say one thing about the last thing that you
7 said, the last point you made about ?

8 COMMISSIONER STANFORD: One moment,
9 please.

10 OFFENDER: Yes.

11 (Whereupon, the videocamera was
12 re-adjusted, and the following took place:)

13 BY COMMISSIONER STANFORD:

14 Q. I want to discuss more recent times, and certainly
15 the volume of input that's come in on this case over the
16 years. It seems to me that, it began in earnest from a
17 variety of sources, in support and opposition, with the
18 clemency activity. Does that sound reasonable to you as
19 well; would you agree?

20 A. Yes.

21 Q. And so, we have of course your clemency records from
22 down through the years. In fact, we have numerous boxes
23 of clemency records, we have all the clemency records in
24 our possession presently. So, we have the application -
25 the petition, and the supporting documents from the

1 original petition to Governor Patterson. And then we
2 have the follow-up petition and application that was --
3 would the 2009 have been the first, or the 2010 have
4 been the first?

5 A. I can't remember dates. 2009 probably was the first.
6 I don't remember when Governor Cuomo came into office.
7 It was the year before he came into office that I put in
8 my first application, when Governor Patterson was....

9 Q. Okay. Because, we have records from 2009, 2010 and
10 then 2012.

11 A. Correct.

12 Q. So I'm thinking 2012 was when the petition was
13 directed to our now present governor.

14 A. Correct.

15 Q. And, of course those petitions include reams of
16 documents to form the basis for the petition, and other
17 media as well, and a lot of it is bound and some of it's
18 the form, as I say, media, DVDs. There's even a PBS DVD
19 as part of the 2012 materials. So, we have all the
20 boxes of materials that have been submitted over the
21 years, beginning in 2009, and, in fact, successive
22 years, at least beginning in 2013, because we've got
23 2013, 2014, 2015, 2016, to the present. And then, of
24 course, the 2017 parole advocacy materials.

25 So I am going to try to go through a lot of that

1 and, as you may or may not know, the factors that the
2 law authorizes us to consider speak primarily to
3 official position taken, and of course we do have that
4 information as well and we will talk about that. And
5 then, as well as any victim impact. And we briefly
6 discussed have some victim impact known at the time of
7 sentencing, through the presentence investigation when
8 we were speaking yesterday.

9 I want to just take a step back for a moment and
10 try to be clear in our record, what the status is of
11 others who were involved with you at the time. Now, I'm
12 looking at our Parole Board report that was submitted
13 for this interview and prepared by the Bedford Hills
14 staff. It lists known co-defendants, and it tells us
15 that David Gilbert is still incarcerated, or at least
16 was still incarcerated at the time of the preparation of
17 this report which was signed off on the end of March.
18 Donald Weems, our records reflect, is now deceased.

19 A. Correct.

20 Q. Katherine Boudin was paroled in 2003, according to
21 this record. Samuel Brown is still incarcerated, as is
22 Mr. Gilbert, in New York State Correctional Facility.
23 Nathanel Burns, also known as Odinga Sekou, O-d-i-n-g-a,
24 or Sekou Odinga, our records reflect was paroled in
25 2014. And then, [REDACTED] - who we really haven't

1 spoken about - also known as [REDACTED], [REDACTED]
2 [REDACTED], our records reflect, is also deceased. What
3 can you tell us about him? His name didn't come up at
4 all yesterday, and I thought I read at some point,
5 charges were dismissed against him. Do you know where
6 he was in the events, what vehicle? What can you tell
7 us?

8 A. I think he was originally charged in the state's
9 case, and then those charges were dismissed and he ended
10 up being tried and convicted on completely separate
11 charges, you know, that were not related to this crime.
12 So I think he was in prison at the time when he died,
13 but not for this crime, it was for another crime.

14 Q. Was he prosecuted in state court?

15 A. I think he was prosecuted in state court, but for an
16 older case, is my memory. So, in the very beginning
17 when we were indicted, he was on the first indictment;
18 and then over the first year there was a change in that
19 indictment and he was no longer on the state indictment.

20 Q. Was he a witness at your trial?

21 A. No, no. I think once they took him off the case, he
22 no longer had anything to do with the case.

23 Q. And, based on what you told us yesterday, as I said
24 his name did not come up in our conversation
25 yesterday.... you weren't able to provide any real

1 details who might have been where in other vehicles or
2 on other scenes. Is it similar with him? In other
3 words, are you unable to say, of your own knowledge,
4 whether or not he was even there?

5 A. Right. I think they decided he wasn't there. I
6 think he was associated with the Black Liberation Army
7 in their minds, and when he was arrested - because it
8 was right after our crime, they assumed it. And then
9 when they did their investigation, they charged him with
10 other crimes, not with this crime.

11 Q. And are you able to say, as far as you know, he was
12 not there?

13 A. I don't think he was there, but I'm only saying that
14 from what I know afterwards. Yes, I don't think he was
15 there.

16 Q. Alright. Is there anyone else, that you know of,
17 again, of your own knowledge, who was there whose name
18 has not been mentioned?

19 A. No, no, I think I mentioned every name that I knew
20 was there.

21 Q. Have you had any contact, perhaps through third
22 parties, visitors, people you speak to on the phone,
23 people who write you letters, any contact with any of
24 the known co-defendants?

25 A. I've had a little contact with Kathy Boudin. We did

1 22 years together here. When she got out, she was on
2 parole so we weren't in touch at all. But she's been
3 off parole for a long time. When she got out she was
4 doing work that meant she did not want to be in touch
5 with anyone in prison, but a few years ago she got
6 cancer, and at that time I reached out to her just with
7 cards. So, we are on that level of contact. That's the
8 only person I have been in contact with.

9 Q. Now, I suppose you know she's teaching and she's at
10 Columbia, correct?

11 A. Yes.

12 Q. Do you hope to do any work with her in the community,
13 should you be released?

14 A. I think that -- I don't think I will exactly follow
15 her path, I guess. Our paths will cross and we care
16 about each other, our children grew up together, but I
17 don't see myself joining her in the work she does at
18 Columbia. I think that's what I would say. But I am
19 sure we will see each other, if that's possible, at
20 times. All of that has to be seen in terms of my parole
21 stipulations.

22 Q. Okay. Now I want to address some of the materials in
23 your advocacy packet which, as I said earlier, a lot of
24 it tracks and repeats some of the documentation and
25 positions stated in your clemency documents.

1 A. Right.

2 Q. I want to make sure I reference the most recent
3 materials contained within your advocacy packet that was
4 refreshed by professor and attorney Zeidman this year.
5 I will start with his letter, and -- he's written it on
6 the City of University New York CUNY School of Law
7 letterhead, and addresses the title as "*Parole Advocacy*
8 *Letter Submitted on Behalf of Judith Clark*," and he
9 says, in part, before he lays out the procedural
10 posture, reasonable probability release in terms of
11 deprecating the seriousness, he says in the
12 introduction, in part, quote, "As is detailed in the
13 numerous letters submitted on Ms. Clark's behalf, upon
14 meeting her it becomes apparent that her acceptance of
15 responsibility, her contrition and her desire to repair
16 are genuine."

17 And he really frames this in terms of a legal
18 argument in some ways, in addition to character
19 references, looking at the standard that governs us.
20 And, when he speaks about the reasonable probability,
21 it's specific to the standard that requires a finding of
22 reasonable probability that, if such inmate is released,
23 they will live and remain at liberty without violating
24 the law, and that release is not incompatible with the
25 welfare of society. And then, attempting to make a case

1 that your release would not be incompatible with the
2 welfare of society. And then he addresses the will not
3 so deprecate the seriousness of, and he puts in
4 parentheses, bracket [her crime] as to undermine respect
5 for the law; and, that standard calls upon us to
6 consider in whose mind are we considering that this idea
7 of deprecating the seriousness of the crime as to
8 undermine respect for the law; whose respect for the law
9 would be undermined by a release decision?

10 He does say - and this is noteworthy - and
11 that's how he starts the sentence. "It is noteworthy
12 that Ms. Clark was convicted of felony murder. She was
13 not alleged to have had the intent to take any lives.
14 Many of the others involved in the crime, whether
15 alleged to have actually fired weapons or to have played
16 secondary roles, received substantially shorter
17 sentences and have been out of prison for many years."
18 He follows with, "Most germane is the sentence meted out
19 to Ms. Clark's co-defendant, Kathy Boudin. The
20 prosecution alleged that Ms. Boudin caused the police
21 officers on the scene to put down their weapons moments
22 before the perpetrators jumped out of a U-Haul van, and
23 began firing and ultimately killing two police officers.
24 The trial judge, Honorable David Ritter concluded that,"
25 and this is in the sentencing minutes, Ms. Boudin's

1 minutes, "...in my judgment, there is evidence of
2 honest contrition, and remorse and abhorrence of
3 violence as a technique to further goals, however noble
4 those goals may be. Judge Ritter stated, 'I settled
5 upon a period of time that I honestly believe was right,
6 that represented a just result. I did that fully
7 recognizing the likelihood that the parole authorities
8 would release Ms. Boudin at the expiration of that
9 period.' "In Judge Ritter's view," which is Mr.
10 Zeidman's words, "Ms. Boudin's 'contrition and remorse'
11 was such that 20 years in prison was a just result."
12 This is, of course, information taken from the
13 sentencing minutes of Ms. Boudin. "In contrast," Mr.
14 Zeidman says, "...an unrepentant and combative Judith
15 Clark led Judge Ritter to conclude that..." and I had
16 this is some of our record yesterday, "I harbor no
17 illusions about any of the defendants," and later,
18 "There is no reason to believe that any of the
19 defendants will change, despite the understandable hopes
20 of their parents and families." And then again, Mr.
21 Zeidman says, "As a result, he sentenced Ms. Clark to
22 25-to-life, the maximum permissible sentence." He goes
23 on to say, "Judy Clark in 2017 bears little resemblance
24 to Judy Clark of 1981. She long ago denounced the idea
25 that she was any kind of 'political prisoner,' and

1 acknowledged her role, accepted responsibility and
2 expressed profound contrition for the deaths of [REDACTED]
3 [REDACTED], [REDACTED] and [REDACTED]. In certain
4 situations, release to parole can certainly deprecate
5 the seriousness of the offender's crime. That is surely
6 the case if the individual shows no awareness of the
7 harm caused and lacks any meaningful remorse."

8 He highlights your *Fortune News* letter
9 submission, and also the public apology in the Journal
10 News piece.

11 He's leading into a sort of highlight in his
12 letter of the support you garnered down through the
13 years, and he begins with a statement, "Perhaps no one
14 is better situated to comment on Ms. Clark's remorse
15 than [REDACTED], the former superintendent at Bedford
16 Hills Correctional Facility." And he pulls from [REDACTED]
17 [REDACTED] submission, which is also one of the exhibits in
18 your packet, where [REDACTED] writes, "She has come to
19 terms with the harm she did. She has done everything
20 possible to atone for that crime. She takes full
21 responsibility for her role in the crime, understands
22 how terrible it was, the agony and suffering it caused.
23 No one needs to fear Judy Clark. Instead, she has much
24 to offer society and I believe she will do this with
25 humility and wisdom, never forgetting the nature of her

1 crime and the damage she caused, always acting in a way
2 that will compensate, help, build and sustain wherever
3 and whenever she can."

