

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 CONTINUED PUBLIC HEARING
4 BEFORE THE COMMITTEE ON LAW AND GOVERNMENT

5 - - -
6 Tuesday, 6/11/02
7 10:45 a.m.
8 Room 696, City Hall
9 Philadelphia, PA
10 - - -

11 RESOLUTION NO. 020171 - Authorizing the City Council
12 Committee on Law and Government to conduct a full
13 and comprehensive investigation of allegations that
14 biological and chemical research was forced upon
15 people incarcerated in the Philadelphia prisons
16 during the years 1949 to 1974.

17 PRESENT: COUNCILMAN DAVID COHEN, Chairman
18 COUNCILMAN ANGEL L. ORTIZ, Vice Chairman
19 COUNCILWOMAN JANNIE L. BLACKWELL
20 COUNCILMAN W. WILSON GOODE, JR.
21 COUNCILMAN MICHAEL A. NUTTER
22 COUNCILMAN FRANK RIZZO

23 Tim Kearney, Committee Clerk
24 Stan Shapiro, Counsel to Committee
25

26 - - -
27
28 VINCENT VARALLO ASSOCIATES, INC.
29 Registered Professional Reporters
30 Eleven Penn Center, Suite 600
31 Philadelphia, PA 19103
32 (215) 561-2220

1		
2		
3	WITNESS	PAGE
4	Angus Love, Executive Director.....	11
5	Pennsylvania Institutional Law Project	
6	Lynn Weed, Human Rights Advocate.....	16
7	Dorothy Alston, Experimentation Survivor.....	21
8	Former House of Corrections Inmate	
9	Wesley Wilson Bey, Chairman.....	33
10	Men United Against Violence Network	
11	Russell Green, Experimentation Survivor.....	36
12	Former Holmesburg Prison Inmate	
13	William Harper, Lab Worker Inmate.....	45
14	Holmesburg Prison	
15	James Duckworth, Esquire.....	59
16	Assistant Philadelphia City Solicitor	
17	Leon King, Esquire, General Counsel.....	60
18	Philadelphia Prison system	
19	Elise Bruhl, Esquire.....	60
20	Assistant Philadelphia City Solicitor	
21	Reverend Betty R. Hill.....	132
22	Jack Barnett, Lab Worker Inmate.....	136
23	Holmesburg Prison	
24	Allen Hornblum, Author, Acres of Skin.....	143
25	Leodus Jones.....	153
	Community Assistance for Prisoners	

* * *

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KEARNEY: Good morning. Good
3 morning, please. If I could have your attention,
4 please, for a minute.

5 This morning, at 10:30, is scheduled a
6 hearing to investigate experiments that were done
7 on prisoners that were done in four Philadelphia
8 city prisons. That hearing will be delayed for a
9 short period of time because there is also another
10 prison-related hearing that was scheduled for 10
11 o'clock, which will start a little bit late as the
12 committee is getting a quorum together.

13 So if you are here for the 10:30
14 committee hearing of the City Council Committee on
15 hearing on Law and Government, it will be delayed
16 because the City Council Public Safety Committee
17 and Health and Human Services Committee is first
18 going to have a hearing on a report on prison
19 health care currently.

20 So I beg your patience. For all of
21 those of you in the room who are here for the Law
22 and Government Committee hearing, it will be
23 delayed because there's a hearing that's going to
24 go before us. So please be patient.

25 If you want to take a break or use the

1 6/11/02 LAW & GOV'T - RES. 020171

2 bathrooms, please do so.

3 Thank you.

4 - - -

5 (Hearings of Committee on

6 Public Safety and Health & Human

7 Services take place, then committee

8 is recessed.)

9 - - -

10 COUNCILMAN ORTIZ: Now we will go into
11 the committee of Law and Government.

12 Good morning, please. We have just
13 finished with the Committee on Public Safety; now
14 this is a hearing of the Committee on Law and
15 Government. Councilman David Cohen is the Chair of
16 this committee, I'm the Vice Chair of this
17 committee. Councilman Cohen is -- has been
18 indisposed for a few hours; he might make it to
19 this meeting, but if not, we will proceed without
20 him.

21 We are not needing a quorum because we
22 are not into a meeting, and the committee will not
23 take action.

24 I will ask first Tim Kearney, the clerk
25 of the committee, and then Stan Shapiro to explain

1 6/11/02 LAW & GOV'T - RES. 020171

2 some of the procedures that will be taking place.

3 Tim? Read the resolution, please.

4 MR. KEARNEY: Good morning. Resolution
5 020171, authorizing the City Council Committee on
6 Law and Government to conduct a full and
7 comprehensive investigation of allegations that
8 biological and chemical research was forced upon
9 people incarcerated in the Philadelphia prisons
10 during the years 1949 to 1974.

11 COUNCILMAN ORTIZ: Thank you, Tim.

12 The Chair recognizes Stan Shapiro,
13 counsel for the committee.

14 MR. SHAPIRO: A number of letters sent
15 out after the last committee hearing to people and
16 entities who, it came to the attention of the
17 committee. Were involved in the experimentation
18 that this committee is investigating. I'm going to
19 read some of them into the record at this time.

20 On May 29, 2002, a letter was sent to
21 Albert M. Kligman at the University of
22 Pennsylvania, and the letter said: "Dear
23 Dr. Kligman, this is to advise you that on Tuesday,
24 June 11, 2002, at 10:30 a.m., in Room 696, City
25 Hall, the City Council Committee on Law and

1 6/11/02 LAW & GOV'T - RES. 020171

2 Government, which I chair" -- this was signed by
3 Councilman Cohen -- "will hold a hearing on the
4 circumstances surrounding the experiments performed
5 on inmates of Holmesburg Prison, the Philadelphia
6 House of Correction, and the Detention Center from
7 1948 until 1974. As you know, these experiments
8 were carried out at the request of various
9 pharmaceutical, food and cosmetic companies for the
10 purpose of developing products for them to market.
11 Some were done at the behest of the Defense
12 Department and the CIA. You were the leading
13 participant in this process. Accordingly, we are
14 asking that you testify at the hearing with respect
15 to your exact role.

16 "We also ask that you bring with you
17 copies of all documents, including, but not limited
18 to, letters, journals, research reports, memoranda,
19 newspaper articles or advertisements, financial
20 statements and forms, reports to government
21 agencies, or electronic media of any kind which
22 document the nature of the experiments, their
23 results, the names of any products that were
24 developed and/or produced as a result of the
25 experiments, the profits that have been made as a

1 6/11/02 LAW & GOV'T - RES. 020171

2 result of such production, the compensation you
3 received from any of the producers of such
4 products, and/or the names of inmates used for
5 experimentation and the effects of such
6 experimentation on such individuals or groups of
7 individuals.

8 "Please let me know by June 5, 2002
9 whether you will comply with the above requests for
10 you to appear and bring relevant documents. If I
11 do not hear from you by that time, then it will be
12 necessary to issue a subpoena requiring your
13 attendance at the hearing."

14 A letter basically saying the same
15 thing addressed to the leadership of the University
16 of Pennsylvania was also sent on the same date and,
17 on June 10th -- no, excuse me. On June 5th, a
18 letter was returned from the University of
19 Pennsylvania from its counsel saying that they
20 respectfully decline to appear pursuant to that
21 letter request.

22 On June 7th, a subpoena was issued both
23 to the University and to Lawrence Kligman. The one
24 to Dr. Kligman said, "You are ordered by the
25 Council of the City of Philadelphia to come to Room

1 6/11/02 LAW & GOV'T - RES. 020171
2 696, City Hall, Broad and Market Streets,
3 Philadelphia, Pennsylvania, on June 11, 2002, at
4 10:30 a.m. to testify before the Committee on Law
5 and Government in connection with experiments and
6 testing on inmates of Holmesburg Prison, the
7 Philadelphia House of Correction, and the Detention
8 Center in Philadelphia and to remain until excused,
9 and to bring with you the following:

10 "Copies of, and not limited to,
11 documents, letters, journals, research reports,
12 memoranda, newspaper articles, advertisements,
13 financial statements, forms, reports generated
14 in-house or to governmental agencies, and
15 electronic media which document the nature of
16 experiments names of products developed and/or
17 produced as a result of experiments, and the amount
18 of money paid to the City of Philadelphia and to
19 any and all City commissions, agencies, boards,
20 including the prison correctional system for the
21 access and use of inmates, and the income or
22 profits generated, and the compensation received as
23 a result of the products.

24 "Furthermore, provide the names of all
25 inmates participating in the experimentation with

1 6/11/02 LAW & GOV'T - RES. 020171

2 the effects of such experimentation."

3 That was followed by a notice, which
4 said, "If you fail to attend or to produce the
5 documents or things required by this subpoena, you
6 will be subject to enforcement proceedings as set
7 forth in Section 2-401 of the Philadelphia Home
8 Rule Charter and Article 16, Section 8 of the Act
9 of June 25, 1919, Public Law 581."

10 The subpoena was signed by Robert
11 Jaffe, who is counsel, co-counsel, to the
12 committee, and was issued on June 7th.

13 On June 10, 2002, a similar subpoena
14 was also issued on June 7th by the University of
15 Pennsylvania. On June 10th, counsel to the
16 University wrote to Councilman Cohen, stating
17 that -- this was signed by Wendy S. White, Vice
18 President and General Counsel, saying that, "Under
19 these circumstances, on behalf of the University of
20 Pennsylvania and Dr. Kligman, we must respectfully
21 decline to appear on June 11th of 2002."

22 The letter acknowledged receipt of the
23 subpoenas. In the first paragraph, it said, "I am
24 in receipt of the subpoenas that you issued as
25 chair of the Philadelphia City Council Committee on

1 6/11/02 LAW & GOV'T - RES. 020171

2 Law and Government to the University of
3 Pennsylvania and Albert Kligman M.D. to appear
4 before your committee tomorrow morning."

5 Let me just say that similar letters,
6 followed by subpoenas, were issued to Johnson &
7 Johnson Company and to Dow Chemical Company. Those
8 subpoenas were acknowledged, and Johnson & Johnson
9 replied that they would not be present.

10 And we've gotten no response from Dow
11 Chemical Company.

12 COUNCILMAN ORTIZ: I'd like to
13 acknowledge the presence of Councilwoman Jannie
14 Blackwell and Councilman Wilson Goode, who was just
15 here, and Councilman Frank Rizzo.

16 Are any individuals representing the
17 University of Pennsylvania here?

18 (No response.)

19 COUNCILMAN ORTIZ: Johnson & Johnson?

20 (No response.)

21 COUNCILMAN ORTIZ: Dow Chemical?

22 (No response.)

23 COUNCILMAN ORTIZ: That being the case,
24 I would call, before we hear from the City
25 Solicitor, attorney Angus Love.

1 6/11/02 LAW & GOV'T - RES. 020171

2 (Witness comes forward.)

3 COUNCILMAN ORTIZ: Please identify
4 yourself for the record.

5 MR. LOVE: My name is Angus Love. I'm
6 the Executive Director of the Pennsylvania
7 Institutional Law Project. Good morning,
8 Councilman Ortiz, fellow Councilmembers. Thank you
9 for the opportunity to testify this morning.

10 The Pennsylvania Institutional Law
11 Project provides free legal assistance to 75,000
12 institutionalized people in Pennsylvania. The goal
13 of our project is that all individuals, regardless
14 of race, gender, wealth, or station in life, have
15 access to our legal system so that they may receive
16 just compensation for injuries that they have
17 suffered.

