

PUBLIC HEARING
before
DRUG STUDY COMMISSION
at
RAHWAY STATE PRISON
RAHWAY, NEW JERSEY
TUESDAY, JULY 2, 1974

MEMBERS OF COMMITTEE PRESENT:

Senator Alexander J. Menza, Chairman
Assemblywoman Betty Wilson, Vice Chair Person

Also:

Peter Guzzo
Thomas Lescault
Claire Deroner
Eugene Galli

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1 SEN. MENZA: Good morning, gentlemen.
2 We are going to start. We were slated to
3 start at 9 o'clock and it is 9:30 now so we
4 will get the show on the road.

5 Let me initially explain the commission.
6 First of all, I am Senator Alexander Menza. I
7 am the Chairman of this Commission. I am from
8 Union County.

9 To my right is Assemblywoman Betty Wilson,
10 who is the Vice Chairman and who is also from
11 Union County.

12 In addition to us two there are Senator
13 Garrett Hagedorn, from Bergen County, who is
14 not here yet, Senator Wynona A. Lipman from
15 Essex County, who is also not here, Assemblyman
16 Gus Rys, from Bergen County, and Assemblyman
17 Mike Adubato from Essex County.

18 This Commission was initially constituted
19 by virtue of assembly concurrent Resolution
20 Number 2001 last year.

21 It has been reconstituted by virtue of
22 Senate concurrent Resolution Number 90. The
23 Commission is directed at a change in the nar-
24 cotic penalty laws.

25 We are talking about all types of narcotic

1 and non-narcotic substances, all controlled
2 dangerous substances. We are delving into
3 the area of marijuana, into the area of hard
4 drugs, into the area of cocaine and so forth.

5 We are also very interested in the diver-
6 sionary process.

7 Most of you gentlemen know what I am
8 talking about when I talk of diversionary
9 process.

10 What we would like to do today is to hear
11 your thoughts with regard to the narcotic
12 problem as it exists in the State of New Jersey
13 and your recommendations.

14 We are very interested in your recommenda-
15 tions. Let me give you a brief background, very
16 briefly of what we have done so far. This is
17 our fifth hearing, I think it is.

18 We started last year. We have heard from
19 Mr. Sonarac, who is the Executive Director
20 of the President's Commission, we have heard
21 from various gentlemen and ladies throughout
22 the country, including people from the Harvard
23 Medical School and so forth.

24 We would like very much to hear from you,
25 if you can direct it in this area if it is

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possible, as to what we do with the hard core drug addict who possesses and sells to feed his habit, the hard core drug addict who is charged with a property crime, the addict who is charged with a crime of violence and your thoughts as to whether our present system of so-called rehabilitation is effective.

The first witness then will be Mr. Roosevelt Travis.

What we would like you gentlemen to do is perhaps initially give us a statement and then we would like to ask you questions, myself or Assemblywoman Wilson or perhaps our staff.

Mr. Travis.

ASSEMBLYWOMAN WILSON: I think we should advise everybody that the proceedings are being recorded by not only the stenographer but by tape.

SEN. MENZA: As far as cameras that is your option, gentlemen.

We don't care one way or the other. You have to understand one thing about this Commission, that we are very serious about it.

We have heard from many, many, many people and we hope that the result is going to be a

1 massive change in Title 24, Title 2-A, et cetera.
2 We have a deadline for early fall, at which
3 time we will have our report ready and hope-
4 fully bills will evolve at that time.

5 In other words, what I am trying to say
6 very succinctly, gentlemen, is that we are very
7 serious about this Commission.

8 Mr. Travis.

9
10 R O O S E V E L T T R A V I S, SWORN.

11 Mr. Travis, you may make a statement
12 first and then we will ask questions if you would
13 like.

14 MR. TRAVIS: First of all, I don't intend
15 to sit here and personalize. I came here to
16 sit and try to speak sort of in a class type
17 thing as a representative of a large body of
18 men who are in need of some changes in view of
19 what it is all about.

20 To start with, when you talk about
21 treatment and the question as to whether or not
22 the penalty should be different for a guy who
23 may steal a jacket, steal a watch or commit a
24 vicious crime, all to support his habit, I can't
25 understand how you intend to separate addicts

1 by criminal categories.

2 When you are dealing with an addict you
3 are dealing with an addict, a person who has
4 pressing needs. Whether or not you classify
5 them in any particular areas you are still
6 dealing with a sick person.

7 I have one major issue that I really
8 wanted to speak on. I was reading something from
9 Dr. Nash's report from a 2-year survey.

10 If I may I would like to read it.

11 "In drug free treatment Whites experience
12 more abatement and arrest than do Blacks.
13 Actually each average about the same number of
14 arrests per year after treatment. The Whites
15 average 86 percent arrests per year prior to
16 treatment compared to only 58 arrests for
17 Blacks."

18 Now when I look at these figures I ask the
19 question Why?

20 If Whites experience 86 percent arrests
21 in a period of one year and I turn around and
22 I see that the jails are beginning to be filled
23 up with nothing but Black people, it raises a
24 question in my mind.

25 Also in terms of the drug free treatment,

1 it says where Whites experience more abatement
2 and arrest than do Blacks, I think that is
3 basically because the TV's that exist lean more
4 toward White middle-class values and are not
5 reaching the bridge of the problem, you know,
6 where Blacks are concerned.

7 I think that's why the trend for Blacks
8 has been more or less leaning toward methadone
9 maintenance.

10 In terms of what you have presently in
11 the prison situation in terms of treatment, I
12 don't think it is viable, I don't think it is
13 any use.

14 I don't think it is doing anyone any good.
15 I think it is a waste of taxpayers' dollars
16 and I think that the person who implemented it
17 had some type of ulterior motive because he
18 should have known that it wasn't going to work
19 and it isn't working and never will, first of
20 all, because treatment and punishment are not
21 compatible.

22 Those are some of the things that I had
23 in mind.

24 Now in your letter that was forwarded to
25 me or the invitation that was forwarded to me

1 you asked in terms of my own experience with
2 drugs.

3 I said I won't personalize. What treat-
4 ment opportunities, was treatment offered to
5 you, did you seek treatment on your own? No.

6 At the time of your sentencing were there
7 any options to be sent to drug treatment
8 facilities or to other places or programs
9 instead of prison? No.

10 What is your opinion of criminal penalties
11 for drug use?

12 One of the members said a long time ago
13 that if a man came to the jail and he had
14 pneumonia he would be treated for his illness.

15 A man comes to the jail, he is a drug
16 addict which is considered by the State of
17 New Jersey as an inmate, he receives no treatment.

18 You have what we consider to be sham
19 programs operating in some of the institutions.
20 I don't think they are benefiting anyone but the
21 people who man them and so-called service the
22 inmates.

23 What I think should happen, I think the
24 diversion should be in terms of not sending
25 people to prison because of their addiction

1 and they should be placed in community-based
2 programs, or for those men who have been in-
3 carcerated for some period of time and changes
4 haven't been made that would substantiate
5 what I am trying to say, I think they should
6 be given the opportunity for early release,
7 for treatment in the community, whether it be
8 by the Parole Board or presently the New Jersey
9 Statute 321-21-10.9, or some sort of means by
10 which people can come out and become involved
11 in the community, especially when the motiva-
12 tion is at a peak.

13 Are there any questions?

14 BY ASSEMBLYWOMAN WILSON:

15 Q I would like to ask you this. You make a
16 point of saying that you don't want to personalize so if
17 you don't want to answer the question just say so.

18 I am interested in knowing this: Our present law
19 assumes that using drugs is something to be prevented or
20 avoided and you may challenge that assumption but accepting
21 that assumption for the moment, what do you think would
22 deter people from using drugs?

23 A I think it is a social problem, a social illness.

24 Q Would you care to elaborate on that?

25 A Well, I can't speak for White middle-class

1 America but I can speak for the ghetto. Perhaps all of
2 the conditions in the ghetto permeate the type of thing
3 that you are all sitting here about.

4 To elaborate on it would be just extensive. I don't
5 want to really go into it because everybody knows what I am
6 talking about.

7 All those kinds of conditions, poor educational
8 opportunities, living standards, just the total separation
9 thing, all the things that are perpetuated upon Black people
10 in the ghetto will drive a man to drink or drugs.

11 Q If you knew or if an addict knew that he or
12 she would be certainly returned to prison, absolutely with
13 certainty, would that person take a drug upon release from
14 prison?

15 A It is possible.

16 Q Even if they knew with certainty?

17 A Even if they knew it is possible. I think that
18 what is important is a person's motivation. I don't think
19 any drug laws is going to stop a man from using drugs or
20 anything like that.

21 You are not going to stop it with laws. You can stop
22 it with treatment.

23 Q You mentioned treatment and I want to ask you
24 some questions about treatment. You have what I have come
25 to recognize as a pretty commonly held idea that the

1 treatment that we are presently affording is pretty
2 ineffective.

3 Is that a fair assessment of your view?

4 A Yes.

5 Q Do you have any suggestions?

6 A Yes, I do. I won't mention the name of the
7 program but anyway there are a couple of programs on the
8 street, community-based programs, who are virtually
9 failures as most others are in dealing just with people
10 who come off the street.

11 When you have a man coming out of prison, first of
12 all we feel that a guy has to be detoxed from this joint.

13 Secondly he has problems in addition to the drug
14 problems. Most of the programs that presently exist aren't
15 able to meet the needs of someone who is coming out here
16 with that dual problem of addiction and ex-offender status.

17 A couple of programs that I am aware of are trying to
18 revamp their approaches to treatment for ex-offenders. To
19 meet specific needs in terms of education, positive rein-
20 forcement, not stripping you of all, trying to enhance the
21 good, not dealing with you about how wrong you were for
22 using drugs but how right you are without them.

23 Family counseling, you would be surprised at the
24 number of men who are incarcerated whose families because
25 of what they did when they were on the streets don't even

1 want to be bothered with them again.

2 That type of thing, just the total mechanism to
3 deal with all of the problems of a man coming out where
4 those problems can be specifically identified.

5 I think there are a lot underlying, even with myself
6 and others I would imagine coming out of the jails, who
7 have not actually begun to identify with a lot of the
8 problems that exist in their heads.

9 I think that this is what we need. I don't think
10 you can do it inside the jails.

11 Q Would you care to name some of the programs
12 that you think are successful?

13 A I will mention one, S.C.A.N., because I am
14 partial to it. I work for them.

15 Q I just have one other question and that is
16 about the sentencing of persons. From your experience
17 would you say that the present system is effective, that
18 the present system of sentencing is effective with respect
19 to sentences being imposed that have some relationship
20 to the nature of the offense?

21 By that I mean this: Is the large scale seller,
22 addicted or non-addicted, large seller being sentenced more
23 harshly, the same as or less harshly than the small-time
24 user?

25 A I am a perfect example of that. I was arrested

1 with what after chemical analysis came back to be a
2 quarter kilo of cocaine. I received a 1 to 2½-year
3 sentence.

4 Q How much is a quarter of a kilo worth?

5 A Roughly \$5,000, \$4,800 to \$5,000, roughly. I
6 know some guys who were in jail doing large time for just
7 mere bag possession.

8 Q When you say mere bag, that is worth how
9 much money?

10 A \$3, \$5.

11 Q When you say large time you mean how long?

12 A 5 to 7, something like that.

13 Q So a guy is in for 5 to 7 years for having a
14 \$2 or \$3 bag?

15 A Yes.

16 Q And you are an example of someone who had a
17 large amount and you are in for one and a half?

18 A Yes.

19 Q Is this your first offense?

20 A Yes.

21 ASSEMBLYWOMAN WILSON: I don't have any
22 further questions.

23 BY MRS. DERONER:

24 Q You mentioned a member of the staff of New

25 Directions. I understand that program is here and at Trenton

1 State Prison, is that correct?

2 A Yes, it is.

3 Q Now is that a regular therapeutic community
4 drug program or is that a counseling program?

5 A No. You mention that in the jail and you
6 might have a riot. Let me tell you what they do. They
7 prepare, it is a preparatory referral agency within the
8 confines of the prison, that grew out of concern of the
9 men for themselves and their reluctance to be involved with
10 people who have been coming in and just circulating guys
11 through the institutions all their lives.

12 New Directions was started by two ex-inmates and it is
13 presently staffed by inmates. The program is virtually
14 run by inmates with the exception of the little assistances
15 and I think it is really non-existent at this point from the
16 Department of Health.

17 No reflection on them. What they do is they take
18 people, they actually take a man and make him become
19 involved in the processes that New Directions has to go
20 through to secure a man's freedom, proper treatment.

21 This is what counts. This is where you can judge
22 motivation. They are highly selective in terms of when
23 a man goes through school and so forth. They use the
24 New Jersey Statute.

25 I'm sure you are aware of that, to secure freedom

1 for men for community-based treatment.

2 Recently the Parole Board has been sort of responsive.
3 They don't offer treatment but their involvement is thera-
4 peutic in a sense because it instills motivation and drive
5 into a person.

6 Q Is this kind of job counseling or that kind of
7 thing?

8 A No.

9 Q Or counseling about programs to go into once
10 released?

11 A Yes.

12 Q That is basically the thrust?

13 A Yes.

14 Q Now you mentioned that recently the Parole
15 Board has been more responsive.

16 As I understand it, that has been a major problem
17 for most of the drug programs at the recommendation of the
18 drug program, the inmate is not either guaranteed parole
19 or the recommendation is not followed very often, is that
20 true?

21 A Yes, but let me differentiate between the
22 programs that I am aware of, like Genesis House in Clinton,
23 Alpha Meta in Leesburg, those are state-orientated drug
24 programs within the confines of the prison situation.

25 New Directions is not. It is referral.

1 Q Is it true that New Directions is having a
2 greater success in obtaining release to the community
3 programs?

4 A Yes. As a matter of fact we have several
5 come in who have been transferred from Leesburg to the
6 facility at Rahway who actually in essence dig our program
7 a lot more than they did down there.

8 They are put into a separate unit for treatment and
9 then they are put right back in that crash, you know,
10 into the prison community and it does no good.

11 BY SEN. MENZA:

12 Q Were you addicted prior to the time you were
13 caught in possession of cocaine?

14 A I had some problem with that question when I
15 came in for classification. I never shot dope. I snorted
16 a quantity of cocaine and heroin at one time. Whether
17 the addiction is physical or physiological doesn't matter
18 to me. I won't personalize.

19 Q Were you charged with possession or possession
20 with intent to sell?

21 A Possession with intent to sell.

22 Q Are drugs available here in Rahway Prison to
23 the inmates?

24 A Let me put it this way: The prison environment
25 or the prison community is merely a microcosm of the entire

1 country.

2 Q Is it my understanding then by your answer
3 that they are available in Rahway Prison?

4 A Yes.

5 Q What is the source of this availability?

6 A Beats me.

7 Q What kind of drugs are available?

8 A I don't know. I know there are drugs available.

9 Q Have you known of cases where persons have
10 had drugs made available to them in Rahway Prison?

11 A Well, it is impossible to be here and not hear
12 about it. There is a grapevine that you can't beat in a
13 jail.

14 SEN. MENZA: Any further questions?

15 BY MR. GUZZO:

16 Q I would just like to know your opinion, if you
17 are familiar with the New York State Drug Law, what
18 effect, if any, do you think that law has or will have
19 in New York?

20 A Pick up the New York paper and see. You can
21 see it every day. It does nothing. As a matter of fact,
22 the morning that I was sentenced, Rockefeller had just
23 signed the law, May 11, 1973.

24 Since that time it has done nothing. I think it was
25 enacted in September of last year. It hasn't actually done

1 any good. The price of drugs has soared, more deaths are
2 occurring behind who controls what, et cetera, et cetera.

3 At this point a guy is more apt to shoot out with an
4 officer than to submit to arrest because of the fact that
5 he is going to do 15 years before he sees daylight again.
6 I don't think that you are really helping the problem.

7 What they have done in New York in effect has made
8 the price of drugs double. That means the guy with a normal
9 habit of \$100 a day has now got to go out and rob you and
10 everybody else for \$200 a day instead of the \$100 a day
11 because you can't stop it that way.

12 Q Is there any logic to the breakdown by weight
13 or quantity of drugs in the New York State Law?

14 A No. Let me say this, and I quote Stefan Hawthorne
15 again. You created a criminal by the stroke of a pen. How
16 you want to break it down is not important. What is important
17 is that you are dealing with a sick person and whether his
18 treatment is a right or a privilege and whether you would
19 extend either in an atmosphere conducive to treatment.

20 SEN. MENZA: Any other questions?

21 Thank you, Mr. Travis.

22 Mr. Richard Booker.

23 * * *

24

25

1 R I C H A R D B O O K E R, SWORN.

2 SEN. MENZA: Proceed, Mr. Booker.

3 THE WITNESS: I have used drugs for
4 approximately 23 years and I have had 3 narcotic
5 offenses. I had sentences totaling 32 years.

6 I am currently doing a 10-year sentence
7 for possession of narcotics which had a street
8 value of \$80. I was never afforded any treatment
9 by the courts. Nor have I ever-- well, on two
10 occasions I have sought treatment on my own,
11 just for the purpose of detoxification.

12 What I would like to talk about is the
13 judicial system in relation to narcotics. I
14 think it is racist. I think your narcotic laws
15 are racist in nature.

16 The scheduling of the drugs, in the
17 schedules it is racist. Drugs that Black people
18 and Spanish-speaking people use, they are classi-
19 fied as narcotic drugs. Other things are classi-
20 fied as dangerous substances.

