

October 2, 2005

To More Inmates, Life Term Means Dying Behind Bars

By [ADAM LIPTAK](#)

HARRISBURG, Pa. - In the winter woods near Gaines, Pa., on the day before New Year's Eve in 1969, four 15-year-olds were hunting rabbits when Charlotte Goodwin told Jackie Lee Thompson a lie. They had been having sex for about a month, and she said she was pregnant.

That angered Jackie, and he shot Charlotte three times and then drowned her in the icy waters of Pine Creek.

A few months later, Judge Charles G. Webb sentenced him to life in prison. But the judge told him:

"You will always have hope in a thing of this kind. We have found that, in the past, quite frequently, if you behave yourself, there is a good chance that you will learn a trade and you will be paroled after a few years."

Mr. Thompson did behave himself, learned quite a few trades in his 35 years in prison - he is an accomplished carpenter, bricklayer, electrician, plumber, welder and mechanic - and earned a high school diploma and an associate's degree in business.

So exemplary is his prison record that when Mr. Thompson, now 50, asked the state pardons board to release him, the victim's father begged for his release, and a retired prison official offered Mr. Thompson a place to stay and a job.

"We can forgive him," said Duane Goodwin, Charlotte's father. "Why can't you?"

The board turned Mr. Thompson down.

Tom Corbett, the state attorney general, cast the decisive vote.

"He shot her with a pump-action shotgun, three times," Mr. Corbett said. "This was a cold-blooded killing."

Just a few decades ago, a life sentence was often a misnomer, a way to suggest harsh punishment but deliver only 10 to 20 years.

But now, driven by tougher laws and political pressure on governors and parole boards, thousands of lifers are going into prisons each year, and in many states only a few are ever coming out, even in cases where judges and prosecutors did not intend to put them away forever.

Indeed, in just the last 30 years, the [United States](#) has created something never before seen in its

history and unheard of around the globe: a booming population of prisoners whose only way out of prison is likely to be inside a coffin.

A survey by The New York Times found that about 132,000 of the nation's prisoners, or almost 1 in 10, are serving life sentences. The number of lifers has almost doubled in the last decade, far outpacing the overall growth in the prison population. Of those lifers sentenced between 1988 and 2001, about a third are serving time for sentences other than murder, including burglary and drug crimes.

Growth has been especially sharp among lifers with the words "without parole" appended to their sentences. In 1993, the Times survey found, about 20 percent of all lifers had no chance of parole. Last year, the number rose to 28 percent.

The phenomenon is in some ways an artifact of the death penalty. Opponents of capital punishment have promoted life sentences as an alternative to execution. And as the nation's enthusiasm for the death penalty wanes amid restrictive Supreme Court rulings and a spate of death row exonerations, more states are turning to life sentences.

Defendants facing a potential death sentence often plead to life; those who go to trial and are convicted are sentenced to life about half the time by juries that are sometimes swayed by the lingering possibility of innocence.

As a result the United States is now housing a large and permanent population of prisoners who will die of old age behind bars. At the Louisiana State Penitentiary in Angola, for instance, more than 3,000 of the 5,100 prisoners are serving life without parole, and most of the rest are serving sentences so long that they cannot be completed in a typical lifetime.

About 150 inmates have died there in the last five years, and the prison recently opened a second cemetery, where simple white crosses are adorned with only the inmate's name and prisoner ID number.

A Growing Reliance on Life Terms

American enthusiasm for life sentences reflects an uneasy societal consensus. Such sentences are undeniably tough, pleasing politicians and prosecutors, but they also satisfy opponents of capital punishment.

"If you are punishing a heinous criminal who has committed a violent murder, it is appropriate to use severe sanctions," said Julian H. Wright Jr., a lawyer in [North Carolina](#) and the author of a study on life without parole. "It has the advantage of achieving a harsh penalty and keeping a violent offender off the streets. And you don't take a human life in the process. Indeed, if you mess up and do it wrong, you haven't taken someone's life."