18 As was mentioned, between 1949 and
19 1974, the City of Philadelphia, the University of
20 Pennsylvania, and several major corporations acted
21 in concert to utilize human subjects incarcerated
22 in our city jails for experimentation of various
23 products that the corporations sought to market.
24 Hundreds of inmates were used in the experiments
25 for such projects as Retin A, dioxin toothpaste,

1 6/11/02 LAW & GOV'T - RES. 020171

2 perfume, detergents, mind-altering drugs,
3 radioactive isotopes, chemical-warfare agents, and
4 anti-rash treatments. Experiments resulted in
5 temporary and permanent injury to many of these
6 subjects.

7 I assisted the various folks who have
8 rallied behind this cause and who suffered mightily
9 over the years in an effort to bring about a legal
10 solution to this problem. Unfortunately, those
11 efforts to date have not been successful. While
12 there may not be a legal solution currently
13 possible, there is clearly a moral obligation that
14 we all must come to terms with.

15 Millions of dollars have been made, and
16 continue to be made, over the marketing and
17 distribution of these products overseen by
18 Dr. Albert Kligman, Professor of Dermatology, at
19 the University of Pennsylvania. Also involved were
20 several major corporations, such as Johnson &
21 Johnson, Dupont, and Dow Chemical.

22 Essentially what happened was, the City
23 let it be known to the University of Pennsylvania
24 that there were folks available for human
25 experimentation. The University then let the

1 6/11/02 LAW & GOV'T - RES. 020171

2 corporate community know that they were reading,
3 willing, and able to provide human experiments for
4 the testing of various products, and the
5 corporations took them up on this offer, and for
6 some 25 years, ran experiments in our city jails.

7 The moral obligation that we have is
8 bolstered by the Nuremberg Principles and by the
9 Hippocratic Oath. The Nuremberg Principles were
10 signed on by the United States after the atrocities
11 of World War II; the Hippocratic Oath goes back to
12 ancient days and is an oath that all doctors have
13 an obligation to respect.

14 Reparations are in order for those who
15 were used in these experiments. Fortunately, the
16 laws were changed in the 1970s to prevent future
17 abuse of this nature, as now human beings can no
18 longer be subject to experimentation. Now is the
19 time to settle with those who assisted in these
20 experiments but got no compensation.

21 The government has a high moral
22 obligation to its citizens and its taxpayers to
23 correct these abuses. The City can begin by
24 turning over all of the records of these
25 experiments, including the names of the

1 6/11/02 LAW & GOV'T - RES. 020171

2 corporations, the types of products that were
3 involved, and the individuals who were used as
4 human guinea pigs. Our moral obligation demands
5 nothing less.

6 I urge the Council to support the
7 resolution and to issue bench warrants for
8 Dr. Kligman and President Judith Rodin to appear,
9 just as anyone else who disregards a subpoena would
10 have likewise done.

11 Thank you.

12 COUNCILMAN ORTIZ: Mr. Love, the City
13 has consistently refused to provide these
14 documentations?

15 MR. LOVE: That's correct. We met with
16 various officials in our legal effort, and no one
17 has responded in a positive manner.

18 COUNCILMAN ORTIZ: And has the City
19 ever offered any apology for their role in the --
20 and participation in these experiments?

21 MR. LOVE: To the best of my knowledge,
22 they have not.

23 COUNCILMAN ORTIZ: No administration
24 since the time that this -- that these acts were
25 done has ever acknowledged our role within the

1 6/11/02 LAW & GOV'T - RES. 020171

2 experiments that have been done?

3 MR. LOVE: That's correct. My direct
4 knowledge involves the Rendell Administration and
5 the Street Administration, and neither
6 administration, to my knowledge, has acknowledged
7 or offered any sort of compensation or cooperation
8 in this regard.

9 COUNCILMAN ORTIZ: Thank you.

10 I just want to make a notation for the
11 record that all of those individuals that were
12 written to, subpoenaed, and contacted have not
13 appeared and are not presently in the Council
14 chambers today.

15 Is Lynn Weed here?

16 (Witness comes forward.)

17 COUNCILMAN ORTIZ: Please identify
18 yourself for the record.

19 MS. WEED: My name is Lynn Weed I
20 represent (inaudible), a nonprofit organization.
21 We are a --

22 COUNCILMAN ORTIZ: You got to pull the
23 microphone closer to you.

24 MS. WEED: I represent the
25 (indiscernible) nonprofit corporation. We are a

1 6/11/02 LAW & GOV'T - RES. 020171

2 nonprofit --

3 COUNCILMAN ORTIZ: We still cannot hear
4 you. You got to get closer to the microphone, like
5 this (indicating).

6 MS. WEED: Okay. We represent --
7 basically, the purpose of our nonprofit is to deal
8 with unauthorized human subject testing.

9 I would just like to say a few words on
10 the subject of unauthorized human subject testing.
11 The declaration of Geneva, stated in 1949 by the
12 World Medical Association, after the Nazi
13 Holocaust, was a restatement of the Hippocratic
14 Oath. It states: I will not permit considerations
15 of religion, nationality, race, party or social
16 standing to intervene between my duty and my
17 patient.

18 The second part was: I will maintain
19 the utmost respect for human life from the time of
20 conception. Even under threat, I will not use my
21 medical knowledge, contrary to the laws of
22 humanity.

23 This declaration was a condemnation of
24 the Nazi medical experiments. Physicians were
25 urged to act with the utmost respect for human life

1 6/11/02 LAW & GOV'T - RES. 020171

2 and to never use their medical knowledge contrary
3 to the laws of humanity.

4 In 1949, as Nazis were found guilty of
5 intentional negligence by the Nuremberg court, the
6 Nuremberg Code established. The outcome of these
7 trials showed the world our capability to do
8 justice in the face of enormously inhumane acts.

9 During the trial, Nuremberg camp inmate
10 after camp inmate gave testimony concerning the
11 medical testing they endured at the hands of the
12 Nazis. Healthy inmates remained sick in the name
13 science. These tests were done in accordance with
14 the Nazi principle that some people had a life not
15 worthy to be lived and were a burden to society and
16 the state. The determination made by the judges at
17 Nuremberg was that these doctors were guilty of
18 intentional negligence and harmful medical
19 practices. They went to jail for these practices.

20 U.S. cast their votes at these trials,
21 these men paid for their practices, and that their
22 practices were criminal. U.S. citizens were aghast
23 at pictures of victims who had been medical-test
24 subjects without their agreement and, often, their
25 knowledge.

1 6/11/02 LAW & GOV'T - RES. 020171

2 These jurists at Nuremberg then
3 constructed the Nuremberg Code in 1949. The first
4 tenet of the code is the voluntary consent of the
5 human subject is absolutely essential. The United
6 States participated in constructing this
7 international code, and in 1953, we passed 45 CFR
8 46, called the "Nuremberg Rule." This rule clearly
9 states in Subsection 46.116:

10 "No investigator may involve a human
11 being as a subject unless the investigator has
12 obtained the legally effective, informed consent of
13 the subject. The information given to the subject
14 must be in such language understandable to the
15 subject."

16 This rule is passed to ensure that laws
17 for humanity's sustenance in the face of these
18 potentials for inhumanity would be checked and
19 would never be allowed to develop into the complete
20 disregard for human welfare, as occurred during the
21 Nazi regime.

22 We, the United States, and the world
23 saw this potential and believed that our dramatic
24 precepts and law were capable enough to check this
25 potential for inherent evil and to deal with it.

1 6/11/02 LAW & GOV'T - RES. 020171

2 45 CFR 45 is a federal rule. It
3 clearly states that human subject testing, without
4 signed informed consent, is illegal. It is the
5 American version of this very necessary law that
6 was legislated at Nuremberg. It is one of
7 mankind's best defenses against his own inhumane
8 urges.

9 The year after World War II was a time
10 of unparalleled growth and economic stimulus given
11 to the scientific and technical communities. After
12 the horrors of the atomic bomb dropped on
13 Hiroshima, this affluent research community began
14 testing plutonium and radiation absorption effects
15 on unwitting American subjects. This was clearly
16 in violation of 45 CFR 46.

17 These men and women, with all of these
18 research dollars available to them, felt that the
19 law was for other Americans, not the esteemed
20 researchers. Human subjects became very ill from
21 these tests. Some test subjects died, and their
22 families did not know why.

23 It wasn't until 1995, when Hazel
24 O'Leary exposed these unauthorized radiation
25 experiments, that America became aware of decades

1 6/11/02 LAW & GOV'T - RES. 020171
2 of secret radiation testing. Victims who realized
3 that they had been unauthorizedly tested were
4 compensated, and President Clinton offered them a
5 long overdue apology.

6 Another test which shocked the
7 sensibilities of Americans was running secretly
8 concurrently with the unauthorized radiation tests.
9 The Tuskegee syphilis experiments were being
10 performed on poor black sharecroppers in the South.
11 These men were only told that this testing was for
12 their medical health. This unauthorized, illegal
13 medical testing continued for years. When
14 penicillin became available as a cure for syphilis,
15 these men were denied treatment because it would
16 taint the test. The medical researchers determined
17 the tests were more important than these men's
18 health.

19 The revelation of this kind of medical
20 abuse shocked Americans. Victims of the
21 unauthorized Tuskegee syphilis experiments were
22 once again compensated because this unauthorized
23 human subject testing is a violation of American
24 law.

25 We have a chance here to once again

1 6/11/02 LAW & GOV'T - RES. 020171

2 give proper American justice to human subjects
3 tested without their informed consent. Just as in
4 the Tuskegee testing, if these people were not
5 fully informed what these materials were and the
6 possibility of pathogenic and genetic effects, 45
7 CFR 46 was violated, their human rights were
8 violated.

9 I ask that you pass the resolution
10 before you. These human test subjects deserve
11 their day in court, and they deserve justice.

12 COUNCILMAN ORTIZ: Thank you.

13 MS. WEED: Thank you.

14 COUNCILMAN ORTIZ: Dorothy Alston,
15 please.

16 (No response.)

17 COUNCILMAN ORTIZ: Dorothy Alston.
18 Dorothy Alston.

19 MS. ALSTON: Yes?

20 COUNCILMAN ORTIZ: Please testify.

21 MS. ALSTON: Good morning, everybody.

22 My name is Dorothy Alston, and I used to live at
23 6224 Haverford Avenue, 62 years old. I was in the
24 House of Correction in 1962 for approximately three
25 months, and in 1963, for approximately four months.

1 6/11/02 LAW & GOV'T - RES. 020171

2 During my stay in the House of
3 Correction, I participated in two studies: A
4 tampon study in 1962 and a biopsy study in 1963. I
5 heard of these studies by word mouth and also
6 through an inmate that worked in the nurse's
7 office. The University of Pennsylvania never
8 solicited for test subjects; they had others such
9 as this inmate do that.

10 At the time I decided to participate at
11 the University of Pennsylvania experimental largely
12 because I needed the money. I occasionally got
13 money from my family or through writing letters for
14 other inmates, but other than that, I had no other
15 source of income. I was trying to save up some
16 money for when I got out in addition to buying
17 commissary items such as cigarettes, soap, writing
18 materials, and cosmetics.

19 The experiments seemed like the only
20 way I could get some money. There were only about
21 35 or 40 jobs paying 25 cents a day in the House of
22 Correction, and there were over a hundred women
23 staying there. There were no openings during the
24 time I was in the House of Correction.