4 Do you know approximately how many years you
5 were serving while [REDACTED] was superintendent?

6 A. Twenty years. She became superintendent in 1984 and
7 I think she retired in 2004. And she was a very
8 hands-on superintendent, so she really knew us. And it
9 was not immediate that she felt that about me. She had
10 to deal with my security issues in the beginning; she
11 took me out of programs at times when she felt I had
12 gone beyond my boundaries. And I think she was witness
13 to a change that wasn't just what I said, but a kind of
14 deeper wisdom, I guess, about the fact that the world
15 does not revolve around me and that my view is one of
16 many. And ultimately, I think we -- I was able to work
17 with her and her staff in a cooperative way to build
18 programs. And she experienced my respect for the
19 authority of the, you know, big institution in the
20 larger sense. And I think she's a very insightful long-
21 time Corrections person who I think saw that change.
22 And I have always been grateful to her for giving me and
23 others an opportunity to do cooperative work in here,
24 and for her support and feedback when I needed it.

25 Q. Now, before we go further afield and a way from the

1 activities that you were involved in that we really
2 didn't spend much time yesterday discussing, let's go
3 through some of the significant programs that you
4 participated in because they were recommended, and then
5 transition to some that you may have helped to found
6 within Bedford, to the present.

7 A. Okay.

8 Q. So, where would you like to start? Do you want to go
9 to mandated programs first?

10 A. Sure. We can start with that.

11 The programs have changed over the years I have
12 been here, so from the early years on through, there
13 have been a number of programs that addressed violent
14 crime in particular, some of which still exist and some
15 don't. I think the earliest program that no longer
16 exists was called Down on Violence, which I participated
17 in, and Alternative to Violence which still exists which
18 I found was very meaningful and it's run by Quakers. It
19 talks about peaceful, transformative change, which was
20 really important for me to think about. And then moved
21 into the more recent time when ART was established as a
22 program for those of us here on violent crimes. So, I
23 took all of those mandated programs.

24 I also started out being a member of the early
25 Parenting classes. As a mother of a young child, I

1 utilized the services and the wisdom of The Parenting
2 Center, which for those 20 years, was headed by [REDACTED]
3 [REDACTED].

4 Q. Can you spell the Sister's last name?

5 A. [REDACTED].

6 Q. Thank you.

7 A. [REDACTED] was here before I was here, and she was
8 the director of The Children's Center until 2000-
9 something, and then she became the chaplain of the RMU
10 when it opened here - the Regional Medical Unit. [REDACTED]

11 [REDACTED], I think, was one of the most important mentors I
12 ever had in my life. She helped me realize that my goal
13 needed to be reconciliation with those I harmed in my
14 family, with those I harmed in the Rockland community.
15 And she built a relationship to me and my daughter, and
16 my parents, and friends who were helping to raise my
17 child, and urged me to participate in all those
18 programs. While they are not official DOCCS' programs,
19 to take on being responsible for my child was the
20 framework that made me I realize, as my child got older,
21 I had to be able to explain to her why I left her when
22 she was 11 months old, why I went off to commit a crime
23 that led to such death and destruction, why I threw away
24 chances of getting out sooner. Those programs helped me
25 come to terms with being responsible for my family and

1 also responsible for my crime.

2 I had left college my second year, as I talked
3 about. So, I went back to college when I first got
4 here. Mercy College was available here as -- at that
5 point it was still a publicly funded college program.
6 And I discovered that I did not know everything.
7 College was the place where I realized if you think you
8 know everything, then, you can't learn anything. You
9 have to open your mind, and I think college really was a
10 place that that happened. It was also a place where I
11 once took a philosophy class in the early '80s, yet I
12 remember it. I had a professor who wanted us to think
13 about do we have free will. He said, We do have free
14 will; it doesn't mean we chose our circumstances, it
15 means we chose our attitudes towards our circumstances.
16 And that became kind of my motto, that, I did choose my
17 circumstances, I committed a crime that brought me here.
18 And now I had to choose what my attitude towards what my
19 life in here was going to be. It was both an
20 intellectual process but also, I think, a personal
21 process for me, and that was very, very important.

22 And, during all that time I also worked. I
23 worked in the library for a number of years, I then
24 worked in the print shop for a number of years. I
25 actually loved working in the print shop and got a lot

1 of skills, and also just liked doing something different
2 with my life. And then I started working in The
3 Parenting Center.

4 When I finished my Bachelor's degree, I went on
5 to get a Master's degree in psychology, and that was
6 independent study. Actually, the job I got before The
7 Parenting Center was one of the programs we built which
8 is -- when I got out of SHU, it was kind of the
9 beginning of the AIDS epidemic, and it created a real
10 crisis in here of fear, and stigma and also unmet needs.
11 And we met with the superintendent and asked her to --
12 if we could help address the problem. And ultimately,
13 our efforts led to the building of a program called
14 ACE - AIDS Counseling and Education. And I worked with
15 ACE for a number of years through the beginning of the
16 1990's. And in that work I did a lot of educational
17 work with people and also did -- I did care work with
18 people who were dying. We were allowed to spend time
19 with the women in what was then the inpatient care unit.
20 I think that it was a time when I had to think about
21 life and death, and was another way I had to think about
22 the death of [REDACTED], [REDACTED] and [REDACTED]
23 [REDACTED]. Because I think any time I have come close to
24 death, I have to look back at the deaths that I feel
25 responsible for. And being with a close friend when she

1 died in here was an honor in a certain way, but also was
2 a way to think about what's at stake when we are
3 reckless.

4 And then by about 1992, I think by then the
5 superintendent felt more comfortable with my being
6 responsible and transparent and allowed me to work with
7 [REDACTED] in The Parenting Center and my work
8 started out -- for 10 years I thought a prenatal class
9 for all the women that come in here pregnant.

10 When I had done my Master's degree, my thesis
11 was looking at the impact on the prison environment on
12 long-term mothers and their children, something that was
13 close to my heart. And in that work I reflected on how
14 could I have loved my baby as much as I did and yet left
15 her to commit this crime. And I identified, sort of at
16 a psychological level, the way which often times we
17 escape the conflict we recognize of by splitting and not
18 reckoning with that conflict, not acknowledging the
19 conflict and acknowledging our responsibility to make
20 choices. And in the work I did with the pregnant women
21 and ultimately.....

22 Q. We lost the connection for a moment. The last thing
23 you said was "....with pregnant women."

24 A.with the pregnant women, and ultimately the
25 nursing mothers who I came to work with. They're living

1 that first year that I had with my daughter, and they
2 also are facing conflicts: They love their children and
3 they are facing addiction, or they are facing other
4 issues. And I tried to bring my own experience and the
5 academic work I did to working with them to bring
6 together those split parts and look at themselves and --
7 most of those women are short-termers and we have a
8 short time with them to help them realize the most
9 important thing they can do is not get out of prison,
10 but to do the work they need to in here so they leave in
11 a safer way, and stay with their children and crime
12 free. And I've have continued to work in the nursery
13 for a lot of years since then.

14 Q. Okay.

15 A. There's two other things I want to talk about.

16 During in, I don't know, 2001 or '2, -- I have gone to
17 Jewish services the whole time I have been here. I
18 don't come from a religious family but I needed to, as
19 part of my process of becoming an individual and knowing
20 who I was, I had to -- it was important for me to
21 grapple with my identity as a Jew. And ultimately, that
22 led to a much more spiritual practice than I thought I
23 would ever have. That's been very important to me. In
24 that process I participated in a training that the
25 Christian chaplain did in here called Clinical Pastoral

1 Education, which is basically the training chaplains do.
2 For me, that was incredibly important for me because I
3 think my efforts to change were in part a cognitive
4 understanding of what I did but -- and certainly
5 involved a psychological understanding. But for me, I
6 felt like what I needed to understand and live out was
7 the kind of practice you do in that kind of work where
8 you meet someone fully, embracing they have their own
9 truth and their own reality. And it gave me words to
10 sort of experience what I was experiencing, and it gave
11 me a way to sort of move through this prison.

12 Before I got here today, I was talking to a
13 woman who has done 11 years and has a long sentence.
14 And she said to me, You know, you have an aura about you
15 that always makes me feel peaceful.

16 And I said to her that, in the face of what the
17 damage most of us have done to ourselves and others, the
18 one thing we can give each other is exactly that, a
19 sense of respect and good will.

20 And that's true for my peers and for the staff
21 here. And so, that work was important.

22 The final thing I will just mention was the DVD
23 you talked about, is from a writing group that a number
24 of us did with a woman named [REDACTED], where we used
25 our writing to explore many things. But a lot of what

1 we explored was our feelings about our crimes and coming
2 to contrition and to express contrition. And in that
3 same period was the period we helped to build a college
4 program we have now that's -- that is a college program
5 available to all women here that's run by Marymount
6 Manhattan, but started out as an effort to bring a
7 consortium of colleges. We worked with administration,
8 and the staff here and many volunteers to bring academic
9 resources back to Bedford when public funding was
10 eliminated. And I continue to be a mentor in that
11 program.

12 Q. The PBS DVD - and it's not the only DVD, but one of
13 several that were in the clemency materials - was
14 entitled *What I Want You to Do?* Is that it, or is that
15 something else?

16 A. *What I Want My Words to Do to You.*

17 Q. Okay. So this isn't titled right on this content
18 summary I have here. *What I want my words to do to you?*

19 A. Yes.

20 Q. I have in your primary folder from the facility, a
21 statement of remorse authored by you. It doesn't have a
22 date on it, and that's also in Mr. Zeidman's advocacy
23 packet. What the date on this statement that you wrote,
24 or what is the approximate date? When did you write it?

25 A. I wrote it when I did my first -- when I did my first

1 risk assessment; is that correct? I was asked to -- my
2 counselor asked for a statement of contrition. So I
3 would say it was in December, I think it was in December
4 of this year.

5 Q. Okay. December of 2016, you think?

6 A. Yes. Wait, December of last year, yes.

7 Q. Okay. So we have that. And as I said, it's
8 contained within your advocacy documents and it's also
9 contained within your primary folder.

10 I have copy of several certificates including
11 your diplomas. There's The PASS Award from 2003 from
12 The National Council on Crime and Delinquency, to the
13 writing group of Bedford Hills Correctional Facility.
14 Then there's a certificate, Workshops For Training in
15 Nonviolence, Alternative to Violence Project
16 Incorporated, and this is the Quakers' program you spoke
17 about.

18 A. Uh-huh.

19 Q. This was certifying that you've satisfactorily
20 completed the second level course in nonviolent conflict
21 resolution in 1994.

22 Volunteer Services Award for participation in
23 the -- I think this might have been Down on Violence,
24 DOV program?

