

The Philosophical Club
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TELL IT TO THE JUDGE

It was, and is, my privilege and joy to be the first -- and, I trust, not the last -- woman admitted to membership in the Philosophical Club of Cleveland, founded in 1902.

This evening, I share with you some of my daily bread. I call this "Tell It to the Judge." I present it to you as a particular lens through which we might, all of us together, focus and reflect on our justice system, ourselves and America's future -- our posterity, to use the Constitutional phrase.

"Tell it to the Judge!" The classic cop line. "But, but, Officer!" you plead as the tow truck hauls away your over-parked car. "Hey, Buddy", the cop calls, "tell it to the judge!"

The fact is people *do* tell it to the judge. In the locker room, the conference room, the back room, as well as the courtroom; in the grocery line, on the ski lift, the dive boat; at the airport, the kid's hockey game, their aunt's funeral; by airmail and E-mail; you name it, almost anywhere, a judge is fair game for telling it to, no matter who or what "it" is.

Civil litigants, lawyers and even other judges tell it to judges. Here's what a colleague of mine recently was told by the Court of Appeals in a published and widely publicized opinion. "At no time did the district court appear to realize that it was engaging in a practice that, under all but the most exceptional circumstances, violates the Constitution."¹ Whammo. Judges tell it to a judge.

The media socks it to judges and so do people with whom we have no known connection. "Which one of you are going to let my case into court, with a jury," a Virginia man wrote to me out of the blue. "Since 1969 the news people have refused to report the news of the discovery of the universe. [For] trying to deny me my right to a hearing with a jury, [I demand] one trillion dollars."

Victims tell it to judges. Here, for example, is a post-sentencing presentation from the family of a murdered man, complete with photographs. Although we no longer have jurisdiction in the case, this family continues to speak to the three judge panel who sentenced to death the young farmer who murdered their father. Is it the relentless agony of their loss which they seem to still need to tell us? Perhaps it is only because they know, that we also know, the senseless facts of their beloved father's death.

Accused folks -- maestros to mafiosos, drug lords to landlords, CEOs to nobody-knows -- whether they pled guilty

¹Proctor & Gamble Co. v. Banker's Trust Co., 78 F.3d 219 (1996).

or were convicted after trial: all criminal defendants have their day in court when they can tell it to the judge.

A few stand mute. Most have something to say. They don't always get it right. When asked what plea he wanted to enter: not guilty, guilty or no contest, one defendant said sweetly, "Judge, your honor, I plead no *content*."

With a particularly delicate earnestness, some children talk to judges. Listen to Richard: "Dear Judge, I am writing because Mr. Henry took my uncle away from me. Why, I don't know. All I know is it was wrong. I wish I could do something about it but I'm eleven and I can't. I think he should be charged with two deaths because two weeks later my grandma died. Now, who do I have?"

Usually, folks tell it to us with words, oral and written, but today they also speak with letter bombs, bullets, poison candy, and, on the brighter side, incomprehensible symbols and even some pretty good cartoons. Here's one of those.

Here is a simple little threat directed at a divorce lawyer, the judge and someone's mother: "Bitch Nidits Drop the Johnson case or face death with the Judge and Sam's bitch mammie."

Tonight I draw on some of what folks have been saying to this judge over the thirteen years I've served. I say "some" because much of what judges are told is confidential. Not everything is properly discussed.

Here no confidences are breached and, except for matters of public record, identifying information is intentionally obscured. Most examples are composites.

I don't need to tell you these are challenging times for justice in America. The O.J. trial, the "war on drugs", the changing nature of murder, the Free Militia, proliferating common law courts, and public cynicism in general, make that clear.

Across human history, fundamental responsibility of the *people* to ensure the ordered liberty which makes justice -- not just a possibility, but a promise, and we trust, a reality -- is extraordinarily rare.

It is not just a theory that the people are sovereign under our Constitution, it's a fact. What's more, "they is us." Nothing fancy, just me and thee. There's no one to "pass the buck" to, as the saying goes. And, in America's large, pluralistic, and complex society, neither justice nor our justice system can be taken for granted.

Benjamin Franklin, was asked after the Constitutional Convention over 200 years ago, "What have you Wrought?" He answered: "... (A) Republic, *if* you can keep it."² Challenging times are not times to bury our heads or look the other way.