25 The first study I participated in was

1 6/11/02 LAW & GOV'T - RES. 020171

2 the tampon test in 1962, even though I wasn't
3 normally a tampon user at the time I was pretrial
4 detainee without the resources of the pay bail. I
5 had seen -- I had been arrested for shoplifting two
6 steaks.

7 The University of Pennsylvania gave us
8 a survey. On the survey were questions such as
9 what kind of flow you have, how many tampons you
10 use per day, what our brand preference was. If I
11 had been asked to sign a consent form, I wasn't
12 aware of it. I had to put our institution number
13 on the survey as well so that they could keep track
14 of the results.

15 They gave us tampons according to our
16 menstrual flow -- heavy, medium, or light. We were
17 given clean plastic bags to put the tampons in
18 after we had used them. I used one tampon; when I
19 pulled it out, I noticed that the head was loose
20 cotton. I only used one more until I gave the rest
21 of the tampons to another woman who completed the
22 study in my place.

23 After my period ended that month, I had
24 a bad pain in the bottom of my stomach. I had the
25 nurse examine me, and she said that maybe I should

1 6/11/02 LAW & GOV'T - RES. 020171

2 go to the Philadelphia General Hospital to have the
3 cotton removed. I went there had it removed
4 because it had not come out before.

5 I received approximately \$15 for
6 participating in this study. After I had
7 participated in the tampon test, a female inmate
8 named Roberta Barnes told me about another study, a
9 biopsy study. At that time, my understanding of
10 the study was they would pull out flesh once. I
11 agreed to do the study by telling Roberta Barnes,
12 who told the nurse, and then the University of
13 Pennsylvania people came over to me. This was in
14 1963. There were no paperwork that I had to fill
15 out before I participated in the biopsy study.

16 As I waited for the biopsy study, I
17 stood in a line with the other women. The people
18 conducting the study didn't let us talk to one
19 another. A person with a white jacket that had a
20 big "U of P" on it came out and asked each of us
21 our names. Only nine women were allowed to
22 participate in the experiment.

23 We lined up in the order that the
24 person told us, and we entered the room one by one.
25 After the biopsy was performed, they made us go out

through another door that was a way down from the first door so that we wouldn't talk to the other women still in line. I was the third person in line, so I didn't see the first woman come out of the door where Gladys Macranette (ph), an officer, stood making sure that the women went back to their cells. The woman looked hurt.

When I went into the room, they put my legs up in stirrups. They didn't use any anesthesia, they had a lot of instruments set out. They ripped flesh from my womb, and it hurt terrible. They told me that if I only came in at one time, I -- and didn't complete the study, I wouldn't get my \$100. I had to come in four to six times to complete the experiment. Each time they took a biopsy, this biopsy had to be done when I wasn't menstruating so I didn't come in...

(Pause in testimony.)

So I didn't come in for a biopsy this
I was having my menstrual cycle.

At the end of the experiment, they told

1 6/11/02 LAW & GOV'T - RES. 020171

2 me that I would receive my money in seven to ten
3 days. I received \$100 for participating in this
4 study.

5 At first I was excited to go for the
6 biopsy study. I thought that the University of
7 Pennsylvania people would do a pelvic exam on me
8 first. I didn't have a pelvic exam when I arrived
9 because I was menstruating.

10 At the time of my arrival, they only
11 tested my blood for syphilis. The prison was
12 dirty, and some of the women weren't very clean,
13 and even the nurse's office and equipment wasn't
14 very clean, so I wanted to be examined to make sure
15 that I was doing okay.

16 My menstrual cycle was every month and
17 lasted only three to five days. There's no history
18 of menstrual or gynecology problems in my family.
19 By the time I got money from the biopsy study a
20 month later, I started having irregular menstrual
21 cycles. My period began to last longer. I
22 complained to the nurse, and she told me to see the
23 University of Pennsylvania people.

24 I went to the University of
25 Pennsylvania people, and they told me that they

1 6/11/02 LAW & GOV'T - RES. 020171

2 were at the prison for a different study, so they
3 couldn't -- they told me that they would send
4 somebody else. No one else came, though. I kept
5 asking the University of Pennsylvania people I saw
6 in the prison, but each time, they just passed it
7 off. I finally had to put in to see a social
8 worker to have them call my family. I was hoping
9 that my family could do something about the
10 problem.

11 To see the prison doctor was a slow
12 process. I had to put my name on the list about
13 ten days later, the doctor would come. He had a
14 nasty attitude and would sometimes refuse to see
15 inmates whose name had been put on the list. He
16 said, "I've seen too many of you today. Go away."

17 I put my name on the list and finally
18 got to see the doctor about my irregular bleeding.
19 He gave me a couple aspirins and told me to go back
20 to my cell and elevate my feet. I don't think he
21 knew I was participating in the study, but the
22 nurse, Miss Wilke, I think she seen me go in for
23 the studies.

24 After the biopsy test, I didn't
25 participate in any more studies. When I got out of

1 6/11/02 LAW & GOV'T - RES. 020171

2 the jail, my medical problems related to the
3 studies I had participated in and continued. I
4 still had irregular bleeding, and my periods were
5 lasting 12 to 13 days; the longest one of my
6 periods lasted was 22 days. Sometimes I couldn't
7 get out of bed. I had to use towels to absorb the
8 blood.

9 I was 32 when I went to PGH where a
10 doctor did a D&C. The irregular bleeding stopped
11 for four months, but then it began again, and I
12 thought it wouldn't stop. I went to Einstein
13 Northern and checked into a gynecology clinic
14 there. The doctor gave me a shot to stop the
15 bleeding; it slowed my menstrual down, but it
16 started again. They gave me pills, birth control
17 pill, I believe, and that happened a little bit.

18 I went to the emergency room three
19 different times for a transfusion. On the last
20 visit to the emergency room, they put me in the
21 hospital. The doctor had tried everything they
22 knew how at this point. I had followed all of the
23 instructions they had given me. They said now that
24 the only way possible to stop problem the problem
25 was to remove my uterus, a partial hysterectomy.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I was only 34 years old. I was
3 devastated. At the height of my life, I felt like
4 my life was over. I couldn't function as a female
5 anymore. My husband and I had separated because
6 our sexual life had been very limited during this
7 time due to my constant bleeding and discomfort.
8 Our dreams of having a big family had been
9 completely stopped.

10 I was very depressed. I thought of
11 suicide, but I never formed a plan. I had a
12 nervous breakdown. I don't remember three years of
13 my life when I was institutionalized in a hospital.
14 First I was in the mental ward at PGH, and then
15 they sent me to Byberry State Hospital. I
16 experienced all of this at too young of a age.
17 It's a hell of a mental woman not knowing how to
18 function as a woman. I went to a psychiatrist to
19 try to help myself.

20 (Witness cries.)

21 COUNCILMAN ORTIZ: Just relax. Just...
22 stop for a few minutes.

23 (Pause in testimony.)

24 COUNCILMAN ORTIZ: I guess that's why
25 the University of Pennsylvania didn't want to be

1 6/11/02 LAW & GOV'T - RES. 020171

2 here.

3 MS. ALSTON: I couldn't function as a
4 woman. I went to the psychiatrist. I felt used
5 and deceived. I felt like the University of
6 Pennsylvania took advantage of us because of our
7 vulnerability position as prisoners. I think the
8 University of Pennsylvania robbed me of my youth.

9 I would like to see the University of
10 Pennsylvania stop research studies like this. I
11 want them to use better experimental methods. I
12 want them to explain the experiments to those
13 people who participate in them so they can make a
14 knowledgeable decision as to whether or not to
15 participate.

16 I felt like the University of
17 Pennsylvania came and asked me to participate in
18 the biopsy study and they didn't give me enough
19 reasoning, they didn't explain anything to me, they
20 didn't let me know the aftermath of what I would
21 possibly face later on in life. And not allow my
22 mother -- not allow me to be a mother, not allow my
23 mother to be a grandmother numerous of times.

24 Yes, I still feel the pain after
25 30-some years, but then I get angry.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Thank you.

3 COUNCILMAN ORTIZ: They never, ever
4 explained anything to you?

5 MS. ALSTON: No, sir, they didn't.

6 COUNCILMAN ORTIZ: When you went in,
7 they just said you're going to get so much money
8 and that's it?

9 MS. ALSTON: They had a list with the
10 nine women's names on 'em, and we had to sign our
11 names and our institutional number alongside it.
12 And they also said in the beginning, If you did not
13 complete this study, you will not get the \$100.
14 And that was my concern.

15 And I also want to say something else.

16 COUNCILMAN ORTIZ: Go ahead.

17 MS. ALSTON: The University of
18 Pennsylvania had told, I guess, the City Council
19 that if we call 1-800-879-Penn, that we could tell
20 them what we needed, tell them that we were
21 experimented persons. That number's a joke. If
22 you don't have insurance, they don't want to say
23 anything to you.

24 COUNCILMAN ORTIZ: Has anybody from the
25 City ever contacted you about what you went

1 6/11/02 LAW & GOV'T - RES. 020171

2 through?

3 MS. ALSTON: No, sir.

4 COUNCILMAN ORTIZ: Or about any other
5 problems that you had?

6 MS. ALSTON: No, sir.

7 COUNCILMAN ORTIZ: No one from the City
8 has ever contacted you and said, We should not have
9 subjected you to these things, to these
10 experiments?

11 MS. ALSTON: No, sir.

12 COUNCILMAN ORTIZ: Has anybody from the
13 University of Pennsylvania ever contacted you and
14 asked and said, We should never have done this to
15 you?

16 MS. ALSTON: No.

17 COUNCILMAN ORTIZ: Thank you for
18 coming, Miss Alston.

19 MS. ALSTON: Okay, thank you, Ortiz.

20 COUNCILMAN ORTIZ: At least from this
21 part of the City, I apologize for what City
22 administrations have allowed to go on for so long,
23 and I'm very deeply sorry that the City of
24 Philadelphia was ever a part of any act of this
25 sort.

1 6/11/02 LAW & GOV'T - RES. 020171

2 So I apologize to you and your family
3 on behalf of the City since the Administration
4 seems to want to cover behind some of the
5 legalities.

6 MS. ALSTON: Okay, thank you.

7 COUNCILMAN ORTIZ: Sorry.

8 COUNCILMAN ORTIZ: Mr. Bey.

9 (Witness comes forward.)

10 COUNCILMAN ORTIZ: We've been joined by
11 Councilman Nutter.

12 Mr. Bey, identify yourself for the
13 record, please.

14 MR. BEY: Good morning. My name is
15 Wesley Wilson Bey, and I'm the chairman of Men
16 United Against Violence Network. I come here in
17 support of the experimentation survivors.

18 I just want to say that it's sad that
19 we even have to come this far, to City Council. A
20 travesty of justice has been done. Many nations
21 have suffered they own different Holocausts. The
22 African-American community have suffered greatly
23 and dearly, and are still suffering.

24 The experimentation that took place at
25 Holmesburg, in my mind, in my view, is the same

1 6/11/02 LAW & GOV'T - RES. 020171

2 experimentations that took place in Nazi Germany.

3 There's no reason why those who have
4 profited from the experimentation of those who are
5 here today to give they testimony of the tragedies
6 that they have gone through should not be
7 compensated. There is no price that could be put
8 on the mental, the psychological anguish that they
9 are going through today.

10 The experimentations that is taking
11 place -- has taken place is a travesty on all of
12 humanity. And I pray that this Council will do the
13 utmost to see that justice is carried out in favor
14 of the experimentation survivors.