21 In the drugs that Black people use and
22 Spanish-speaking people use, the penalties are
23 harsh. The courts tend to deal more harshly
24 with Black people and Spanish-speaking people.

25 I could think of a judge in Hackensack,

1 Judge Pashman, who is now a Supreme Court
2 Justice, 89 Whites were arrested for sale and
3 possession of narcotics in a community and he
4 immediately suspended all the action. He said
5 it wasn't a legislative intent to punish people
6 for selling small amounts of narcotics.

7 I see that nowhere in the statutes. Only
8 two of those 89 people were prosecuted.

9 I think all this contributes as to whether
10 or not a person feels as though they have been
11 justly dealt with. It gives a feeling of hope-
12 lessness and I think it is designed to perpetuate
13 this racist system.

14 When you speak of civil commitments for
15 addicts, we are talking about a prison for
16 addicts. We are not talking about dealing with
17 a problem.

18 You want them in a separate place. I do
19 not think that is the solution to the drug
20 problem.

21 I am ready for any questions.

22 BY ASSEMBLYWOMAN WILSON:

23 Q Richard, what is your job here in the prison?
24 What work do you do?

25 A I work for the Prisoners Legal Association.

1 Q Have you had any legal training?

2 A No. Only what I acquired in here. I wanted
3 to know what it was that was fucking me around.

4 Q Would you care to comment on the difference in
5 the type of sentence that is imposed when a defendant has
6 a Public Defender as contrasted to a private attorney
7 such as Senator Menza?

8 A Yes. If you have a respected attorney you could
9 pay a nice fee and I don't think it is no corruption among
10 the judges but they do favor a respected attorney.

11 They want to treat their clients fairly and with a
12 Public Defender this just is not so. They just treat them
13 any way.

14 I do know that a paid respected attorney would receive
15 favor as far as his clients. I am not saying any corruption
16 is going on but just as a matter of respect.

17 A respected attorney wouldn't be a respected attorney
18 very long if his clients received severe sentences fre-
19 quently.

20 Q What is your view of the effectiveness of most
21 treatment programs?

22 A I think they are all failures. I think it is a
23 business. I think it is something like a prison, like
24 prisons. Prisons are a business. I think drug programs have
25 been institutionalized. People who run these drug programs

1 see clean addicts as commodities. They tend to perpetuate
2 the drug problem rather than solve it.

3 Q If you knew for certain that you would go to
4 jail or that you would be punished would you take another
5 shot of drugs?

6 A If I knew for certain that I would be punished,
7 no, I don't believe I would.

8 Q Do you think that would act as a deterrent?

9 A Yes.

10 Q In your experience in the prison have you
11 noticed a disparity in sentencing?

12 A Yes. There is a great disparity in sentencing.
13 Like Travis, he has a quarter of a kilo sale. He has
14 2½ years.

15 When I was 18, for my first offense I was involved in
16 a sale of narcotics that had a street value of less than
17 \$18 and I received a 12-year prison sentence. That was my
18 first time ever in any trouble. So there has to be a great
19 disparity and it continues.

20 We have a person in here who has a one bag possession,
21 with a street value of \$2. He has 10 years. Your drug
22 laws are adequate. You have people whose heads are not in
23 the right place dealing with sentencing and what-not but
24 they are adequate and they just don't use them.

25 I can't understand why people would want an increase

1 when they are not even using the maximum penalty they
2 could use now. I don't understand that.

3 In drug convictions they come about so easily, no
4 evidence whatsoever. They just see the drugs and that's it.

5 I could be just with a person, not have them, and I have
6 a possession. They give us a joint possession. They could
7 be on the floor here and everybody would go to jail.

8 Convictions come about too easily for you to talk
9 about giving people life in jail for drug conviction.

10 Q I would like to ask you about two particular
11 types of maintenance programs because as Senator Menza
12 indicated before, one of the important jobs of this
13 Commission is to try to improve what it is we do in the
14 delivery of treatment, if indeed treatment is desirable
15 which maybe is the bone premise to start with.

16 What do you think of methadone maintenance versus
17 any kind of maintenance?

18 Is one better than the other or should we have both?

19 A Well, I think methadone maintenance is genocide.
20 It is a matter of controlling people.

21 If you were going to have a maintenance type program
22 I think you would be better off with the heroin maintenance.

23 Q Why?

24 A Methadone maintenance increases the use of
25 cocaine and if a person was maintained on heroin you wouldn't

1 have that.

2 Q Explain to me why methadone maintenance
3 increases use of cocaine.

4 A This is the type of drug that they could feel
5 and they could no longer feel heroin and so they would
6 resort to the use of cocaine, but if you were giving them
7 heroin, cocaine would like destroy that heroin effect and
8 they wouldn't do that.

9 Heroin maintenance would be less harmful. Your
10 death rate is high with methadone maintenance. I think
11 it is a money-making thing.

12 I read where doctors give up flourishing practices
13 to run methadone maintenance clinics. We are all being
14 exploited.

15 Q The point is that the addict will do something
16 to get high on methadone, he has to go to cocaine?

17 A With heroin I think he would be satisfied with
18 that.

19 ASSEMBLYWOMAN WILSON: I don't have any
20 further questions.

21 BY MR. LESCAULT:

22 Q Mr. Booker, if drug programs have failed to
23 treat the drug dependent persons and prisons have failed
24 to deter the use of illicit drugs and the current narcotics
25 statutes are inadequate, what do you believe to be the

1 solution to solve the drug problem in New Jersey?

2 A What do I believe it to be?

3 Q What would you like to have enacted that would
4 benefit not only the addict but society?

5 A Well, the first thing I think you should con-
6 centrate on is drugs. Drugs is our problem. Now we have
7 problems, all people have problems and Black people perhaps
8 have the worst problems.

9 All Black people are not addicts. Therefore I
10 think that you should just concentrate on how to prevent a
11 person from using drugs rather than finding some reason
12 why they are doing it and why they continue to do it.

13 I don't think that that is relevant. I think that
14 you perhaps give the person 3 or 4 additional problems if
15 you search their mind in search of what caused this or what
16 could be causing this.

17 I think that you should just concentrate on how to stop
18 a person from taking a shot of drugs.

19 SEN. MENZA: The question has a lot of
20 validity. The question really is this: You
21 have had a history of being a drug addict and
22 most likely arrested for possession on numerous
23 occasions.

24 Obviously you have gotten out of jail and
25 went back on drugs and back in jail and had this

1 kind of cycle.

2 The question asked by the staff is what
3 approach should have been taken with you 10
4 years ago rather than putting you back in jail
5 again as far as what you think?

6 THE WITNESS: Whatever the approach should
7 have been, it should have been something to
8 deter me from using drugs. Maybe that could
9 have been strict supervision or something. I
10 don't know.

11 I feel that if I knew for certain that I
12 would go to jail if I took a shot of dope I don't
13 think I would take that shot of dope. Perhaps
14 that could be the answer. Rather than sending
15 a person to jail they should like put a person
16 maybe on probation with strict supervision or
17 something like that and give the person an
18 opportunity.

19 I definitely believe that that would
20 drastically reduce people returning to narcotics.

21 BY SEN. MENZA:

22 Q How much time have you done so far in your life-
23 time, approximately?

24 A About 13, 14 years.

25 Q All drug-related?

1 A All drug offenses.

2 Q Mostly possession?

3 A Two sales and one possession.

4 Q Now let's get to the sales. What kind of sales
5 were they, one deck, a hundred decks?

6 A No. My first sale wasn't a sale. I was
7 merely in an automobile and the person made the sale of
8 narcotics to somebody and asked me for change of \$20. In
9 that I changed the \$20 I was charged with sales and I was
10 given 12 years for that.

11 Q That is the constructive possession you were
12 talking about before with a fellow in the car with 3 other
13 guys or in an apartment with 2 other fellows where everyone
14 is charged with possession, right?

15 A Yes.

16 Q What I am asking you simply is this: Your
17 second one with regard to a sale, were you addicted at the
18 time you were selling?

19 A The second one, yes.

20 Q In your opinion, how do we deal with the
21 addict who is selling a few decks as against the person
22 who is selling who is not addicted?

23 Do we treat them differently?

24 A Certainly. I don't think no addict should go to
25 jail. I myself sold drugs because I can't commit a crime

1 against a person.

2 I consider that the lesser of two evils. I sell drugs
3 to confirmed addicts. I don't think I should be punished
4 for that.

5 If I stuck you up and brutalized you I would perhaps
6 get probation at that time.

7 There was mandatory drug penalties. I would get pro-
8 bation for a crime such as that. But if I committed another
9 narcotic offense I would have to go to jail and--

10 Q Let me interrupt you again. You don't mind,
11 do you?

12 We are trying to get answers here basically.

13 A Go ahead.

14 Q You said you sell to confirmed addicts?

15 A Yes.

16 Q That's the word you used. There is an argument
17 that has been proposed saying what difference does it make
18 whether a wholesaler or a non-addicted person is selling
19 or an addicted person is selling when the result is basically
20 the same, turning somebody else on?

21 A Let me say this: You sending me to jail is
22 not doing anything. There are many, many people out there
23 taking my place.

24 You are not doing nothing to the narcotic traffic.
25 So why should you send an addict to jail? We are nothing

1 in the scheme of things.

2 So why would you send me to jail? That is all that
3 goes to jail is drug addicts. No dealers go to jail or
4 very few. Very few big people go to jail.

5 So when you take me and put me in jail you are not
6 doing nothing to drug traffic.

7 Now if that's your purpose, to do something with drug
8 traffic, yes, send me to jail. But you are not doing that.
9 We are nothing in the scheme of things.

10 When we leave the corner there are 10 more there to
11 take our place.

12 Q You are doing how much time now?

13 A Ten years.

14 Q For possession?

15 A For possession.

16 Q Simple possession?

17 A Simple possession.

18 Q For simple possession you are doing 10 years?

19 A Yes.

20 Q You weren't charged on a 2 or 3 count indictment
21 of possession with intent to sell?

22 A No. I got my sentence in 1969. That was under
23 the old law.

24 Q How much time have you done on that so far?

25 A 37 months.

1 Q On just simple possession?

2 A Simple possession.

3 Q Have you had drugs available to you in Rahway
4 State Prison?

5 A Yes.

6 Q Are drugs available here in prison?

7 A Yes.

8 Q Hard drugs?

9 A Yes.

10 Q Do you know how they come about? Are they
11 through the other inmates?

12 A No. It's no widespread drug traffic in here.
13 Occasionally you do have some drugs that manage to come in
14 but there is no widespread drug traffic here.

15 Q If you need some drugs now could you readily
16 obtain them today or tomorrow?

17 A No.

18 Q A week?

19 A No. Well, if I wanted to I probably could
20 but I don't want to.

21 BY MR. GALLI:

22 Q Let me ask you one question just to clarify one
23 thing. You stated that under methadone maintenance a person
24 could increase his use of cocaine.

25 A Yes.

1 Q Of course, you are aware that there is a urine
2 monitoring. Would you say that the urine monitoring system
3 is bad and that the men can sneak by and use cocaine?

4 A I am not sure whether or not cocaine would show
5 up in urine.

6 Q Yes, it does. Everything shows up except mari-
7 juana.

8 A I know a lot of people on methadone maintenance
9 and they use cocaine so something is wrong.

10 Q In other words, there is something wrong with
11 the method of taking or doing the urine monitoring?

12 A Yes.

13 BY SEN. MENZA:

14 Q You are not in on the Multiple Offender Act?

15 A No.

16 Q You are in on mere possession, 10 years?

17 A Yes.

18 Q Out of what county?

19 A Passaic County.

20 BY MRS. DERONER:

21 Q You mentioned a couple of things that I thought
22 were interesting. One thing you mentioned was that you have
23 volunteered for detox and I think you said 2 or 3 times?

24 A Yes.

25 Q Could I ask you the purpose of volunteering for

1 detox, to cut the size of your habit?

2 Was that the purpose?

3 A Well, I knew I was coming to jail so I didn't
4 want to kick the habit cold turkey, so it was an out-patient
5 type thing in detox.

6 At one time I went into New York and I think it was
7 Manhattan General Hospital and I stayed in there about 9
8 days and I checked out. I didn't complete that.

9 I think detoxification programs are necessary but
10 after that I see no need for any other type of drug treatment
11 program.

12 Q Do you think it would be worthwhile to have
13 detoxification programs available with no penalty to the
14 person who volunteers to be detoxed?

15 A Yes.

16 Q Even if the only good it does is to cut the size
17 of the habit?

18 A Yes. There is a need for detoxification
19 programs.

20 BY SEN. MENZA:

21 Q I have seen numerous, numerous times on sen-
22 tencing day where a defendant opts to go to prison rather than
23 to a therapeutic type center. Why?

24 A You must be in some unique place to see that.

25 Q I have seen it at least 5 times in Middlesex

1 County.

2 A Well, half of your population is addicts.
3 Anything that they could volunteer to go into they will go
4 into to get out. That's what New Directions is all about,
5 people that want to get out of jail.

6 If you are talking about a person who is in Municipal
7 Court, who could possibly get 30 days or take 5 years pro-
8 bation, 18 months in a drug center, yes, but not in
9 county courts.

10 Q Mr. Booker, you say half of the population are
11 addicts?

12 A Yes.

13 Q What about the number of people here at
14 Rahway State Prison who are here as a result of a drug-
15 related offense?

16 Can you give us an estimate, like possession, use,
17 B&E?

18 A No, I couldn't do that.

19 Q Is it a considerable number, would you say?

20 A Yes. Well, not use but possession.

21 BY ASSEMBLYWOMAN WILSON:

22 Q I just want to ask one thing. Do you think
23 that increasing penalties in the law would do anything to
24 be more effective in apprehending the large wholesaler?

25 A No. If you increase the federal penalties, yes.

1 The federal people are the only people that arrest bigtime
2 narcotic dealers.

3 The state does not arrest them. They very, very
4 seldom arrest them.

5 Now when the state talks about increasing penalties
6 they are talking about giving poor people more time. They
7 do not arrest these bigtime people.

8 Why they don't do it I don't know. If you want to
9 increase something on a federal level where they deal with
10 importers and things like that, good, but on a state level
11 I can't see no increase in penalties because you are talking
12 about sending poor people to jail.

13 That is saying that you need to give the police more
14 motivation. A person can only get 12 years now for sales
15 and if we make them get life they will go out and get them
16 people.

17 It is messed up. It is not like that at all. You
18 want to supply the police with motivation by increasing the
19 penalties to get big people, it's a bunch of contradictions.

20 You are only going to put us in here for long terms.
21 It has been this way for years. That's what you would be
22 doing.

23 Now when you increase penalties you have to be talking
24 about motivating the police to get that bigtimer life.

25 If that's what you want to do then you increase the

1 penalties if this is what you think that would accomplish.
2 But if you want to increase penalties, in reality you know
3 you are doing nothing but sending poor people to prison.
4 That is not going to motivate the police to get big dealers.

5 SEN. MENZA: Anything else?

6 BY MR. GUZZO:

7 Q Could I just ask a question? I don't mean
8 to make you repeat yourself but Assemblywoman Wilson asked
9 this question and I didn't understand your answer entirely.

10 You are saying that under a program where you have
11 the option to take voluntary treatment for a longer period
12 than, say, your criminal penalty would be, that you would
13 opt for the shorter sentence, 3 months?

14 A No, I didn't say that.

15 Q I'm sorry, I misunderstood then.

16 A I said as opposed to coming to prison a person
17 would take a therapeutic type program. Maybe some people
18 wouldn't take a methadone maintenance program but as opposed
19 to going to prison people would take the therapeutic type
20 program.

21 If you are talking about at the Municipal Court level
22 where a person could get 30 days or 3 years probation or 18
23 months in the therapeutic program they will take the 30
24 days.

25 BY MRS. DERONER:

1 Q I have one more question. There are two opposing
2 schools, one that says that once a person is an addict
3 all that is required is will power to get off.

4 There is another school, a medical school of thought
5 which says that once a person is an addict it is a physical
6 requirement and that will power has nothing to do with it.

7 What is your opinion on that?

8 A I don't know. I think that a person has to have
9 a reason not to use drugs. If he is given that reason I
10 don't think the person would use drugs. I don't think
11 will power at all comes into play. It is whether or not the
12 person has a reason not to use drugs.

13 I think if you supply the person with a reason not
14 to use drugs the person will not use them.

15 SEN. MENZA: Anything else?

16 Thank you.

17 * * *

18
19 J E S U S N E G R O N, SWORN.

20 SEN. MENZA: Mr. Negron, perhaps first a
21 statement and then some questions by us.

22 THE WITNESS: The first thing I would like
23 to say, I am a Spanish-speaking inmate here in
24 Rahway. My job here in Rahway, I am a Latin
25 Representative. I represent the Spanish-speaking

1 inmates.

2 I am serving a sentence of 3 to 10 years
3 for distribution of heroin.

4 I would like to speak on the part of my
5 Spanish-speaking brothers and myself. The way
6 the Spanish-speaking people are treated when
7 they go to court. Most of them, like in here
8 I pass most of them that they didn't know how
9 to speak English and when they go to court they
10 have an interpreter.

11 The lawyer most of the time is the Public
12 Defender. The majority of the time they get
13 sent to prison every time they go to court.

14 I think that there should be a little
15 help for the Spanish-speaking people when it
16 comes to speaking the American language.

17 As for myself I used heroin for about 6
18 years. I was never convicted for heroin. Like
19 I said, I was never busted or I was never caught
20 until this moment and I wasn't even caught then
21 but I am still here for distribution of heroin.