But the prison wardens, criminologists and groups that study sentencing say the growing reliance on life terms also raises a host of questions.

Permanent incarceration may be the fitting punishment for murder. Few shed tears for Gary L. Ridgway, the Green River killer, who was sentenced to 48 consecutive life terms in [Washington State](#), one for each of the women he admitted to killing.

But some critics of life sentences say they are overused, pointing to people like Jerald Sanders, who is serving a life sentence in [Alabama](#). He was a small-time burglar and had never been convicted of a violent crime. Under the state's habitual offender law, he was sent away after stealing a \$60 bicycle.

Fewer than two-thirds of the 70,000 people sentenced to life from 1988 to 2001 are in for murder, the Times analysis found. Other lifers - more than 25,000 of them - were convicted of crimes like rape, kidnapping, armed robbery, assault, extortion, burglary and arson. People convicted of drug trafficking account for 16 percent of all lifers.

Life sentences certainly keep criminals off the streets. But, as decades pass and prisoners grow more mature and less violent, does the cost of keeping them locked up justify what may be a diminishing benefit in public safety? By a conservative estimate, it costs \$3 billion a year to house America's lifers. And as prisoners age, their medical care can become very expensive.

At the same time, studies show, most prisoners become markedly less violent as they grow older.

"Committing crime, particularly violent crime, is an activity of the young," said Richard Kern, the director of the [Virginia](#) Criminal Sentencing Commission.

Marc Mauer, executive director of the Sentencing Project, a research and advocacy group that issued a report on life sentences last year, said that about a fifth of released lifers were arrested again, compared with two-thirds of all released prisoners.

"Many lifers," Mr. Mauer said, "are kept in prison long after they represent a public safety threat."

In much of the rest of the world, sentences of natural life are all but unknown.

"Western Europeans regard 10 or 12 years as an extremely long term, even for offenders sentenced in theory to life," said James Q. Whitman, a law professor at Yale and the author of "Harsh Justice," which compares criminal punishment in the United States and Europe.

Michael H. Tonry, a professor of law and public policy at the University of Minnesota and an expert on comparative punishment, said life without parole was a legal impossibility in much of the world.

[Mexico](#) will not extradite defendants who face sentences of life without parole. And when Mehmet Ali Agca, the Turkish gunman who tried to kill Pope John Paul II in 1981, was pardoned in 2000, an Italian judge remarked, "No one stays 20 years in prison."

Some developing and Islamic nations mete out brutal sanctions, including corporal punishment and mutilation. But if the discussion is limited to very long prison sentences, Professor Tonry said, "we are vastly more punitive than anybody else."

The reasons for this gap are hard to pinpoint. Professor Whitman detects an American appetite for harsh retribution. Professor Tonry locates that appetite in a Calvinist tradition.

"It's the same reason we're not a socialist welfare state," he said. "You deserve what you get, both good and bad."

That sort of talk struck M. L. Ebert Jr., a former president of the [Pennsylvania](#) District Attorneys

Association and the district attorney of Cumberland County, Pa., as a little fancy.

"Is it too much to ask that people don't kill people?" he said. "I can't tell you the devastation it causes families, who never forget. If you kill somebody, life means life without parole."

The Crime and the Victim

"My anger broke loose, and I shot her," Mr. Thompson said recently, recalling for the millionth time the day he killed Charlotte Goodwin. He was afraid, he said, that her pregnancy would get him kicked out of his foster home, his fourth in five years and the first one that he liked.

Mr. Thompson is a slight, almost elfin man, with receding, wispy, unkempt salt-and-pepper hair, a casual mustache, breath that smells of cigarettes and moody brown eyes in a heavily creased face.

He is serving his time at the Rockview Correctional Institution near Bellefonte, just up the road from Pennsylvania State University. It is a soaring and forbidding mass of granite, a piece of Gotham City plunked down in the rolling hills of rural Pennsylvania.

He used his friend Dennis Ellis's pump-action shotgun, Mr. Thompson said, and he shot Charlotte at close range three times. He tried to explain the repeated shots.