15 COUNCILMAN ORTIZ: Mr. Bey, were you
16 ever experimented on?

17 MR. BEY: No, I wasn't.

18 COUNCILMAN ORTIZ: Do you know of some
19 people that were?

20 MR. BEY: Yes, I do.

21 COUNCILMAN ORTIZ: Who is that?

22 MR. BEY: Many friends of mine that are
23 here today.

24 Men United States Against Violence
25 Network is a grassroots organization, a nonprofit

1 6/11/02 LAW & GOV'T - RES. 020171

2 organization, that deals with 13 ex-gang members,
3 gangs that are now community activists. I'd like
4 to read to you today those organizations that are a
5 part of Men United Against Violence Network:

6 The Richard Allen Reunion Committee,
7 Crossroads, the Norris Unification Council of the
8 World Incorporated, Valley Management Corporation,
9 Uptown LT Social Organization, 21st and Norris
10 Community Committee, the Original Tender Lines
11 Reunion Committee, Dog Town Social Club, Community
12 Assistance for Prisoners, (indiscernible) Five Aces
13 Community Committee, Camac and Diamond Social Club,
14 the Prodigal Sons, and Seventh and (indiscernible)
15 Social Organization.

16 These are community organizations that
17 are under the umbrella of Men United Against
18 Violence Network who are doing some great things in
19 their community, and we are here in support of the
20 experimentation survivors, to say that it is wrong
21 and should never have been done.

22 And we pray that this Council will give
23 them a speedy reply.

24 COUNCILMAN ORTIZ: Thank you.

25 MR. BEY: Thank you.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN ORTIZ: Shamadeen Ali.

3 AUDIENCE MEMBER: He's not here.

4 COUNCILMAN ORTIZ: Mr. Rodney Muhammad.

5 AUDIENCE MEMBER: He's not here either.

6 COUNCILMAN ORTIZ: Mr. Russell Green.

7 (Witness comes forward.)

8 COUNCILMAN ORTIZ: Please identify
9 yourself for the record.

10 MR. GREEN: Hello. My name is Russell
11 Green, and I was at Holmesburg Prison during the
12 days when they were doing experiments in the early
13 '60s through the '70s.

14 I've experienced a number of different
15 things that they did at Holmesburg Prison that
16 wasn't right, because Holmesburg Prison itself was
17 set up where inmates need money to survive, and if
18 they didn't have family or people or loved ones to
19 send them money, 'cause everything, the better
20 haircuts, the better clothes, the money to try to
21 get out of Holmesburg cost money.

22 So I feel as though University of
23 Pennsylvania knew what they were up against at the
24 beginning. They knew that they could flash a
25 dollar bill in front of some starving people's face

1 6/11/02 LAW & GOV'T - RES. 020171

2 and get them to cooperate.

3 The tests was ungodly. When I first
4 got at Holmesburg, they had two benches sitting in
5 front of different blocks where they would stick
6 your arm under a slat and hold 'em, and I'm talking
7 about brand, brand, different things on inmates and
8 things like that.

9 One inmate was on D Block with me -- I
10 remember the (indiscernible) in the middle of his
11 forehead in the middle of the night, and he
12 screamed and hollered. I mean, this was telling
13 them right off the bat what you're doing is not
14 right, but they continued, and the people allowed
15 them to continue.

16 Now I'm going to go on with some of the
17 things they did to me. They branded me in the
18 back, in my back; all over my back is branded. Had
19 they had of told me that this would go away, I
20 wouldn't have took it.

21 COUNCILMAN ORTIZ: When you say
22 "branded," what --

23 MR. GREEN: I'm talking about a patch
24 study test, which to the day, which was over 40
25 years ago, still remains on my back. I'm talking

1 6/11/02 LAW & GOV'T - RES. 020171

2 about tests where they did all types of ungodly
3 things to inmates because they could get away with
4 it, and society said nothing. Not only did they do
5 things to people that they could get away with it;
6 if the test was not completed and the inmate had
7 become discharged, they would send him in the
8 street with all kind of hangups.

9 They had a Army study, a GI study
10 there, where they would test guys and give 'em all
11 kinds of drugs and stuff at this time. I have
12 never in my life taken a drug.

13 When I came around, I found myself in a
14 yard surrounded by a number of inmates not knowing
15 what had happened to me. They had the audacity to
16 put us on a "pay-me-no-mind" list, which meant
17 after we drove 'em crazy, pay him no mind, he's
18 okay. I mean, these things was allowed, and they
19 did these things to us, and it hurts me to the
20 depths of my heart to hear Allen Hornblum's -- I
21 mean, not Allen Hornblum, but the guy who did these
22 studies to us say he didn't -- Kligman say he
23 didn't do anything to us.

24 I mean, and we sit, like you over there
25 with humor on your face. This wasn't funny; I

1 6/11/02 LAW & GOV'T - RES. 020171

2 witnessed these things. This wasn't funny for them
3 to take and put patches. You could ride a street
4 car here in Philadelphia and see a number of
5 people, and you could distinguish that they had
6 been on University studies.

7 You know, it was over and over. And
8 I've been on a number of studies, and they have
9 hurt me through the years. At the time, I thought
10 it was a blessing because we needed money in that
11 prison to survive -- the better foods, the better
12 haircuts, the better anythings cost money. I mean,
13 it was something else.

14 I just hope that you take it in your
15 heart to bring this up to par and do something for
16 those that have suffered these injustices, and we
17 are the men and women that have suffered these
18 injustices.

19 COUNCILMAN ORTIZ: How many experiments
20 were you involved in?

21 MR. GREEN: I was on quite a few
22 experiments because I needed money; I wanted money
23 to get out to pay my bills. I wanted --

24 COUNCILMAN ORTIZ: Can you tell me
25 which experiments you were on?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. GREEN: I was on the patch study.

3 COUNCILMAN ORTIZ: What was that
4 supposed to do?

5 MR. GREEN: The patch study was a study
6 when they changed over the different patches, the
7 Band-Aid, they used to Band-Aid you. You know when
8 they went from the hurting Band-Aid, when you used
9 to take it off, it used to hurt you. Then they
10 went to the not-so-hurting Band-Aid -- this is one
11 we were under, which I was told which would come
12 off easy. They used a scale to weigh it, to see
13 how much stuff would come off. They put a little
14 acid on your back and burned it, and those marks
15 are still there until today.

16 I mean, what they did wasn't right to
17 us. I mean, you can look there and you can say
18 anything. It didn't happen to you.

19 One of the guys told me to show him.
20 I'll show you.

21 (Witness comes forward to show
22 committee members scars from burns
23 on back.)

24 COUNCILMAN ORTIZ: That's up and down
25 your spine here?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. GREEN: Yeah.

3 COUNCILMAN ORTIZ: Right.

4 MR. GREEN: These men, if it was
5 someone had a ailment and they cured it, that would
6 have been beautiful, but you don't give a person an
7 ailment and then try to cure it. I mean, they were
8 ungodly things that they did to us because they
9 could get away with it.

10 I mean -- and what makes it so bad is
11 they take the citizens of Philadelphia and
12 Pennsylvania and they say, Well, they don't count,
13 they was inmates anyway. Some of them was untried
14 inmates, some of them was still babies, just
15 finding they way around, and they did ungodly
16 things like that.

17 COUNCILMAN ORTIZ: How old were you
18 when these things --

19 MR. GREEN: About 18.

20 COUNCILMAN ORTIZ: You were what?

21 MR. GREEN: About 18 years of age.

22 COUNCILMAN ORTIZ: 18 years.

23 MR. GREEN: About 18 years of age when
24 took advantage of me and did not only that, but
25 they took little samples of --

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN ORTIZ: To what grade had
3 you gone in school at that time.

4 MR. GREEN: I went to 11-B.

5 COUNCILMAN ORTIZ: Right.

6 MR. GREEN: In them days, we had As and
7 Bs.

8 COUNCILMAN ORTIZ: Right, right. So
9 you were 18?

10 MR. GREEN: Yes.

11 COUNCILMAN ORTIZ: And they came to you
12 experiment and they said, We have this experiment,
13 and you're going to get some money. And they
14 didn't tell you what the experiment really was
15 about or what it might do to you or it might harm
16 you in any way?

17 MR. GREEN: No, no.

18 COUNCILMAN ORTIZ: Did they say to you,
19 "This will not be harmful"?

20 MR. GREEN: What they did was -- it's a
21 tricky thing what they did. Some of the inmates
22 that we trusted, they used them to recruit.
23 Hearing a inmate saying it was okay, a guy that we
24 trusted, we went on, and then we saw the jackets.
25 They knew what they was doing.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I didn't hear no one say that they had
3 inmates as doctors did at that time, like running
4 the studies for them, putting little things on
5 them, you know, and then today in time, what I'm
6 saying, it's true, you could take me to a lie
7 detector and I'd say the same thing. If you took
8 me to a lie detector, I'd want double the money
9 from the University of Pennsylvania for the stress
10 and stuff they put me through.

11 They did wrong, we know they did wrong,
12 you know they did wrong, but we're sitting up here
13 arguing about what we should be compensated with.
14 I mean, we're being put up and sit up here and
15 being put through all kind of new things and stuff,
16 brand-new stuff, but don't nobody say they did you
17 wrong and then just say, Let's do right by these
18 men. And that's what they did.

19 In 1998, I happened to read the paper
20 which Leodus was on it and he had started -- and
21 thank God that there was a person like Leodus to
22 get in there and pitch for us.

23 I don't have to explain to you. If it
24 happened to you, any one of ya'll, y'all would feel
25 the same way that the inmates and the survivors of

1 6/11/02 LAW & GOV'T - RES. 020171

2 Holmesburg Prison feel right now. That's all I
3 have to say.

4 COUNCILMAN ORTIZ: I think it's
5 indisputable that the City and the University of
6 Pennsylvania and the prison administration and
7 Johnson & Johnson and all of the other companies
8 did wrong. And we were wrong. Just that it's
9 taken so long for this to even have a hearing for
10 this even to come up, and the people of
11 Philadelphia understand what it is that was done in
12 their name all of those years back.

13 I don't know what the rightful
14 compensation is but, definitely, the City should be
15 stepping up to all of the families and the
16 individuals that are still surviving.

17 Thank you.

18 MR. GREEN: Thank you.

19 COUNCILMAN ORTIZ: William Harper.

20 (Witness comes forward.)

21 COUNCILMAN ORTIZ: Mr. Harper, please
22 identify yourself for the record.

23 MR. HARPER: My name is William Harper.
24 I'm 66 years old and I live at 5457 Wayne Avenue,
25 Apartment 716.

1 6/11/02 LAW & GOV'T - RES. 020171

2 In 1964, I received two and a half
3 years at Holmesburg Prison and I was accepted on
4 the H-Block as a worker, starting off with \$25 a
5 month. And at that time, I had begged the social
6 worker, Mr. Otis, to give me something where I
7 could have some money, because I didn't have any
8 sort of support.

9 I started over working at H-Block with
10 doubts of Mr. Otis, who was my social worker,
11 because he felt like it was a cesspool. I had said
12 to myself if I ever got any time, that I would make
13 good use of it, that I wouldn't allow anything to
14 happen which happened to me by working for the
15 University of Pennsylvania. I didn't care what I
16 did.