22 I think to my knowledge the way that they
23 put me in jail, I think this is discrimination
24 because they placed me in the county jail for a
25 murder charge. This happened in 1972. They know

1 I didn't commit the murder charge but even
2 though they had me incarcerated. They know I
3 didn't commit it. They investigated it and they
4 know when I went to court I was going to beat
5 the charge.

6 Even though they know I was going to get
7 out and why I was in the county jail, they hooked
8 me with possession of heroin, with a sale.

9 I said I wasn't guilty and I didn't commit
10 the sale, even though they said I was guilty and
11 they indict me for that.

12 When I went to court for the murder charge
13 I beat the murder charge. Then I thought I
14 was going to obtain my freedom. But they took
15 me to court for a heroin charge. They said I
16 sold to a State Trooper. I went to court and
17 I fought my case because I knew I was innocent
18 but even though the jury said I was guilty.

19 They believed the State Trooper. They
20 said I was a liar. To me I think not just in
21 New Jersey but all over this is discrimination
22 for the Spanish-speaking people.

23 BY ASSEMBLYWOMAN WILSON:

24 Q I would like to ask you the same question that
25 I have asked the other two persons. In your experience in

1 the prison have you concluded that there is a disparity in
2 the sentencing?

3 In other words, do you see a relationship between
4 the offense and the penalty and is it consistent or is it
5 inconsistent among the prison population?

6 A You mean here in Rahway?

7 Q Anywhere you have been. You have been to
8 Yardville too, haven't you?

9 A Yes. I can't really answer that.

10 Q Another question that I have: How long were
11 you taking heroin? You are not in prison and have never
12 been in prison for possession of drugs, is that correct?

13 A Yes.

14 Q Your sentences have been with respect to other
15 crimes that you have committed or you are accused of
16 committing?

17 A Well, I think the way they put me in jail was
18 because of a crime that I committed before, not for the
19 charge that I am really here for.

20 Q Can you explain that to me?

21 A Well, like you asked me if I am here for the
22 distribution of heroin, right?

23 Q Yes.

24 A That's what I am here for, yes, but to my know-
25 ledge I don't think that's why they sent me here for because

1 the way I put it, and I seen like a lot of people be to
2 courts for possession, distribution for the first time to
3 court and not all of them but I will say a few and they
4 have been placed on probation and they have been sent to
5 the street when they go to court for the first time for
6 heroin.

7 To me that was my first time I ever was in court for
8 a heroin charge and they sent me to 3 to 10 years in prison.

9 Q What recommendation would you make for improving
10 the process to create more fairness for the Spanish-
11 speaking defendant?

12 A Well, for me the problem is the language.

13 Q Do you think we should have Spanish-speaking
14 judges?

15 A I think so.

16 Q Do we have any?

17 A Not that I know of.

18 Q We don't have many women either. Incidentally,
19 on that matter I have a proposal that was sent to me by
20 someone recommending some changes and recommending that
21 maybe more women on the Parole Board and in the courts would
22 be one way to help Spanish-speaking prisoners.

23 What do you think about that?

24 A I think it is a very good idea.

25 Q Why?

1 A Because I think we do need the help there
2 and I think the Spanish-speaking people, they could
3 communicate better when they have a problem.

4 Q Spanish-speaking more so than women?

5 A Pardon?

6 Q Do you think it should be a Spanish-speaking
7 woman? Do you think that is the better person for the
8 Spanish-speaking person to relate to or do you think just
9 someone who speaks Spanish?

10 A Just speaking Spanish.

11 Q This proposal I have recommended that it was
12 particularly significant that it be a woman.

13 ASSEMBLYWOMAN WILSON: Thank you.

14 BY SEN. MENZA:

15 Q Mr. Negron, is this your first conviction?

16 A It is not my first conviction, no. It's my
17 first time in prison.

18 Q You have been convicted on other occasions?

19 A Yes.

20 Q For how many crimes?

21 A I have been convicted, I got 4 convictions.

22 Q Prior to this one?

23 A No.

24 Q Including this one?

25 A Yes.

1 Q The other 3 convictions were what types of
2 crimes?

3 A Possession of stolen property, stolen property
4 and B&E.

5 Q They were property crimes?

6 A Yes.

7 Q This particular crime that you were charged
8 with, how much was it alleged that you were supposed
9 to have sold?

10 A They say I have sold, if I am not mistaken, it
11 was 5 bags.

12 Q So you are talking about \$18 to \$25?

13 A That's nickel bags.

14 Q Were you sentenced under a Multiple Offender
15 Act?

16 A No, sir.

17 Q Did you have a jury trial?

18 A Yes.

19 Q You were convicted by virtue of a jury trial?

20 A Yes.

21 Q Now you have been addicted how long, sir?

22 A About 5½, 6 years.

23 Q All of your crimes resulted from your addiction?

24 A Yes. I had to steal.

25 Q What approach do you think we should have taken

1 rather than put you back and forth in jail?

2 Would you have functioned well in the therapeutic
3 type center, for example?

4 A I believe at that time it could have helped me.

5 Q When were you first addicted? How old were you?

6 A In 1966.

7 Q How old were you?

8 A I was about 18, 19.

9 Q You used heroin?

10 A Yes.

11 Q Let me ask you a question. Did you use
12 marijuana?

13 A Yes.

14 Q Did you use marijuana before heroin?

15 A Yes, I did.

16 Q Did you graduate from marijuana to heroin and
17 if so, why? Is that valid, that you graduated from it?

18 A Well, you can say it that way, yes, something
19 like that.

20 Q Did you also drink?

21 A No. I don't drink.

22 BY MR. GUZZO:

23 Q I would like to ask a question. Did you study
24 in high school or school in this country?

25 A Yes. I came here when I was 4 years old.

1 Q Did you learn English in school?

2 A Yes.

3 Q But they don't emphasize, they don't help you
4 in school bilingually?

5 Did you have someone come and help you learn English
6 in school?

7 A No. I just went through.

8 Q The school systems really don't provide much
9 help for Spanish-speaking students to learn English, do
10 they?

11 A Well, I didn't have no problem learning my
12 English because I think it was because I was very small
13 and I went from kindergarten up.

14 The people I hang out with was Black people and
15 American people and I had no difficulty with that.

16 Q But many Spanish-speaking youths will graduate
17 from school without knowing any English or understanding
18 English?

19 A Yes.

20 BY SEN. MENZA:

21 Q In all the time that you were addicted did you
22 know of any big dealer that was arrested?

23 A Yes, I did.

24 Q When I talk about a big dealer what am I talking
25 about, how much?

1 A Kilos, pieces.

2 Q Was that fellow who was selling kilos addicted
3 himself?

4 A I wouldn't know.

5 BY ASSEMBLYWOMAN WILSON:

6 Q I wanted to ask this question. Pete was
7 asking questions about Spanish-speaking and whether or not
8 you learned to speak English. You live in Perth Amboy?

9 A Yes.

10 Q Is Spanish the language that is spoken among
11 most of your friends or did you speak English with most
12 of your friends?

13 A In my house I always speak Spanish but every
14 time I hang out with my friends I will be speaking English.

15 Q Would you say that even though you are fluent
16 in English and you understand without any difficulty,
17 that the Spanish-speaking person, particularly the Spanish-
18 speaking person who lives in a home where Spanish is the
19 first language has a disadvantage in an English-speaking
20 court?

21 Even though you are fluent in English do you still
22 feel that you have a disadvantage when you go into court
23 because of the fact that you are Spanish-speaking?

24 A No.

25 Q You don't think so?

1 A No. I think if you know what is happening,
2 what they are speaking about and you are aware of it, I
3 don't think you will have no trouble.

4 The trouble is when they say like you talking to me
5 right now and I can understand you talking to me but the
6 trouble is that sometimes the Spanish-speaking boy, like
7 the interview, let's say the Probation Department when
8 you are in the county jail, probation comes and interviews
9 you and you don't know how to speak English.

10 You tell him anything and he puts down anything
11 what you tell him. I think they hurt you right there.

12 BY MR. LESCAULT:

13 Q You mentioned earlier that when you were
14 addicted in the late 60's that you were forced to
15 commit crimes in order to obtain the money to support your
16 habit.

17 During that period did it ever occur to you or what
18 prevented you from entering treatment facilities?

19 A I was never offered any treatment.

20 Q Weren't there therapeutic communities in your
21 area where you could have entered off the street without
22 going through the court system?

23 A No. At that time they didn't have that, not
24 that I know.

25 BY MR. GUZZO:

1 Q You can't speak for a class in general but
2 do you think that the Spanish-speaking class is less aware
3 of the penalty provisions of drug laws than any other
4 group?

5 In other words, did you know what you could be facing
6 when you had drugs, when drugs were around you?

7 A Did I know what I was facing?

8 Q Did you know what the penalty provisions were,
9 what could happen?

10 A Yes.

11 BY SEN. MENZA:

12 Q The question is what about the Spanish
13 community as a whole?

14 Do you think that they are aware of the penalties
15 involved with drug users?

16 A I think they are aware. They know if they get
17 caught they are going to come to jail.

18 BY ASSEMBLYWOMAN WILSON:

19 Q If you knew with certainty that you would be
20 caught-- well, isn't it true that most people who do it,
21 who take a shot of drugs don't really expect to be caught?

22 A Yes.

23 Q If you knew with an absolute certainty that
24 you would be caught would you still take that shot?

25 A Not now.

1 Q Not after being here?

2 A Yes.

3 Q Before?

4 A Well, before, I was hooked on drugs and when you
5 are hooked on drugs you don't want to think of what is
6 going to happen.

7 All you think is you want to get it, that's it,
8 you want to be high.

9 SEN. MENZA: Thank you very much.

10 * * *

11

12 I V A N S T R E E T, SWORN.

13 SEN. MENZA: Mr. Street, where is your
14 home?

15 THE WITNESS: Newark, New Jersey. That's
16 where I was born at. I haven't lived there
17 since 1966. I was born there.

18 SEN. MENZA: Go ahead, Mr. Street.

19 THE WITNESS: I would first like to say
20 hello and good morning to everybody on this
21 Commission, the press, my brothers and fellow
22 inmates.

23 At the onset of what I have to say I
24 would like to make comment on the Senator's
25 remark about this Commission being a serious

1 committee.

2 It does me good to hear a remark like that
3 because in recent years I have seen thousands
4 and thousands of taxpayers' dollars being
5 spent to erect commissions such as this to do
6 research on narcotics, prostitution, alcoholism,
7 the judicial system in this country on and on
8 and on.

9 Millions of dollars every other year
10 and come up with comprehensive and meaningful
11 information about these various problems, only
12 to see 2 years later another commission erected
13 to do the same study, to come up with more com-
14 prehensive reports and nothing very much being
15 done.

16 So I am glad that this commission is a
17 serious one and I hope that much will come from
18 the information that we try to give you this
19 morning.

20 I also would like to make the statement
21 that I am very serious about the problem for a
22 number of reasons.

23 I have wasted 20 crazy years being an
24 addict myself. I have seen the cycle of drug
25 addiction travel from my father to myself and

1 now to my son.

2 I have seen the problem when drugs were
3 concentrated in the Black ghetto areas. There
4 didn't seem to be as much public attention
5 or as many programs or as many commissions
6 assigned to help.

7 I have seen since the drug problem has
8 eased its way into the middleclass structure of
9 our country that there has been a genuine concern.
10 For who, I'm really not sure. But I hope that
11 this commission-- well, I'm making a career out
12 of this for myself, personally speaking,
13 because like I said, it involves my life and the
14 life of a lot of people that I love and the
15 people that I see and I see a lot of waste.

16 There is so much to talk about drugs.
17 You have to look at the victims of drugs.

18 Who are the real victims of drug addiction?
19 You have to look at the political aspects and
20 ramifications of the drug problem.

21 You have to look at the tremendous profits
22 that are being made from the business. Like
23 somebody said, it is definitely a business in
24 this country. There is so much to look at.

25 I don't know if we can reach anything or

1 if you can come to any concrete solutions today.
2 I don't know if an hour or a week or a month
3 is enough time to do that.

4 However, let me stop running my mouth
5 and respond to a letter that I received from
6 Assemblywoman Betty Wilson.

7 I asked Miss Wilson to prepare some copies
8 of some material that I wrote in response to her
9 letter. I don't know if she has done that yet.

10 Fortunately I have extra copies. I would
11 like to read that as a matter of record and
12 any questions you would like to ask after that
13 I would be willing to answer them.

14 This transcript is being prepared for
15 the Legislature's Drug Law Study Commission,
16 and will be presented at the hearings to be
17 held at the Rahway State Prison on July 2, 1974.

18 PEACE:

19 On Thursday 6-27-74 I received a letter
20 from Ms. Betty Wilson, Assemblywoman dated
21 6-25-74. In response to this letter, I will
22 address myself to the first of the five questions
23 asked:

24 1.) Question: Your own experiences with
25 drugs.

1 Answer: Because I consider my history of
2 drug abuse to be typical of most addicts in
3 this country, and at the same time wish to
4 expedite matters at this hearing, I hereby submit
5 my personal resumé which offers a brief synopsis
6 of my addiction, detoxification and treatment,
7 and work history as a para-professional in the
8 field of drug rehabilitation, and prevention. I
9 would also refer the Commission to my criminal
10 record, which accounts for my direct narcotic
11 violations, and clearly shows a pattern of
12 drug related offenses.

13 2.) Question: Your views of the treat-
14 ment opportunities:

15 a. Was treatment offered to you?

16 b. Did you seek treatment on your own?

17 Answer: If the former of this three(3)
18 thronged question is centered around the "addict
19 in the streets", I think it's obvious that the
20 addict of 1974 have a wide range of selection of
21 various treatment modalities. Fifteen years ago
22 there was little, or no help available. However,
23 since the inception of Synanon there has developed
24 a social revolution that seeks to solve the
25 so-called "drug - problem", and drug rehabilita-

1 tion programs have sprung up all over the
2 country. An extension of this question should
3 include the "quality of treatment and its
4 availability, of which I refer the Commission
5 to: Drug Program Review, volume 2 number 2,
6 Center For Human Services, Washington D. C.

7 In response to section a.) During my
8 seventeen year history of drug abuse, treatment
9 was never offered to me by the courts, probation,
10 or parole departments. I have always sought
11 treatment on my own, which answers b.) section
12 of the question.

13 Before the notorious major drug law
14 revision went into effect in New York State in
15 September, 1973, treatment opportunities were
16 available to the addict in that state via the
17 courts through legal statutes that were referred
18 to, and commonly known as Article 9. To my
19 knowledge, no such laws exist in the State of
20 New Jersey, or if so, the general addict popula-
21 tion is not informed.

22 There is some truth to the belief by Black
23 addicts that White addicts receive greater
24 opportunities for treatment, and this situation
25 is allowed to exist because of the lack of

1 legislative mandates that create "alternatives"
2 to prison, nor is there a legal avenue that
3 makes treatment "compulsory" via civil, and
4 criminal commitments.

5 3.) Question: At the time of your sen-
6 tencing, were there any options (to be sent to
7 drug treatment facilities or other places or
8 programs instead of prison?)

9 Answer: In my particular, and present
10 case, there were "no options" for drug treatment.
11 Although recommendations were made by my attorney,
12 and character references that I be allowed to
13 continue in the organization of a county jail
14 drug program (Project Pride), Paterson, New
15 Jersey, which meant being sentenced to the
16 county jail, the recommendation was denied based
17 on hypothetical reason.

18 4.) Question: What is your opinion of
19 criminal penalties for drug use?

20 Answer: Drug addiction is a "victimless"
21 crime, not unlike prostitution, alcoholism,
22 homosexuality in nature, and treatment should be
23 provided instead of punishment. Our society
24 has a tendency to always blame the victim, instead
25 of attacking the "roots" of the problem, which

1 causes, breeds, and perpetrates this negative
2 response to reality. These elements of nega-
3 tivity are only symptoms of the real problem,
4 which holds roots in the negative "conditions"
5 in some of communities, and makes it a "social
6 problem", that should preclude punishment
7 for the "victims" of this disease.

8 5.) Question: Is there any treatment for
9 drug users in the prison? Is it effective?

10 Answer: In my opinion, there is "no"
11 meaningful and comprehensive drug rehabilita-
12 tion program in any juvenile home, right up
13 through the prison system in this state. Punish-
14 ment, and treatment are not compatible concepts,
15 and because of the negative atmosphere and
16 conditions in our prisons today, which reflect
17 the attitude of punishment and security, it is
18 further my belief, that no meaningful and com-
19 prehensive treatment program can ever exist
20 in our prisons until the atmosphere and condi-
21 tions become more conducive to treatment.

22 However, token type programs do exist
23 at Leesburg and Clinton Prisons, but these
24 programs are limited in the process of rehabili-
25 tation because they are subject to prison rules

1 and regulations. Most offenders enroll in these
2 token programs because they believe this is
3 the shortest route to parole and ultimately
4 freedom, not because of any honest desire to
5 change their life styles.

6 Evidence of the above can be seen in
7 the "Participation" of these programs: Sixty-
8 five percent (and better), of the total
9 prisoner population are comprised of people who
10 have committed direct narcotic violations, or
11 drug related crimes, but these programs only
12 service less than one-third of this percentage,
13 and yet thousands of hard earned tax dollars
14 are used to support these failures each year.