"You have to pump each time," he said. "It is true. Dennis and I, we always had a habit of going out in the woods with a gun and see how fast we could empty a gun. That's where the second and third shots come from."

Charlotte's wounds were not immediately fatal. The youths had the idea, Mr. Thompson said, of putting her in a nearby creek. But she bobbed to the surface. So the three teenagers slid her body under the ice that covered a part of the creek, drowning her.

"You should have seen how stupid we was," Mr. Thompson said. "I wish I could change that."

Mr. Thompson grew up as a slow and confused child, with a slight speech impediment. He had 13 brothers and sisters, "and that's not counting the half ones," he said.

"Three or four of them have died so far," he said. His mother died when he was 10, he added, "I'm told of cancer."

Mr. Thompson recalled his younger self.

"That 15-year-old kid was so scared. He was a special-ed kid. Special-ed kids get teased a lot. I was small. I kept running away. Here was a kid who was always scared to death, picked on, possibly beat up."

"Looking back," he said, "I wish someone would have grabbed hold of me and kicked my butt. I wasn't a bad kid."

He met Charlotte Goodwin at the foster home.

"I didn't get to know her that well," Mr. Thompson said. "At that age, boys are after one thing. A girl

can talk all she wants and you ain't listening to her. You're thinking of only one thing."

Duane Goodwin, Charlotte's father, remembered a cheerful child.

"She was just happy-go-lucky," Mr. Goodwin said of her. "If there was any kind of music on, she'd move to it."

Jackie confessed to killing Charlotte, and Judge Webb sentenced him to life. At that time, 1970, in Pennsylvania, a life sentence usually meant fewer than 20 years.

Dorothy D. Quimby was the clerk of the Orphans Court of Tioga County at the time and she knew him as "a gentle, good boy who had suffered a lot of hurt."

"I also knew Judge Webb very well," she wrote to the pardons board, "and know that his intentions were not to have Jackie incarcerated for any great length of time."

A few months ago, Mr. Goodwin, 78, traveled 100 miles to speak up for his daughter's killer before the pardons board, which meets in an ornate courtroom of the State Supreme Court here, under a stained-glass cupola and a dozen frescoes attesting to the majesty of the law.

Mr. Goodwin, a retired glass factory worker with a gray goatee and a hearing aid, is a small man with erect posture, alert eyes and quick laugh, but he gets a little overwhelmed by public speaking. He spoke softly and haltingly.

"He was just a scared little kid," Mr. Goodwin said of Jackie. "If he ever gets out, he's got a good education, and I think he'll use it."

Kenneth Chubb, a retired facilities manager at the prison in Camp Hill, told the board that he had a proposal.

"My wife and I would both like to offer, if needed, a place for him to stay," Mr. Chubb said, his voice choking with emotion. "Plus, my son, who has a plumbing business, will offer him a job."

That drew a low whistle of surprise from a former prison official in the audience.

"For a corrections person to embrace an inmate is just incredible," the official, W. Scott Thornsley, said.

A few days before the hearing, Mr. Corbett, the state attorney general, met with Mr. Thompson.

"I walked out of the room thinking and feeling that he was going to say yes," Mr. Thompson later said. "He was not coldhearted. He wasn't drilling me. He gets to the point. He's a decent man."

But in the end, that visit, Mr. Goodwin's pleas and Mr. Chubb's offer were not enough to sway Mr. Corbett, the one dissenting vote on the five-member parole board.

"I am not prepared," Mr. Corbett said, "at this time to vote in the affirmative."

John F. Cowley, the district attorney in Tioga County, where the killing took place, agreed that Mr.

Thompson should never be free.

"At the end of the day, in Pennsylvania life means life," Mr. Cowley said. "I come down on the side - not firmly - but I come down on the side that there should be no pardon. It's a tough case. The only reason is the age at the time of the crime. Everything else is way beyond ugly."

In lawsuits around the country, lifers are complaining that the rules were changed after sentencing. In some cases, they have the support of the judges who sentenced them.