17 I started off taking blood and spinning
18 it down the serum, working the autoclave, and after
19 six months of working there, I went outside to work
20 in the dermatology cell where we did blisters,
21 biopsies, we worked with radiation. I even had a
22 person's hand that was treated with radiation to
23 use it on the Geiger counter. I had things like
24 (indiscernible), DMSO, LSLS, various chemicals. I
25 even had the -- what you call "Spanish fly," which

1 6/11/02 LAW & GOV'T - RES. 020171

2 is (indiscernible) to make blisters. I could apply
3 a blister, and you wouldn't be able to see me in
4 four hours. I have had a guy, after I put a
5 blister on his scrotum, pass out, and I had to --

6 COUNCILMAN ORTIZ: Excuse me, you put a
7 blister...

8 MR. HARPER: I put a blister on a guy's
9 scrotum, and he came to me in less than three hours
10 and I had to take the blister off. I put him on
11 the table, took the blister off, and he went back
12 to the block. We did a series of blisters, and
13 it's guys in here that I worked on, you know?

14 And I'm here to bring a closure to all
15 of this 'cause I don't feel good about it, working
16 for the University for two and a half years.

17 I used to take books in my cell to read
18 how to carry out the protocols that was given to me
19 directly from Dr. Kligman. Dr. Kligman, Dr. Papa,
20 all of those protocols I had to do, and I did
21 suturing, stitching. I took --

22 COUNCILMAN ORTIZ: They trained you in
23 this?

24 MR. HARPER: Well, how I learned was
25 from the guys that were in the cell.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN ORTIZ: You learned from
3 other prisoners?

4 MR. HARPER: Yes.

5 COUNCILMAN ORTIZ: But no medical --
6 you were assisting these doctors in doing these
7 experiments; is that correct?

8 MR. HARPER: Right.

9 COUNCILMAN ORTIZ: At any time, did you
10 have a doctor or a nurse or somebody in the medical
11 profession train you as to what it was that you
12 were going to be doing to these prisoners?

13 MR. HARPER: No. All they did was tell
14 me what to do, give me a protocol.

15 COUNCILMAN ORTIZ: But the only people
16 who told you really what to do were other
17 prisoners?

18 MR. GREEN: Correct.

19 COUNCILMAN ORTIZ: So you were doing --
20 and you were doing medical procedures on people in
21 Holmesburg without any training whatsoever from
22 medical individuals and --

23 MR. HARPER: Correct.

24 COUNCILMAN ORTIZ: And knowing what you
25 might be doing, I mean, the effects that these

1 6/11/02 LAW & GOV'T - RES. 020171

2 things might have on people?

3 MR. HARPER: I did not care at that
4 particular time; all I thought about was doing my
5 time, getting out, and having a few hours, you
6 know, and also learning. I thought that maybe
7 after this was all over, that I could get a better
8 job, that I could do better for myself.

9 And I did pursue it, and I wound up
10 with a nervous breakdown, going to OIC for
11 biochemistry. But out of all this, I have the
12 least experience to show from the University of
13 Pennsylvania.

14 I had a transparent [sic] done from my
15 lip to my arm, right here, see?

16 (Witness shows committee
17 members scar under upper arm.

18 MR. HARPER: It did not take in my lip,
19 but it took in my arm.

20 COUNCILMAN ORTIZ: What did you say
21 that was called?

22 MR. HARPER: "A transparent."

23 COUNCILMAN ORTIZ: What is that? Oh, a
24 transplant?

25 MR. HARPER: Yes. Moving from one area

1 6/11/02 LAW & GOV'T - RES. 020171

2 to the other.

3 COUNCILMAN ORTIZ: Right.

4 MR. HARPER: It did not take in my lip,
5 but it took here, as you can see (indicating).

6 That gets chafed and I have to peel it off like,
7 you know, your lip been would get chafed or
8 chapped, and I would have to peel it off. And
9 sometimes it itches. It's been there since '65.
10 And they were supposed to take it out, do biopsies.

11 I received about \$150 for that, you
12 know.

13 COUNCILMAN ORTIZ: Mm-hmm.

14 MR. HARPER: I'm just hoping for some
15 closure so this whole thing could be over with
16 because I haven't felt too good about it; I
17 apologize about it.

18 But unless you experience these things
19 yourself, then you wouldn't believe that people --
20 if somebody came to me now and offered me something
21 like this, I think I would get rather angry.

22 COUNCILMAN ORTIZ: Did you get special
23 treatment by the prison guards and so on because
24 you were --

25 MR. HARPER: I was like a king up

1 6/11/02 LAW & GOV'T - RES. 020171

2 there. You know, I was keys, I had a watch, I had
3 everything that I wanted available to me but --
4 except for a woman, everything else.

5 COUNCILMAN ORTIZ: How many of you were
6 doing this?

7 MR. HARPER: It was about from maybe
8 30, 40, guys, you know.

9 COUNCILMAN ORTIZ: 30 or 40 --

10 MR. HARPER: Inmates.

11 COUNCILMAN ORTIZ: Inmates that were
12 helping.

13 MR. HARPER: Yes.

14 COUNCILMAN ORTIZ: Do these studies on
15 the others?

16 MR. HARPER: Taking blood and working
17 in the laboratories.

18 COUNCILMAN ORTIZ: All would you any
19 training whatsoever?

20 MR. HARPER: None.

21 COUNCILMAN ORTIZ: Michael, do you want
22 to speak?

23 COUNCILMAN NUTTER: Mr. Chairman, I
24 don't have a question for the witness; I actually
25 wanted to ask the Chair just a couple background

1 6/11/02 LAW & GOV'T - RES. 020171

2 questions, and I apologize for being late. So
3 whenever the gentleman is finished, I have a couple
4 questions for the Chair.

5 MR. HARPER: Yes, I'm finished.

6 COUNCILMAN ORTIZ: Yes, sir?

7 COUNCILMAN NUTTER: Thank you.

8 Mr. Chairman, I'd just like to try to
9 get a better understanding. I think I've been at
10 all of the hearings, and I apologize for being late
11 today.

12 Is there any information in this record
13 or the previous record with regard to from the
14 City's perspective what was going on in Holmesburg
15 Prison at the time? Is there any acknowledgment
16 that testing activity was going on?

17 There are a variety of letters and
18 responses here that seem to indicate by different
19 parties that there was apparently some activity in
20 the prison, but no one seems to specifically state
21 either, what it was the nature of it was, who was
22 in charge of the prison during these years from
23 1948 to 1974, and, I guess, what was the City's
24 knowledge or participation in any of these events.

25 Do we have anything about that?

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN ORTIZ: I don't think we
3 have that on the record, but we have the City
4 Solicitor here that will be answering some of those
5 questions for us.

6 COUNCILMAN NUTTER: Okay. Is there --
7 I'm assuming that there are more people to testify.
8 Is there some other moment when I might be able to
9 ask those types of questions?

10 COUNCILMAN ORTIZ: The City Solicitor
11 will be the next witness to come up.

12 COUNCILMAN NUTTER: Okay, all right.
13 Thank you, thank you Mr. Chairman.

14 COUNCILMAN ORTIZ: You're welcome.

15 Sir, thank you very much.

16 We'll take a five-minute recess right,
17 now, and the City Solicitor will be next.

18 (Break taken.)

19 (Proceedings resume.)

20 - - -

21 COUNCILMAN ORTIZ: The five-minute
22 recess is over. I'd like to continue the hearing,
23 the five-minute recess is over. I'll wait until
24 everybody comes in from the hallway.

25 Thank you very much for being patient.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I will now turn over the chair of the meeting to
3 the Chairman of the committee, Mr. David Cohen.

4 David?

5 COUNCILMAN COHEN: Thank you. I
6 apologize to everyone for my inability to be here
7 at the time of the inception of the hearing.

8 We've been trying to get to the bottom
9 of the story to find out whether it's a figment of
10 some people's imaginations because there are
11 aspects of this story told and of the evidence
12 given already that make people think that it could
13 not possibly have happened in Philadelphia; some
14 people think it could not possibly have happened to
15 human beings anywhere in the world, but
16 particularly not in Philadelphia.

17 And we felt it important to give all of
18 the parties the opportunity to be heard. If, in
19 fact, it did not happen or if others have a
20 different kind of a story to tell, they ought to be
21 given an opportunity to do it, because oftentimes,
22 we are accused of being one-sided. So we decided
23 this time to go out of our way to be very much
24 all-sided to let everybody tell their story.

25 And an amazing thing happened.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Suddenly, those who have been clamoring for the
3 right to tell their story, saying that we had not
4 heard their version of it, suddenly decided they
5 didn't want to tell their story.

6 And so, as I understand it, at the
7 early part of the meeting, some letters were read
8 into the record from companies that felt we had not
9 been fair to them, that they had not been given an
10 opportunity to be heard. We gave them the
11 opportunity and they declined, saying no. And we
12 told them we wanted to do it in as friendly and a
13 cooperative manner as possible; we're not assuming
14 any final conclusions.

15 So we wrote to them and invited them to
16 come as guests, but in fairness, we had to tell
17 them that the resolution passed by City Council had
18 authorized the chairperson of the committee, if
19 necessary, to issue subpoenas, because if Council
20 is to do its legislative work properly, we've got
21 to be able to get at facts. And usually people who
22 don't want to talk when they have knowledge usually
23 have a good reason not to want to talk. That is a
24 good reason from their point of view, because if
25 they did talk, they would show how wrong they had

1 6/11/02 LAW & GOV'T - RES. 020171

2 been in what they had done.

3 And so an interesting thing happened on
4 the way to the story being told. So far, every
5 company that we have subpoenaed and the University
6 of Pennsylvania and Dr. Kligman have all refused
7 the opportunity to talk, after all of them had
8 complained that they had not been given the
9 opportunity. So given the opportunity, they've
10 declined it.

11 And we moved on to the stage of
12 subpoenaing them, and each of them, so far as I can
13 tell, is in defiance of the law, because each of
14 them has said they will not comply with the
15 subpoenas.

16 I'm not going to take your time to talk
17 about what City Council intends to do in that case
18 except to say that we don't intend to have the
19 interests of justice in the City of Philadelphia
20 thwarted by obstructive actions by people who have
21 a responsibility to tell their side of the story
22 when they're involved in a matter concerning a
23 legislative inquiry. The Home Rule Charter gives
24 us that power, and it's been put there to enable us
25 to do our work.

1 6/11/02 LAW & GOV'T - RES. 020171

2 With respect to the City of
3 Philadelphia, since obviously, it is a sister part
4 of our organization, the City government of
5 Philadelphia, we are glad to see that the City
6 Solicitor is here -- not as a result of a subpoena,
7 but as a result of the original request.

8 Because none of this is personal. You
9 know, I don't want anybody to feel -- we have
10 nothing personally against the University of
11 Pennsylvania. I'm one of five people out of six in
12 my family who have degrees from the University of
13 Pennsylvania; in fact, I have both my degrees --
14 the pre-law and the law degree -- come from the
15 University of Pennsylvania, and I was a pretty good
16 student there since I lead the law school. So that
17 I'm somebody that the University of Pennsylvania
18 has recognized in the past. I had a Gowan
19 Fellowship from the law school that was awarded by
20 the law school.

21 I think the University's a great
22 institution, but with greatness comes greater
23 responsibility as well. And we don't think that
24 refusing to comply with the subpoena is the right
25 way to go.

1 6/11/02 LAW & GOV'T - RES. 020171

2 But I would like at this point to
3 invite those representatives from the City
4 Solicitor's department to take the witness stand.
5 I've told them whoever's here all ought to come up
6 together. And we're going to address questions.

7 (Witnesses come forward.)