15 The New Directions Projects located at
16 both Trenton and Rahway State Prisons is an
17 "information service" and drug referral agency
18 that seeks to get addicts placed into community
19 based programs via the courts and parole board.
20 This project has the highest participation rate
21 than any program in the state prison systems,
22 (350 active members at each institution.) The
23 inmate N.D.P. Staff feels that the only
24 feasible program that could ever exist after
25 implementation behind prison walls in this

1 state is an "Induction, Orientation" type pro-
2 gram modeled around their services, with a six
3 (6) month criteria, depending on the individual,
4 his/her acceptance, sincerity, honesty, deter-
5 mination and progress.

6 New legislative mandates are required to
7 enact this type of program in order to provide
8 mandatory release to community based programs
9 after the six-month period. See attached
10 diagram.

11 Respectfully yours, Ivan Street 52279.

12 SEN. MENZA: The resumé will be an exhibit.

13 This diagram will also be an exhibit.

14 BY ASSEMBLYWOMAN WILSON:

15 Q You concluded your statement by calling for new
16 legislative mandates to enact the New Directions type
17 program to provide for mandatory release.

18 Am I correct, however, in believing that the existing
19 New Directions program is here without any legislative
20 mandate, it can be without any laws, is that correct?

21 A We exist, right. There is no doubt about it.

22 Q There is no law creating your existence or the
23 existence of New Directions?

24 MR. GALLI: There is no law. It is
25 strictly voluntary. It was started by the

1 inmates and ex-inmates themselves.

2 A To answer your question, what I meant is that
3 we need new legislative laws that would allow us to operate
4 more efficiently as a program.

5 Right now any achievements that New Directions make,
6 we make in spite of the system, not because of the system,
7 nor because of the laws.

8 Q Can you tell me what laws you think are needed,
9 what changes in the laws are needed so that you can be more
10 effective?

11 A Yes. First, if we are talking about alternatives
12 to prison then we are talking about usually pre-trial
13 cases.

14 Like somebody said, people who commit victimless
15 crimes should never come to jail. Treatment should be
16 made available to those people which opens up another
17 question.

18 Various individuals and various groups, they respond
19 to various forms and types of treatment. So some research
20 should be done on that and also whatever you have to do
21 to make a judge or bind a judge to release the person to
22 whatever treatment modality has been selected for him or
23 her.

24 We are talking about New Directions now, we are
25 talking about addicts who have been convicted of either

1 direct narcotic violations or drug-related crimes and
2 have been sent to prisons.

3 Where new legislation is needed, and I don't really
4 know if we need new legislation. I think it can be done
5 under the criteria and guidelines of the present work
6 release program which was enacted in 1969.

7 Senator Dickey, I believe that was. I think the
8 Commissioner of Institutions & Agencies has the authority
9 right now to release addicts at least 6 months after
10 confinement to community-based programs with certain
11 stipulations, parole, probation, however, which means
12 that the state would still have control in that sense.

13 An addict is a poor person. He is not going
14 anywhere anyway. So if he doesn't abide by the conditions
15 or stipulations then you can always return him to prison.

16 I think you can do that right now.

17 A question would pop up I think if you released
18 addicts to community-based programs at least 6 months
19 before their eligibility date, then that would not
20 include long-term offenders because some addicts, like
21 in Richie's case, he has a 10-year maximum and in another
22 case that I was hoping my fellow colleague would mention is
23 in the case of Dee Dee Tyler, who received a life sentence
24 for three, \$5 bags of heroin.

25 So I think new legislation would have to be drawn up

1 to include the long-term offender as well as the short-
2 term offender.

3 Q I note here on your resumé that you have been
4 in and out of a lot of programs, is that correct, a lot of
5 drug treatment programs?

6 A I have only been in one treatment program for
7 myself at the treatment level.

8 I have worked in various programs. I was in
9 Phoenix House.

10 Q Yes, I see that. You went through a detox
11 period also before that. You don't consider that treatment?

12 A No, because usually what happened, I went and
13 got high the same night that I was released from Morris
14 Bernstein Institute.

15 Q But you did graduate from Phoenix House?

16 A Yes, and managed to stay clean for the first
17 time in 15 years for 3½ years.

18 Q What made you go back to using drugs?

19 A That's a very good question. As Travis men-
20 tioned something about the various types of programs that
21 we needed, he mentioned at least one of those programs, the
22 S.C.A.N. Program, and I have found that aside from most
23 of the programs being what I consider rip off programs that
24 only benefit the people who work at the top of those
25 programs, the treatment techniques are not applicable

to certain individuals.

Most of those programs also don't have comprehensive services after treatment, which means statistic-wise-- and it can be borne out-- that most addicts released from treatment revert back to the illegal use of narcotics.

In my particular case, in Phoenix House, I owe a lot to my understanding of myself and about life and other people and the fact that I managed to stay clean for 3 years.

However, what was going on in terms that I think you might be able to understand is that I was slowly being integrated into middle-class America and particularly around a lot of White people and their values, their perspectives are very much different from Black people.

I found that even though I was attending meetings and conventions at the Waldorf, that I didn't have any money. I guess it is all right to be representing middle-class if you got a little scratch but I didn't have any, which meant that every time that I attended some big social event like that I may have been looking good externally but inside I didn't feel too good because somebody else was footing the bill for me.

When I got back to Spruce Street, where I come from, where everything that I know and love is at, I found that a lot of work had to be done there. That's where I had

1 most of my problems, back in the community where I came
2 from.

3 After losing a job, after being mugged my own self
4 and a lot of other things, seeing a lot of the conditions
5 in the community that caused me to use drugs in the first
6 place, I fell victim again.

7 So I agree with what Al was saying, that although
8 all programs offer service to some of the people, they
9 don't offer a comprehensive service to all of the people.

10 I think if I could have gotten involved in a program
11 of which Mr. Travis spoke about, that gears a person not
12 just in terms of his internal treatment, you know,
13 psychological treatment but gear him to deal with those
14 conditions in his community and work towards eliminating
15 or dissolving those conditions that cause, breed and per-
16 petrate drug addiction, alcoholism or whatever, I think
17 then maybe I never would have used drugs again.

18 I wouldn't have had the time. I definitely wouldn't
19 have suffered the traumatic experiences that I did after
20 leaving Phoenix House or if I did I would have been able
21 to deal with them.

22 Q You have worked in a number of drug programs.
23 Were you ever using drugs at the time you were working in a
24 drug treatment program?

25 A No, not using. Even though I was a staff

1 member we were always subjected to urinalysis.

2 Q You mentioned the urinalysis. If you were
3 on some sort of program which required a periodic daily
4 urine testing, do you think you would go back to ever
5 using drugs because you would know it would be detected
6 and you would be certain of going back to prison?

7 A I think if I was subjected to daily urinalysis
8 it would definitely create some deterrent aspect but I
9 think rehabilitation, whatever that means but as commonly
10 understood, I think it entails more, much more than
11 urinalysis.

12 I think it entails understanding some of the condi-
13 tions in our society that turns us off from life. I
14 don't really understand why middle-class kids use drugs.
15 Greater opportunities are open to them. People where I come
16 from in the Black community, I can understand why they are
17 turned off from life.

18 I can even kind of justify their using drugs, outside
19 in the world and here in the prison.

20 Do you see what I mean? It's those conditions in
21 our society that we have to face.

22 If we are really trying to understand the problem
23 and trying to really do something about it I think we have
24 to look at all of the harsh realities that are involved
25 in the problem.

1 When you just say, well, all right, this is a
2 deterrent, in one aspect it is but in another sense it
3 wouldn't be enough.

4 Q Just one comment about a point you made about
5 middle-class kids. We have long accepted the premise that
6 social conditions drive the ghetto resident to drug use.

7 But you have just pointed out that you don't under-
8 stand why middle-class kids would do it.

9 So maybe the reason we have been giving for drug use
10 all along has been not the real reason.

11 I don't expect you to answer that.

12 A Well, I will answer you but I don't know if
13 I understand what your statement is.

14 SEN. MENZA: With all due respect to
15 all of the members here I would prefer not to
16 get into dialogue or colloquy as to causes of
17 drug addiction.

18 ASSEMBLYWOMAN WILSON: All right. Let me
19 ask this question.

20 Q Do you think that long sentences have any effect
21 on reducing drug use?

22 A No, I don't, none whatsoever.

23 Q Were you defended by a private attorney or
24 Publ Defender?

25 A Private attorney.

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ASSEMBLYWOMAN WILSON: Thank you.

SEN. MENZA: You shook your head in accord when Mr. Street testified with regard to need of new legislation.

Why did you do that?

MR. GALLI: There are good pieces of legislation on the books that if they were implemented properly would do a tremendous amount.

We have Rule 321:10-A, Court Rules, which I had a little hand in drafting with Judge Garven. This rule allows for a change any time I believe after 40 or 60 days incarceration, allows for change.

A sentencing judge could probate an individual to a treatment facility. The problem with this law is twofold. One, it is not implemented because of a lack of people to implement it.

I am the only one along with the group that is implementing this law. I can only do so much. I don't get paid for this.

I still work in education. It entails going into court and filing motions, which the inmates are doing, which is beautiful.

1 We don't need people to do that type of
2 work. We don't have to hire more bodies, as
3 Ivan says, or charge the taxpayers.

4 To facilities, the facilities are there.
5 They are half empty. We have the facilities
6 to send them to. What we need is help in
7 implementing the law, in more or less not
8 necessarily sensitizing the judges but making
9 them aware of this rule.

10 Many judges don't even understand the
11 rule, making them aware that it is there, that
12 the individual is a sick individual and there
13 is no treatment in the prison and that it is
14 up to them to probate this man into this program.

15 SEN. MENZA: We can easily tie that up
16 with 27 and 28 of Title 24 and those sections
17 along with the rule.

18 Why not send us a written report on
19 your feelings on that and send it to Peter Guzzo?

20 MR. GALLI: All right.

21 SEN. MENZA: Mr. Booker.

22 MR. BOOKER: I would like to comment.
23 To me he seems to be like shifting the weight
24 to the judicial system.

25 As Ivan mentioned, the Commissioner has

1 the power right now to take anybody out of
2 here and send them to a therapeutic community.

3 MR. GALLI: I was going to get to that.

4 MR. BOOKER: Why should we have to file
5 a motion in the court when the Commissioner
6 could just send anyone to a drug program?

7 SEN. MENZA: That is not it. If I recall
8 the statute correctly that is not entirely true.

9 What the statute sets forth is a work
10 release program under the auspices--

11 MR. GALLI: No.

12 MR. BOOKER: The Commissioner has the
13 power to send anybody within the state, if the
14 Commissioner wanted me to go live with you I
15 could go live with you.

16 SEN. MENZA: What is the statute that
17 Mr. Booker is referring to?

18 MR. BOOKER: I don't know the number
19 offhand.

20 SEN. MENZA: You get me that statute.

21 MR. GALLI: Right. There is a statute
22 which states that the Commissioner of Health,
23 if anyone is in the prison and is ill, has a
24 sickness or a disease which cannot be taken
25 care of in the prison, the Commissioner has the

1 power to take that person and send them for
2 treatment in the proper way.

3 The only way it is implemented now is if
4 a person has cancer.

5 What we are saying is that an individual
6 who has a drug problem is ill and needs help
7 and there is no help in the prisons.

8 MR. BOOKER: I am speaking of Commissioner
9 Klein. You don't have to be sick.

10 SEN. MENZA: May I just say this? It is
11 a good point that Tom and Pete and the staff
12 will check into.

13 There is a series of statutes. There
14 are some statutes regarding the county jails,
15 there are some rules and regulations propounded
16 by the Department of Health and the Department
17 of Institutions and Agencies.

18 It is a mishmash right now. It has to be
19 put together. That will be checked out.

20 MR. GALLI: It has never really been put
21 together.

22 SEN. MENZA: I want that in writing as
23 soon as possible.

24 Mr. Travis.

25 MR. TRAVIS: Some time ago, I think it was

1 around February or something like that, after
2 I had been to court, I wrote to Commissioner
3 Klein in reference to treatment as part of
4 parole plan in terms of someone having the
5 latitude, whether it be she or the parole
6 board, to release a person to treatment as
7 part of the parole plan because the parole
8 board will not acknowledge anything that is
9 happening in any institutions right now and
10 will deny a person parole because he hasn't
11 had treatment.

12 Now I just received a letter back from
13 Mr. Fauver. Mr. Fauver, and Klein and some
14 other representatives of the state are going
15 to have a meeting sometime in the near future
16 in reference to enacting just what you were
17 just talking about, someone having the latitude
18 to release people.

19 So you can check into that and perhaps
20 some of you could attend that meeting. It
21 should be coming up pretty soon.

22 SEN. MENZA: All right.

23 BY SEN. MENZA:

24 Q What kind of time are you doing now, Mr.
25 Street?

1 A 5 to 8-year sentence.

2 Q For what offense?

3 A Robbery.

4 Q Armed robbery?

5 A Armed robbery.

6 Q Were you addicted at the time?

7 A I was using drugs, not addicted.

8 Q Robbery is 15 years plus 5 for the gun. Armed
9 robbery is a 20-year maximum.

10 What do we do with the addict who is convicted of
11 armed robbery?

12 A Drug-related?

13 Q Yes.

14 A All right. Well--

15 Q Why should he be treated differently than any
16 other fellow who hits a place with a gun?

17 A Because he is an addict, to answer the latter
18 part of your question.

19 I agree that something should be done. People just
20 can't go around sticking up people or breaking into people's
21 homes or somebody's car or something like that.

22 Something has to be done in terms of the judicial
23 system. But at the same time our present system doesn't
24 incorporate an understanding of a drug-related crime.

25 If we don't deal with the addict offender who is

1 arrested for a drug-related crime, if we don't deal with
2 his addiction problem then we can expect that he will
3 only return to use and do it again as armed robbery or
4 any other crime where drugs are concerned is only a symptom
5 of the real problem.

6 So something should be done. I think when you send
7 a person to jail, let's say for 10 or 15 years, if you
8 set up the type of program that I have recommended here
9 and maybe this type of program could be designed for long-
10 term offenders who has 15 or 20 or 30 years, the other type
11 of program that Gene and Richie expounded on could be used
12 for short-term offenders and I hate to make a distinction
13 but everything being for real and trying to take into
14 account the general public's attitude and I can just
15 hear everybody screaming right now if a kid got busted
16 for a series of armed robberies and had 60 years and he is
17 released to a community based program in 6 months, I
18 could just hear right now what would happen.

19 Q That is a very practical problem.

20 MR. TRAVIS: We have a guy doing 108
21 years at S.C.A.N. right now.

22 Q That is a very practical problem. The point
23 I am asking is this: Do you think that a person who is an
24 addict, who is charged with armed robbery, should initially
25 go through the judicial process and into jail and then

1 perhaps later on into a therapeutic type center?

2 A That's what I am suggesting.

3 Q But initially through the jail?

4 A Yes. I don't know what can be done before it
5 happens.

6 Q The reason I ask you that, you have philosophical
7 questions posed and I don't want to get into dialogue by
8 any means, that you can say that the addict is sick and
9 he is motivated and so forth but the same rationale or
10 same argument applies to a guy with 3 kids and who can't
11 afford to take care of his family and so forth and he goes
12 and hits a place also.

13 A Right.

14 Q It is my understanding that you feel in any
15 event that the addict, who happens to be an addict, who
16 is let's say convicted of armed robbery, breaking and
17 entering, possession, intent to sale.

18 A Any drug-related crime.

19 Q That's easy. The other ones you feel neverthe-
20 less should go through the judicial process and through the
21 jail initially?

22 A Yes. The only reason I say that is because I
23 don't know what else could be done.

24 Like I said in the papers that I submitted, society has
25 a tendency to always blame the victim instead of attacking

1 the real problem. There is a reason why a guy would
2 go and break into somebody's house, whether he is an
3 addict or not.

4 There must be some reason why. Usually he doesn't
5 have a job and he can't support his family or whatever.

6 I think some things should be done. It is a social
7 problem. But in view of the fact that it is a problem then
8 I guess people have to go to jail until we can solve the
9 other problem.

10 Q Are drugs available in Rahway State Prison?

11 A Of course they are. The records in this
12 institution will testify to that.

13 Q What percentage of drug-related persons are
14 here?

15 A 80 percent, I think.

16 SEN. MENZA: Do you have statistics on
17 the number of persons in our prison system for
18 drug-related crimes?

19 MR. GALLI: Yes. I have a liaison now
20 with Mr. Anderson in classification and he
21 sends me the names of every individual who comes
22 in, even if it is for armed robbery but he does
23 have somewhere on his record drug offenses.

24 It seems to be coming out to between 60
25 and 80 percent of the population.

1 Our own group has over four or five
2 hundred people on waiting lists, et cetera, to
3 get in which testifies to almost half of them.

4 SEN. MENZA: Can you furnish that in
5 writing to the Commission on your official
6 stationery?

7 MR. GALLI: As soon as it is completed.

8 SEN. MENZA: Within a 2-week period of
9 time?

10 MR. GALLI: I will try.

11 ASSEMBLYWOMAN WILSON: A point of
12 clarification, Mr. Galli.

13 You said all of the names are referred
14 to you of persons who have either a drug-related
15 offense for which they are presently being
16 charged or on their record.

17 MR. GALLI: On their record. At present
18 they are being charged with armed robbery so
19 that they are not there because of a drug
20 offense but the armed robbery is because of
21 their drug habit.

22 ASSEMBLYWOMAN WILSON: You are assuming
23 that but that could or could not be true, is
24 that correct?

25 MR. GALLI: Yes. See what happens, if

1 I could further explain that, when people come
2 into the prison they will say 20 percent are
3 addicts, 60 percent are armed robbers because
4 they are in for armed robbery and they are not
5 in for drugs, but that 60 percent that are
6 armed robbers, maybe three-quarters of them
7 also have drug problems and this is why they
8 were robbing.

