

Findings Don't Match Specter Statements

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There is a certain public image of Arlen Specter — a district attorney in perpetual motion, ferreting out wrongdoing in the public and private sectors, uncompromising in his tough stand against criminals and judges who treat them leniently, traveling about the state and country speaking on behalf of justice.

Perhaps with the exception of Manhattan District Attorney Frank S. Hogan, no other local prosecutor in the country has received as much favorable publicity over the years as Arlen Specter, his words automatically preserved by newspapers, aired by radio and television.

At frequently-called press conferences, to launch an investigation, to

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cast blame for some failure in the criminal justice system, to recount some success of his office, to identify judges who are soft on criminals, Specter's statements usually go unquestioned, his reports unchallenged.

BUT A SEVEN-MONTH Inquirer investigation of the city's criminal justice system produced a number of findings which do not match up with the past statements of Specter or accounts of his office's activities which have appeared in newspapers or have been broadcast on radio and television.

From the time he assumed the district attorney's post in 1966, Specter periodically has lashed out at judges who impose what he considers to be light sentences. His personal stance

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is unequivocal: Criminals must go to jail.

As the Evening Bulletin reported last Dec. 19: "District Attorney Arlen Specter said today that sentences given to convicted criminals in the city's court system are generally 'insufficient' . . .

"Asked why some persons are placed on probation or bail after committing serious crimes, Specter replied: 'They should be (imprisoned), but they just aren't. And it happens again and again.'"

But The Inquirer investigation established Specter's office is as responsible as judges for the lenient treatment of many defendants, quite often recommending short jail sentences or even probation for persons who commit violent crimes.

SUCH WAS THE CASE of Gregory Steven Jones, a 19-year-old youth who pleaded guilty to aggravated robbery. Using a toy gun, Jones and two others, Joseph Hutt and James Cupitt, both 23, robbed John E. Tucci, a Daily News truck driver, of \$50 on Nov. 17, 1971.

After pleading guilty, Jones, who then had a record of at least three prior arrests — larceny of an auto, burglary of an auto, illegal possession of narcotics — was placed on probation, at the urging of the district attorney's office, by Judge Juanita Kidd Stout. Court records state:

"Upon the recommendation of the Commonwealth the defendant is placed on eight years medical probation to enroll in a drug therapy program as recommended by the Probation Department and remain as long as deemed necessary by the program."

That was on May 2, 1972.

On June 19, 1972, seven weeks after Jones was released on probation at the request of Specter's office, he was arrested and charged with burglary of an auto and possession of burglary tools.

Three weeks later he was arrested again and charged with two more aggravated robberies and carrying a concealed deadly weapon. This time a knife instead of a toy gun was used.

One of the victims of the second pair of robberies was an Evening Bulletin truck driver. The other victim was John Tucci, the same Daily News truck driver Jones was placed on probation for robbing the first time around.

Tucci says he still sees the other youth who robbed him on his route. "Every time I see him I'm a nervous wreck. I think they're lining me up for another job."

Jones is still awaiting trial on the

latest robbery indictments. He pleaded guilty to the burglary of an auto last summer and again was placed on probation, this time by Municipal Court Judge Raymond E. Kumor.

In addition to the lenient sentencing recommendations made by the district attorney's office, The Inquirer investigation produced a number of other findings which conflict with the popular image of the office and past statements made by Specter.

For example:

SPECTER'S 1970-71 ANNUAL REPORT — "Since the beginning of this administration in 1966, the district attorney's office has maintained the policy of insisting on substantial sentences whenever warranted by the facts.

"This attitude of pressing for tough sentences has resulted in a continuing

JURY TRIALS

Philadelphia and Other Cities, 1971

	Cases Completed	Jury Trials	Percent of Jury Trials
BOSTON	5,500	521	9%
CLEVELAND	3,865	337	9%
BALTIMORE	5,124	355	7%
CHICAGO	6,322	319	5%
BROOKLYN	6,220	305	5%
DETROIT	12,505	556	4%
LOS ANGELES	33,509	1,025	3%
PITTSBURGH	6,485	187	3%
MANHATTAN	5,736	151	3%
PHILADELPHIA	13,654	196	2%

Philadelphia and Other Pennsylvania Counties, 1971

NORTHAMPTON	566	93	16%
DELAWARE	1,586	153	10%
MONTGOMERY	2,460	173	7%
ERIE	871	59	7%
DAUPHIN	1,268	46	4%
PHILADELPHIA	12,434	196	2%

rise in the demand for jury trials by defense lawyers (there were 196 in 1971)."