8 COUNCILMAN COHEN: If any member of the
9 committee wants to make a statement before the
10 questioning --

11 COUNCILMAN ORTIZ: Michael?

12 COUNCILMAN NUTTER: No.

13 COUNCILMAN COHEN: No?

14 Basically what we want to know is:

15 Did the things that were testified to
16 by people who had been in our prison system some
17 years ago, did it happen?

18 What was the City's involvement?

19 Did the City get approval?

20 Did the City receive any form of
21 compensation?

22 Has the City acknowledged its role?

23 Has the City said that what it did
24 thought it was right in doing; or has it said it
25 thought it was wrong?

1 6/11/02 LAW & GOV'T - RES. 020171

2 What has the City done to alleviate the
3 complaints that we have heard here and that have
4 appeared in a book and have appeared in the City's
5 media outlets?

6 I would like the -- it seems to me
7 government, above all others, has the major
8 responsibility -- since the government in this
9 country is elected by the people, it seems to me
10 that the responsibility of government, any
11 government agency, is the highest responsibility
12 there is to a council of the people or its
13 activities.

14 We all know government is not perfect;
15 some people might say it's not even good by its
16 actions. But we would like to feel that the City
17 of Philadelphia, if this did happen, if evidence
18 indicates it was wrong, we would hope the City
19 would come forth and admit it.

20 And then we would hope the City would
21 do a second thing: Having admitted it, which would
22 be the first important step, the City ought to find
23 a way to take leadership in resolving the
24 difficulties that the former prisoners have had as
25 a result of their being subjected to human

1 6/11/02 LAW & GOV'T - RES. 020171

2 experimentation which still today, many years after
3 it occurred, shocks the conscience, I think, of
4 everybody who hears about it.

5 So I may address to the three attorneys
6 representing the City Solicitor, if you would each
7 be good enough to give your name and your position
8 with the City first, and then I'll ask whoever
9 among you wants to comment in general to the
10 comments I have made.

11 MR. DUCKWORTH: Good morning,
12 Councilman; good morning, committee. My name is
13 James Duckworth, and I'm an attorney with the City
14 of Philadelphia.

15 Sitting to my left is Mr. Leon King,
16 who's general counsel for the Philadelphia prison
17 system and was the trial attorney that handled the
18 litigation that was recently filed and was pending
19 before the Third Circuit.

20 To his left is Elise Bruhl, who is
21 currently handling the appellate issue that is
22 pending before the Third Circuit.

23 COUNCILMAN COHEN: All right. And --

24 MR. DUCKWORTH: And I'll turn it over,
25 actually, to Mr. King at this point.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: Okay, would you
3 please identify yourself for the record.

4 MR. KING: I'm Leon King, and I'm
5 general counsel for the Philadelphia Prison system,
6 as Mr. Duckworth said, and I --

7 COUNCILMAN COHEN: Would you speak
8 directly into the microphone. You know, this is
9 our temporary meeting room, and the acoustics are
10 pretty bad.

11 MR. KING: All right. I have been in
12 the position of general counsel for the prison
13 system since 1997, and I was responsible for this
14 case before it was litigation, and I would just
15 like to explain what the City did in response to
16 the complaints that we heard first.

17 COUNCILMAN COHEN: All right. You'll
18 have an opportunity to do it after the
19 identification of the third attorney.

20 MS. BRUHL: Good morning. My name is
21 Elise Bruhl, and I am an assistant City Solicitor.

22 COUNCILMAN COHEN: Would you speak more
23 directly into the microphone.

24 MS. BRUHL: Okay, I'll try. My name is
25 Elise Bruhl. I am an assistant City Solicitor with

1 6/11/02 LAW & GOV'T - RES. 020171

2 the Appeals Unit for the City of Philadelphia.

3 COUNCILMAN COHEN: All right. Now,
4 which one of you -- do you, sir, want to explain
5 whatever it is you started to say?

6 MR. KING: Yes. I want to explain
7 first what the City did in response to --

8 COUNCILMAN COHEN: All right. Could
9 you do as I'm doing -- try to get as close as
10 possible to the microphone.

11 MR. KING: Yes, okay.

12 As my recollection serves me,
13 Mr. Hornblum's book came out some years ago, and
14 there was some press about it, and when the Law
15 Department, when we heard about that, we went out
16 and purchased a copy of the book, and we began to
17 do legal research on the issues that we saw. We
18 also instigated an investigation to see if we could
19 find out some information about what went on back
20 at Holmesburg in the time period in question.

21 Our research revealed then, and it
22 hasn't changed till this point, and this is a big
23 problem in the case, is that this stuff happened,
24 the most recent stuff happened in 1970. So the
25 City doesn't have records from 1970. There's no

1 6/11/02 LAW & GOV'T - RES. 020171

2 way for to us research that issue.

3 Most of the people that may have been
4 running the City jails back at that time are either
5 dead, moved away, or are retired, and we can't talk
6 to them. There's no one in an official position in
7 the prison now that can comment on what went on at
8 Holmesburg Prison during the time period in
9 question.

10 Despite that, though, and I think the
11 City Solicitor, if he were here, would say that,
12 you know, the Law Department doesn't just dismiss a
13 case based on, you know, statute of limitations or
14 whatever; we always recognize that as
15 representatives of the City of Philadelphia --

16 COUNCILMAN COHEN: Speak right into the
17 microphone.

18 MR. KING: Yes. As representatives of
19 the City of Philadelphia, the taxpayers, etc.,
20 there's always one thing that we take into account
21 when we consider settling a case, is whether
22 someone was wronged. You know. Sometimes we have
23 settled cases in the past where there was maybe not
24 so strong of a legal case, but we feel the person
25 was wronged and that they should get some money.

1 6/11/02 LAW & GOV'T - RES. 020171

2 And I think we took that approach to
3 this case. We didn't know whether people were
4 wronged, but from what we heard and from what we
5 read in the book, there may have been some issue
6 there.

7 So what did we do. We didn't just
8 ignore the problem; we researched it, we got as
9 much information together as we could, and we
10 initiated a dialogue with the attorneys who were
11 representing the inmates at the time. They weren't
12 the same attorneys that are representing them now;
13 it was a female, whose name escapes me.

14 We had two or three meetings with these
15 attorneys, and our intention was to get some sort
16 of a sense of how many people were out there, what
17 the injuries were, what the stories were. And
18 based on that, we could then make an eternal
19 determination as to whether we should put some
20 money out.

21 And you have to remember that from the
22 City Solicitor's point of view, not only are we the
23 City's lawyers, but we also have an interest in
24 protecting the money that -- the taxpayers' money
25 that we, you know, settle cases with. So we can't

1 6/11/02 LAW & GOV'T - RES. 020171

2 just settle a case because you say you were
3 injured; we need some sort of independent
4 documentation.

5 So we met with the attorneys for the
6 inmates, we discussed their legal theories. Our
7 big legal impediment in this case was the statute
8 of limitations. We tried to get from them some
9 sense of what their argument was to overcome the
10 statute of limitations. They never were
11 forthcoming, they never said anything.

12 We asked them on three or four
13 occasions -- I believe both in writing and orally,
14 and I was at these meetings -- to please provide us
15 some documentation to show that other than what
16 these folks say, that they were in Holmesburg
17 Prison, that they were in the House of Correction.
18 If you don't have that, can you provide us with at
19 least some documentation that you've sent these
20 people to a doctor and that the doctor has talked
21 to them and said, This went on, that went on, and
22 the injuries and the things that you claim are a
23 result of this testing.

24 Give us that, and we will then evaluate
25 to say whether or not we can settle this case and

1 6/11/02 LAW & GOV'T - RES. 020171

2 offer some money to these folks.

3 They wouldn't provide it. As a matter
4 of fact, in one of the meetings, their attorney
5 flat-out refused to provide any documentation.

6 So without any documentation, without
7 any supporting evidence, we were sort of in a bind.
8 There was no way for us to justify expending
9 taxpayers' dollars based on just what one person
10 said, and I don't think City Council or anybody
11 else would want the Law Department settling cases
12 or handing out money without documentation.

13 So what happened was, the talks sort of
14 stalled. The lawsuit was filed, we answered the
15 complaint in the lawsuit. Our position was still
16 the same: We'd be willing to consider something,
17 but you've got to give us some documentation. We
18 don't have any.

19 We filed a complaint, and after the
20 complaint was filed, from my point of view, the
21 attorney for the inmates fell asleep. He didn't do
22 one thing in the lawsuit after that. He filed the
23 complaint and he did absolutely nothing.

24 We sent him discovery requests, and we
25 said, Please provide us with information, please

1 6/11/02 LAW & GOV'T - RES. 020171

2 provide us with written summaries, please provide
3 us something. Nothing was forthcoming from counsel
4 for the plaintiffs.

5 COUNCILMAN COHEN: Councilman Ortiz.

6 COUNCILMAN ORTIZ: I just have -- from
7 all you said, it kind of struck me. You mean the
8 City doesn't keep records at all?

9 MR. KING: The City keeps records,
10 Councilman.

11 COUNCILMAN ORTIZ: I mean, is there not
12 a responsibility that the City has to keep records?
13 I mean, you just can't say the warden at that time
14 died, the deputy warden died, the cops or prison
15 guards retired. I mean, you just can't say that.

16 And so we don't have any history as to
17 what happened?

18 MR. KING: Well, Councilman, I'd say
19 two things: The City --

20 COUNCILMAN ORTIZ: I mean, there's no
21 records that the City keeps?

22 MR. KING: The City does have an
23 obligation to keep records, and we do keep records
24 so --

25 COUNCILMAN NUTTER: Does or does not?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: We do have an obligation to
3 keep records.

4 COUNCILMAN NUTTER: All right.

5 MR. KING: And we do keep records, but
6 we do not have an obligation to keep them for 30
7 years. And if we kept all of our records for 30
8 years, we'd have so many warehouses filled up
9 around the City with City records -- we have a
10 retention policy for each department.

11 COUNCILMAN COHEN: Excuse me for
12 interrupting, but when President Clinton made the
13 apology to the people involved in the Tuskegee
14 Institute problem, it seems to me he did not use
15 that as an excuse. He said, It's our
16 responsibility to find out what happened, and then
17 he did what we're asking for, he apologized and set
18 the stage for proper action to occur.

19 Now, are you saying that the City
20 has -- because it's 30 years ago, the City has no
21 responsibility to do whatever can possibly be done?

22 MR. KING: I think that --

23 COUNCILMAN COHEN: We're not here to go
24 over a lawsuit. It is not the responsibility of
25 private counsel for individuals to deal with and

1 6/11/02 LAW & GOV'T - RES. 020171

2 find out the history. Since these charges exist
3 against the City, it seems to me clearly that it's
4 the City's responsibility to go to every possible
5 extent to find out what happened so that it's in a
6 position to say no, it did not happen, if that's
7 their conclusion, and we can deal with that; or if
8 it did happen, to say it happened, it was proper;
9 or it happened and was all wrong, we will never do
10 it again, we apologize, and we intend to make
11 whole.

12 It seems to me government has that
13 responsibility. Government doesn't have the
14 responsibility to act like a corporate defense
15 firm, trying to avoid responsibility; government
16 has the responsibility for treating its citizens
17 fairly.

18 And you -- and the City's been charged
19 with a terrible series of events that occurred many
20 years ago, and it seems to me that it's the
21 responsibility of the City, not attorneys for the
22 people that suffered for the victims if this
23 incident really occurred. It seems to me it's the
24 responsibility of the City to come forth with proof
25 one way or the other.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Councilman Nutter, I understand that
3 you had questions.

