

September 10, 1986

Honorable Cameron Batjer
Vice Chairman
United States Parole Commission
One West Park Building
5550 Friendship Boulevard
Chevy Chase, Maryland 20815

Re: Julienne Busic
Reg. No. 00308-183

Dear Judge Batjer:

I have received a somewhat voluminous packet from Professor Dennis E. Curtis of the University of Southern California to the effect that Julienne Busic will not be released after serving ten years but at a substantial later date because a number of the Commissioners believe that any release at the present time would send a wrong message to terrorists.

I have been asked by Professor Curtis to give the Commission any view I may have concerning further incarceration of Julienne Busic. I repeat, as I have before, that I have no intention of interfering with the prerogatives of the Parole Commission and I sincerely hope that the Commission understands that. On the other hand, in the interest of fairness, I think you would be interested in my reaction.

I tried the case against Julienne Busic, et al., heard all the witnesses, saw their demeanor, considered all aspects of the verdict and reached the conclusion concerning the release of Julienne Busic. In so doing I was aware of the unfortunate consequence of the two policemen. After the verdict I imposed upon Julienne Busic a mandatory life sentence but made her eligible for parole in eight years, two years before the statutory minimum. On April 14, 1979, I modified the sentence of the defendants not as Terence McTigue stated because of "their exemplary adjustment in prison" (although I did mention this fact in passing), but because they were in a

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maximum security institution and my modification permitted them to be transferred to a medium security prison. In doing so, I wrote to every Commissioner stating, among other things, that my intent was not "to interfere with the prerogatives of the Parole Board" and that "there was no intent to permit them to have an early release before serving a substantial term after December 31, 1979, nor any release which would be unjustified by the severity of their offense."

I definitely remember that during the trial there were charges by outstanding counsel for the defense that the explosion of the bomb, partially if not wholly, took place because of the negligence of the police in deactivating the bomb instead of detoning it. This I agree does not absolve the defendants but it does suggest the direct cause for the explosion. If we look at the background of the case, it is obvious that the defendants did not intend to kill or injure anyone and I feel certain that the explosion was just as shocking to Julienne Busic as it was to the police itself.

Mr. McTigue was seriously injured, blinded in one eye and also partially blinded in the other eye, in addition to being disfigured. I, as well as everyone else, sincerely wish we could do something to restore his prior physical condition including the injuries to his eyes. This obviously is impossible and I sincerely understand that Mr. McTigue would be bitterly opposed to any release of any of the defendants. Some of his statements are misinformation and are motivated by bitterness. For instance, he states that the court waived the death penalty. This is not true. This was the province of the prosecutor. I understand and sympathize with his position but the continued confinement of Julienne Busic cannot and will not restore his sight or his prior condition.

A statement was also made by counsel for the Commission to the effect that it is relevant to be reminded that children of the police officer who died are now 13 and 14 years of age and have grown up without a father, and that it is relevant that a victim suffers as much as the result of the crime after a passage of ten years as he did after a passage of eight years. Of course, this is true with respect to every crime. Such logic would require incarceration until there was no more suffering by the victim and this would be until the death of the victim. Such logic is based on neither legal nor equitable principles. Nor can such suffering be remedied by continued incarceration, which, under such circumstances, could be equated to cruelty. It is the court and the Parole Commission which decide the punishment, not the victims, although their injury must be seriously considered.

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There is no question in my mind that Julienne Basic was not a terrorist in any sense of the word. Prior to the event she committed no act of terrorism, and there is no evidence that she belonged to a terrorist gang. Throughout the world today there is a flood or vicious eruption of terrorism, which I am afraid has somewhat influenced the Commission in its judgment of Julienne Basic. Her participation in the isolated incident of the Croatians does not place her in the category of terrorists, and it is hard for me to understand how anyone could fear that she in any way would become a terrorist. I think that is a mistake the Commission is making.

Civilization is judged by the way it treats its prisoners. In my opinion, the treatment of Julienne Basic, under the circumstances of this case, may be equated to cruel and unusual punishment. Apparently the Commission is willing to take all the statements of Officer McTigue as controlling, while at the same time is completely ignoring all the other statements and evidence in support of the release of Julienne Basic. I am sorry that the Commissioners have continually ignored my statements in connection with this case.

There is absolutely nothing to be gained by the continued incarceration of Julienne Basic. She has already been amply punished, which in itself is a sufficient deterrent for others. Certainly she has no need of rehabilitation, but she does need fairness and willingness on the part of the Commissioners to recognize the truth and the injustice in this case.

I hope that at this late date some weight and some consideration may be given to the above statements.

Sincerely yours,


JOHN R. BARTELS
United States District Judge

JRB/MFZ

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