25 A. Yes.

1 Q. 1994. Your successful completion of 100 hours of
2 Aggression Replacement Training in '07. A certificate
3 of achievement based on successful completion of 1995
4 through '96 Clemente Course in the Humanities, May 21,
5 1996.

6 Then your pastoral education successful
7 completion certificate, August 3rd, 2005. Then there's
8 one again for a different unit in clinical pastoral
9 education, April 30th, 2006. Many other certificates in
10 pastoral work.

11 And then we have a copy of your associate
12 clinical chaplain certification from The College of
13 Pastoral Supervision and Psychotherapy, April 12th,
14 2010.

15 I am not going to read all of the
16 acknowledgments, certificates and awards. I am going to
17 try to focus on certain ones.

18 Professional development credit from the Bedford
19 Hills Correctional Facility, The Children's Center,
20 October 6, 2011. You got dean's lists acknowledgments
21 in here. Norwich University Vermont College, conferring
22 you the degree of Master of Arts in '93, May '93.
23 Parenting Education certificate of participation from
24 '92 and one from '91 in Parent Education. Doula
25 Training Course. What's a Doula, d-o-u-l-a?

1 A. A doula is someone who is there for a new mother. On
2 the outside they would be there also during the birth.
3 But here we use that training to -- we were trained to
4 both be able to help the mother practically speaking,
5 but also kind of as a emotional support in the first
6 weeks afterwards, and it allowed us to, -- myself and a
7 number of the caregivers did that training. It was a
8 great training. One of the things I do with the new
9 mothers, I always talk to them about their birth
10 experience, because it's difficult to do it away from
11 home, and they need to process it in order to move on
12 and do what they have to for their babies and
13 themselves. So, that training was done by a midwife
14 from outside. She was really great. It was really a
15 great training.

16 Q. That was awarded to you October 4th, 2002.

17 Then there's one I would imagine would be
18 particularly significant for mothers in your situation.
19 This was a certificate of acknowledgment from the
20 Caregiver Staff Development Program of The Children's
21 Center, certifying your contribution as a teacher in the
22 area of infant development, and separation and
23 connection. I want to say this looks like it could be
24 '89, but it could be '99, too. I can't make out the
25 numbers.

1 A. '99.

2 Q. And that's signed by [REDACTED], among others.
3 Many certificates from the nursery program. HIV Test
4 Counselor Training Program in 2000.

5 Then, we spoke about Puppies Behind Bars. We
6 won't spend a lot of time talking about them. But you
7 got a certificate for many of the dogs. How many, how
8 many dogs did you train, and are you still training?

9 A. I am still training. I have a dog at present, named
10 Legend, who we hope will graduate soon. I raised and
11 trained 11 dogs over 15, 16 years. And some of those
12 dogs became -- in the early years we trained guide dogs,
13 and a number of them became explosive detection dogs and
14 went to law enforcement. I remember the first time one
15 of my dogs became a ADC, I think the superintendent was
16 there at the time, and I said like I felt it was karmic
17 justice. And I do feel it's been one of the ways I've
18 acknowledged trying to change my relationship to law
19 enforcement and protection of society.

20 COMMISSIONER STANFORD: Commissioner
21 Ludlow has a question on that point.

22 COMMISSIONER LUDLOW: Miss Clark, we
23 touched on puppies behind bars yesterday and I
24 commended you on your work on that. That is a
25 wonderful program. I think you made a very positive

1 contribution, especially with that. And, I have
2 noticed an article from the New York Times. I was
3 going to ask you this before the Chair commenced the
4 last question, but I will pick up on it.

5 Article from the New York Times

6 January 3rd, 2017, authored by [REDACTED]. I am
7 going to quote a paragraph from that. "Seated at a
8 small table with Governor Cuomo and Miss Clark were
9 the prison superintendent and Mr. Cuomo's chief
10 counsel. A black Labrador, Legend, being trained by
11 Miss Clark as a service dog for returning veterans
12 lay at her feet."

13 A. Yes.

14 COMMISSIONER LUDLOW: And, I find that
15 especially attractive. You testified that you have
16 fostered 11 dogs, a majority of which have been
17 Labrador Retrievers?

18 A. Yes, one Golden, the rest have all been Labradors.

19 COMMISSIONER LUDLOW: I have had
20 Labradors over the years. The loyalty of those
21 animals is unsurpassed; the intelligence level is
22 amazing; the bond they create with humans is
23 wonderful, wonderful. And I think the dogs that you
24 have trained that are helping veterans -- I believe
25 with PTSD?

1 A. Yes.

2 COMMISSIONER LUDLOW:afflictions
3 is highly commendable. The work those dogs do with
4 law enforcement, searching out drugs, explosive
5 materials, also extremely commendable.

6 Just a question. Well, another
7 observation about those dogs that I think comes into
8 play is the memory factor that an animal has,
9 especially those dogs.

10 A. Uh-huh.

11 COMMISSIONER LUDLOW: Their memory is
12 not to be underestimated in any respect. I said a
13 moment ago about the bond generated. Anybody who
14 has had the pleasure, the privilege of having an
15 animal of that quality, you know the bond is
16 unbelievable.

17 When Legend was with you and Governor
18 Cuomo, I am going to guess something. Tell me if I
19 am correct. Legend lied on the floor and he was
20 touching your feet throughout the meeting.

21 A. You are so correct, you are so correct, and that is
22 what he does. That tactile grounding, it really helps
23 me and I know it's going to help the veteran.

24 I think the other part of that work that has
25 been incredibly profound for me is that, in the last two

1 years we have been able to do a series of team training,
2 which is when the veterans come in here as a group and
3 our class-ready dogs are here, and we work as a team.
4 Those of us that are in Puppies Behind Bars work with
5 our trainers over two weeks to train the veterans about
6 how to utilize the dogs and all of the commands, but
7 also to give them a sense to the dogs as living beings.
8 I was lucky enough that the first training, I had a dog
9 that was Honor, who was there, and was class ready, and
10 I got to see her shift her connection from me to her
11 veteran. And then he was kind enough to come back
12 several times over the next year and talk about how it
13 changed his life. And I think that those trainings are
14 with people who have sacrificed so much and who bear
15 both visible and invisible wounds, have experienced a
16 lot of trauma. And so for me, I see them, and again,
17 always in the back of my mind is all the people who were
18 killed and traumatized in my crime. That's what's in my
19 head. But to be able to sort of say in this moment,
20 Here is someone whose life gets changed. And they talk
21 about the bond that the dog did, and what changes them
22 is the bond that they have with that dog. And, it's
23 great.

24 COMMISSIONER LUDLOW: The fact Legend
25 was lying on the floor, touching your feet, was not

1 coincidental or accidental.

2 A. Exactly.

3 COMMISSIONER LUDLOW: Anyone who has
4 had those dogs knows it's a trademark of the bond
5 generated.

6 A. Yes, it's really, really true. To me it's been such
7 a privilege to be able to live with dogs.

8 COMMISSIONER LUDLOW: As I read this
9 paragraph, I immediately thought of my own
10 experience and I wanted to ask you if that was what
11 you experienced. And I suspected that I was going
12 to be correct. Thank you very much.

13 A. Yes, yes. I sort of wish I had him with me now, but
14 I didn't think it was appropriate.

15 COMMISSIONER LUDLOW: And those dogs
16 understand English, too, don't they, very well?

17 A. They do, you are so right. Thank you so much.

18 BY COMMISSIONER STANFORD:

19 Q. I had the privilege of attending a graduation
20 ceremony, at your facility, in fact.

21 A. Yup, I remember.

22 Q. It must have been one of the last graduating classes
23 of dogs. And to hear the stories of servicemen in that
24 group who were receiving those beautiful animals was
25 very moving. And it occurred to me, the work that you

1 and others in Corrections are doing is part of a thread
2 that really connects people to healing.

3 A. Yes.

4 Q. Connects those of you who are participating to
5 healing, to those who are hopefully receiving the
6 healing in receiving these beautiful animals, and we
7 hope spreads the healing beyond. Because, people who
8 are healed don't hurt other people.

9 A. Correct.

10 Q. And certainly, I've come to notice over the years
11 that hurt people hurt people. So, if you have fewer
12 hurt people, then you will have fewer people who are in
13 turn hurt. And that may also be a way that you can
14 honor the memories of the people who have been so
15 profoundly hurt.

16 A. Absolutely.

17 Q. Because, you know, some of these babies that are born
18 to the mothers incarcerated, through your efforts
19 again -- and this is separate from the dogs and maybe
20 more significant because we are talking about human
21 beings now who have power and choices to do great damage
22 if they are hurting themselves. And certainly, a child
23 whose mother is in incarcerated can take a very bad turn
24 in life, there's a lot of hurt there. So, if you're
25 able to reconnect mothers to these children, then maybe

1 we are not seeing at least not just one individual, but
2 a generation worth of individuals who then, in turn,
3 won't have the empathy required to not hurt other
4 people, to not commit the kind of violent crime that you
5 are serving time for. I think there's real power in
6 that, real hope in that. So for me, that's a great part
7 of the significance of the work you are doing with
8 mothers and their children.

9 And I just wanted to highlight a couple of the
10 *Spirit on the Inside* photo essay collection. This was
11 presented by an [REDACTED]. It's a photo of her and her son
12 [REDACTED] who was two in the photos. She only served one
13 year. She says, "When I gave birth to [REDACTED] in prison
14 I still had the urge to get high, but Judy told me that
15 nobody in this world will love your child like you do,
16 and no one will do as good a job of raising him as you
17 will and, that, I better take a good hard look at what I
18 was doing and who I wanted to be. She said, 'You are
19 going home one of these days; a lot of us aren't, but
20 you are.' And thanks to a lot of all of advice and care
21 I got from Judy, I'm not getting high. I'm in college,
22 I'm off parole, and I have [REDACTED] and I love him so
23 much."

24 Then there was an interesting one because this
25 one was a mother and daughter who had both been

1 incarcerated at the same time at one point. So [REDACTED],
2 who was 65, at lease at the point of this writing, had
3 served almost 25 years. And [REDACTED], who was 45, with
4 [REDACTED]'s grandson [REDACTED] and was 11 months in the
5 photograph, who served almost 10 years. [REDACTED] says,
6 "Judy helped me grow personally and educationally. We
7 were both inmate advocates for the pregnant women and I
8 learned so much by working side by side with her. She
9 also tutored me when I was in college. She was my
10 friend as well as my mentor. When my daughter [REDACTED] got
11 convicted and came to Bedford, it was really difficult.
12 [REDACTED] mediated disputes between us and she was very
13 supportive of us and of [REDACTED] three children. She
14 helped all of us cope with prison life and helped us
15 move in a more positive direction. Today my daughter,
16 three grand-kids and my great-grandson have a close,
17 loving relationship. I give thanks to Judy for this."

18 And then [REDACTED] says, "Any time I needed to talk
19 about anything, Judy was always present, and I mean
20 present in every sense of the word. She listened, she
21 was attentive, she was caring, she was resourceful. At
22 one time I had a physical altercation and she advocated
23 for me, even though she was also friends with the other
24 person. She stepped in, she got letters from the other
25 inmates, and the disciplinary I had received was

1 overturned. I would never have made clemency if that
2 ticket had remained on my record. Judy played a big
3 role in that."