²Commission on the Bicentennial of the United States Constitution, Washington, D.C., 1991, p. 47.

In a few minutes, I will narrow our focus to only one group of the many who tell it to judges: our young violent repeat offenders.

As a backdrop, however, before focusing on these challenging young Americans, here is a sampler of other folks who are telling it to judges.

This is the Field Manual of The Free Militia

As you know, some Christian Identity proponents hold conspiracy beliefs about our government and what they call a New World Order under the United Nations. Apparently they believe our government will take away their religious freedom and is interfering with their “constitutional” right to bear arms.

Their paranoia, infused with racism and anti-Semitism, seems to be fed by Ruby Ridge and Waco, by abortion and the Brady Bill, and most especially, by one another.

According to the Institute for First Amendment Studies, federal government folks are the Free Militia’s “enemy”. Therefore, they sent me an unsolicited, free copy of the Field Manual of the Free Militia. Forewarned is forearmed, I suppose, but this is rather a chilling way of “telling it to the judge.”

[I will pass these artifacts around among you during our discussion period.]

Threats are nothing new to people in public office. (Our family remembers Art being told, when he was in the Ohio Legislature, that there weren't enough light poles in Ohio to hang folks like him from -- I think the issue was gun control.)

Some folks have no inhibitions. As a defendant was lead out of state court after sentencing on a jury verdict, he loudly announced, "That's why these bitches get killed. That bitch Judge goin out of here in a body bag."

Other folks speak from esoteric belief systems. Satanists darkly correspond with judges and file complex pleadings in court with intricate numerologies I'm at a loss to decipher. On the other end of that spectrum, I recently received a letter from Christ, the Crusher, the future Ruler. That's his full name.

Please be advised that on February 10, a devastating storm attacked the Metro area and caused a half billion dollars in damages. I am suggesting to you that you immediately . . . reinstate me to my former job with backpay and the \$9,000,000 in punitive damages.

My almighty God has again told me that if I am not immediately reinstated that the plagued would become more . . . violent throughout the country . . . **DO NOT IGNORE THIS FINAL WARNING.**

Little children hair will start to turn gray
on their heads and

cc: Kings and Queens and Presidents
and Prime Ministers and other
dignitaries around the world who is
worthy of receiving this prophetic letter.

Relatives correspond with judges. “Judge, John Brown desparately needs psychiatric help,” writes an aunt. “His mother died at 18 when he wæs 3 years old. His mother was a prostitute and died with a shotgun to the face with her hands tied behind her back, feet tied with a hanger at the bottom. Johnny was right there under the table, only 3 years old. Now he’s 18. This dogs his mind a greatpercentage of the time. Please help us. He terrifies us. Please help him Judge! Yours Truly, John Brown’s Auntie.”

Daily our mail brings letters from prisoners.

Here is a four sentence letter. “Dear Judge, I hope my letter find³ you in the best of spirits. And as for myself, I’m not doing so good. My cousin was kilt and dismembered and her father. Judge, the point I’m trying to make is that I’m sorry for all the crimes I have done.”

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³Throughout this paper, all spelling within quotes is as in the original communications.

Here's one from an aging, eloquent heroin junkie.
"Judge, once again i throw myself in your mercy. The days of incarceration impelled by me has been endowed with rendored suffering and turmoil. Knowledge and wisdom has accumulated from within my being in great degrees. My wife having a traumatic experience with leukemia if was to die while one is incarcerated, what purpose would i have?"

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Imprisoned parents write. "Judge, the regret seems to profoundly deep that I've subjected my 14 year old daughter to my destroying my world. The streets are so wicket. Pain will have you running fast. I sincerely believe that given the proper therapy on behavior management skill I believe in me."

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So do children of imprisoned parents. "Dear Judge. I love my Mommy. Please let her come home to me. O, Judge, I need her, especially in the nights. Please please please let her come home. Your friend, Bettina."

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Murderers often write to judges. Here are the first two of many letters from one 24 year old Clevelander.

Hi, Judge, how are you fine I hope. I no its not right to murder, but I wasn't trying

to hurt no one. I was frightened and scared. Mrs. Wells, am asking you to help me, am not a bad guy. Am a good guy. Please help me! please help! Well, please call out here or write me back. Love, Neezer Smith.