A survey of 95 current and retired judges by the Michigan state bar released in 2002 found that, on average, the judges had expected prisoners sentenced to life with the possibility of parole to become eligible for parole in 12 years and to be released in 16 years. In July, a [Michigan](#) appeals court echoed that, saying that many lawyers there used to assume that a life sentence meant 12 to 20 years.

"This belief seems to have been somewhat supported by parole data," the court said in rejecting a claim from a prisoner who claimed that recent changes in the parole system had worked to his disadvantage. "For example, between 1941 and 1974, 416 parole-eligible lifers were paroled, averaging 12 per year."

In the last 24 years, by contrast, a New York Times analysis found that while the number of lifers shot up, the number of lifers who were paroled declined to about seven per year - even using the most liberal of definitions.

In 2002, for instance, a Michigan judge tried to reopen the case of John Alexander, whom he had sentenced to life with the possibility of parole for a seemingly unprovoked street shooting in 1981.

The judge, Michael F. Sapala, said he had not anticipated the extent to which the parole board "wouldn't simply change policies but, in fact, would ignore the law" in denying parole to Mr. Alexander. "If I wanted to make sure he stayed in prison for the rest of his life, I would have imposed" a sentence "like 80 to 150 years," the judge said.

An appeals court ruled that the judge no longer had jurisdiction over the case.

Executive Clemency Wanes

In [Louisiana](#), which, like Michigan and Pennsylvania, has a large number of lifers, "it was common knowledge that life imprisonment generally means 10 years and 6 months" in the 1970's, the state's Supreme Court said in 1982.

Since 1979, all life sentences there have come without the possibility of parole, and the governor rarely intervenes.

"The use of executive clemency has withered, as it has all over the country, especially with lifers," said Burk Foster, a recently retired professor of criminal justice at the University of Louisiana at Lafayette.

The federal appeals court in [California](#) is considering whether the parole board there may deny parole to lifers based on the nature of the original crime, which, prisoners say, is a form of double jeopardy. The plaintiff in the case, Carl Merton Irons II, shot and stabbed a housemate, John Nicholson, in 1984 after hearing that Mr. Nicholson was stealing from their landlord. Mr. Irons was sentenced to 17 years to life for second-degree murder.

The parole board refused for a fifth time to release him in 2001, saying that the killing was "especially cruel and callous."

The prosecutor who sent Mr. Irons away spoke up for him at a hearing the next year, to no avail. "If life would have it that Carl Irons was my next-door neighbor or I heard he was going to move next door to me," the prosecutor, Stephen M. Wagstaffe said, "my view to you would be that I'm going to have a good neighbor."

Mr. Irons filed a lawsuit challenging the board's decision. A federal district judge agreed, ordering him paroled. The federal appeals court is expected to rule soon.

The state has 30,000 lifers, of whom 27,000 will eventually become eligible for parole. As a practical matter, parole for lifers is a two-step process: the parole board must recommend it, and the governor must approve it. Neither step is easy. In a 28-month period ending in 2001, according to the California Supreme Court, the board considered 4,800 cases and granted parole in 48. Gov. Gray Davis, a Democrat, reversed 47 of the decisions.

Governor Davis had run on a tough-on-crime platform. In five years as governor, he paroled five lifers, all murderers.

Gov. Arnold Schwarzenegger, a Republican who succeeded Mr. Davis in late 2003, has been more receptive to parole. He has paroled 103 lifers, 89 of them murderers.

"Even though he is letting out more than Davis, it is still just a trickle," said Don Spector, executive director of the Prison Law Office, a legal group concerned with inmate rights and prison reform. "The victims' rights groups are used to seeing nothing, so to them, it seems like there's been a flood of releases."

Reginald McFadden is the reason lifers no longer get pardons in Pennsylvania.

Mr. McFadden had served 24 years of a life sentence for suffocating Sonia Rosenbaum, 60, during a burglary of her home when a divided Board of Pardons voted to release him in 1992. After Gov. Robert P. Casey signed the commutation papers two years later, Mr. McFadden moved to New York, where he promptly killed two people and kidnapped and raped a third. He is now serving another life sentence there.