4 So again, here's a great example how hurt people
5 continue to hurt themselves and sometimes other people.
6 And these two women, mother and daughter, and certainly,
7 I would think, reasonable to think that, part of the
8 daughter's struggles were maybe as a result of not
9 having her mom, maybe her example not being the best it
10 could have been, or their relationship being strained,
11 committed her own crime that had her serving almost 10
12 years. So it couldn't have been some minor little
13 thing. And yet they found healing through your
14 intervention.

15 A. Yes.

16 Q.and your wisdom. And so, I want to ask you about
17 wisdom. You talk about the role that mending the split
18 in your own life in terms of your feelings about
19 motherhood and group thinking, how that started you on a
20 path toward healing, and reconciliation and other
21 positive things. Current events, September 11th, the
22 death of [REDACTED], and so many, seems to me critical
23 moments where things happened, realizations occurred
24 that led you to grow. What role do you think just
25 maturity has to do with where you are today? How old

1 are you today, ma'am?

2 A. I'm 67. And certainly, I think maturing is part of
3 it, though I would say that each of us in here has a
4 choice, and an ongoing choice. So, I know people who
5 are in my age in here who haven't yet decided to open up
6 to themselves, though I think that people do that and,
7 you know, people move forward and backwards.

8 But, I think for me, the chance to do all the
9 work that we have just talked about and the opportunity
10 to be honest about myself with other people, to say, I'm
11 not special, my case is not a special case. My sentence
12 may be longer than other people's sentences, but I did
13 violence, I allowed myself to not take responsibility
14 for my own inner sensibility, I didn't respect my fear,
15 I thought being tough was the stance I needed to be.
16 But those ways of being meant that I could empathize
17 with women in here who may come from different
18 backgrounds than I do, but who essentially have some of
19 those issues. I think it gave me a certain humility
20 about where people were at in their change and a sense
21 that -- I think when I first reckoned with how terrible
22 my crime was, like most of us I just got frozen in
23 guilt. And, I had really wise people urge me that guilt
24 wasn't going to get me very far; I had to take my guilt
25 and use it to enliven my life in new ways. And, so, I

1 think when I have done the work that you have talked
2 about, whether it's with puppies, or with the mothers,
3 or my peers, or the relationships I have with respect to
4 staff, in each of those instances I learned to open up
5 to other people, and to know they have the spark of
6 divine in them that I have in me. I think I eliminated
7 the idea that there are enemies, you know. And this is
8 what I say all the time to nursery mothers: You are
9 fighting with someone who you have more in common with
10 than you have differences with. You know, you may not
11 like this new rule, but the officer may not like it
12 either, but this is our reality. The wisdom I have now
13 is that we are all interconnected, and anything I do on
14 any day is going to affect all sorts of people that I
15 might not know of. So, you know when I read *Spirit*, the
16 book you are quoting from, it moved me. You know, it's
17 not like I am happy every day I am in prison, but that,
18 those connections we built made a difference in my life
19 and it made a difference in their life. And so, if I am
20 in a bad mode, that makes a difference too. And I don't
21 want that to be the difference I make; I have done that
22 already, I caused the harm.

23 The other wisdom, I think my daughter has taught
24 me an enormous amount. The one thing I knew really
25 early on is that I wanted her to not identify with my

1 crime. I wanted her to love me, but I didn't want her
2 to identify with my crime. And I wanted her to know me
3 fully so that she could hold me to account for what I
4 did to her. And I think I learned from her the power of
5 being vulnerable and transparent. I think that people
6 think you are powerful when you are tough, you know, I
7 thought I was powerful by shutting off. But when I look
8 back, the idea I couldn't even see the people in that
9 courtroom and their hurt, that's not power, you know,
10 that's the total opposite. And I watched the power of
11 being transparent and vulnerable with my own daughter,
12 so that, you know, I think she has hurt in her life, she
13 faces anxiety, she faces grief, she faces the burden of
14 worrying about me now that she's an adult. But she
15 knows deeply that I've committed my life to change, and
16 she says it makes her to have courage to know when she
17 makes mistakes in her life - hopefully far less grievous
18 than my own - that she can learn from those mistakes and
19 build a life. She's my bellwether in a certain way.

20 You talked yesterday about [REDACTED] letter.
21 Before [REDACTED] could write a letter in my support,
22 several years ago she came and visited me and said, I
23 need you to hear my experience that day.

24 That was very important for me, to have a person
25 who was terrorized and whose whole life was changed

1 because she had to spend a whole number of years in her
2 life defined by that crime and all of the, you know, all
3 of the trials. And, to look her in the eye to say, I'm
4 sorry. And then I learned from her willingness to
5 accept my apology, I think in the same way I learned
6 from Mr. Ludlow talking about the victims in the
7 passionate way that he did and what they experienced
8 that day. Each I'm hear that, each time I think about,
9 that there's more to learn from it, there's more of a
10 sense of my own need for compassion. I think it's true
11 I can't ask for compassion if I'm not living out
12 compassion, to anyone, especially to people I might be
13 upset with, or who are doing things that might affect me
14 or upset me. And that has allowed me to live a decent
15 life in this prison, you know, and would hopefully allow
16 me to live a decent life on the outside as well.

17 And I have also learned from people who have
18 been victims of other crimes who have come to see me.
19 There's a woman named [REDACTED] whose brother was
20 killed in 911, and she was talking to someone she is
21 close to and saying her frustration that she could never
22 meet the people responsible for his death and understand
23 how could they do that. And that person had said, I
24 know the person who can talk to you about their
25 experience.

1 In talking to her has really been a profound
2 experience for me because it's both -- it's helped me
3 reckon with the humanity of how the pain and loss is
4 forever, and it makes me that much more aware that, in
5 my crime -- you know, this case is a big case and right
6 now I'm sort of the focus of it. But I'm not the center
7 of it. The center of this story and tragedy and all the
8 years since are the families that have gone on to live
9 their lives in the face of the losses that they
10 experienced, and it's their experience that's at the
11 core of this story. And that's who I have to look to,
12 to reckon with myself.

13 Q. Thank you. I want to go through some of the standard
14 documents that we have at our disposal that help us to
15 make our decision.

16 There's no disciplinary history, record of
17 disciplinary history for you, within New York State
18 records. You talked about Special Housing in the early
19 days based on some letters that were written, and that
20 might have been before they were recording those
21 disciplinary incidents.

22 A. Correct.

23 Q. Did they even have them categorized the way they do
24 now in tiers, at that time? Do you know?

25 A. Yes, it was a Tier-III, it was a Tier-III ticket, my

1 only Tier-III ticket. And after that, there were no
2 more.

3 Q. The nature of the letters, for someone else to
4 characterize it as an escape sort of communication, were
5 you soliciting help? Were you making plans? What was
6 the nature of the correspondence?

7 A. I guess I had descriptions of, like, the layout of
8 the place. I don't think there was any -- and the
9 people I was writing to were fugitives, and I think they
10 were sort of saying, you know, maybe we can break you
11 out. I never thought these people could break me out, I
12 never thought I would ever want to do something like
13 that. Not because I thought it was wrong at that point,
14 but I thought it was impossible. But I had this desire
15 to keep in communication. In a way it was -- when I
16 ended up in SHU for those letters is when I began to
17 say, What I am willing to risk for the sake of a
18 fraudulent dream and being connected to people? Who am
19 I and who are they and how do I start to get my own
20 ground? It was realizing that I had written these
21 incendiary letters just for sake of being connected and
22 not wanting to be seen, you know, as giving up. That,
23 once again, put me a terrible situation and made it
24 harder for my daughter to visit. And sometimes I think
25 we do something in here that kind of repeats some of the

1 same aspects of our crimes, not necessarily as
2 devastating a level, but which is the first thing that
3 wakes us to the fact that something is wrong. For me,
4 it was that, the stupidity of that, that made me say, I
5 have to stop caring about my affinity to a group, and
6 start discovering and examining who I am.

7 Q. What years were those letters written?

8 A. 1984.

9 Q. What period of time were you in Special Housing, do
10 you recall?

11 A. From September 1985 to September 1987.

12 Q. Was there any more communication with any of those
13 fugitives or others more radical persons after your
14 Special Housing experience?

15 A. No, that was it. Actually, at a personal level --
16 first of all, back then you could have more visits than
17 you can now. And I said, you know, I don't want people
18 to come in political solidarity. I had friends who came
19 from my same political background, but they were busy
20 rebuilding their lives. Many other lives were disrupted
21 and shattered and people had to examine their
22 priorities. I stayed friends with some of those people,
23 especially the people helping to raise the children I
24 was close to, as well as my own. But I cut off all
25 contact with, sort of, that whole political prisoner

1 scene.

2 Q. Did you recognize at the time of the writing, or in
3 the aftermath when you were left to think about the
4 potential consequences, was there a moment at least
5 where you recognized if someone had tried to help to
6 help you to escape who was on the outside, more violence
7 could have ensued with prison authorities, that, if
8 someone came armed using the information you were
9 providing, more people could have been injured or
10 killed?

11 A. Absolutely. I think -- I actually remember a long
12 conversation with an officer that was a SHU officer at
13 the time who asked me -- because there were a lot of
14 rumors about why I was in SHU. And in some ways you got
15 -- many stories that were not true got blown up about
16 it. And so that officer asked me, What really happened?
17 And I explained. And I remember that conversation, I
18 had probably been there about six months by then. And
19 she looked at me, and said, You know, you are so
20 cooperative, and I can't even imagine that. And I said,
21 I am, but I am only beginning to realize I can't be
22 cooperative on the one hand and then still think in
23 certain ways, or stay connected or be impulsive for the
24 sake of my group connection because, there can be
25 consequences. And that officer was someone who is long

1 gone, but they had been involved in something, an
2 incident in a prison and they told me about the
3 incident. And they said, I want to hear what it was
4 like. And I took that in, and I really swore to myself
5 I would never, ever, ever do anything inside, outside or
6 anywhere else that could spin out of control in any way,
7 and that I -- it was when I began to realize that just
8 violent rhetoric - forget about the use of violence -
9 the violent rhetoric can lead to terrible consequences.
10 And that's when I stopped doing public writing. And
11 also because I got to know officers and the difficulties
12 of their job in that situation, and it began to change
13 my attitude toward people in uniform.

14 Q. We have your risk assessment. I think it's
15 noteworthy to say the assessment is built in such a way
16 that it sort of has internal mechanism to test certain
17 things. There's something on the assessment risk
18 probability and summary part of it that's titled
19 *Defensiveness Scale*. And, as a result of your
20 assessment, on the *Defensiveness Scale* it states, "No
21 potential faking concerned." I imagine if there's
22 certain answers that fall a certain way, the instrument
23 would send up a flag to suggest that perhaps this person
24 is faking, and it pulls that out of certain replies.