9 I think it should go to show that they
10 are there indirectly.

11 ASSEMBLYWOMAN WILSON: Are you making
12 that distinction in your report, which people
13 are actually convicted of drug offenses and
14 which are not?

15 MR. GALLI: I can check it. Right now
16 we are not. We are just taking the fact that
17 the man does have a drug history, therefore he
18 is an addict and needs treatment.

19 SEN. MENZA: We heard statistics last
20 year from correctional people which was 22
21 percent.

22 Now are you telling us that it is between
23 60 and 80 percent of the population?

24 MR. GALLI: Yes, in each of the maximum
25 security prisons, Leesburg, Trenton and Rahway.

1 SEN.MENZA: Are you saying this for the
2 record?

3 MR. GALLI: Yes.

4 THE WITNESS: And I think that is typical
5 of all the prisons in the country.

6 SEN. MENZA: Any other questions for Mr.
7 Street?

8 BY MRS. DERONER:

9 Q Mr. Street, do you think that the availability
10 of a detoxification program in the community with no
11 record, no requirements to report such as, for example,
12 there are such things now as walking VD clinics where you
13 can be tested and treated for VD with no report to anybody,
14 do you think that that should be available with no limit
15 on the number of times a person can be detoxed and do you
16 think that would have an effect on the drug-related crime
17 rate?

18 A It would help the addict if he wanted to kick.
19 Most addicts don't want to kick.

20 Q Let's say he just can't afford his habit right
21 now and he wants to cut it down.

22 Is there anything wrong with that? Do you see any
23 problem with that even if he does it 4 or 5 or 6 times?

24 A Except that it doesn't lead towards a total
25 solution of the problem.

1 Q I am not presenting that as a solution to the
2 problem. I am just asking if you think that is something
3 that should be available.

4 You made quite clear that a whole range of services
5 ought to be available.

6 Do you think this has any validity?

7 A Yes. I think it offers a service to active
8 addicts on the street.

9 If a guy wants to clean up or just cut his habit
10 down I think that benefits society, which means that he
11 doesn't have to steal as much to support his habit.

12 What usually happens, I went to Morris Bernstein
13 Institute 4 or 5 times, I believe it was, and several times
14 I used drugs there the same night that I got out.

15 Sometimes it was a week later or a month later or
16 two months later, but I did use drugs again.

17 Q I am not suggesting that that might be a solu-
18 tion.

19 A It might help. There are programs available
20 where an addict can go and voluntarily submit himself for
21 detoxification without exposing himself to the criminal
22 justice system.

23 How much good it does I don't know.

24 SEN. MENZA: Any other questions?

25 BY MR. GUZZO:

1 Q This is a quick question. I don't want to
2 sidetrack you because we are interested in the deterrent
3 to crime.

4 You are the third person to mention in an articulate
5 way that there is a profit motive in this field.

6 You talked about treatment and drug laws. What
7 do you mean by a profit motive in terms of deterring drug
8 traffic?

9 Are you talking about competing?

10 A Drugs are a business in this country. There
11 are many people that we never hear of, they never get
12 arrested, they never touch the stuff, they never see it
13 but support it.

14 They invest in the business.

15 Q Which people? I don't mean names but what
16 type of organizations?

17 Do you mean pharmaceutical or what are you talking
18 about?

19 A I wouldn't be surprised at anything. You would
20 be surprised who uses drugs today, who support it and
21 everything.

22 I couldn't say. All I know is that if we can send a
23 man 43 million/^{miles}to the moon from here, if they really wanted
24 to stop drugs in this country I am pretty sure we are a
25 powerful enough country to do that which makes me feel that

1 nobody really wants to stop it because there is big
2 dividends, monetary dividends involved, profits involved.

3 I don't know if that answers your question.

4 SEN. MENZA: Any other questions for Mr.
5 Street?

6 Thank you very much.

7 * * *

8
9 L E R O Y G R A N T, SWORN.

10 SEN. MENZA: Before you testify, Mr. Grant,
11 this speaks for itself, this report. Why
12 don't we just encompass it in the record and
13 make it a part of the record and perhaps you
14 could be subject to some questions.

15 THE WITNESS: All right.

16 TO: Members of Drug Study Commission

17 FROM: Mr. Leroy J. Grant, #49963 - Director,
18 New Directions Project

19 RE: Commission Hearings

20 Date: July 2nd 1974, Rahway Prison

21 Dear Sirs: To Whom It May Concern, as you
22 know it gives me a great pleasure and honor
23 to be here today, and able to be able to resolve
24 any doubt, you may have, or heard along the way.

25 I also wish to thank you all for this

1 chance to elaborate about the so-called drug
2 abuse treatment, which is awarded to addicts
3 behind the walls of penal institutions in the
4 State of New Jersey, and that if any truth is
5 to be heard, it will be here and now, hope-
6 fully what is said will give light to the
7 struggle and plight of addicts, and to the
8 many injustices that have gone unseen for so
9 long, by so many until it can no longer go
10 unsolved or unseen.

11 Perhaps, I have selected the wrong course
12 or approach by opening this way, because it has
13 been said that silence was the golden state
14 of perfection, and I cannot find any of this
15 perfection in any of this, within the realms
16 of my present. But somehow and regardless of
17 the darkness that lingers about, I feel that
18 all is not lost, how do we go forward if the
19 present is understood, only in the terms of
20 the past, I find somehow, we must make decisions
21 and commitments today, which will be the past
22 tomorrow.

23 In regards to your following questions,
24 I will answer them honestly and to the best of
25 my ability.

1 I. My introduction to drugs extend over
2 a period of 20-some-odd years, my first hard
3 drugs came in the U. S. Army in 1951 and I have
4 suffered most of the general characteristics
5 that attribute to drug addiction. It has been
6 my experience through drugs physical and
7 hypnotic force to acquire an extensive record.
8 I have never been in a hospital or drug center
9 for rehabilitation before, however I have had
10 clean spells, some returning from jail and
11 others from self will power, but never enough
12 self will to make a clean sweep. I am also
13 aware that drug addicts is growing to "one cent
14 a dozen", and a genuine ex-addict is a near
15 priceless commodity. Which is my aspiration,
16 I am even more aware of what my destiny is in
17 the continuation of past performances. It's
18 with a combination of events and the reassessment
19 of my life, that brings me to a genuine and
20 sincere desire for change, rehabilitation
21 instantly motivating realization.

22 2. Treatment was not offered me, I was
23 denied this by the judge, even though he was made
24 aware of my narcotic problem, he stated and
25 related to me to get my treatment in the custodial

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environment that I am now in.

b. Yes, I sought treatment, but they all offered me the same, see us when your term is finished.

3. No.

4. The terms they give addicts are so unrealistic, but now after so long it has come among the do-gooders, among the sons and daughters of senators, ivy leaguers and the problem grows and is being pulled out from under the rugs, the blinds are no longer closed.

Yes, it seems no one is attacking the roots of drug abuse, they are only mistreating the symptoms. They are concerned about air pollution, water pollution and environmental pollution, what they should be equally concerned about is human pollution of the mind and body by narcotics and other drugs.

5. There is a program behind the walls of Rahway, but they do not believe that treatment behind prison walls suffice one's real needs. The New Directions Project, is a program founded behind these walls by the residents in 1972 and Trenton in '71, it is independent and is run under the auspices of

1 the Department of Health, Division of Narcotic
2 Abuse. The New Directions Project deals in
3 types of treatment offered in community-based
4 programs, such as therapy and methadone, and
5 they offer their services to addicts here,
6 they are a referral and education type program
7 that will and is about getting addicts out of
8 prison via court or parole whatever comes first,
9 and I believe will survive regardless.

10 Thank you kindly, Leroy James Grant.

11 BY ASSEMBLYWOMAN WILSON:

12 Q You are Chairperson of the New Directions
13 Program, is that correct?

14 A Now I am Director.

15 Q How does a person get into New Directions?

16 A Well, there are several ways. First is classi-
17 fication when he comes into the prison and they send him
18 to New Directions.

19 Then there are those that come up on their own and
20 ask to join. After they fill out an application we orientate
21 them on the types of programs we have. I have passed out
22 a memorandum of the New Directions flow chart to some of
23 the members.

24 The general procedure is that we take normally the
25 same as the flow chart.

1 Q Do you accept a person's word that he is an
2 addict or do you go through some sort of a testing process?

3 A We take him through a phase of questioning,
4 brief history, sociology and stuff, and his word also.

5 Q Are you an addict?

6 A Yes.

7 Q Are you here on a drug-related offense?

8 A Yes.

9 Q How long have you been an addict?

10 A That was armed robbery. How long? 20 years.

11 Q You have been an addict for 20 years?

12 A Yes.

13 Q What would make you stop being an addict?

14 A Well, really some concern about my problem with
15 drugs.

16 Q Can you be a little bit more explicit? You say
17 concern about your problem.

18 What would you expect? We are legislators.

19 A About my addiction and stuff, my addiction to
20 heroin.

21 When I applied for a drug treatment program the judge
22 told me to get ahead.

23 Q He told you what?

24 A To get my treatment behind the walls in the
25 custodial environment that you are now in.

1 Q Have you ever been on a maintenance program?

2 A No.

3 Q If you were given the option to go on a main-
4 tenance program would you?

5 A Methadone?

6 Q Yes, all right, methadone.

7 A No.

8 Q You would not?

9 A No.

10 Q Would you tell me why?

11 A Yes. I feel methadone is just another crutch.
12 It is only substituting a habit for a habit, a controlled
13 type of habit.

14 Q When you leave here if you were to have an
15 opportunity to go on a program of testing, urine testing,
16 so that if you found that by using drugs you would be
17 automatically detected and because of that detection you
18 would be returned here, would that act as a deterrent to
19 your use?

20 A That is hard to say. No. I doubt that.

21 Q Even if you knew you were going to come back
22 here you don't think so?

23 A You mean to get out of here, to get out of
24 prison and this is the only type of program that was offered
25 me?

1 Q Yes.

2 A I believe I would take a chance at that.

3 Q Do you think that the treatment programs in
4 general are effective?

5 A Where, in the street or here?

6 Q In the street.

7 A Well, there are some programs but there's a
8 lot of failures.

9 Q Would you care to name any that are successful
10 in your opinion?

11 A Yes. S.C.A.N., House of Insight. There are
12 some that are successful.

13 Q Do you think greater penalties would have any
14 degree of effectiveness on reducing drug use?

15 A They would really look into the harshness of the
16 terms that they give addicts and drug-related crimes and
17 it doesn't help, really.

18 If you give-- like they were talking about Dee Dee
19 Tyler, he got life in 1962 for 3 bags. He got life.

20 Q Do you know of any big wholesalers who have
21 been convicted?

22 A No.

23 Q Yet we are talking about 60 or 80 percent of the
24 prison population is here for drug-related offense?

25 A One bag, 2 bags, yes, drug-related.

1 Q So your experience has been that most of the
2 people who are in prison are the smalltime users, not the
3 bigtime sellers?

4 A Yes.

5 Q How can we get the bigtime sellers?

6 A I don't know.

7 ASSEMBLYWOMAN WILSON: Thank you. I have
8 no further questions.

9 BY SEN. MENZA:

10 Q How old are you, sir?

11 A I am 40.

12 Q And you have been on drugs for 20 years?

13 A Yes.

14 Q What kind of time did you get here?

15 A I have 8 to 15 now. My first offense I got
16 10 years.

17 Q How many offenses have you done time for?

18 A Two.

19 Q And the other offense was 10 years for what
20 crime?

21 A 5 to 10, 8 to 15.

22 Q On what charge?

23 A Robbery.

24 Q Armed robbery? There is mugging, there is
25 hitting a drug store. Which one was it?

1 A It was armed robbery.

2 Q Have you been in other programs?

3 A No.

4 Q Not at all?

5 A No.

6 Q Do you think that the court dealt unfairly
7 with you when they sentenced you to 8 to 15 for armed
8 robbery? That must have been out of Essex County, was it
9 not?

10 A Yes. That was Judge Kapp.

11 Q You realize how Essex County deals with armed
12 robbers?

13 A Yes. Also like in my case there were two
14 other persons involved with me.

15 Now the first one, we all got 8 to 15. After a
16 period of time down here in the prison he called one back
17 and gave him probation and sent him to the program, called
18 the other one back and cut his time.

19 Now they are all gone.

20 Q Mr. Grant, here is the quandary that we are in,
21 to set forth a hypothetical.

22 The possessor who is selling a couple of decks,
23 no problem, the possessor or the addict with B&E, no
24 problem, the property type of crimes, really no problem.

25 What do we do with an addict who has been an addict

1 for 20 years and is convicted of armed robbery?

2 How do we deal with him?

3 A Well, like you said before, whether prison
4 helps or whatever programs, if he has to come to prison,
5 so be it, but with some stipulation after a period of time
6 that he is released to a community-based program or some-
7 thing like that to deal with his problem.

8 Q Why should we treat the addict any differently
9 who commits an armed robbery than the non-addict who has
10 acute family problems who commits an armed robbery, let's
11 say?

12 A There's a lot of views on that.

13 Q I don't know. I am asking for your view.

14 A It is a long drawn out affair.

15 Q In other words, what I am trying to say to
16 you is this: Let's assume that you went into a thera-
17 peutic type center now and that it worked with you.

18 What kind of odds are we facing that you again
19 wouldn't perform an armed robbery as compared to the other
20 person who is not addicted?

21 A Well, the only thing I can say is speaking for
22 myself I doubt if that would happen.

23 Q Suppose we do this: Let's assume for the sake
24 of argument that we pass a law and the law says anybody
25 who possesses narcotics or sells narcotics or is involved

1 with a property crime and it is determined that they are
2 in fact an addict, that we deal with them by not going to
3 jail, that we put him someplace else, but that those addicts
4 who are involved in violent crimes, we put them through
5 the judicial system and the jail system and then out into
6 some kind of community or therapeutic type center.

7 What would you think about that?

8 A I think that would be good.

9 Q The treatment differs.

10 A Yes, but still you are treating them as an
11 addict in one aspect and as an armed robber in another sense,
12 but they are combined really.

13 SEN. MENZA: Mr. Lescault.

14 BY MR. LESCAULT:

15 Q Were you under the influence of a drug when
16 you committed your armed robbery?

17 A Yes, I was under the influence.

18 Q The second question I have is this: Because
19 of your age there are several reports that show as an
20 addict grows older and becomes more aware of his problem,
21 is more receptive to entering treatment, do you feel
22 that the conditional discharges that we have now under our
23 controlled Dangerous Substance Act which allows first-time
24 offenders to enter treatment in lieu of incarceration
25 should be provided for second and third-time offenders or

1 a person who as he gets older becomes aware that he has
2 a severe problem and would like help?

3 A That would help.

4 SEN. MENZA: Any other questions?

5 BY ASSEMBLYWOMAN WILSON:

6 Q Confirming information, I have some background
7 here that you have provided. You became addicted when you
8 were in the Army?

9 A Yes.

10 Q That was in 1950?

11 A Yes.

12 Q You were in Korea?

13 A Yes.

14 SEN. MENZA: Thank you, Mr. Grant.

15 * * *

16

17 SEN. MENZA: Did you have something to
18 add, Mr. Travis?

19 MR. TRAVIS: Yes. When you were talking
20 in terms of addicts being classified due to the
21 criminality, that factor, whatever, in the case
22 of another drug, alcohol, if I am an alcoholic,
23 a confirmed alcoholic, and I get in my car and I
24 run you over and kill you and someone from the
25 medical profession would substantiate the fact

1 that I was a confirmed alcoholic, my chances
2 are much better of walking out of that court.

3 If I drink two beers and do the same
4 thing it is vehicular homicide.

5 I am just trying to show a parable where
6 I think there is that type of room in dealing
7 with narcotics.

8 On the other hand, you say a guy who has
9 been busted 2 or 3 times in terms of first
10 offender status or second or third offender
11 status, I was just in Juvenile Court in New
12 Brunswick last week and they had a young fellow
13 who had been in and out of court doing time.
14 He had been into S.C.A.N. on two previous
15 occasions and the judge was wondering why would
16 we put up with him after he has been into the
17 program and he keeps leaving.

18 Well, you got to understand something.
19 Sometimes you catch a man when he is motivated
20 and you can help him.

21 Prior to this entry into the program, at
22 this particular time the guy just wasn't ready.
23 So what are you going to do?

24 Are you going to say No, we won't even
25 attempt to help him, turn your back?

1 When does the welfare of that person
2 play some importance in the destinies that
3 are placed on him by law or whatever?

4 SEN. MENZA: Let me just say this very
5 briefly off the record.

6 (Discussion off the record.)

7
8 P A T R I C K T A N G O, S W O R N.

9 THE WITNESS: I want to speak just about
10 the disparity of sentencing.

11 I would like to pass out the questions
12 that I answered for you.

13 SEN. MENZA: We will put that in the
14 record.

15 Patrick J. Tango

16 #53260

17 Lock Bag R

18 Rahway, New Jersey

19 July 2, 1974

20 Dear Commission Members,

21 It is a great opportunity for me to be
22 here today to speak with you, and to give
23 you the information you so desire.

24 I will try my very best to answer any
25 questions that you may want to know, hopefully

1 when we are at the end of this hearing you will
2 have a better understanding of why a person
3 resorts to the use of drugs, and what my view is
4 concerning the Laws of Drug Abuse, and its penal-
5 ties.