Lt. Gov. Mark Singel had voted to release Mr. McFadden. When news of the New York murders broke, Mr. Singel was running for governor and was well ahead in the polls. The commutation became a campaign issue, and Mr. Singel was defeated by Tom Ridge, who did not commute a single lifer's sentence in his six years in office.

Ernest D. Preate Jr., the state attorney general at the time, was the sole dissenting vote in Mr. McFadden's case.

Then, it took only a majority vote of the board to recommend clemency. Mr. Preate worked to change that, and in 1997 Pennsylvania voters passed a constitutional amendment requiring a unanimous vote in cases involving the death penalty and life sentences. The amendment also changed the composition of the board, substituting, for instance, a crime victim for a lawyer.

Mr. Thornsley, a former corrections official who now teaches at Mansfield University, said the amendment made a sensible change. "It took a unanimous vote to convict somebody," he said. "It should take a unanimous vote to send a case to the governor. If you're going to have a sentence, it should be served out in its entirety."

The McFadden experience in Pennsylvania is a representative one, said Michael Heise, a law professor at Cornell.

"Around World War II, governors were giving away clemency like candy," Dr. Heise said. "Ever since Governor Dukakis and Willie Horton and President Clinton and Marc Rich, executive officers have been far, far more reticent to exercise their power. The politics are pretty clear: they don't want to get burned."

As recently as 30 years ago, pardons for lifers were common in Pennsylvania. In eight years in the 1970's, for instance, Gov. Milton Shapp granted clemency to 251 lifers. Since 1995, even as the number of lifers has more than doubled, three governors combined have commuted a single life sentence.

These days, Mr. Preate is on the other side of the issue, working to overturn the amendment that he himself set in motion. He said his change of heart came after he spent a year in prison on a mail fraud conviction in the mid-90's. Meeting older lifers convinced him that the current system could be unduly punitive, he said.

"That got me involved in the fight against the amendment I helped create and supported," he said.

Mr. Preate now supports legislation that would allow a parole board to consider the cases of lifers who have served 25 years and are at least 50. "I never foresaw the politicization of this process," he said, "and the fear that has crept into the process."

Mr. Thompson entered prison in an era when its goal was rehabilitation, even for people serving nominal life terms. These days, he works as a prison carpenter, earning 42 cents an hour building cabinets and fixing things up around the prison, which houses about 1,800 inmates, more than 180 of whom are lifers.

"It helps pay the cable and gets you a little bit of commissary," he said. "It might be strange to say, but coming to jail helped me. I got an education. Would I have got that out there? I probably would have quit like my brothers and most of my sisters. Would I have an associate's degree? Would I have job training?"

He has a cell to himself, with a television and a guitar. He plays "the old rock, the classics" and said he was partial to Bob Dylan. He has started playing sports.

"Softball season started up again and the young boys talked me in to playing again, and I'm pretty good," he said several months ago. He plays second base.

A lifer entering the system today would have few of Mr. Thompson's advantages. Programs have been cut back, and those that still exist are often reserved for prisoners serving short sentences.

Mr. Thompson sounded resigned when he talked about being turned down by the pardons board.

"A lot of guys in here really thought I was going to make it, staff and inmates, to give a little hope to the lifers," he said wearily. "I didn't cry this time. I committed a crime. Even though I think I've been punished enough, I'm to the point where I'm worried about my people, my supporters, because it really does take a toll on them."

The Data on Lifers

Janet Roberts of The Times's computer-assisted reporting unit contributed reporting for this series. She was assisted by Jack Styczynski, Donna Anderson, Linda Amster, Jack Begg, Alain Delaqueriere, Sandra Jamison, Toby Lyles and Carolyn Wilder.

[Copyright 2005 The New York Times Company](#) | [Home](#) | [Privacy Policy](#) | [Search](#) | [Corrections](#) | [XML](#) | [!](#)