25 On the "*Recommended Supervision*," you're

1 recommended without an override at the moment, to be
2 supervised as a status 4 case, which is the lowest level
3 of supervision that the community supervision provides
4 for. Of course, community supervision can override
5 that, if they see a reason, for whatever reason they
6 deem appropriate.

7 In terms of *Random Response*, it states, "No
8 inconsistent response concern." Again, another sort of
9 internal mechanism that the instrument uses to sort of
10 validate and be able to make statements about the
11 quality of the responses.

12 On the assessment itself, it says that you are a
13 low risk of felony violence, 1 out of 10; low risk of
14 arrest, 1 out of 10; for absconding, 1 out of 10. This
15 is the lowest risk possible by this tool. Criminal
16 involvement is rated at a 3 out of 10, which is
17 characterized as low; history of violence is rated as
18 medium, 6 out of 10; prison misconduct is rated as low;
19 and you are unlikely to have criminogenic needs which
20 statistically, through the use of the instrument, would
21 tend to lead a person back, or to make a person more
22 likely to commit new crimes or have some vulnerability
23 because of these need areas. So, you are unlikely to
24 have criminogenic needs that this tool looks at.

25 We also have your Case Plan. Your plans in this

1 instrument are unique in that they are completely
2 forward looking. Obviously, you have done a lot of
3 recommended programs and beyond over the period of
4 35 years that you have been serving. So your Case Plan
5 looks beyond prison, in my opinion. You can correct me
6 if you think my assessment is wrong. But, you have a
7 goal of obtaining employment; another goal of continuing
8 to work with the Hour Children, and PPB upon release --
9 I presume, Puppies Behind Bars?

10 A. Yes.

11 Q. It should be PBB?

12 A. Yes.

13 Q.obtain your Doctorate of education; develop
14 positive peer support.

15 And then it goes back. It looks like you have
16 the forward looking at the front of the document, and
17 toward the end of it are goals you had leading up to
18 this moment and leading up to potential release, because
19 you had a goal of working on clemency -- this start date
20 was 2013; and to live with family is another goal. And
21 then "to continue to work in the nursery and raise my
22 dog." So those clearly are older goals.

23 We have the sentencing minutes which we
24 referenced at great length yesterday. And at your
25 sentencing, appearing as legal advocates for the

1 defendants present which included you, Mr. Gilbert and
2 first name Kuwasi Balagoon, also known as....

3 A. Donald Weems.

4 Q. That's Mr. Weems' also known as.

5 So, present for the three of you, and listed
6 here as legal advisors for the defendant -- because I
7 don't think they were acting in the more traditional
8 legal attorney capacity for you?

9 A. Correct.

10 Q.are listed, Judith Holmes, Susan Tipograph, and
11 Lynn Stewart. And I recall Commissioner Ludlow
12 mentioning Miss Tipograph's relationship not being a
13 more traditional attorney/client relationship.

14 Nonetheless, because we do reach out for
15 official statements from attorneys, particularly looking
16 for statements from attorneys who represented the person
17 at the time, to the extent that she was counsel provided
18 by the court to do something for you, she did respond to
19 a letter requesting official statement. This letter
20 returned to the Department dated February 14th, 2017. I
21 am just going to read just portions of it. "While I
22 have not seen Ms. Clark in many years, we have continued
23 to exchange holiday and other greetings. I have
24 followed the progress of her case and I have been
25 friends with her lawyer, Steven Zeidman," Z-e-i-d-m-a-n,

1 "....for many years. I have also remained in contact
2 with her daughter [REDACTED]. I was heartened by Governor
3 Cuomo's decision to commute her sentence so that the
4 Board of Parole can decide whether Ms. Clark should be
5 released. I strongly urge you to grant her release
6 under parole supervision. After practicing criminal law
7 over 40 years, I am mindful on the terrible toll that
8 crime and violence have on communities, victims,
9 families and even on the accused. I do not minimize the
10 suffering that has been experienced by the families,
11 friends and colleagues of the three men who were killed,
12 nor am I in any position to suggest to any of them as to
13 how they should grieve or how best to achieve 'closure'
14 for their terrible loss. The determination of this
15 board must be made, however, on your own guidelines as
16 to whether Ms. Clark has taken full responsibility for
17 her crimes and whether she will live a law-abiding life
18 were she to be granted her release on parole. By all
19 accounts, the answer to both questions is an unequivocal
20 yes." She talks about you taking responsibility for
21 your actions leading up to and including the events of
22 October 20, 1981. "She has done so publically,
23 privately and unequivocally." And there's more, but I
24 think that's the most significant.

25 I do want to address some of the information,

1 other information, contained within your advocacy
2 packet. It's so much information, we can't possibly
3 review it all on the record, but I want to let you know
4 the breadth of documentation that we have received, that
5 the three of us are reviewing, and to create some record
6 of it so that the record stands for itself in terms of
7 the scope of it all.

8 One of the things that Professor Zeidman cited
9 in his letter was I think of note. He says, "Thirteen
10 of the fourteen former living presidents of the New York
11 City Bar Association urge Ms. Clark's release. These
12 leaders of the legal community include former state and
13 federal prosecutors, judges, law school deans, counsel
14 to then Governor Mario Cuomo, law firm partners, the
15 first African-American and the first female president of
16 the City Bar, and corporation counsel for the city of
17 New York. In there words, and he's quoting their
18 letter, "The undisputed horrendous nature of Ms. Clark's
19 action 35 years ago, can not be the sole reason for
20 denying her release. An examination of the record
21 demonstrates there are *no*," and it's emphasized in bold,
22 "**other reasons of which to base a denial of parole.**"

23 And then he goes through recent letters of
24 support. He cites [REDACTED], who is cofounder of
25 the Nobel Peace Prize Nominated Organization;

1 September 11th, Families for Peaceful Tomorrows, and
2 includes their Website. Her brother [REDACTED]. was
3 killed in the 911 attacks. She talks about, in her
4 letter, which we have a copy of in the exhibits, wanting
5 to meet you to be able to talk to someone who had once
6 been in the position of a zealot that might help her to
7 understand the crime that was committed against her
8 brother and hundreds of others, in fact, over a couple
9 thousand. But she says -- where he quotes is, this
10 section is bolded, **"Judy's life is the embodiment of the
11 very outcome we strive for in our criminal justice
12 system. No one can ever bring back our deceased loved
13 ones, but there remains an opportunity to bring some
14 solace to the living, and some redemption from a
15 senseless and tragic crime. Releasing Judy Clark is a
16 courageous step in that direction and I strongly support
17 the board in doing so."**

18 And then [REDACTED], whose car was commandeered
19 by a Brink's perpetrator right after the shooting on the
20 bridge, and testified against you at the trial. She
21 describes herself as survivor of the Brinks robbery.
22 She goes on to say, "I spent the next several years
23 testifying to what happened. I felt a huge
24 responsibility to see that justice was done to make sure
25 that the perpetrators were punished."

1 She goes on later in her letter to say, "I
2 commend Governor Cuomo for the courageous decision he
3 has made in commuting Judy Clark's sentence. I have
4 followed Judy's life in prison through friends who work
5 in Bedford Hills, and my own experience as a volunteer."

6 Later she says, "She has work hard to atone for
7 her crime. We send people to prison for rehabilitation,
8 to correct their behavior, to atone for their crimes,
9 not to be warehoused for the rest of their lives. Judy
10 Clark is a perfect example that the prison system can
11 work."

12 I found another one very interesting, among the
13 many letters of support, from [REDACTED],
14 [REDACTED], an educator, whose son is a police
15 officer. And she writes as the mother of a New York
16 City Police Officer. "I realize full well the
17 unmitigated grief experienced by the families whose
18 innocent loved ones have died as a result of this 1981
19 crime. I have nothing but empathy for them, and I am
20 not sure that I could ever endorse the parole of anyone
21 who harmed my son who works so diligently to protect the
22 citizens of NYC. But perhaps this is why Parole Boards
23 are charge with these making decisions, decisions too
24 fraught with emotions for the families of victims. I
25 know that your role is a weighty one. For as you

1 undertake your deliberations, I hope that you find that
2 it is now time to grant parole to Judy Clark. By
3 granting her parole," she goes on later to say, "...you
4 will affirm the evidence of her rehabilitation and
5 provide her with the opportunity to expand her work to
6 help others behind the walls of prison."

7 And then there was [REDACTED], who is a
8 resident and homeowner in Nyack, New York, in Rockland
9 County. In addition to her own letter, she has
10 submitted a letter signed by a hundred fifty Nyack
11 residents supporting the commutation, and a letter
12 signed by 75 residents of Rockland County urging that
13 you be granted parole. She states, "We are all united
14 in our hearts as we recognize the tragedy of the Brinks
15 crime. Over the past years I have talked to hundreds of
16 residents about Brinks and about Judy Clark."

17 Later she says, "I realize how many in my
18 community share my sadness and frustration that some of
19 our neighbors want to keep this tragedy alive and the
20 vengeance deep. Nyack is progressive community. So
21 many feel that Judy Clark is an amazing example of
22 redemption and that recognizing her redemption would do
23 more to honor the lives that were lost than the unending
24 anger and vengeance."

25 So, we do have boxes of petitions with

1 signatures. Of course I don't know if you know this, if
2 you are able to keep up with current events, but we
3 received, just in the last few days, a petition signed
4 by nearly 10,000 concerned citizens, presented to us by
5 New York State Senators, urging us to deny your release,
6 but acknowledging you as a driver of a getaway car.
7 Four boxes, in fact, of signatures were delivered to our
8 central offices.

9 Additionally, we've received the clemency
10 materials, which are in their own right, boxes of
11 materials in support; and random submissions, as well,
12 online by letter to the facility, through the Website.

13 In terms of the nature of your support in the
14 communities who support you, of course we've got letters
15 from your own family members, which include your
16 daughter, letters from friends and family; letters from
17 people who know you through your work at Bedford Hills
18 and the programs that we've described; letters from
19 formally or currently incarcerated women; letters from
20 people who have been influenced by you not already
21 mentioned in other places; letters from survivors of
22 violent crime, and this section includes the letter from
23 [REDACTED] and [REDACTED], as well as [REDACTED],
24 [REDACTED]. Her husband was killed in the 911 attack
25 and she appears in a documentary film, *The Power of*

1 *Forgiveness*; letters and petitions from residents, and I
2 think those are part of the ones referenced by [REDACTED]
3 [REDACTED] and Mr. Zeidman; letters from religious and
4 spiritual leaders, both in the Jewish community and
5 Protestant community, and I think even the Catholic
6 community is represented here; letters from people who
7 work in criminal justice, California Coalition for Women
8 Prisoners; Transition to Freedom Mentor, Riverhead
9 Correctional Facility; a former chairman of the New York
10 State Parole Board; Amnesty International; Osborne
11 Association; another former member of the New York State
12 Parole Board; former NYPD deputy inspector; Touro Law
13 Center professor, medical doctor; [REDACTED], who I
14 referenced earlier, retired superintendent at Bedford
15 Hills; and professor emerita from CUNY, two letters;
16 letters from the legal community -- former New York City
17 Bar Association presidents that I referenced a moment
18 ago from Mr. Zeidman's letter; Women's Bar Association
19 of the State of New York; New York County Lawyers
20 Association, Criminal Justice Section and Civil Rights
21 and Liberties Committee; deans and directors of clinical
22 programs at every law school in New York State; Sara
23 Bennett, who was your pro bono clemency attorney between
24 2008 and 2015 and the author of the book we've
25 referenced; two individuals who represented and worked

1 with you in a class action concerning the treatment of
2 mentally ill inmates; and a retired attorney from the
3 New York City Law Department; letters from writers and
4 artists; letters from community members, I think I
5 referenced that, it looks like a familiar list; and then
6 letter from elected officials.