6 I received a letter from Assemblywoman
7 Betty Wilson informing me of the day of the
8 hearing, and the questions that she and the
9 members of the Commission are especially
10 interested in, here are my answers to those
11 five questions.

12 1. My experience with drugs began at
13 an early age, starting off with sniffing glue
14 at the age of 11. When I was 13 years old I
15 was going over to New York to buy pills and
16 cough medicine, which I thought was a big
17 thrill. Up until the age of 14 my family and
18 I lived in Newark, N. J. and moved down to the
19 shore area because, I was getting into too much
20 trouble. The following year I was sent to the
21 State Home For Boys for playing hooky from
22 school. After being there for a period of 10
23 months I was then released with a parole, which
24 would expire when I turned twenty-one. I started
25 using heroin the year I got out of there, which

1 was in 1966 and since then I have been incar-
2 cerated several times for stealing money and
3 breaking into other people's homes to support
4 my addiction.

5 2. a. Treatment was offered to me in 1967
6 when I was arrested for the use of narcotics,
7 but because of my age (17) I was told that I was
8 too young to be accepted in Skillmans, therefor
9 I was re-sentenced to jail instead.

10 b. No, I don't think I ever did seek
11 treatment for my drug problem because I was
12 always afraid of being sent back to the institu-
13 tion.

14 3. At the time I was sentenced to the
15 State Prison the judge told me that my crimes
16 did not call for a drug program and that if I
17 was sincere in wanting to stop using drugs I
18 would then get myself enrolled in a program
19 inside the prison.

20 4. My opinion of criminal penalties for
21 the use of narcotics I would say is pretty
22 reasonable. I feel that the laws now concerning
23 the use of drugs are severe, and that they should
24 be changed to give the drug addict help which
25 he or she is in great need of,

1 This is not to say that if a person is
2 caught with a lot of drugs should be given a
3 suspended sentence because, if that person
4 is a profiteer and not a user then he should
5 be sent to jail.

6 5. There is a program here inside the
7 prison that deals with the drug addicts called
8 New Directions, which helps the addict become
9 aware of what he is doing to himself while
10 using narcotics, and also helping the addict
11 to get called back to court and maybe having
12 the judge send him to a drug program where
13 his treatment and professional help are.

14 I feel that the New Directions Program
15 is effective for the little that they have but
16 should be outside the prison.

17 SEN. MENZA: Go ahead, Mr. Tango.

18 THE WITNESS: The question about disparity
19 in sentencing, I feel something should be done
20 about it for the simple reason that if two
21 individuals are arrested for a certain crime
22 that is related to drugs and the individuals
23 are drug addicts and one individual gets 10
24 years and the other one gets a year suspended
25 sentence, I don't feel that it is right for

1 something like that to happen.

2 Like I said, especially if an individual
3 is a drug addict. I feel that a drug addict
4 needs help and as for sending them to prison,
5 prison is not the answer, I feel.

6 As for myself, speaking for myself,
7 I am here for breaking into homes. I received
8 10 years for it. I feel I shouldn't be here
9 for many reasons. One is that I have no
10 violent crimes on my record whatsoever.

11 The only problem I have is stealing and
12 that was to support my drug habit. I know many
13 guys in here that are in the same boat as I am.
14 I feel that they need help just like I need help.

15 BY SEN. MENZA:

16 Q Where are you from, Mr. Tango?

17 A South Jersey, Highlands.

18 Q How old are you?

19 A 23.

20 Q How long have you been on drugs?

21 A Since 1966.

22 Q How many times were you arrested?

23 A Quite a few.

24 Q The first few times you got suspended sentences?

25 A Yes, sir.

1 Q Were your crimes possession, B&E or what?

2 A Do you want me to start off from when I was
3 12?

4 Q Generally, just very quickly.

5 A Well, I started from mischief damage to grand
6 larceny to breaking and entering, under the influence of
7 drugs.

8 Q All property crimes?

9 A Yes.

10 Q You have had a rap sheet then prior to this
11 last charge?

12 A Yes, sir.

13 Q Your counts in the indictment were how many?

14 A 2 or 3.

15 Q Does that count up to one?

16 A Yes.

17 Q That couldn't be. You couldn't get 10 years
18 on one count.

19 A I am doing three 2 to 5's.

20 Q Consecutively?

21 A Yes.

22 Q So you copped out to 2 counts?

23 A Yes.

24 Q Did you ever go to a drug treatment program?

25 A No. As I stated in this question here, 2a, in

1 1967 I was arrested for under the influence of heroin.

2 I was told if I pled guilty to the charges that I
3 would be sentenced to Skillman with a year probation.

4 I pled guilty. They took me to Skillman and brought
5 me right back because I was only 17 and I wasn't allowed
6 in because of the age.

7 So I was then resentenced to Yardville. I did
8 22 months in there for under the influence of drugs.

9 Q 22 months for under the influence?

10 A Yes, sir.

11 Q How old were you?

12 A 17.

13 Q So you had an indefinite term at Yardville?

14 A Yes, sir.

15 Q Then you got out of Yardville after 22 months
16 and then what?

17 A I went right back to drugs.

18 Q Then the B&E's?

19 A Yes.

20 Q You are doing 6 to 10 now, you say?

21 A Yes.

22 Q How much time do you have in?

23 A 18 months.

24 Q You have another what?

25 A To January.

1 BY ASSEMBLYWOMAN WILSON:

2 Q You started getting involved with drugs and
3 other things pretty young. You went to school at that time
4 in Newark, is that correct?

5 A Yes.

6 Q You were living there. Is there anything the
7 school could have done to have prevented your getting
8 involved?

9 A I don't want to blame it on the school but
10 I would say Yes for the simple reason, while I was living
11 in Newark and attending the public schools, it seemed to
12 me that the teachers weren't that much concerned for the
13 pupils.

14 For an example, I used to play hooky from school and
15 for 2 or 3 months straight and I would come back and
16 nothing was ever said.

17 As a matter of fact, I got promoted that year that I
18 did that.

19 Q You played hooky for 3 months straight and you
20 got promoted?

21 A Yes.

22 Q I am a teacher and that shocks me just a little
23 bit.

24 A Well, at the time it shocked me too. That's
25 what happened. While living in Newark I grew up in an

1 area where it was mostly Black and a lot of my friends
2 were Black and when I did something we did it together.
3 That's where I started sniffing glue.

4 From there I went to the cough medicine and pills.
5 This is while I was living in Newark.

6 Moving from a big city down to the shore area where
7 I am now, the town I live in is only a mile long, so
8 right there I felt out of place when we first moved down
9 there.

10 After a year down there I played hooky and I was
11 sent to Jamesburg for 10 months.

12 Q Just a point of comparison, when you played
13 hooky when you lived in Highlands, New Jersey did you
14 feel that the teachers there cared a lot whether you played
15 hooky or not?

16 A Yes.

17 Q They did care?

18 A Yes.

19 Q Did you have the general feeling when you were
20 in school in Newark that there was a very low expectation,
21 that people didn't really expect very much of you?

22 A Now that I think about it, yes.

23 Q If people had expected more of you do you think
24 you would have done more, such as teachers that cared
25 whether you were in school?

1 A I don't want to blame my teachers for anything
2 that happened to me. I can only blame myself.

3 I would say the environment has a lot to do with it.
4 My family is poor. We really never had anything. I guess
5 I just missed a lot of things that other people had.

6 I felt that the only way I could get them was to steal
7 them.

8 Q One of the things that we hear about a lot in
9 education is that we should educate kids about drugs and
10 the hazards of drugs and that will make them stop, they
11 won't use drugs, they will avoid it because they will be
12 scared or whatever.

13 Was there anything that could have happened in the
14 curriculum of the school where you were that would have
15 prevented your getting involved with drugs?

16 A Are you speaking about high school or grammar
17 school?

18 Q Anywhere.

19 A Well, if you take any school today what is
20 stopping the kids today from turning onto drugs?

21 Drugs is the number one thing out there today.
22 What is stopping the guys that have the drugs that are
23 going to the schools and turning the kids on and the kids
24 not really knowing?

25 When I was in school they never talked about drugs,

1 no teachers or they never had anybody coming in like they
2 do today.

3 Q Do you think that would have been a sufficient
4 deterrent to you?

5 A I really can't say.

6 Q I don't expect you to get your crystal ball out.
7 Will increasing the penalties in your view have any effect
8 on deterring drug traffic?

9 A As a couple of these gentlemen stated before,
10 for large scale narcotic sellers I could see them being
11 put behind bars but for someone as you say, the smalltime,
12 for possession of a bag of dope or something, no, I can't
13 see it.

14 I could see with a crime that involved violence,
15 hurting somebody or something, as the Senator was saying.

16 Q Along those lines if a person has committed a
17 violent crime, armed robbery or whatever, if that person
18 is addicted do you believe they should be treated any dif-
19 ferently than the non-addicted person who commits the same
20 type of crime?

21 A You would have to get to the root of his problem
22 and find out why he committed the armed robbery.

23 If it was for the purpose of supporting his drug
24 habit I would say Yes.

25 SEN. MENZA: I have an observation for

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the record.

You note that Mr. Tango is really here on a very typical addict crime, B&E. Yet I refer you to paragraph 3 of his report in which he states "At the time I was sentenced to the State Prison the judge told me that the crime did not call for a drug program and that if I was sincere in wanting to stop using drugs I would then get myself enrolled in a program inside the State Prison."

I call the staff's attention to Section 27, 28 and 29 which refers only to violations of that title, namely, 24.

In other words, the conditional discharge and expungement is only available to those persons convicted of possession and sale and any other actual drug-related offense and yet the typical crime we are dealing with with an addict is B&E initially, at least, until he graduates to armed robbery, I think is something that really has to be a dramatic change and that is in that particular area of the statute.

I dare say that a good portion of those people who are being sentenced who are addicts, a good portion are not there for possession or

1 possession and sale but the crimes necessarily
2 involved, B&E, et cetera, et cetera.

3 BY SEN. MENZA:

4 Q Did you get any treatment in Yardville for the
5 drug problem?

6 A Yes. I was in the drug program down there for
7 about 3 weeks but I was placed in the work release program
8 and I was given a job and everything.

9 They just started the drug program and I only was in
10 there 3 weeks. I didn't really get the full thing.

11 BY ASSEMBLYWOMAN WILSON:

12 Q Do you think drug treatment can be successful
13 inside the prison?

14 A No.

15 Q How about on the street?

16 A Yes.

17 Q Were you ever involved or did you ever go to a
18 treatment program while you were out?

19 A No.

20 Q You did not?

21 A No. I stated here that the only reason why I
22 didn't was fear of being sent back to jail.

23 Q You felt that if you volunteered to go into a
24 treatment program that would result in your being incar-
25 cerated again?

1 A Yes.

2 ASSEMBLYWOMAN WILSON: Are they reported
3 when people volunteer to go into treatment
4 programs?

5 MR. GALLI: The only reporting under the
6 Controlled Dangerous Substances Act that has
7 to be done is to the Controlled Dangerous
8 Substances Registry and that's all.

9 Not even hospitals, no one has to report
10 to the police. The police are not entitled to
11 any information.

12 If a person over-doses and goes to a
13 hospital, the police do not get these records.
14 The only requirement is that the hospital
15 report that individual to the Controlled
16 Dangerous Substances Registry in the Department
17 of Health.

18 A VOICE: I beg to differ with you.

19 ASSEMBLYWOMAN WILSON: You obviously have
20 had a different experience.

21 Mr. DiNorseio, have you ever volunteered
22 to go into a treatment program on the street?

23 MR. DINORSEIO: No.

24 ASSEMBLYWOMAN WILSON: Do you know other
25 persons who have?

MR. DI NORSEIO: Yes.

1 ASSEMBLYWOMAN WILSON: Have they been
2 reported to some agency, Mr. DiNorseio?

3 MR. DINORSEIO: Definitely. I am going
4 back to his question where he said say anyone
5 of these gentlemen took an overdose and they
6 are carried to Martland Medical Center.

7 The first thing they do while they are in
8 the process of treating this man, they are on
9 the phone to the Narcotics Squad in Newark.

10 MR. GALLI: Not in the last 3 years. It
11 is a violation of the law.

12 MR. DINORSEIO: I can't speak for the last
13 3 years.

14 MR. BOOKER: Mr. Galli may be giving us
15 the law but that is not what is done.

16 I personally took 2 overdoses in 1971
17 and 1970 and I was reported to the police each
18 time. That may be the law but the people
19 aren't following the law.

20 SEN. MENZA: We will check that out.

21 MR. TRAVIS: May I speak?

22 SEN. MENZA: Go ahead.

23 MR. TRAVIS: Just this week a mother
24 brought a kid to us at S.C.A..N. Someone had
25 slipped the kid some acid or he had taken acid

1 and he was really tripped out. It was against
2 the law for us to hold him.

3 So consequently, the mother feeling for
4 the child didn't know what to do but she knew
5 that if she had called the police he would be
6 arrested.

7 So we had no choice but to take the kid to
8 Roosevelt Hospital, who in turn did in fact
9 call the Police Department. I don't know what
10 they are going to do but this is what happened.

11 It is against the law in New Jersey to have
12 any drugs, internal possession, in here.

13 ASSEMBLYWOMAN WILSON: I think that is an
14 area where we have to seek some clarification.
15 Whether it is the law or not, evidently in
16 practice there is a reporting going on. There
17 is not protection of the confidentiality.

18 BY ASSEMBLYWOMAN WILSON:

19 Q Is that why you were afraid, Mr. Tango? Did
20 you know other people who were turned in?

21 A Yes.

22 Q You did?

23 A Yes. I can't speak for the last time prior
24 to this arrest because I was on the run from the police.

25 Before that was my reason for not doing it.

1 BY SEN. MENZA:

2 Q You have been on drugs since you were 11 years
3 old. You are 23 years old. What do you feel the prognosis
4 is when you get out about being back on drugs?

5 Do you think you can make it yourself without any
6 kind of program here in the jail, honestly?

7 A No. I have stated before that I am a weak-
8 minded person. I need help, professional help.

9 I doubt it very much if I could do it on my own.

10 Q Are you getting it here at all?

11 A Whatever the New Directions program can do
12 for me is benefiting me some but like I said, there is
13 no treatment, no professional treatment.

14 Q If you were on the street tomorrow do you feel
15 you most likely would go back on drugs?

16 A Not once I haven't been taking drugs.

17 Q You have had this experience before when you
18 were out of jail.

19 A The only thing that was on my mind was getting
20 right back out there to drugs. Now it is not like that.

21 BY ASSEMBLYWOMAN WILSON:

22 Q Could you even get them here if you really
23 wanted to, couldn't you?

24 A Yes.

25 Q But you don't?

1 A No.

2 MR. STREET: I wanted to respond to
3 Mrs. Wilson. We have been concentrating a
4 lot on rehabilitation on the justice system.

5 You brought out a point that I think
6 is involved in prevention, in terms of the
7 schools.

8 You said something about scare tactics.
9 I think some education about the drug system
10 should be taught to kids but not to scare
11 them because you don't really scare kids. Kids
12 are very hip today.

13 When we say or you hear teachers say
14 or you even hear some people who have used
15 drugs say, well, smoking marijuana leads to
16 hard core drug abuse, a kid knows today that
17 that is not the absolute truth.

18 He knows also or at least he feels that
19 just smoking marijuana, there is nothing wrong,
20 that it is no more wrong in terms of his physical
21 health than alcohol.

22 So I don't think you should scare him.
23 You should educate them to what I call reality
24 therapy, tell it like it really is and let the
25 chips fall where they may.

1 Kids know that in the case of marijuana
2 the laws say that you can have X amount of
3 marijuana within your home and it isn't a viola-
4 tion of the law and yet you can't grow it,
5 you can't give it away, you can't buy it, you
6 can't sell it, makes it a violation.

7 So now if that is a violation how do we
8 get it into the home?

9 SEN. MENZA: That is a violation today.
10 Possession of marijuana is a violation.

11 MR. STREET: Possession of a certain
12 amount.

13 SEN. MENZA: 20 grams, disorderly person.
14 The point is that that is not the function
15 of our Commission, in any event.

16 Now apparently we have 3 more witnesses.
17 We have Mr. DiNorseio, we have Mr. Clark. I
18 think we have 2 witnesses left.

19 Thank you very much, Mr. Tango.

20 * * *

21
22 O R L A N D O D I N O R S E I O, SWORN.

23 SEN. MENZA: Mr. DiNorseio, proceed.

24 THE WITNESS: In response to your first
25 question my own experience with drugs is going

1 back further than I want to remember.

2 You ask me here the treatment and oppor-
3 tunities afforded me.

4 Through the years, see, I have to go
5 back when you just were caught with a needle
6 mark on your arm and it meant an automatic
7 time in the county jail and you had to carry
8 a card to identify that you were a drug addict
9 and that only was the purpose of when you fell
10 out or something they knew what was wrong with
11 you but they used that as another weapon to
12 incarcerate you.

13 I did seek treatment on my own one time
14 through a doctor. That was in 1966, which he
15 prescribed Dolfine for me.

16 In turn the narcotics squad raided my
17 house. With a legal prescription I got 2 to 3
18 years in Rahway State Prison.

19 At the time of my sentence before Edward
20 H. Johnson it was brought out by my attorney
21 and everything about my narcotics problem and
22 what-not and he said to me that I could get
23 professional treatment at Rahway State Prison
24 or at the time it was State Prison, he didn't
25 mention Rahway, that they have professional

1 people here and so forth and so on.