Hello, Judge Wells. I'm not mad at you or anyone else for the time I received. I was just trying to protect my kids and future wife. After I lost my mother, I had to raise myself from 6, the best I could. I mean sleeping in empty cold houses or on the streets. I was raped lots of time when I was a kid but I was strong on the inside. At times I killed, we didn't have no lights or gas and sometimes no food or Pampers. But I never rob or stole to feed my family. My 5 kids came to visit at jail and that will be the last time I'll see them. Ever, ever, ever. Please Judge, don't just look at this letter and throw it away. Let me know you gave me a second thought. Love, Neezer.

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Professional folks write. "Judge, I've been relapsing even when taking my meds. I feel I'm being followed and the FBI & CIA want to kidnap me. I don't know if you know anything about schizophrenia. I'm not only physically a

prisoner here, I'm a prisoner of my own mind. My profession and my family, all my education -- for greed, I threw it all away. I'm afraid to tell anyone Judge, but I'm so frightened. I pray that God keeps on giving you the wisdom and strength to give everyone fair justice each and every day."

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Crack, a powerfully addictive form of cocaine, has decimated low-income single Mom families who used to pull through against tough odds and succeed. Listen to a 1996 Mom.

I'm writing to thank you for literally saving my life. When you sentenced me, at that moment, my whole world was crushed and my one love, my infant daughter, was taken from me. But you lifted me from the vicious cycle of substance abuse. No longer is there the pressure of running from justice. Judge Wells, now that my thinking is clear, my heart is dying. Please let me live again. Let me go home to my daughter.

Under Congress' "get tough" policy, this mom will spend the next 10 years in prison, at a cost of \$214,000 plus 8 years of supervision at a cost of \$20,000, for her part as a "mule" in a crack and powder cocaine drug conspiracy. Your guess is as good as mine as to how and at what tax, social,

and human cost her three children will grow up, but it won't be with a parent.

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Listen to Karen Wallace:

Judge, I need soul custody of my child. Please let me out. If not, she will grow up just like me: no family, on the streets, hostage to pimps and Johns from the suburbs. See the pimps keeps going only because of the Johns. The Johns gets what they wants, gives they wives AIDS, and only the women and children is the victims.

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Children talk to judges in many situations. When the nuclear family is about to explode, for example, some judges make a point of listening to children. Given half a chance, kids tell it like it is.

Kenneth is 14: "Judge Wells, knowing my parents, no one is going to change *his* mind."

Erik is 10. "Mom says she only wants what's in my best interest. Dad says it's in my best interest to go with him. Judge, if they both want what's in my best interest, how come they're getting divorced?"

Sometimes children don't understand the big picture. After her parents explained to their three children that they had settled their case on the second day of trial and the divorce was final, Susan, 8, came to see me. "Judge, is it all over now?" Yes, Susan. "Now, can we all go back to being just like we were?"

Children sometimes talk to judges right out of deep secret places where their fears crouch.

Sam is 8. He tells me: "I don't want to choose. But I have to tell Mom I choose her and I have to tell Dad I choose him." Why, Sam? "Because, Judge, what if I choose the one who doesn't *really* want me?"

Bethany, 10, suffered a variation of this fear. "Judge, I have to tell them both that I want to live with them, or else I might end up with nobody in the whole world to live with!"

Peter was 9 when his parents, both baited for trial, instead spent several days at court working out a resolution. This was no small accomplishment. It followed a long, contentious separation. One parent was hostile, the other emotionally indifferent but greedy.

I told Peter his mom and dad had agreed on his care, education and support. Wary, Peter insisted on checking that out himself. Then he came back to see me. "Judge," he said soberly, "my Mom and Dad got a good divorce." How

so, Peter? “I got to keep them both”, said Peter, “and we’re going to have the future.”

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Some parents are victims of their children.

Please, Judge, I writing you this letter because I fear from my son. He using drugs very heavy and he steals from me and my family. He threatens and scares me. If I cook dinner and he’s upset he’ll throw all the food on the floor and at us and does not care if anyone has eaten. Help us please. I’m scared for his own safety because he robs the drug dealers and they come looking for him at my house and will kill him if not shoot us all up that lives in this our only house. Please help us! Thank you.

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Some people take full responsibility for their crimes and for their recovery. Here is John Brown.