7 This is one I wanted to specifically reference.
8 This is dated March 28th, 2017. "We the undersigned
9 elected officials write to express support for Governor
10 Andrew Cuomo's recent grant of clemency and to urge the
11 Parole Board to follow suit toward a more just and
12 compassionate criminal justice system." And, it says,
13 toward the end, "At age 67 and after 35 years in prison,
14 Judy Clark is among the oldest and longest serving women
15 in New York State prison. We ask you consider who she
16 is today in 2017 and not who she was in 1981, and employ
17 you to grant her release." Among the signatures are
18 Congress members, [REDACTED], [REDACTED],
19 [REDACTED], [REDACTED], [REDACTED], [REDACTED],
20 [REDACTED]; then there are state Senators. And, I
21 mean the list goes on and on and on. I won't read
22 everyone's name, but those at the beginning include
23 State Senator [REDACTED], [REDACTED], [REDACTED]
24 [REDACTED], [REDACTED], [REDACTED], [REDACTED] - a
25 former state Senator.

1 Then you have several Assembly members which
2 include [REDACTED], [REDACTED], [REDACTED];
3 Brooklyn Borough President [REDACTED]; [REDACTED],
4 Manhattan Borough President; [REDACTED], New York
5 County Democratic Committee Chair; [REDACTED], the
6 Controller for the City; former Mayor [REDACTED]. As
7 I said, and many, many others.

8 And then people sent letters on their own,
9 unconnected to more lengthy signers on other letters.

10 Yes, how could I forget? We recently received a
11 letter from Mayor [REDACTED] as well.

12 A. Oh.

13 Q. Again, on the other side and in opposition as well,
14 letters from officials from every strata of government.

15 COMMISSIONER LUDLOW: We acknowledge a
16 letter from the Monroe County Legislature, in
17 particular the Clerk of the Legislature, [REDACTED]
18 [REDACTED], a letter of opposition to your release,
19 Ms. Clark, signed by a number of members of the
20 Monroe County Legislature. Monroe County is greater
21 Rochester. I think there are 19 of 29 members
22 opposed. We have official correspondence in that
23 regard, various e-mailed statements of opposition.
24 And, as the Chair has referenced, likewise, numerous
25 letters of support.

1 This panel has a very large and
2 serious task before it. The amount of material for
3 us to review is - to say it's large would be an
4 understatement.

5 A. I understand.

6 COMMISSIONER LUDLOW: But under the
7 Executive Law, as you probably know, Executive Law
8 259, we are required to consider the breadth and
9 scope of all of this material. The weight that we
10 give any particular item is allowed by law, allowed
11 by statute, to be within the discretion of the
12 panel.

13 A. I understand that.

14 BY COMMISSIONER STANFORD:

15 Q. On the letterhead of the Office of the Sheriff,
16 County of Rockland, where [REDACTED] is the
17 sheriff, [REDACTED] is an undersheriff, [REDACTED]
18 is an undersheriff, a letter authored by Undersheriff
19 [REDACTED] was sent, and he is one that alleges that after
20 your vehicle was crashed, you were reaching for a
21 .38-caliber pistol, and, that a handbook found in the
22 vehicle with your identification also contained an
23 additional loaded magazine for that pistol, "So make no
24 mistake, she was he was not simply a driver, but an
25 active participant in this heinous crime." And you had

1 an opportunity to address that claim yesterday when we
2 were speaking.

3 We also did get official statement from Rockland
4 County District Attorneys' Office. As you can imagine,
5 with cases with lengths of sentence such as yours, even
6 under normal circumstances - not even including your
7 situation that includes a commutation - often times the
8 DA's office that was actively involved in the trial and
9 prosecution is not in power by the time the day comes
10 for the interview. Thomas Zugibe, Z-u-g-i-b-e, is the
11 DA now in Rockland County and wrote a letter on behalf
12 of his office.

13 Additionally, the judge -- I don't know
14 personally if Judge Ritter is deceased, I believe he may
15 be -- but the administrative judge for his district
16 authorized and designated another judge of Orange County
17 Court to submit a statement on the behalf of the court.
18 And, in the language of the law, it simply requires
19 official statement from the court or the district
20 attorney, so it doesn't have to be the specific person,
21 but a representative of that body. And so, the
22 Honorable Nicholas De Rosa was designated for that
23 purpose in your case. He talks about his experience
24 working with Judge Ritter for many years and even having
25 opportunity to talk about the case with Judge Ritter

1 over the years. And he notes in his reply to the
2 request for official comment, that Judge Ritter was very
3 specific and very clear as to the reasons for his
4 sentence, and he refers to pages in the sentencing
5 minutes. He says -- Judge De Rosa says, "Those
6 statements by the sentencing judge more than 33 years
7 ago were logical, relevant and appropriate and just, and
8 those thoughts are no less logical, relevant, and
9 appropriate and just today." He says, "Having been a
10 colleague of Judge Ritter for nearly two decades, I can
11 safely say that his opinion as to this case and his
12 sentence never wavered or changed."

13 I think I have reviewed the comments from all of
14 the officials, past and present, that we have that are
15 specifically referenced in Executive Law, for our
16 consideration.

17 Something that [REDACTED] said stood out in
18 my mind, as we close out this section of our interview.
19 She said, in a letter dated January 13, 2017 -- and I
20 think this was a -- fairly certain this was a letter of
21 support for you, [REDACTED]. She references the
22 importance of liberation, if not of the body, then of
23 the mind.

24 And, I often think of liberation something
25 bigger than where you are physically, especially in the

1 context of this work that we do. And, my question to
2 you is, are you free?

3 A. It's interesting, you know, we are about to celebrate
4 Passover which is a celebration of liberation. And,
5 when we have our seder in here, there's always the irony
6 we are celebrating liberation in a prison. I think my
7 answer to that goes back to what that professor said all
8 those years ago which is I have the freedom to choose
9 how to approach each day of my life, and I have that
10 whether I am in here or outside. I am burdened by my
11 remorse, and by my regrets and shame for the damage I
12 caused each day, living in here and living outside -- or
13 living outside. I think freedom is never absolute,
14 that, the freedom I have now is that I am more
15 responsible for myself, which allows me to be flexible,
16 which allows me to live with the kind of ambiguity and
17 honesty, the self-honesty that made me very unfree, and
18 allows me to be responsible for myself rather than look
19 to others to make me feel secure because of their
20 opinions. So in those ways I am free. On the other
21 hand, I live in an institution that's very, very
22 contained, and very, very structured and is in the great
23 way about separation. And I feel that, and my family
24 feels that, and it's not a small deal, you know, it's
25 not -- and many people have said to me -- or, people who

1 have said to me, people who are in opposition of my
2 getting out, have said, Well, we agree, she does good
3 work, let her continue that work.

4 And I think about what it would be like to live
5 in a larger society and to be more responsible for
6 myself than when you are in an institutional setting. I
7 think, in a way, it's greater freedom but it's also
8 greater responsibility. I look forward to it and I hope
9 that happens. I think that, my state of mind will
10 remain very similar whether I am in here or out there in
11 terms of wanting to live openly, live honestly and
12 generously, and wanting to continue to reach out to, and
13 apologize and feel indebted to all those that were
14 harmed, and specially to the families of [REDACTED]
15 [REDACTED], [REDACTED] and [REDACTED]. And also to
16 those who were injured, to [REDACTED]. I certainly
17 think about those who lost lives, but I know that those
18 who were injured and experienced the trauma of that day
19 live with that trauma forever. So I'm always connected
20 to them, which in a way is freedom and is in a way a
21 yoke that I carry whether I'm in here or out there.

22 COMMISSIONER STANFORD: I want to move
23 on to future plans, release plans, opportunities and
24 then some closing. But before I move on, is there
25 anything my colleagues would like to ask about the

1 section we have been dealing with in terms of known
2 opposition and support?

3 COMMISSIONER LUDLOW: I think, Chair,
4 you have covered that extensively and there's
5 nothing further I can add on that topic.

6 COMMISSIONER THOMPSON: Nothing
7 further.

8 BY COMMISSIONER STANFORD:

9 Q. Well, we will move on, then, and talk about the
10 future.

11 We know the organization that you reference --
12 and there's a letter of support from both an individual
13 that works for that entity, as well as a letter from
14 them directly, Brightpoint Health, [REDACTED],
15 President and CEO, says, "I am able to offer her,"
16 speaking of you, "...employment at Brightpoint Health
17 when she is able to return to the community. She would
18 be a valuable addition to our organizational cultural
19 department as an assistant to the director. This
20 position would entail working with our employees
21 throughout the organization. This involves leading
22 group trainings, conducting surveys, organizing and
23 promoting special events and programs. I very much look
24 forward to having Judith Clark to be a part of
25 Brightpoint Health and contribute to our mission and

1 values in the coming years."

2 Now, who is the employee who also works for
3 Brightpoint Health who is a supporter?

4 A. [REDACTED].

5 Q. [REDACTED]?

6 A. She's their medical director.

7 Q. [REDACTED]?

8 A. [REDACTED].

9 Q. And, [REDACTED] is also your friend from the early
10 days whose daughter is half-sister of your daughter?

11 A. Correct.

12 Q. And she is also making a residence available for you?

13 A. Correct, correct.

14 Q. Does she live at the residence that you would be
15 residing at?

16 A. Yes, she lives there. It's a large apartment that
17 several other people in the family used to live and now
18 they are grown and gone. And she lives there alone, and
19 it has three bedrooms. So she has room available to me
20 and is there to support me, as she has been in these
21 35 years.

22 Q. Now, I know she was part of the larger extended
23 community that you associated with and were friends with
24 in the -- in the late '70s, early '80s. Did she have
25 views, at that time, that have changed over these many

1 decades?

2 A. I think she always -- yes, her views have changed as
3 well. I think because she was then and always a doctor,
4 she was able to maintain a more independent life that
5 gave a little more personal balance so that she might
6 have argued some of the same views, but did not become
7 as embroiled as I did in the more internalized dynamics
8 of it. But like a number of my friends who I have
9 stayed close to, they too had to reckon with politics
10 that were destructive, and had to figure out a way to
11 regain a more positive way to contribute to their
12 communities.