4 COUNCILMAN NUTTER: Thank you,
5 Mr. Chairman.

6 Mr. King, were you trying to finish
7 your response?

8 MR. KING: Well, I was going to say in
9 response to Councilman Ortiz that we do have a
10 responsibility to preserve records, but that
11 responsibility doesn't require us to keep 'em for
12 30 or 40 or 60 years; there's no reason for us to
13 do that.

14 And as far as what Councilman Cohen
15 said, of course, the City has the responsibility to
16 look into this, as we did when it came up, and we
17 made every reasonable effort to find records, to
18 find documents, and ask other people who may have
19 had access to information for information.

20 And the documents just aren't there; I
21 don't know what I can do about that.

22 COUNCILMAN ORTIZ: Did this happen?
23 Did this happen?

24 MR. KING: All I can tell you is --

25 COUNCILMAN ORTIZ: Did these

1 6/11/02 LAW & GOV'T - RES. 020171

2 experiments --

3 MR. KING: All I can tell you is that
4 there has been testimony in Council, there's been
5 evidence presented in the book that indicates that
6 at Holmesburg Prison, most especially, experiments
7 were conducted.

8 The City cannot admit that for purposes
9 of this hearing because there's pending litigation.
10 But I can say that.

11 COUNCILMAN ORTIZ: All right, Mike.

12 COUNCILMAN NUTTER: Thanks.

13 COUNCILMAN COHEN: Well, you know, it
14 seems to me that what the City is saying is that
15 the people who testified on what occurred to them
16 did not happen and that they're lying.

17 MR. KING: That's not what I said.

18 COUNCILMAN COHEN: And that seems to me
19 to be a terrible thing to be saying.

20 MR. KING: That's not what I said.

21 COUNCILMAN COHEN: The evidence is loud
22 and clear that human experimentation, uncivilized
23 human experimentation, taking advantage of
24 low-income people, of minorities, even of women as
25 well as men, occurred. There are many witnesses.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Now, in legal cases and in
3 investigative inquiries, it's human beings who
4 testify. You don't wait until some record appears
5 in a book; you either have to decide are these
6 people telling the truth or are there engaged, in
7 your judgment, in a massive conspiracy of some kind
8 to lie and to create a circumstance that you say
9 didn't occur. Didn't these companies -- weren't
10 they involved until the experimentation --

11 MR. KING: Councilman Cohen --

12 COUNCILMAN COHEN: -- that Dr. Kligman
13 denied involvement?

14 MR. KING: Councilman --

15 COUNCILMAN COHEN: The man that was
16 supposed to be the man that was basically in charge
17 of the University of Pennsylvania? Can you tell us
18 if he says nothing like this ever occurred?

19 MR. KING: Dr. Kligman hasn't denied
20 that nothing like this occurred. I believe his
21 position is that there were experiments that were
22 done and that they were fine. And that's his
23 position.

24 (Laughter.)

25 COUNCILMAN COHEN: It seems to me

1 6/11/02 LAW & GOV'T - RES. 020171

2 that -- Councilman Nutter?

3 COUNCILMAN NUTTER: Thank you,
4 Mr. Chairman.

5 Mr. King? Mr. King, let me ask you
6 just a couple questions, and this may be a long the
7 lines of what Councilman Ortiz asked. I had
8 written this down initially and then I wrote some
9 other notes to myself.

10 Have you been able to determine whether
11 any experimentation at Holmesburg Prison between
12 the years of 1948 and 1974?

13 MR. KING: I haven't been able to
14 determine that based on any City records or any
15 City witnesses. We only know that from the people
16 who are complaining. That's the only basis we
17 would have to form that opinion.

18 COUNCILMAN NUTTER: So let me make sure
19 I understand.

20 You have not been able to determine
21 independently whether any experimentation occurred
22 at Holmesburg Prison between 1948 and 1974.

23 MR. KING: Correct.

24 COUNCILMAN NUTTER: Now, let me ask
25 about your investigation. I'm reading from a

1 6/11/02 LAW & GOV'T - RES. 020171

2 letter from Wendy White, Vice President and General
3 Counsel from the University of Pennsylvania, dated
4 June 5th to Councilman Cohen. This is a letter
5 basically explaining why the University cannot
6 testify here today.

7 But what they say is that the medical
8 testing at Holmesburg ceased nearly 30 years ago.
9 Prior to and after its cessation, it was the
10 subject of hearings in the United States Senate in
11 March of 1973, State legislative hearings in June
12 1973, litigation and extensive discussions in the
13 media. In recent years, the University and
14 Dr. Kligman have publicly commented on this issue.
15 And then they go on to talk about the litigation in
16 the Third Circuit presently.

17 Would you take from this letter and the
18 opening sentence, the medical testing at Holmesburg
19 ceased nearly 30 years ago, does that lead you to
20 believe that there was medical testing 30 years
21 ago?

22 MR. KING: If that's what -- are you
23 saying that's what the University of Pennsylvania
24 said?

25 COUNCILMAN NUTTER: I'm reading from a

1 6/11/02 LAW & GOV'T - RES. 020171

2 letter on University of Pennsylvania stationary
3 signed by Wendy White, Esquire, Vice President and
4 Office of the General Counsel. Her letter to
5 Councilman Cohen says, "The medical testing at
6 Holmesburg ceased nearly 30 years ago."

7 MR. KING: Okay.

8 COUNCILMAN NUTTER: Now, what does that
9 sentence lead you to believe?

10 MR. KING: That medical testing
11 occurred at Holmesburg Prison, according to the
12 University of Pennsylvania. I mean, I don't
13 dispute that. I'm saying --

14 COUNCILMAN NUTTER: According the to
15 the University of Pennsylvania.

16 MR. KING: Right. I'm saying that the
17 City hasn't been able to independently verify it
18 and we have no records. I mean, that's all I'm
19 saying.

20 COUNCILMAN NUTTER: Well, why does the
21 University of Pennsylvania know that it occurred
22 and the City doesn't?

23 MR. KING: That's -- that's --

24 COUNCILMAN NUTTER: It's our prison,
25 right?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: No, that's a different
3 question. I don't know what records they have or
4 how long they keep them. I don't know.

5 We asked them for their records too,
6 and they didn't turn them over.

7 COUNCILMAN NUTTER: They did not turn
8 them over?

9 Well, let me ask you this question:
10 The United States Senate and the state legislative
11 hearings from 1973, are you aware of those
12 hearings?

13 MR. KING: Yes.

14 COUNCILMAN NUTTER: Have you read any
15 of the testimony from those hearings?

16 MR. KING: I believe I did a long time
17 ago.

18 COUNCILMAN NUTTER: What did they
19 reveal?

20 MR. KING: They talked about testing at
21 Holmesburg Prison.

22 COUNCILMAN NUTTER: Who talked about
23 testing?

24 MR. KING: Inmates, officials, lots of
25 people.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: What officials
3 testified at the hearing? I didn't have the
4 opportunity to read the testimony.

5 MR. KING: Oh, I can't remember what
6 officials, but I know inmates and other people
7 testified at the hearings.

8 COUNCILMAN NUTTER: Did any officials
9 from the prison testify at either of these
10 legislative hearings?

11 MR. KING: Not that I recall, no.

12 COUNCILMAN NUTTER: Did any officials
13 from the University of Pennsylvania testify at any
14 of these hearings?

15 MR. KING: Councilman, I can't remember
16 who specifically testified.

17 COUNCILMAN NUTTER: But you've read the
18 testimony from those hearings?

19 MR. KING: But it's been years since I
20 read that; I haven't read it in a long time.

21 COUNCILMAN NUTTER: Well, how many
22 years has it been?

23 MR. KING: Two years maybe.

24 COUNCILMAN NUTTER: Two years ago?

25 MR. KING: Something like that.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: Well, let me make
3 sure I'm understand this.

4 There were complaints made by
5 individuals about human experimentation in a
6 City-owned facility.

7 MR. KING: Mm-hmm.

8 COUNCILMAN NUTTER: You read the notes
9 of testimony from United States Senate hearings and
10 state legislative hearings, you believe, two years
11 ago.

12 MR. KING: (Nods head.)

13 COUNCILMAN NUTTER: But you have no
14 recollection now, and are not aware now, of any of
15 the official individuals who may have testified in
16 those hearings about human experimentations alleged
17 at a City prison?

18 MR. KING: No.

19 COUNCILMAN NUTTER: And you have no
20 recollection of any of the parties involved?

21 MR. KING: No.

22 COUNCILMAN NUTTER: Have you
23 interviewed the author of the book? You indicated
24 that you had read the book.

25 MR. KING: I didn't interview him, no.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: I'm sorry?

3 MR. KING: There would be no reason for
4 me to interview him; we have the book, we know what
5 he said.

6 COUNCILMAN NUTTER: So in the
7 investigatory process --

8 COUNCILMAN COHEN: Councilman Nutter,
9 may I interrupt for a minute?

10 COUNCILMAN NUTTER: Sure.

11 COUNCILMAN COHEN: Can people in the
12 audience hear the responses?

13 AUDIENCE MEMBERS: No.

14 COUNCILMAN COHEN: Because I'm having
15 great difficulty here.

16 I would like the witness to
17 specifically answer about whether he read the book
18 or not.

19 COUNCILMAN NUTTER: Mr. King, you said
20 you read the book?

21 MR. KING: Uh-huh.

22 COUNCILMAN NUTTER: Whole book?

23 MR. KING: The whole book.

24 COUNCILMAN NUTTER: Okay. And you're
25 saying in the investigatory process to try to get

1 6/11/02 LAW & GOV'T - RES. 020171

2 answers to these questions, that you are
3 comfortable in leaving the scope of the
4 investigation to the reading of the book versus
5 having a discussion with the author of the book,
6 who is a live person that you could actually talk
7 to.

8 MR. KING: No, that's not what I'm
9 saying.

10 COUNCILMAN NUTTER: Well, I'm asking
11 the question.

12 MR. KING: Yeah, and I'm going to tell
13 you what I'm saying. What I'm saying is that we
14 read the book, we knew what was in the book. For
15 purposes of discussing with the inmates prior to
16 the litigation as to whether the City was willing
17 to put money on the case, we knew what we needed to
18 know.

19 But as far as the lawsuit went, we
20 probably would have deposed Mr. Hornblum, but we
21 never got that far. I mean, I would not have left
22 it after the lawsuit started to move forward
23 without taking the man's deposition but, you know,
24 we weren't at that point.

25 I mean, we had enough information

1 6/11/02 LAW & GOV'T - RES. 020171

2 before the lawsuit began where there was a basis
3 for to us engage the inmates and their attorneys in
4 a discussion about whether they could be
5 compensated. I mean -- but it's a different
6 situation, when, you know --

7 I mean, even now, if people could
8 provide the City with some documentation and
9 records some medical records and some expert
10 testimony, I mean, the Law Department will look at
11 that and consider compensating these people, but
12 nothing's forthcoming.

13 COUNCILMAN NUTTER: Let me try to
14 understand something.

15 I mean, is this strictly -- I mean, is
16 there a philosophy at work here that we've got a
17 complaint, put aside the egregious nature, the
18 outrageous nature, the travesty and tragedy that's
19 happened aspects of this. We have a complaint,
20 we'd like to get to the bottom of it; if we can
21 settle it, we'd like to settle it and move on.