Thank you for the consideration for shock probation. I went to the law library and read the procedures. You can grant or deny shock probation but by law it is my right to except or decline

and I've chosen to decline. I'm going to take some school and programs available to me. Thank you but I do not wish to have shock probation.

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Some folks have big plans:

Dear Judge Wells, I've written the last letter necessary My immediate future plans are to go public on April 29 at the Country Music Awards Show where I will be introduced by Mr. Bush As you might imagine, after April, Cleveland will never be the same and my main concern is for my children's safety And now that you're a prisoner of mine, you too need not ever worry, just call. With love, Charles Anderson

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Here's a long, carefully filed, meticulously prepared lawsuit; a public record. Among other things, it shows American's media frenzies are not benign.

. . . (I) f I tape a loaded and cocked pistol or flare gun to someone's head, rectum, genital or pubic area I could have court

on Public Square if I want with the President of the United States of America, all its congressman and the House of Representatives as jurors and spectators but I'm attempting to 'be a citizen,' 'attempting to give out before giving up.'

Enough sampling. Let's focus on our young, violent repeat offenders. They are the growing edge of the 1.5 million people America has in prison, almost four times the rate of any other industrialized nation.

I choose them not only because we ignore them at our peril, as well as their own, but also because they speak powerfully to America's condition as we prepare to enter a new century

With all the seriousness and love which is proper, given our responsibilities to the future, I also choose them simply because they are, like it or not, America's children.

At one end of the criminal defendant's statement spectrum is the Marine Corps "No excuse, Sir". At the other end is the common refrain, heard day in and out in courtrooms all across America: "Your Honor, I was just at the wrong place, at the wrong time, with the wrong people."

This seems to mean, “Bad luck, I got caught.” It also seems to mean: “Not my fault,” and “Not my law,” and “No remorse.” In other words, this refrain adds up to remorseless outlaws who deny responsibility for what they do and attribute all consequences to bad luck.

“I was just at the wrong place, at the wrong time, with the wrong people.” The D.C. police officer shot dead in the head in an unprovoked attack last Fall might have had reason to say something like that, if he had lived. But this isn’t the statement of a crime victim, this is the statement of the criminal.

It is the song of America’s young repeat offenders, some of whom are terrorizing us with random, brutal, senseless violence. They appear to operate with no concept of a personal future.

Listen to Lee Woods, 19.

Judge, material pleasures don’t happen as often as I want. Everyday I see all these people with all I don’t have. Plus, my brother was already shot dead by my age. My cousin Leroy, too. I live in a sublimtable environment where vices runs rampart and I mus xcape anyhow I can.

The impact of these young offenders is personal and social, contorting political dialogue and distorting national policy as they terrorize lives, families and communities.

What is happening with young America? That many have no concept of a personal future is only part of the puzzle.

A Kansas City 16 year old fatally shoots an ice cream man who refused to give him a free popsicle. Demanding cash, a Pennsylvania teenager kills a 19 year old who had fought his way back from life threatening cancer. In California, a driver makes a wrong turn and gang members shoot to death his 3 year old passenger.

Murder in America has changed fundamentally. The perpetrators and the victims are becoming young, very young. In the three years, 1990-1993, the murder rate for teenagers increased 26%.

Family murders have sharply declined while murders by strangers, particularly in robberies, have escalated in the 1990's. Robbers may always have been *willing* to kill. Now they have guns, and now they do kill, often regardless of whether they get what they demand.

Protecting oneself and others, is becoming problematic in America. Associations, affiliations, lifestyle no longer seem determinative, no matter who or where you are. Basic control of one's destiny seems to be at stake.

These undermining changes produce and provoke personal and collective paranoia, political extremism, hysteria, and defensive policy choices with long-term implications.

The facts are not pleasant. Nonetheless, we had better face them and figure out what is happening. We must really understand, lest we discover our society fraying and unraveling beyond repair.

Let's bring this close to home, not far from where we are sitting right now. These are real people, real facts. A real jury, women and men like us, shouldered their civic responsibility for justice and dealt with these harsh facts.

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James Jones, 18, was killed execution-style in his middle class home by seven teenagers and young adults, including five who were halfbrothers. He grew up in his neighborhood with all of them. None of them was on drugs the night of their unprovoked rampage: true murder and mayhem. All of them were high school graduates; one had a year of college.

Before James was killed, his mother was shot and left to die. Fortunately she survived to testify at trial.