13 Before Brightpoint Health was Brightpoint
14 Health, it was an agency that ran a number of drug
15 programs, residential drug programs, and nursing homes
16 for people with AIDS who were also addicts. And she has
17 done that work for the last 30 years. And it's really
18 been the heart of what she's done, along with raising
19 first her child, and then helping her daughter raise her
20 grandson, [REDACTED].

21 Q. Now, I realize you can't speak one hundred percent
22 for her, but I am curious.... I know part of the
23 doctors' oath is to do no harm. As far as you know, at
24 the time of your crime, had she embraced violence in
25 terms of a possible solution to social problems?

1 A. Certainly not in her own life. I think she
2 maintained her oath of do no harm. She worked in an
3 emergency room back then and I think she -- she
4 supported a lot of the same causes, but in a much more
5 measured way is what I would say. And she's also
6 changed her viewpoint; she would also say that the
7 rhetoric of the '60s is totally not appropriate to her
8 life today or her thinking today, and, she has certainly
9 shown that in her work. She received as a statewide
10 award given to a medical doctor that works in community
11 health, and she's received that award and been
12 acknowledged for her positive contribution as a doctor.
13 And that's really been the basis of her life.

14 Q. I am glad to hear that, because it's important to us
15 as we consider the possibility of releasing you to make
16 sure we are not releasing you to a community of people
17 who might have old thinking.

18 A. Absolutely.

19 Q.or shared some of the thinking that caused this
20 horrible tragedy in the first place.

21 A. I tried to sort through my old associates, and there
22 are people that still think -- I mean, they are living
23 completely legitimate and legal lives, but their
24 rhetoric and thinking still is very familiar to me, and
25 they know that I don't ascribe to it and don't really

1 want to involve myself in it. And the people who I
2 have, you know, maintained closer ties with, are the
3 people like me, you know, despite not having been
4 responsible for any direct harm, also feel like I was in
5 a state of mind and frantic activity that is
6 unsustainable and led to the destruction that I might
7 not been responsible for, but certainly have a
8 connection to. So, I think those people have also been
9 on their own form of a journey that I've been on. [REDACTED]
10 [REDACTED] did not have the same distance to go as I did,
11 but I think she's a very moderate, stable presence in my
12 life over all these years, and in the lives of our
13 children.

14 Q. Okay. Do you plan to gain financially from the crime
15 by selling your story?

16 A. Absolutely not, absolutely not. First of all, I
17 don't really want to sell my story. I am fighting back
18 people who want, you know -- I am continuously saying no
19 to lots of people interested, and I would never put
20 myself in that situation. All I want to do is work.

21 Q. Why not?

22 A. If I do any writing, I think of it -- as I've done,
23 you know, I have written articles examining aspects of
24 certainly the mother/child experience, or how do we end
25 up doing crime, and all of those kinds of issues, but

1 they're not juicy, make money off of my story kind of
2 writing. And I also think that I have to respect the
3 fact that the victim community will continue to hurt,
4 and I don't want to add to that hurt by kind of puffing
5 myself up in public. I think that would not be helpful
6 to them. So, I think that's probably the thing I am
7 going to be most conscious of, is how to rebuild a life,
8 and obviously enjoy freedom without being -- but staying
9 mindful of the impact I continue to have on others who
10 continue to be hurt by the crime and may be hurt by
11 seeing me out. So, I guess that's what I would say. I
12 think if I ever did any writing, it would be to try to
13 share some of the lessons of my remorse, and I can't see
14 making profit from that. If any money came from
15 anything, it would go to the victims bureau; not to make
16 profit off of it.

17 Q. Thank you. Beyond Brightpoint Health, where else do
18 you hope to work and make a contribution?

19 A. I have already talk to [REDACTED], who is the
20 head of the Puppies Behind Bars, and she's very happy to
21 think about the fact I will be living in the City and
22 therefore can take dogs -- one of the things we try to
23 do is bring our dogs in the City and we need to see how
24 they can work in a more urban area. And to continue to
25 help the organization socialize dogs in that situation,

1 and to assess them. I know that Puppies Behind Bars is
2 going to be one of my first stops. I did try to tell
3 her I didn't think two weeks out would be enough for me
4 to be stabilized enough to start taking the dogs. But
5 she said, They will help you. And, that's true but I
6 have to be a little more stable, learn to negotiate life
7 out there.

8 And I am also really looking forward to
9 reconnecting to Hour Children. While they do the work
10 in here, the bulk of their work is outside with women I
11 have worked with in here, and both long-timers I did
12 time with, and nursery mothers I did work with, and find
13 some way to be continue to be useful to them. I say all
14 that, knowing it'll take some time. I have been away
15 for 35 years and I don't want to rush into anything, I
16 want to take my time if I get out, and know I am on
17 solid ground.

18 Q. Okay. As a final letter, I want to reference the
19 letter as part of your advocacy packet -- let me do two.
20 One was from [REDACTED] This is the professor
21 emerita from City University of New York, and President
22 of Veteran Feminists of America. She talks about the
23 great pleasure of knowing you for close to three decades
24 and how you met while she was working in the Inmate
25 Education Program and director of the Domestic Violence

1 Center at John Jay College of Criminal Justice, City
2 University of New York. She says in her letter of
3 support dated January 17, 2017, "For much of my
4 professional life I have worked in the area of criminal
5 justice. I have served on two think tanks with the FBI,
6 been an eight-year member of Mayor Rudolph Giuliani's
7 Commissioner to Combat Family Violence, and a professor
8 of City University of New York for 34 years. During the
9 course of my career, I have met many hardened criminals
10 with few redemptive qualities. Judith Clark is not one
11 of them."

12 Your daughter [REDACTED] wrote a letter. She says,
13 "Commissioners, what my mother has lost by being in
14 prison for her entire adult life, she has lost forever.
15 Releasing her after 35 years is not revoking her
16 punishment. Her release now will not return to her, or
17 to me, what her punishment took from us over the past
18 four decades. Nobody can, or should, give that back to
19 us. I don't say that as a complaint, I say it as a
20 promise. As much as anyone can, I have lived this
21 sentence alongside my mother, so I can speak from my
22 experience as well as hers when I say 35 years in prison
23 is a serious punishment. It does what the law requests
24 - it reflects and honors the seriousness of her crime.
25 What I will not say here, and what I have never said is

1 that my mother has 'paid her debt to society,' or, that
2 she has 'done her time.' There is wrapped up in
3 that tone in those phrases that is so at odds with my own
4 experience of grief and feels disrespectful to the
5 suffering to the [REDACTED], [REDACTED] and [REDACTED] families. I
6 think of the children whose fathers were killed and I
7 know that their loss is a forever loss. That's why, if
8 there are people who take solace in knowing my mother will
9 be punished forever, I want them to have that solace. I
10 want them to know that if mother is released, I will not
11 be getting back the mother I lost. That woman is gone,
12 those years are gone. The life we would have had
13 together is gone. And the child she lost, that child is
14 also gone. I am 36 years old now."

15 What would be among your most significant goals
16 if released?

17 A. I'd say two things -- well, three. One is to adjust
18 and take the experience of living in here and go -- and
19 change and adjust in the way it takes all of those
20 lessons and that way of life to the outside. And that's
21 a very general goal, but it's -- it's to say when I
22 leave here, I continue essentially sustained by the
23 state of mind I have in here. And in that sense,
24 everything I do is going to be conditioned by continuing
25 to be responsible for my crime. One of the things I

1 always felt is when I have apologized for my crime, that
2 has always been understood, Well, of course she's
3 apologizing, she wants to get out. And I think it's
4 going to be important for me to be able to apologize
5 directly, in whatever way possible within the framework
6 I can legally do, as a free woman, as someone where
7 there is nothing at stake as there is now. I think
8 that's probably for me one, of the most important things
9 about getting out in terms of my goal.

10 And I think my daughter's and I entire
11 relationship has been through prison, and I think
12 rebuilding or building -- continuing to build a
13 relationship with her, once on the outside, is going to
14 be a lot of adjustment for both of us. She lives in
15 California. I want her to continue to live her life,
16 and I want her to continue to see me as a resource for
17 that, and to have my being outside help free her from
18 some of her concerns rather than add new concerns to her
19 life. So those are two really important goals I have.

20 And, I think there are a lot of people I have
21 to thank. I have come this far with an enormous amount
22 of help and support. And I owe organizations,
23 communities and individuals my indebtedness, as well as
24 owing the victim community a different kind of
25 indebtedness. And my goal is to help make decisions

1 about what I am going to do based on all that.

2 Obviously, I do want to start working and I am going to
3 have to learn to be a self-supporting person, which is
4 quite a challenge when you are 67 years old, but I
5 luckily I have education and skills to do that.

6 Q. And health, do you have good health presently?

7 A. I do have good health. I committed myself to staying
8 healthy in here. And one of the things I get out of
9 getting a job is being able to get health insurance. I
10 have minor chronic conditions, but I want to -- I eat
11 healthy even though I am in prison, and I do yoga, I
12 exercise and the dogs keep me healthy. And the work I
13 do is keeping me healthy because it keeps me connected
14 to change. So far that's worked and I am going to keep
15 that up.

16 Q. And mental health, do you feel you have good mental
17 health? You talked about bouts of [REDACTED]

18 [REDACTED], and what one might imagine, and related to
19 your passion and committed to your politics in the early
20 days. So how are you feeling that way today?

21 A. Overall I feel great. And I think one of the things
22 I always say when I am going to sort of say things are
23 tough in here or something terrible just happened, I
24 say, Okay, something terrible happened but I know I am
25 not depressed. [REDACTED]

1 [REDACTED] [REDACTED]
2 [REDACTED]
3 [REDACTED] And I taught it so often, I have to follow
4 what I taught, which is even good changes bring high
5 [REDACTED]. And I will definitely look to some of the
6 people who have helped me through this period of my life
7 to help process the change both psychologically and
8 spiritually.

9 I already talked to one of the rabbis I have
10 been connected to about doing a ritual if I get out that
11 -- I believe in the power of ritual to go through
12 transformations, and I need that when I get out.

13 Q. Sort of a spiritual cleansing?

14 A. Sort of a mikva: In the waters.

15 Q. Can you spell that?

16 A. Mikva? M-i-k-v-a. It's a spiritual cleansing in
17 water that goes with various rituals. And I think that,
18 sustaining that relationship to -- in some form to the
19 Jewish community has really been one of the sustaining
20 parts of my life in here and will be important to me.

21 Q. What do you think would be among the most significant
22 messages this board would be sending by not releasing
23 you?

24 A. I think that, when the Governor gave me clemency, the
25 prison felt electric, and they were also ecstatic that

1 he gave other people clemency, including one other woman
2 who was here on a domestic violence case as many women
3 are. But I think what they felt when I got clemency is
4 that, I represent an approach to doing -- to living in
5 here that is having to be positive, having to have hope,
6 having to take responsibility, having to work on your
7 attitude and relationship to authority. People always
8 remark, How do you walk around with a smile every day?
9 And I always say, That's part of my responsibility
10 because I put myself here and this is who I am now.