2 Then when I walked through the doors of
3 Rahway here from Trenton it was an illusion.
4 There is no such thing as a rehabilitation
5 program down here. They have a New Directions
6 Program here which is more or less a referral
7 thing. They do a wonderful job. They try
8 and get the fellows through courts and so forth
9 and so on.

10 The Parole Board, where they do have
11 referrals to courts and what-not, they have
12 acceptance programs and the Parole Board still
13 fails to send these men out to the programs.

14 I believe that the percentage is very,
15 very big that they don't send out. They send
16 a few guys here and there to these programs
17 from the Parole Board with the referrals that
18 the New Directions doesn't have. But others,
19 forget about it.

20 You talk about 321-10A. That is the
21 same thing. The judicial system is not aware
22 of it. They definitely are not aware of it
23 where there are supposed to be written laws
24 and here is a man sitting in judgment.

25 You walk before a judge, he knows a man

1 with a one-bag possession is definitely a
2 drug addict.

3 You turn around and he will give this man
4 what, 10 years for one bag knowing the man is
5 a sick man. It is just like a cancer and let's
6 cut it out of him.

7 What does he do? He sends him behind
8 these walls where there is no treatment.

9 Secondly he will take a man that has been
10 called a profiteer, if you like. This man
11 here will get that probation and what-not. The
12 judge fails to realize that this is a social
13 problem, it is a sickness and he has the problem
14 to refer these men to programs and what-not.

15 What does he do? He puts them behind
16 these walls. For what? For nothing. They
17 can't get no help in here.

18 In fact maybe they just get more educated.
19 You could take a kid that came in here smoking
20 marijuana. When he goes out what is he going
21 to do? He is going to go to the spike.

22 What is he doing? He is getting an edu-
23 cation.

24 BY ASSEMBLYWOMAN WILSON:

25 Q Could you define what going to the spike means?

1 A Shooting heroin. Now I am not familiar with a
2 lot of these drugs. I call them the alphabet drugs, LSD and
3 so forth.

4 In my day I wasn't familiar with that stuff. Now
5 these kids, they come in here, which they are very young,
6 they turn around and start off with marijuana out in the
7 street and before you know it, I have seen many addicts
8 made in jail, believe me and up in the county jails.

9 Mr. Street remembers that. These young fellows, they
10 say I'm supposed to be over the hill according to your
11 so-called 3 intelligent fellows on the Parole Board. There
12 is no help for me.

13 Okay, all well and good. Why don't the judicial
14 system realize when a kid comes in them doors to afford
15 him some help?

16 If this kid wants treatment let him ask for treatment.
17 If he wants it give it to him because it is a social problem.
18 It is a sickness which the courts fail to realize.

19 I am not saying that a guy goes pulling an armed
20 robbery, sure, he has to be punished because it's wrong. But
21 also when you send him through them doors do something for
22 him. Don't make him a statistic.

23 We got a big drug program, right? Where is your
24 drug program? Where is anybody in here going out and
25 sitting with a professional psychiatrist or stuff?

1 You are evaluated in here in 5 minutes before you
2 go to the Parole Board. They judge your whole life in
3 5 minutes.

4 Now I am not bringing the situation up myself. This
5 is the third time I am going back to the Parole Board on
6 a 7-year bid.

7 Mr. Heil himself states to me that I should go out
8 in this building over here and get my professional help
9 and my problem is drugs.

10 Mr. Heil, you are a learned man? How could I walk
11 out into that wall when there is no professional help?

12 In turn he tells me that the second time. Now he
13 asks me if I want to go on methadone maintenance. I refused
14 it. This is the only thing.

15 BY SEN. MENZA:

16 Q How long have you been here?

17 A I am going back to the Parole Board in October,
18 48 months.

19 Q You have been here 48 months?

20 A Yes.

21 Q And you have been asked to be put on the
22 methadone program now?

23 A I didn't ask.

24 Q Someone asked you to put you on the methadone
25 program?

1 A Yes.

2 Q You are drug-free for 48 months?

3 A That's right.

4 Q What is the point of putting you on a metha-
5 done program now?

6 A This is what I would like to know.

7 Q Who stated that to you?

8 A Mr. Heil.

9 Q Who is he?

10 A The head of the Parole Board.

11 BY ASSEMBLYWOMAN WILSON:

12 Q How long ago was that?

13 A I just seen him in March.

14 Q You were asked if you would go on the program?

15 A They asked me would I go to the therapeutic
16 program, would I submit to methadone maintenance and this
17 and that.

18 So I said I feel that I have conquered it, that thera-
19 peutic wouldn't do me no good right now, plus I would submit
20 to urinalysis every day.

21 So in turn they kept on throwing methadone maintenance
22 at me and in turn I told them I refused it.

23 Now it meant my freedom, which I could have gotten
24 methadone maintenance through the courts. I was offered it.
25 But I feel to me it is another crutch. I am going to go

1 walking out there, I had two out there and I am going to
2 walk out this door with another one.

3 Now if we had more professional help in here for
4 these fellows, give them something to go with, where Mr.
5 Heil could say to these men go to a professional program
6 out in the street if they want help, but there is nothing
7 there.

8 BY SEN. MENZA:

9 Q Is it my understanding that you are telling
10 this Commission that the condition of your release now--

11 A I have no release now. I am going back to the
12 Parole Board.

13 Q The last time you were there it was either
14 to go on a methadone program or to a therapeutic type center?

15 A The 3 questions he asked me, therapeutic,
16 methadone, so I told him I didn't want to submit to no
17 methadone and I will go to therapeutic and I would take
18 urinalysis.

19 Q Since you refused those then the parole was not
20 available to you, is that what you are saying?

21 A No. He sent me a statement back saying I am
22 making great strides toward self-rehabilitation and further
23 incarceration will help me.

24 Q Did you get a written report as to that?

25 A Yes.

1 Q As to the reason you were denied?

2 A Yes. See, naturally he didn't put that I
3 didn't accept the program but he put that self-rehabilita-
4 tion would help me further when I get out in the street,
5 further incarceration.

6 BY ASSEMBLYWOMAN WILSON:

7 Q How old are you, sir?

8 A 53.

9 Q How long have you been using drugs?

10 A Approximately 29, 30 years, on and off.

11 Q You described drug addiction as a sickness.

12 Some addicts reject that idea.

13 A Well, when you use the word sickness it is just
14 like anything else, if the man needs an aspirin every day
15 he is sick, right?

16 If you have a skin cancer you have to cut it out.
17 To me this is my opinion. I feel that it is a sickness.
18 Once the man is addicted there is some way you have to
19 cure him.

20 Q You said that you would be willing to go on a
21 daily urine testing program?

22 A Yes.

23 Q Do you feel that the certainty of your being
24 returned to prison through that type of program because of
25 detection would cause you not to use that?

1 A I will put it this way: If I know that some-
2 thing is going to hurt me now that I am free and clean I
3 would think more than twice before I would go to the needle
4 or something.

5 Q If you knew that it would be detected would
6 that be sufficient deterrent to your use?

7 A It would scare me much more.

8 Q What are you in here for this time?

9 A B&E.

10 Q That doesn't involve a weapon?

11 A No.

12 Q Have you ever been convicted of an armed
13 robbery, for instance?

14 A No.

15 Q Was your B&E to support your habit?

16 A Well, I was on narcotics at the time. Yes.

17 Q Do you have a family?

18 A Yes.

19 Q Have you observed any deterrents, any relation-
20 ship between deterrents and sentencing, the length of the
21 sentence having anything to do with deterring the offense?

22 A No, not really. I'll put it this way: I have
23 seen a man walk in these walls and get 10 years and spend
24 6 in here and walk out the door and go right back to
25 shooting a bag of dope.

1 I have seen a man 2 to 3, same thing. I don't see
2 that a harsher penalty would be any deterrent on the con-
3 trolling of narcotics and use of narcotics.

4 Q How many times have you been in prison?

5 A This is my second time in here besides county
6 jails.

7 Q Do you know of any bigtime wholesalers who
8 have been convicted?

9 A No, outside of federal.

10 Q Have you ever been in federal prison?

11 A No.

12 ASSEMBLYWOMAN WILSON: I have no further
13 questions.

14 BY SEN. MENZA:

15 Q How much time total have you spent in jail?

16 A Somewhere around 13 years.

17 Q You have been to Lexington, I take it?

18 A Yes.

19 Q You have been to other therapeutic centers?

20 A I will explain. I have never been nowhere but
21 Lexington and that because I was on the run.

22 Q You have been in Lexington more than once?

23 A No. Here we go back again with the Parole
24 Board's record. They claim I have been on methadone
25 maintenance for 9 months. I have never even seen methadone

1 in the liquid form the way I understand it now.

2 "Just like the Parole Board says, I was on methadone
3 maintenance. I have been in Lexington one time and it
4 wasn't actually for no cure or nothing.

5 I'll be honest with you. It was that I was hot
6 and at the time the information couldn't be released by the
7 Federal Government without your okay and so forth, I
8 thought. That is the reason why I went to Lexington.

9 Q Suppose I ask you this question and you tell
10 me what you would respond to it. Keep in mind that it is
11 a question.

12 If I say to you you have been a junkie for 30 years,
13 you have been in jail for 13 years, you are wasting the
14 taxpayers' money all these years by robbing them, stealing
15 them blind and also taking this money in prison, what would
16 you say to that?

17 A That I have been what?

18 Q If I said to you that you have been a junkie
19 now for 30 years and I say you have been 13 years in jail,
20 you have been ripping off the public when you are out of
21 jail and you are ripping off the taxpayers now in jail
22 because of your addiction, what would you respond to that?

23 A I would say if the public or society is worrying
24 about these problems why don't they put a deterrent in there
25 to help us in some of these aspects, knowing the so-called

1 judge sits up there, your so-called man that has jurisdiction
2 on you, your parole head, sitting here knowing and telling
3 you what my problem is, but he never would put no soap
4 in his washing machine to help me cleanse myself. He
5 does not afford me no kind of professional help.

6 The State of New Jersey, the Federal Government,
7 every program in my opinion is statistics to them because
8 when their so-called programs, and I believe it is 1
9 percent of addicts that they have ever rehabilitated and
10 years ago, you take a few years back, before I came in
11 these walls, they weren't even looking for the hard core
12 man.

13 So if society would like to say let's get the hard
14 core, if the hard core is the ones that are making the
15 younger generation, they say we turn around and we give
16 them drugs and we do this to help support our habits and
17 what-not, why don't they do something first for the hard
18 core and then go down the line where maybe the young guy
19 could realize then, the young kid coming up today, that
20 it is no good.

21 To your question they know my problem, they know what
22 it was but they never looked to cleanse me. All they did,
23 just lock him up, lock him up.

24 BY ASSEMBLYWOMAN WILSON:

25 Q Did you ever drink?

1 A I have had a few drinks.

2 Q Were you ever a heavy drinker?

3 A No.

4 BY MR. LESCAULT:

5 Q When you say cleanse yourself for rehabilita-
6 tion what do you think the goals should be in the treatment
7 facilities?

8 Is it abstinence, maintenance, detoxification?

9 A First of all you would have to go down the
10 line. You get somebody off the street and you have to
11 detox him.

12 Again I will go back. Like I say, I can't speak for
13 the last 48 months but they used to grab a so-called addict,
14 throw him right in the jail cell, in headquarters or what-
15 ever and from there you go before a magistrate and they
16 shoot you into Newark Street Jail.

17 I am speaking of Newark now. They shoot you in
18 Newark Street Jail. The man is sick and what-not. They
19 never afford him no kind of help right there.

20 If the man does get busted, turn around and start
21 him from that period right then and there.

22 Q Drug-free, that would be the goal of rehabilita-
23 tion?

24 A Yes. I feel that I have grown out of it. Just
25 like I tried to explain to so-called Mr. Heil, I tried to

1 explain this to the man.

2 You could tell me what you want. Now remember, I
3 blew my freedom. This is what I am trying to bring out
4 to you. I blew my freedom by not becoming a vegetable
5 because the State of New Jersey said, well, if you want
6 to go on the street you go out and drink this other dope.

7 I am in here behind dope and he is telling me to go
8 out there and drink dope so he will give me my freedom.

9 This meant my freedom and I refused it.

10 Q Aren't there facilities now in New Jersey that
11 you can voluntarily enter and reach that goal of drug-free?

12 A Yes, there are but I am not aware of them.

13 Q This is the problem I have. People have testified
14 today and with other addicts I have spoken with and I don't
15 understand what prevents the addict on the street to
16 enter treatment before entering the court system and being
17 forced into it.

18 A This is a good thing. You bring out a good
19 point. When you say before entering the court system, if
20 I turn around, any of us here, as soon as we get busted
21 or something we make bail or something, boom, we shoot
22 right through a program.

23 What does the judge think our motive is?

24 SEN. MENZA: Let me just comment on that.

25 The most effective treatment is the suspended

1 sentence to go into a therapeutic type center.

2 A guy on the street who is getting his
3 drugs is high and he is not going to go to a
4 therapeutic center by himself in a million
5 years.

6 MR. LESCAULT: My question was why.

7 A Because he is on narcotics.

8 BY MR. GALLI:

9 Q Do you feel that methadone has helped any people?

10 A I am only speaking from what I know. To me
11 it has helped them get cocaine habits, they smoke a little
12 pot, they drink a little wine now maybe which they never
13 did before.

14 I have seen a few of them that came through here
15 and visited and they are bloated up and what-not. Maybe
16 it makes them keep a job going but to me it is only a
17 crutch. It is a stilt.

18 BY ASSEMBLYWOMAN WILSON:

19 Q You said a cocaine habit. Are you saying that
20 cocaine is addictive?

21 A Like again I will say to you, anything that you
22 get daily to me it's a habit.

23 ASSEMBLYWOMAN WILSON: Mr. Tango, do you
24 say cocaine is addictive?

25 MR. TANGO: I would say that. I was

1 addicted to it.

2 ASSEMBLYWOMAN WILSON: You were addicted
3 to cocaine?

4 MR. TANGO: Yes. Instead of going out
5 to break into one house, behind that heroin
6 habit, I was going out to break into 2 houses
7 to support the heroin habit and the cocaine
8 habit.

9 ASSEMBLYWOMAN WILSON: You had a heroin
10 habit and a cocaine habit?

11 MR. TANGO: Yes.

12 ASSEMBLYWOMAN WILSON: Simultaneously?

13 MR. TANGO: Yes, ma'am.

14 ASSEMBLYWOMAN WILSON: Mr. Booker, what do
15 you think about cocaine being addictive?

16 MR. BOOKER: No, it is not addictive. You
17 couldn't develop a dependence on it. He is
18 talking about like he probably became accustomed
19 to speedballing and stuff and that is mixed in
20 cocaine and heroin.

21 You won't become addicted to cocaine.

22 ASSEMBLYWOMAN WILSON: You always used them
23 together, cocaine and heroin?

24 MR. TANGO: No. My last 2 years out there
25 I did.

1 ASSEMBLYWOMAN WILSON: Do you feel that
2 the addiction perhaps to cocaine was a psycho-
3 logical addiction rather than a physical
4 addiction?

5 MR. TANGO: Well, what I did for 2 years
6 was to have the heroin to support my habit so
7 I wouldn't get sick and then right after that
8 go out and get the cocaine.

9 It came to a point where I didn't want
10 to shoot the heroin without the cocaine.

11 SEN. MENZA: But you were using speed.

12 MR. TANGO: Cocaine is speed.

13 SEN. MENZA: Speedballing. You were
14 using both?

15 MR. TANGO: Yes.

16 SEN. MENZA: Now when you talk about
17 something like that you are really freaked out.

18 Were you under the influence of those
19 things on B&E's?

20 MR. TANGO: The coke always had me like
21 this. I was always on the move when I was
22 shooting that.

23 MR. GUZZO: What was your weekly cost to
24 support these habits, Mr. Tango? And I guess
25 you supported them by B&E's, right?

1 MR. TANGO: There were times I had \$500
2 a day. I would not spend \$500 in a day but I
3 would have it and in a period of 2 days I
4 wouldn't have it.

5 MR. GUZZO: All through B&E to support
6 that?

7 MR. TANGO: Yes.

8 SEN. MENZA: I forgot the most important
9 question this Commission has directed itself
10 to. The average narcotic addict on the street
11 possesses how much at any one time?

12 Is there any way you could give me that
13 idea?

14 BY SEN. MENZA:

15 Q Do you know that, Mr. DiNorseio?

16 A To use?

17 Q Yes.

18 A To set a price on it is difficult for one
19 reason. If you have \$50 in your pocket you will possess
20 \$50 worth.

21 I am only voicing my opinion. If you have \$200 in
22 your pocket you will go for the \$200 or whatever.

23 Q The fellow who is really addicted, let's say
24 yourself, Mr. Tango, Mr. Booker, you guys who are on the
25 street, how much is the average habit with a guy-- can I say

1 average habit?

2 A Well, let me put it this way to you.

3 Q Are we talking about five decks, 10 decks, 15
4 decks?

5 A The term decks, I don't know where they ever
6 got that from.

7 Q Well, from the old days.

8 A What I am trying to say to you is this: From
9 my experience before I came back in the wall with the nar-
10 cotics out there, I could throw a half a load in the
11 cooker, which is 15 bags, and that's to wake up with.

12 Q How do we distinguish, when we pick up a guy,
13 whether he is an addicted person using it for his own use
14 or addicted person who is selling?

15 MR. TANGO: There are not too many bigtime
16 dealers that use it.

17 A Again with this, what the courts fail to realize
18 is this: You take, for instance, like Booker is a non-
19 violent man. So what does he do? He don't want to go to
20 break into stores, break into houses or mug, so what does
21 he do?

