

HOFSTRA UNIVERSITY



SCHOOL OF LAW
FACULTY

February 24, 2004

Ms. Helen Fahey, Chair
Virginia Parole Board
6900 Atmore Drive
Richmond, VA 23225

Dear Ms. Fahey:

I write to urge the grant of parole to Joseph M. Giarratano.

I have known Joe for almost twenty years – ever since he contacted me to help in obtaining legal assistance for Earl Washington, Jr., a mentally retarded inmate on Death Row who was about to be executed without the benefit of counsel or post-conviction review. Eventually, Earl was exonerated and released. But – as the American Association on Mental Retardation has just recognized in naming Joe to receive a humanitarian award later this spring – if Joe had not been there as his advocate, Earl's story would have had a tragically different conclusion.

Only later did I come to realize how typical of Joe this episode was. Although even then there was already substantial doubt about his own guilt, Joe's interest was not in himself, but in another. He was not seeking to defy the legal system but to work within it; and he was successful in prodding it to meet its own highest aspirations for justice. He has done this repeatedly in the decades since he first entered the Virginia prison system.

Indeed, anyone who has been in contact with Joe over the years – not just inmates and defense lawyers, but prison staff and government lawyers as well – will tell you that he long ago ceased to be the drug-dependent loser who was sentenced so long ago. Far from being a threat to anyone, he has proved to be an invaluable contributor to any institution in which he has been confined. Guards and prison administrators, as well as inmates, deeply value the role he has played time and time again in forestalling crises large and small.

At the same time, in his capacities as writer, scholar, and counselor he contributes far more to the larger society than do many in the outside world. It is a safe bet that once

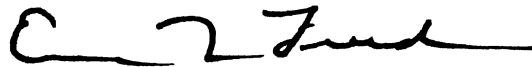
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released Joe will soon find himself having to pick and choose among competing offers from educational institutions, public interest groups, and media organizations vying to benefit from his insight and eloquence. By returning Joe to the free world you would be maximizing the opportunities for a sweet, sensible and humane person to benefit our society.

But you be doing more than that. The fact that Joe's continued incarceration serves no useful purpose is proof that rehabilitation is possible. His release would be a testament to the success of the Virginia prison system and give other inmates reason to emulate his example.

In short, Joe's case epitomizes the public policy reasons for which parole was invented in the first place. Your vote for his release, therefore, would be a vote for the benefits of the Board itself to the criminal justice system.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Eric M. Freedman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eric M. Freedman
Professor of Law