11 So, I think when they heard I have chance of
12 getting out, it gave them hope that, they, too, if they
13 did the right thing, they could get out. That, if they
14 went through the changes, were honest, apologized for
15 their crimes and repaired what could be repaired, their
16 lives would not have to be defined by the worst moments
17 of their lives, or the worst choices in their lives.
18 And, I think that if I did not get out, it would be a
19 source of cynicism some people have about what does it
20 matter anyway? And, I think I would tell people that,
21 if the boars decided they had to hit me, I would handle
22 that situation and remember that Governor Cuomo gave me
23 the gift of 40 years, and I would continue to try to get
24 out, and I am not going to change who I am, I'm not
25 going to become angry or start criticizing. I'm going

1 to hold true to my values. But I think -- I think hope
2 is a really important part of change and taking
3 responsibility. When you feel hopeless, you build up
4 those kinds of defenses, and, that the women in here,
5 and people outside who are in similar situations, have
6 to feel that their actions over time matter, and, that
7 the imprint we make on this earth can change, you know,
8 that if it's been a negative imprint, it can be
9 positive. So I think that, if I am released, it will
10 engender the kind of hope we want. Not like, Ooh, if
11 get over long enough, I will make my way out. But no,
12 actually, that won't work. What will work will be to
13 land in our reality, to be truthful to ourselves and
14 others, and realize we can stretch and change in maybe
15 ways we did not realize. So that's what I think would
16 be lost if I'm not released. But I will continue to
17 express that in either case, just as I will continue to
18 be responsible in either case.

19 Q. And, is the opposite, then, and what you spoke about
20 to a certain extent in your answer to my last question,
21 is the opposite, then, among the most significant
22 messages we would be sending if we did grant you where
23 release?

24 A. Yes.

25 Q.in other words, that, good behavior, realignment

1 with one values at, perhaps birth and childhood, respect
2 of authority, and rules of society and civil living,
3 that those things matter? Would that be among the
4 message?

5 A. Absolutely. Yes, I think so. I think my getting out
6 -- I think what my daughter said is true:

7 Thirty-five years is a long time. It's not -- my
8 getting out is not somehow, Oh, I got away with it. I
9 didn't want to ultimately get away with it, I wanted to
10 own it and change, and feel accountable to the families
11 whose loved ones were lost, and, that my getting out
12 represents a sense that it matters for us to go through
13 what is not a simple process, and it's not easy. And
14 you can't fake it; it's either real or not. I think,
15 hopefully it also represents -- I think because as I've
16 been as open as I could be about disdaining violence at
17 a time out there when there is, you know, a lot of
18 contention, that I come out not representing the
19 violence that I committed, but representing someone who
20 changed from that and believes deeply in nonviolence and
21 respect for the law. And I am going to say that when I
22 leave as much as I say it in here, because I believe it,
23 and I believe it's more necessary than ever in our
24 society. That's what I hope to communicate.

25 COMMISSIONER STANFORD: I'm going to

1 ask my colleagues if they have any questions?

2 COMMISSIONER THOMPSON: No, I don't
3 have any questions.

4 COMMISSIONER LUDLOW: I just want to
5 state again, we have a very large task before us, I
6 think that's obvious.

7 But in closing, I want to express
8 absolute respect and a sensitive memory for [REDACTED]
9 [REDACTED], [REDACTED], [REDACTED], [REDACTED],
10 [REDACTED], [REDACTED], [REDACTED], [REDACTED],
11 other law enforcement who were there October 20th,
12 1981, members of the public who were held at bay at
13 gunpoint, fortunately not wounded. And of course,
14 as we close, we have a heavy heart for three
15 surviving spouses of the deceased, nine children,
16 and now 35 years later, the next generation, grand-
17 children of the deceased. And we remember all of
18 them among the variety of factors we must consider.
19 Thank you, Miss Clark.

20 A. Thank you. And I want to say I sit here also
21 remembering those men as well and I think of them today.
22 I spent all last night thinking about everything that
23 came up in this interview.

24 I want to thank all of you for this interview
25 which has been thorough, and deep and thoughtful, and I

1 want to thank the Governor for giving me an opportunity
2 to have this moment to apologize, and therefore say that
3 my last words, also, are to apologize to the families of
4 [REDACTED], [REDACTED] and [REDACTED], and to
5 remember [REDACTED] who is still alive, and [REDACTED]
6 [REDACTED] who I know just recently died, and the family of
7 [REDACTED] as well, and [REDACTED]. And to also
8 know that many, many other people live with the scars of
9 that day. And, that I promise, that is going to be at
10 the heart of my life no matter what, for the rest of my
11 life. I owe them that debt, and I respect them in their
12 efforts to build their lives.

13 Q. If a mediated opportunity to meet with family members
14 or survivors of that day is possible, working with
15 victim specialists to prepare for such a thing to see if
16 survivors are interested in such a thing and to help to
17 bring such or more meetings like that about were
18 possible, would you be amenable?

19 A. I would. I think when you asked me my goals, if I
20 felt that was possible - and I certainly have
21 communicated that I would like to - that would be my
22 number one goal. I would very much like to do that,
23 understanding they have to feel it's something that
24 would be helpful to them. I owe that to them, to offer
25 that to them over and over. And I know I will always

1 offer that to anyone who wants to who was both directly
2 and indirectly impacted, because I know there were so
3 many people who were, and I would be happy to do a thing
4 like that.

5 Q. Well, we do still have a lot to review and to discuss
6 and to consider, but I think the time has come for us to
7 begin that work among the three of us. Thank you for
8 your answers to our questions and your comments to help
9 us to get the place where we can start to do our work.
10 So, thank you and you will get our decision in writing.
11 I can't guarantee it will be right away, but you will
12 certainly get it within the statutory period.

13 A. Thank you again. I feel honored to be before you.

14 COMMISSIONER LUDLOW: Thank you, Miss
15 Clark.

16 OFFENDER: Be well.

17 COMMISSIONER STANFORD: You too.

18 (Offender was excused.)

19 (After due deliberation by the Parole
20 Board panel, the following decision has been
21 rendered:)

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DECISION:

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2 Denied. Hold 24 months. Next
3 appearance 4/2019.

4 The Board of Parole commends your
5 personal growth and productive use of time, however,
6 discretionary release on parole shall not be granted
7 merely as a reward for good conduct or efficient
8 performance of duties while confined, but after
9 considering if there is a reasonable probability
10 that, if you are released, you will live and remain
11 at liberty without violating the law, and that your
12 release is not incompatible with the welfare of
13 society and will not so deprecate the seriousness of
14 your crimes as to undermine respect for the law.
15 The significant time spent with your records and
16 interviewing you enabled us to learn a great deal
17 about your crimes and about you. Following written
18 procedures, we considered information regarding
19 relevant factors and applied the standard above.
20 Upon deliberation, we unanimously voted to deny your
21 release to community supervision at this time.
22 We learned that you had a criminal history in
23 Illinois of aggravated battery, aiding escape, mob
24 action and resisting arrest prior to your crimes in
25 New York that resulting in convictions for multiple

1 counts of murder in the second degree and robbery in
2 the first degree. You were attracted to violence to
3 demonstrate total commitment to revolutionary ideas
4 and objectives for a period that spanned more than a
5 decade between your twenties and thirties. By the
6 time of the crime you were not "a young idealistic
7 innocent, by any means." In fact, you described
8 yourself as a "single-minded fanatic ... at war with
9 America", a "blinded revolutionary", "cut off" from
10 your "humanity".

11 In part, you described the crimes as "policemen
12 completely out-gunned, out-maneuvered and
13 overwhelmed by people intent on killing them."

14 Further you admit that you did not question your
15 participation before, during, or for a significant
16 period after the crime, or allow yourself to feel
17 the remorse and shame you would feel years later.

18 At sentencing, District Attorney Kenneth Gribetz and
19 Judge David Ritter, noted your statements and
20 behavior during trial and did not believe you could
21 be rehabilitated. Your original sentence was
22 intended to serve the goals of deterrence and
23 protection of society.

24 Upon being incarcerated you began to participate in
25 programs, but continued to correspond with people

1 you described as “fugitives” and received two years
2 in special housing between 1985 and 1987 for giving
3 descriptions of the correctional facility to these
4 persons to “break” you out. You would also spend
5 about a year in Federal custody for what you told us
6 were unrelated reasons.

7 Your rehabilitative efforts and institutional record
8 include: Down on Violence, Alternatives to Violence,
9 Aggression Replacement (ART), helping to create AIDS
10 Counseling and Education (ACE) and college programs
11 for female inmates. You earned Bachelor and Master
12 degrees, trained eleven dogs for service, law
13 enforcement and therapeutic purposes, received
14 Clinical Pastoral Education and worked with mothers
15 and their children within the correctional facility.
16 We considered a favorable risk and needs assessment
17 and stated goals within a recent case plan. Your
18 release plans include solid employment offers,
19 residence with a physician friend who is one of few
20 former associates from your days in the May 19th
21 collective, and the continuation of some of the
22 efforts described above.

23 We noted that when you began to become accountable
24 for your role as getaway driver and “opened up” to
25 others, you “eliminated the idea that there are

1 enemies,” and understood that at “the center of this
2 story and tragedy, and all the years since, are the
3 families” of the victims.

4 We reviewed boxes of public support and boxes of
5 public opposition. These records included
6 significant submissions from attorneys on your
7 behalf, clemency and parole exhibits and letters
8 from your family, friends and supporters. Being
9 governed by the law, while we considered and weighed
10 support, we were persuaded against release by
11 opposing information that includes statements from
12 former and current officials, and statements from
13 survivors and affected parties found in pre-sentence
14 records, sentencing minutes and other public
15 records.

16 We noted that you want to apologize directly to any
17 interested victims or family members. While you
18 believe that personal apologies would be most
19 credible once you are released, apologies extended
20 before you are released may be beneficial to all
21 parties. In any event, the Board of Parole does not
22 mandate or facilitate such meetings or dictate the
23 terms or circumstances, and any such meeting would
24 only be possible if desired by survivors of the
25 crimes or victims' family members.

1 We also noted your appreciation for the Governor's
2 commutation of your sentence and for our independent
3 process. We respect and understand the Governor's
4 lawful decision to exercise his unique discretion in
5 your case. By the time of our interview, we had
6 substantial additional information that was created
7 and submitted pursuant to our unique process.
8 Finally, it is noteworthy that you said that you
9 would not change if you weren't released, but would
10 hold true to your asserted values, continue to
11 encourage positive change in others and try to get
12 released.

13 We do not depart from your favorable risk
14 assessment; however, we do find that your release at
15 this time is incompatible with the welfare of
16 society as expressed directly by relevant officials
17 and thousands of its members, and that it would
18 deprecate the seriousness of your crimes as to
19 undermine respect for the law. You are still a
20 symbol of violent and terroristic crime. Perhaps the
21 transcript of our interview will allow parties,
22 whose statements we must consider, to read about
23 your ongoing personal evolution for the first time.
24 Until your next appearance, we urge you to continue
25 to "communicate nonviolence and respect for the law"

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

Susan Fischler

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