Here is what James' mom told the judge and jury. At 3 AM, the front door of her home was broken down Rambo style. She was pulled out of bed by hooded men who referred to themselves as police. They were not.

Forced upstairs with an automatic weapon, a Tech 9, in her back, she saw her son handover on demand the key to a toy safe he kept in his room. In it was \$350 he had saved from earnings at the tire store where he had worked since he graduated from high school. James was saving money to buy a Jeep, doing it the old American way as his mom had done.

Shot in her side and stomach and left on the landing, bleeding, Mrs. Jones heard her son being beaten *after* he had turned over the safe. Later she found him laying on her bed, hands tied behind his back, knees on the floor, his skull blown to smithereens.

As Mrs. Jones told the judge and jury, slowly and with great dignity, she found her son's blood and brains all over her bed, her walls and her ceiling. James was her only child. She worked a lifetime to own that home. Needless to say, Mrs. Jones doesn't live there any more.

The police photos told it to the judge and jury eloquently. Next to what was left of James' torso on his mom's bed was an unblemished orange from the paper bag lunch she had packed and put on her nightstand to take to work the next day.

According to one of seven young codefendants, what they got for this murder -- of a guy they went to school with from elementary days, of a guy they had no "issues" with -- and the attempted murder of a hardworking neighbor, were:

a couple of cassette tapes, a watch, a pair of tennis shoes, some airplane bottles of wine, and a “nice little stack” of twenty dollar bills.

When Robo, their leader, collected the guns and divided up these meager spoils, each got \$40 or \$60. His girlfriend cried because although she had told the guys about James’ toy safe, she got no money. Robo then took some of the doled-out money back and gave it to her, while they all sat around eating pizza.

On the street, this kind of attack is called a “Lick.”

At the trial one co-defendant told the judge and jury that *two hours before* they attacked and murdered at the Jones home, they had robbed, shot and killed a smalltime gambling house owner in the neighborhood. “All we got in that Lick was a gun,” he said.

When Robo was arrested days later, the police got the tip from his girlfriend. She turned him in because she was angry. Robo had taken their 3 year old son on a “Lick” to “make a man of him.” And so, the senseless violence continues: another child is brutalized. The lights dim.

On arrest, Robo was wearing James’ watch. Someone else got James’ tennis shoes.

Robo told it to the jury during the sentencing phase of his trial. Boasting that he has all the money he needs, Robo

told the jurors, "I make more money in an hour than you'll make in a lifetime."

When his time came to tell it to the Judge, he looked me in the eye and said he had nothing to say. In my bones I understood we were dealing with what I call a moral vacuum.

Not long afterwards, trying to understand this moral vacuum, I made myself watch part of a hit American movie, "The Terminator", starring Arnold Schwarzenegger. Kristin watched with me. Schwarzenegger was then being celebrated as something comparable to the President's national fitness czar. The ironies of this Presidential Seal of Approval were not lost on me. More than a dozen people are blown away, murdered, in the first half hour of this hit film, for absolutely no reason. American kids don't come up with this all by themselves.

There is a raw brutality coursing through our culture. "Judge, this here boy is jus' like my car. I can do with him anything I want." Jimmy, 9, lies beaten senseless by his dad, who stands before me.

Hold in your mind for a moment any 3 year old you've ever known. Remember the tender warmth of their skin? Now think with me of Joshua, 3, broken and battered, admitted to the ER with old scars of precise, perfectly round cigarette burns all across his back. Burned into him by his young, pregnant mom, Joshua's scars are arranged to spell out the words "I cry."

What is happening to young America? Many youngsters have no concept of a personal future.

There is a raw brutality coursing through our culture. Many children are growing up in and with a moral vacuum. Fundamentally, I submit, what is happening to young America is happening to us all.

Greed, brutality and indifference weigh heavily in America's abandonment of our most vulnerable children. Many of our most vulnerable children become our most volatile young Americans. Like Kamikaze, they are making themselves heard with random, brutal, senseless violence, destroying themselves and taking as much as they can with them.

The care, education and support of our most vulnerable young Americans is a matter of the highest public and private priority. We are ignoring them here in Cleveland and all across America. Moreover, the "we" is us, me and thee. No bucks to pass in this democracy.

Like James Baldwin said: "The moment we cease to hold each other, the moment we cease to care, the sea engulfs us and the light goes out."