22 Maybe he has a hundred dollar bill in his pocket. I'm
23 going back, say \$25 a half a load. He goes out and buys himself
24 4 half-loads and in the meantime he is giving it to other
25 addicts, just like himself, he is selling them and all they

1 can do is exchange back and forth.

2 Maybe today he will have it and so forth. Now in
3 turn what do they do?

4 They are supporting the habits behind that. They
5 ain't hitting nobody on the head and nothing like that.

6 So again the judge fails to take that in consideration,
7 that these men are not big dealers or nothing. They are
8 only drug addicts. We are only users.

9 In the meantime, the statistics grow. Look how
10 many pushers he took off the street.

11 Who did he take off the street? Just like Booker
12 stated before, you say 4 go, Booker will go, 10 more will
13 be on the corner. None of these men are profiteers.

14 SEN. MENZA: Mr. Booker.

15 MR. BOOKER: I am going to try to answer
16 your question. You say as far as possession
17 how do you deter as far as punishment is con-
18 cerned or how you determine it?

19 There is no way to determine what amount
20 an addict should possess.

21 I know working addicts that maybe 4 or 5
22 people get together and go to New York and buy
23 two ounces of stuff which will perhaps cost
24 \$400 to \$450.

25 These people that are working that aren't

1 into committing crimes, they may go over and
2 buy 4 or 5 a month, pooling their money together,
3 they cross the bridge and you have this here
4 law here that says that and you have 5 people
5 that are working not committing crimes that
6 went to New York to buy a weekly supply that
7 you are going to give a life sentence to.

8 SEN. MENZA: Here is what the lawyer says,
9 "My client has 3 nickel bags. He is obviously
10 a user. My client has two ounces."

11 He is only charged with possession now,
12 not with possession with intent to sale.

13 The judge is sentencing him like he is a
14 seller.

15 MR. BOOKER: That is a bullshit distinction.
16 The thing is that they are all addicts.

17 Now I may suddenly come into some money
18 and want to get a large amount of drugs.

19 Simply because I only have 10 bags or 10
20 ounces it shouldn't really be relevant. The
21 fact is that I am an addict and you have many
22 working people who laws like that would affect
23 that possession of an ounce or more that get
24 together and pool their money together and go to
25 New York and buy an ounce for \$175 to \$225 and

1 they will come over here and you have some
2 ridiculous law that says you could get a life
3 sentence for that type of possession.

4 SEN. MENZA: Did you have a comment on that?

5 MR. GALLI: No. The distinction is one
6 that should be made by a close examination in
7 a pre-sentence report, a real close examination
8 by using ex-addicts. This is where we use ex-
9 addicts. They can spot a man that is a pusher.
10 Usually they know each other.

11 SEN. MENZA: Mr. Street.

12 MR. STREET: There are other ways. If
13 a guy who is in the business and is totally
14 mercenary, who doesn't use drugs, it always
15 shows up.

16 If he has a kidnap ransom bail on him,
17 maybe \$100,000, he has no problem putting up the
18 money.

19 The addict off the street can't make bail.
20 His form of dress, he has the big car, he can
21 afford adequate attorneys. There are a lot of
22 various ways to do it.

23 To get to the former part of your question
24 though, you can't really make a distinction in
25 terms of how much stuff on an average basis a

1 guy consumes. It depends on the individual.

2 Some people can use more than others.

3 Both can be strung out. Some guys are more
4 successful in terms of getting money, acquiring
5 money to support their habit.

6 Like Sonny says, if you got \$100 that's
7 what you use. Like Patty says, if you got
8 \$500 it will take him two days and I know some
9 people they do that in one sitting. So you
10 can't really judge that way.

11 What you might be able to do is look at
12 the crime rate that addicts commit and if it
13 is close to a billion dollars per year then
14 you can just imagine how gigantic the problem
15 is.

16 SEN. MENZA: Any other questions?

17 MR. GUZZO: No one said it here but metha-
18 done only blocks heroin, right? You could be
19 on methadone and be using other drugs?

20 THE WITNESS: This is what I understand.
21 I don't know. I have never had it.

22 ASSEMBLYWOMAN WILSON: I just want to ask
23 this. The point that was raised here by Gene, that
24 you need addicts to identify in the pre-sentencing
25 period who are the big users and who are the

1 smalltime addicts, is there a risk in institu-
2 tionalizing ex-addicts in this type of program
3 or any type of program?

4 Does it make the ex-addict dependent upon
5 a condition of addiction on the part of other
6 people for them to maintain whatever status they
7 happen to have achieved?

8 I think I would like to address that to
9 Mr. Galli.

10 MR. GALLI: I don't think so.

11 ASSEMBLYWOMAN WILSON: How about to some
12 of the persons here who are themselves ex-
13 addicts who are now involved in these programs?

14 MR. STREET: Could you put that in more
15 specific terms?

16 ASSEMBLYWOMAN WILSON: Yes. Do you think
17 that by involving ex-addicts, by having ex-
18 addicts run programs or to have a program
19 such as Mr. Galli talked about dependent upon
20 ex-addicts, do you think that can have the
21 effect of institutionalizing the fact of
22 addiction because the program is dependent upon
23 ex-addicts whose status is dependent upon that
24 job?

25 You have a job doing this. If there aren't

1 any more addicts you are not going to have a
2 job.

3 Does that have the effect of perpetuating
4 addiction?

5 MR. STREET: No, I hardly think so.

6 MR. GALLI: In 6 years with ex-addicts
7 I find that the misconception is that they
8 are disheveled, no good bums, but I find many
9 of them can really make it in other pursuits,
10 much more so-- I hate to say this-- than so many
11 people who work in the program that are pro-
12 fessionals. They could not work in industry,
13 for instance, because of the way they are
14 geared. They would have a tougher time than
15 the ex-addict.

16 Many ex-addicts feel that they want to go
17 into the program because they are being helped
18 now. In a way too it is a little crutch for
19 them, being that close to to program they feel
20 more secure. But when I say the use of ex-
21 addicts I use them but not as an over-all thing.
22 They do have a definite place because an addict
23 could con me. Even though I have been around
24 for 6 years an addict could con me but he couldn't
25 con Ivan or Sonny.

1 SEN. MENZA: The effect of this, that
2 has been without any doubt as a result of
3 former addicts.

4 ASSEMBLYWOMAN WILSON: There are some
5 people who don't think those programs are all
6 that effective.

7 SEN. MENZA: Anything else?

8 MR. STREET: I am really working to get
9 out of the business of drug rehabilitation and
10 prevention.

11 As a course for me, as an individual, of
12 training and everything I had to go through
13 the changes, through treatment, becoming a
14 trainee and then a specialist and now I want
15 to go on to do something else. I don't know.
16 Maybe I should run for the presidency.

17 SEN. MENZA: Thank you very much.

18 * * *

19
20 SEN. MENZA: The last witness is Mr. Clark.

21 MR. STREET: I have something that you
22 missed which I think is very important and I
23 think Gene Galli can testify to the fact, some-
24 thing related to what Mr. DiNorseio said.

25 New Directions over a 3-month period sent

1 83 people to the Parole Board and out of the
2 83 people two of them made parole.

3 Now mind you, these guys that come
4 through the program and we have a step by step
5 procedure and what they were in fact asking for
6 was not to be released to the community but
7 to be released for treatment to a community-based
8 program and 81 were denied parole.

9 SEN. MENZA: Next is Mr. Clark.

10

11 J O H N C L A R K, SWORN.

12 SEN. MENZA: All right, Mr. Clark.

13 THE WITNESS: I am not too familiar with
14 speaking engagements. I prefer you people to
15 ask the questions.

16 BY SEN. MENZA:

17 Q You are coming down here from Marlboro?

18 A Yes.

19 Q Why are you in Marlboro? How did you get there?

20 A They sent me there.

21 MR. GALLI: Marlboro is a camp where they
22 work. He is on minimum. He is not in the hos-
23 pital there.

24 SEN. MENZA: I just wanted it for the
25 record.

1 Q How long have you been in prison?

2 A This coming November it will be 5 years.

3 Q What was the charge?

4 A Possession of narcotics.

5 Q How much?

6 A One \$2 bag.

7 Q How old are you?

8 A 50.

9 Q How long have you been on drugs?

10 A 18, 19 years.

11 Q What other charges did you have against you
12 at other times?

13 A A couple of other drug charges and some checks.

14 Q Any crimes of violence?

15 A No.

16 Q How much time did you get on this one?

17 A 5 to 10.

18 Q Out of what county?

19 A Passaic.

20 Q How much did you possess?

21 A One \$2 envelope of heroin.

22 Q Were you charged also with sale?

23 A No.

24 Q Intent to sell?

25 A No.

1 Q Just mere possession?

2 A Right.

3 Q Have you ever been to a therapeutic type
4 center?

5 A No, I haven't.

6 Q Have you been to Lexington?

7 A No.

8 Q I don't understand that. You got 5 to 10 on
9 possession of what? You are not talking about nickel bags.
10 What kind of bags are you talking about?

11 A \$2 bags.

12 Q 2?

13 A 1.

14 Q You got 5 to 10 on one \$2 bag?

15 A Yes.

16 Q Were you sentenced as a multiple offender?

17 A No.

18 Q Were you sentenced for violation of probation?

19 A No.

20 Q Your crime just before this one that you were
21 charged with, what was the charge?

22 A Possession and sale.

23 Q What kind of rap sheet do you have? Going back
24 some.?

25 A Yes.

1 BY ASSEMBLYWOMAN WILSON:

2 Q Do you have a family?

3 A Two daughters.

4 Q According to the background I have here you
5 have had a number of charges. The first time you were
6 charged with any offense was it drug-related?

7 A Yes.

8 Q The first offense was a drug-related offense?

9 A Yes.

10 Q And that was about 18 or 20 years ago?

11 A Right.

12 Q Up until that time had you ever been involved
13 with drugs and you just didn't get caught?

14 A No.

15 Q You just weren't using it or selling it or
16 anything?

17 A No.

18 Q Has your experience in prison in any way enabled
19 you to cope with your drug habit?

20 A What do you mean?

21 Q Well, do you think being in prison, first of
22 all, contributed to making you more addicted or in any way
23 worsened your addiction?

24 A Well, I haven't been able to get none since I
25 have been here.

1 Q When you left prison--

2 A It's here. I could have got it but I haven't
3 made no arrangements to get it.

4 Q Each time you have left prison-- how many times
5 have you been in prison?

6 A Three.

7 Q For a total of how many years?

8 A About 14.

9 Q Each time you left you went back to using drugs
10 again?

11 A Eventually.

12 Q Not right away?

13 A Right.

14 Q The other crimes that you were charged with
15 were they to support your habit?

16 A Right.

17 Q What would make you stop using and not go back
18 at all?

19 A I don't know yet.

20 Q If you were released on probation and put on a
21 daily urine testing program so that you knew if you used
22 anything it would be detected and you would be returned to
23 prison would that make you stop?

24 A That would make me stop.

25 Q You don't seem to have any equivocation about

1 that at all.

2 A But I don't know how long.

3 Q What do you want to do when you are released?

4 A I want to leave the country.

5 Q Where do you want to go? A lot of us do.

6 A I want to go to Europe.

7 Q Where do you want to go in Europe?

8 A Anywhere.

9 Q Do you want to go to Turkey? Do you want
10 to go where drug penalties are less severe or where drugs
11 are more available?

12 A No, not for that reason, not for the drug
13 reason. It seems now that I can't find the things that I
14 need to put in place of it in this country.

15 Q In other words, do you think if you stayed here
16 you will remain addicted, you will go back to it but if
17 you go to Europe there will be something there that is not
18 here?

19 A Right.

20 Q What do you think is there?

21 A I don't know. I am going to have to see.

22 Q What made you decide that that's where you wanted
23 to go and that's what you wanted to do?

24 A I have tried just about everything else.

25 BY SEN. MENZA:

1 Q I have a couple of questions. In 1967 you were
2 charged with possession of narcotics, sentenced to State
3 Prison for 5 to 7, released in 1969 and you were put on
4 parole.

5 In 1969 while you were waiting for a bed in Skillman
6 you apparently violated parole.

7 A I didn't violate nothing. I didn't have no
8 parole.

9 Q You had no parole?

10 A No. I was waiting on a bed in Skillman when I
11 got busted.

12 Q What bothers me, I am practicing law 16 years
13 and I never heard of a sentence of 5 to 10 for possession
14 of a \$2 bag of heroin.

15 A Nobody else did either.

16 Q You realize that we could very well, the Com-
17 mission has the authority to check the record. We are
18 very interested in this kind of sentencing. It can
19 influence the Commission a great deal.

20 So therefore, we have to insist on credibility from
21 the witnesses.

22 If what you say is true as far as I am concerned it is
23 a horrible miscarriage of justice.

24 If it is not true you have thrown off the Commission
25 tremendously.

1 Now are you telling us-- and you are under oath--
2 that you got sentenced to a 5 to 10-year term for pos-
3 session of a \$2 bag?

4 A Right.

5 Q Only one indictment?

6 A Right.

7 Q There wasn't any 3 or 4 or 5 counts to the
8 indictment?

9 A No.

10 Q A one-count indictment?

11 A Right.

12 Q What county?

13 A Passaic County.

14 Q What judge?

15 A Edward F. Johnson.

16 SEN. MENZA: Mr. DiNorseio.

17 MR. DINORSEIO: I am familiar with Judge
18 Johnson and if you would see through the years
19 that I have been down here, mostly everybody that
20 come out of Passaic County and Judge Johnson's
21 court room, whether it be 1, 3 bags, 5 bags,
22 always receives severe sentences.

23 I have seen guys here that I have known
24 for 3 bags got 10 years. I believe Booker's
25 brother got a 3-bag possession and got 10 years.

1 SEN. MENZA: I make no comment on the
2 statement but someone recently told me that if
3 you substitute the word whiskey for drugs in
4 this statute the whole statute would be laughable.

5 Q How much time have you served now?

6 A Over 4½ years.

7 Q So you have done more than a third of your maxi-
8 mum?

9 A Yes.

10 Q Have you been to the Parole Board yet?

11 A Next month.

12 Q The first time?

13 A Yes.

14 Q Do you have any good time coming?

15 A I don't know.

16 MR. TRAVIS: Can I just say something?

17 SEN. MENZA: Yes, Mr. Travis.

18 MR. TRAVIS: You asked him about over a
19 third of his maximum. I went to the Parole
20 Board after about 6, 6½ months. My maximum
21 on this bid was 21 months, minimum time, which
22 cuts it down to 18½ months.

23 At that particular time I was Chairman
24 of the Education Advisory Council. I was
25 playing in the band, Vice Chairman of the New

1 Directions Project and an honor student in
2 the college program here in prison.

3 I got my parole return back and they said
4 that I had done nothing in terms of self-
5 improvement, that I would be a threat to my
6 community, no violence or whatever.

7 They note that recent revelations had
8 revealed that I have used drugs and I had
9 written to the courts concerning this.

10 Therefore they denied me parole.

11 Now I had 13 months left on my maximum.
12 They give me a 12-year hit. So what in essence
13 they said was that no matter what you accomplish,
14 no matter what you do we don't give a damn.
15 We just want you here.

16 Now on top of that I was studying business
17 administration and I felt that I wanted to be
18 an accountant or something in that area.

19 Mr. Vernon Henry told me I should look
20 in other areas because they felt that the limita-
21 tions that would be placed on me in those areas
22 would send me back to the use of drugs and crime.

23 This is how ridiculous those people really
24 are. If they wanted to let me out of here today
25 I wouldn't go on maximum.

1 MR. STREET: Don't be surprised if they
2 give him a year hit when he go up. You think
3 that his case is severe. It would be only
4 typical if he went up the first time after 4½
5 years and get one more year.

6 SEN. MENZA: I sympathize with your
7 situation, gentlemen.

8 As I mentioned before, the Commission
9 is limited in the scope, limited in its direction
10 from the State Legislature.

11 I do understand, however, what you gentle-
12 men are saying.

13 Are there any other questions of Mr. Clark?

14 Thank you, Mr. Clark.

15 Thank you, gentlemen.

16 Now if you wish to communicate with any
17 of us, again I suggest strongly that instead
18 of communicating with myself or Assemblywoman
19 Wilson or anyone else that you communicate
20 directly with Peter Guzzo, Legislative Services,
21 State House, Trenton.

22 We would appreciate any of your comments
23 or any suggestions that you would like to make
24 to the Commission.

25 I can assure you that the Commission will

1 unquestionably have a report this fall and
2 bills also which will evolve from those reports.

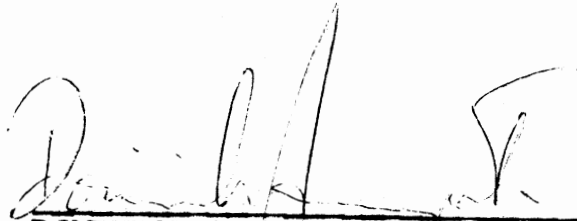
3 I thank you again for coming. You were
4 very helpful to the Commission.

5 Thanks again.

6 * * *

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8
9 C E R T I F I C A T E

10 I, DOMINICK ANNUNZIATA, a Certified Short-
11 hand Reporter of the State of New Jersey, do
12 hereby certify that the foregoing transcript is
13 a true record of the proceedings and testimony
14 as taken stenographically by me at the time and
15 place indicated.

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17 

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19 DOMINICK ANNUNZIATA
CERTIFIED SHORTHAND REPORTER

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21 DATED: July 10, 1974

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