INQUIRER FINDING — There are fewer jury trials in Philadelphia than most any other metropolitan city in the country. Actually, there are fewer jury trials in Philadelphia than in many smaller counties in Pennsylvania, when compared with the total number of cases handled by each court system.

There were 196 jury trials in Phila-

delphia during 1971, or two percent of the 12,456 cases completed in Common Pleas Court. By way of contrast, there were 521 jury trials in Boston, there were 337 in Cleveland, 355 in Baltimore, 556 in Detroit.

Although the number of jury trials in Philadelphia increased in 1972 to 294, the figure still remains well below the number in other cities.

PHILADELPHIA INQUIRER (Oct. 30, 1968) — "District Attorney Arlen Specter found a new weapon Tuesday in an old law — a 1929 statute which permits judges to give a life sentence to a person convicted of a fourth serious crime.

"At a time when we are searching for every possible weapon against crime, this is one I'm going to dust off and try to get used by the courts," he said."

PHILADELPHIA DAILY NEWS (April 5, 1972)—"District Attorney Arlen Specter is dusting off the fourth offender law and will instruct his staff to ask for life terms for all defendants convicted of four felonies. "We've got to get the robbers and burglars off the street for good," said Specter. "The law is ~~on the books and must be used.~~"

INQUIRER FINDING — Although Specter announced his intention to use the fourth offender statute two different times in four years, his office has been largely unsuccessful in invoking the law.

In a number of cases in which petitions were filed requesting a life sentence, they were rejected by judges because they were submitted improperly or contained serious errors.

Even in cases where the fourth offender statute does not apply, the district attorney's office often fails to provide a judge with the very information

he needs to determine the appropriate sentence.

It was only after President Judge D. Donald Jamieson imposed a six-month to five-year jail sentence on Charles Burnett Jr., 21, for an aggravated robbery, that Assistant District Attorney Alan Klein mentioned that Burnett was wanted on other charges, including another aggravated robbery and assault with intent to kill.

Asked Judge Jamieson:

"WHY DIDN'T YOU bring it to my attention before (sentencing) . . . That

would have made a substantial difference in my sentence. As you know, I cannot now reconsider that sentence. I have acted."

SPECTER'S 1970-71 ANNUAL REPORT — "Each year we analyze a sample of 100 cases to determine the average length of time between preliminary hearing and trial for cases arising in that year. In 1971, this period of delay averaged 129.6 days.

"Although this figure was slightly higher than that for 1970, it still represents a reduction in delay of over 50 percent compared to the base year of 1965 (when the average delay, according to Specter's figures, was 284.2 days)."

INQUIRER FINDING — The average delay between the preliminary hearing and trial in the 1,374 cases in The Inquirer computer analysis was 175 days — 45 days more than in Specter's sampling of 100 cases. But even the 175 figure is low.

The Inquirer study was based on the cases of persons indicted in 1971 whose cases were completed by August 1972. Many of the 1971 indictments were still pending in August 1972, in fact, are still pending today, so that the actual time lag would be much longer than the 175 days.

PHILADELPHIA INQUIRER (Dec. 20, 1972) — "(District Attorney Arlen Specter) said he remains opposed to 'plea bargaining,' the device used by most prosecutors to clear cases by trading a reduced offense and sentence for a guilty plea.

"Philadelphia's guilty plea rate of 28 percent is the lowest in the nation, Specter said, and he wants to keep it that way. 'If we do (plea bargaining) we'll have no trouble eliminating the backlog (of criminal cases) tomorrow. But in doing so, we would put violent criminals back on the streets.'"

INQUIRER FINDING — Philadelphia does indeed have one of the lowest guilty plea rates in the country. But the chief reason is that attorneys and defendants — especially those who have been through the courts before — know they have nearly a 50-50 chance of being acquitted if they seek a trial. Thus, there is little reason to plead guilty.

Even more interesting, though, The Inquirer computer study turned up another Philadelphia phenomenon: Persons who plead guilty are more likely

to be sent to jail for a longer term than persons who are found guilty by a judge or jury.

Persons who plead guilty are sent to jail for more than a year in 60 percent of the cases, while persons who are found guilty by a judge or jury are sent to jail for more than one year in only 36 percent of the cases.

This runs contrary to the widely-held popular belief — in other cities as well as Philadelphia — that persons who plead guilty, often as part of the plea bargaining process, are treated more leniently than persons who request a trial.

This is part of a lengthy series by the Inquirer on "Crime & Injustice" in Phila - pretty good work, too. Specter has called the whole series "garbage" and promised a detailed response.