22 Is that fundamentally what we're
23 dealing with here?

24 MR. KING: Well, that's the --

25 COUNCILMAN NUTTER: Is there any

1 6/11/02 LAW & GOV'T - RES. 020171

2 interest in a search for the truth? Is there any
3 interest in trying to figure out actually what
4 happened and who did what to whom and who should
5 have responsibility for it? And at the end of it
6 all -- I mean, there might be a financial
7 settlement, but is there any interest in the search
8 and in the pursuit of truth, which then might lead
9 to an acknowledgment that something wrong has
10 happened and subsequently and finally an apology?

11 Is that a part of this? Or is it
12 just --

13 MR. KING: Oh, absolutely, Councilman,
14 that's --

15 COUNCILMAN NUTTER: -- let's figure out
16 what the number is and have everybody go away?

17 MR. KING: Absolutely, Councilman. And
18 that's what we were doing. When we became aware of
19 the book, we were trying to gather information to
20 try to determine what went on at Holmesburg Prison,
21 who was involve and how the people were injured.
22 That's what we were doing.

23 COUNCILMAN NUTTER: Okay.

24 COUNCILMAN ORTIZ: That was in '97,
25 sir.

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: Yeah, I don't remember the
3 year.

4 COUNCILMAN ORTIZ: And this is 2002.

5 MR. KING: Right.

6 COUNCILMAN ORTIZ: How long does it
7 take you to figure out that something very bad
8 happened at Holmesburg and that it was sanctioned
9 by the City?

10 MR. KING: I explained the process.

11 COUNCILMAN ORTIZ: And the City refuses
12 to acknowledge that it was sanctioned by the City,
13 and even refuses to offer on apology. How long
14 will it take? Will it take until they all die?
15 And then there will be really no records.

16 COUNCILMAN NUTTER: Have you
17 interviewed Dr. Kligman?

18 MR. KING: No.

19 COUNCILMAN NUTTER: About this matter?

20 MR. KING: (Shakes head.)

21 COUNCILMAN NUTTER: Why?

22 MR. KING: We never got that far,
23 Councilman.

24 COUNCILMAN NUTTER: Got what far?

25 MR. KING: I told you, in the process

1 6/11/02 LAW & GOV'T - RES. 020171

2 that we were going in before the -- the City was
3 willing before we talked to --

4 COUNCILMAN NUTTER: I understand.

5 Let's figure about the process for a moment; that's
6 on the legal side.

7 MR. KING: Right.

8 COUNCILMAN NUTTER: I'm talking about
9 the pursuit of information and anybody's notion of
10 justice and what's right and what's wrong.

11 You don't need a process to go
12 interview people, if that is the pursuit. So I
13 guess that's the part I'm trying to understand.

14 MR. KING: Well, first of all --

15 COUNCILMAN NUTTER: I mean, obviously,
16 you know, I'm at a slight disadvantage. You're
17 attorneys, I'm not; you're in a much better
18 position to talk about who does what to whom, who
19 deposes whom, we've got a case, we've got a
20 process, rules of civil procedure, rules of federal
21 procedure. It's all very interesting.

22 What I'm saying is, if someone is out
23 on a mission to find out what happened, you
24 interview anybody you want to interview about
25 whatever you want to interview 'em about, and if

1 6/11/02 LAW & GOV'T - RES. 020171

2 they're around and alive, you go and talk to 'em.

3 MR. KING: Well, I have two responses
4 to that. I'm telling you that before the lawsuit
5 was filed, we felt we had a basis to engage the
6 inmates in discussions about settling the case. We
7 didn't feel we needed to go and interview
8 Dr. Kligman or anyone else. We felt we had enough
9 information to engage them in a discussion about
10 resolution of the case.

11 COUNCILMAN NUTTER: Okay.

12 MR. KING: When the lawsuit started,
13 certainly Dr. Kligman would have been someone else
14 that we would have deposed, but I can guarantee you
15 that even before the litigation, when we got
16 letters from counsel for the inmates, that's how we
17 knew they wanted to engage in settlement
18 discussions. The counsel for the inmates also sent
19 letters to Dow Chemical, Johnson & Johnson, and
20 Penn, and sort of behind the City's back, were
21 trying to get money from them.

22 If I had called up Dr. Kligman and
23 said, "I want to interview you," chances are, his
24 attorney would have said no. So, I mean, I know
25 that because I know what goes on, and I'm telling

1 6/11/02 LAW & GOV'T - RES. 020171

2 you that at the time we engaged in the discussions
3 with the inmates, we felt we had enough information
4 to at least engage them in a discussion about it,
5 and we had hoped that they would provide us with
6 some information so that we could sit down and make
7 a decision about whether we should compensate
8 people, but we just didn't get the information.

9 COUNCILMAN NUTTER: Just so I
10 understand, and, I mean, as you obviously know, I'm
11 not an expert in the procedure, but now that there
12 is a lawsuit, do you at some point in time have a
13 conversation with Dr. Kligman or any of these other
14 parties involved?

15 MR. KING: Well, the problem with the
16 lawsuit was -- and, again, you're going to be
17 annoyed with me because I'm going to talk about the
18 process, but the process works like this: You get
19 the lawsuit in, you send out written questions, you
20 ask for documents.

21 When those are done, you review those
22 written questions, you review the documents, then
23 you schedule the depositions to interview the
24 people. We would have deposed everybody, all of
25 the inmates, we'd still be involved in that.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: Right.

3 MR. KING: The problem was, we never
4 got the initial information, and after having
5 waited and waited, the City made a decision, All
6 right, you're not providing us with any
7 information, we're going to file our motion and the
8 plaintiff's attorney never responded to it, never
9 said one thing; we just filed our motion. No
10 response, it was dismissed.

11 COUNCILMAN NUTTER: Filed which motion?

12 MR. KING: I filed a motion for summary
13 judgment. I said the two-year statute --

14 COUNCILMAN NUTTER: Was it granted?

15 MR. KING: Yes. I said the two-year
16 statute has run, and no one's provided us with any
17 information on --

18 COUNCILMAN NUTTER: This is in district
19 court?

20 MR. KING: Yes. And no one's provided
21 us with any information and --

22 COUNCILMAN NUTTER: So why are you in
23 the Third Circuit now?

24 MR. KING: Because plaintiffs lost and
25 then appealed.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: Okay.

3 MR. KING: But they never filed a
4 response to what was said; that would even have
5 been helpful.

6 COUNCILMAN NUTTER: Okay.

7 COUNCILMAN COHEN: Do you think, sir,
8 that the only interest of the City of Philadelphia
9 is in this lawsuit and not in the question as to
10 whether this human experimentation occurred?

11 MR. KING: I think that it is in the
12 City's --

13 COUNCILMAN COHEN: Are you saying that
14 the only concern the City has is to dispose of a
15 lawsuit.

16 MR. KING: No.

17 COUNCILMAN COHEN: And if people who
18 filed the lawsuit didn't give you the information
19 you needed, then your responsibility was over?
20 You're not concerned really with whether it
21 happened? What kind of a government do we have in
22 Philadelphia that permits people entrusted to it to
23 be subject to this kind of illegal conduct?

24 MR. KING: I think that the City --

25 COUNCILMAN COHEN: That threatens the

1 6/11/02 LAW & GOV'T - RES. 020171

2 (indiscernible) --

3 MR. KING: I think that the --

4 COUNCILMAN COHEN: You're not
5 interested in that point?

6 MR. KING: Well, obviously --

7 COUNCILMAN COHEN: You're only
8 interested in whether we're going to pay out
9 dollars?

10 MR. KING: Well, obviously, we're
11 interested in --

12 COUNCILMAN COHEN: That's what Frank
13 Keel, the Mayor's advisor, said, that he was
14 startled that City Council was interested in
15 something where the City was the defendant. Why
16 should he have been startled; shouldn't the City
17 have been investigating it from the moment a rumor,
18 just a rumor, started? The City should have been
19 involved full-scale in trying to determine all of
20 the facts. You should have been talking to
21 everybody here long before a lawsuit was filed.

22 Now, I'm not saying you as a lawyer;
23 you're the City's lawyer. But to your knowledge,
24 has any other part of the City government -- has
25 the Mayor been interested in this issue? Have any

1 6/11/02 LAW & GOV'T - RES. 020171

2 other people involved in City policy been
3 interested, or are they saying to you, Try to
4 figure out a way to get this case finished so it
5 will be out of the way?

6 MR. KING: (Shakes head.)

7 COUNCILMAN COHEN: We want to pay as
8 little as possible to take advantage. The people
9 involved were poor people, so they probably don't
10 have enough money to carry through with the lawsuit
11 anyway?

12 MR. KING: (Shakes head.)

13 COUNCILMAN COHEN: So let's discourage
14 them?

15 MR. KING: No, that's not what the City
16 administration did.

17 COUNCILMAN COHEN: Well, who is it in
18 the Law Department, in defense of this case, is
19 working to find out all of the facts of this case?

20 MR. KING: When this came in, as I
21 recall, there was communication from the Mayor's
22 Office to look into this to see what we can do for
23 these people, and that's what I was doing when we
24 got the information; I was trying to find out what
25 went on to establish a basis to compensate the

1 6/11/02 LAW & GOV'T - RES. 020171

2 inmates for what may have gone on.

3 And when you say, do we have an
4 interest in doing anything other than --

5 COUNCILMAN COHEN: Well, let me tell
6 you one person who certainly knows a lot: The
7 author of the book, Allen Hornblum, who happened
8 not only to be the author of the book, but he --
9 wasn't he a member of the Board of Prisons for many
10 years?

11 MR. KING: Sure, he was.

12 COUNCILMAN COHEN: He was active in the
13 whole prison society; the City was depending on him
14 for information in general about prisons; they were
15 depending in large parts on his judgment.

16 Have you ever interviewed him
17 personally and said, Allen, come in. I don't want
18 to talk about your book; I want to know what is it
19 you know about the situation? Have you been barred
20 in any way from doing that?

21 MR. KING: I think I explained that,
22 Councilman.

23 COUNCILMAN COHEN: What's that?

24 MR. KING: I think I explained that
25 already.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: How did you explain
3 that?

4 MR. KING: I told you about the process
5 we went through to get to the bottom of this, that
6 we had --

7 COUNCILMAN COHEN: Have you ever called
8 him on the phone and said, Can we talk about --

9 MR. KING: I didn't feel a need to call
10 him on the phone.

11 COUNCILMAN COHEN: Are you hoping this
12 is a bad dream that's going to go away?

13 MR. KING: No, Councilman, I --

14 COUNCILMAN COHEN: Who in the City --
15 it's not going to go away, because until the City
16 comes to grips with this problem, either submits
17 proof that it never occurred or submits an apology
18 of it did occur and takes remedial steps to try to
19 make whole these injuries suffered and damages
20 suffered by these people, not that they can ever be
21 made whole, but at least the City ought to be out
22 trying to show that it doesn't believe in this kind
23 of unprincipled conduct, and that people entrusted
24 to it, whether in the prison system or in
25 hospitalization or in any other form, are entitled

1 6/11/02 LAW & GOV'T - RES. 020171

2 to respect as human beings.

3 Isn't that what this thing is about,
4 for government to do? What was done here is
5 unthinkable.

6 MR. KING: (Witness head.)

7 COUNCILMAN COHEN: And that's the
8 reason we wanted the City to have an opportunity to
9 say, The moment we learned about this, we got
10 excited, it couldn't be so, we'd never do it. And,
11 by God, if we did it, we're sorry, and we want to
12 make whole everybody involved.

13 MR. KING: We did --

14 COUNCILMAN COHEN: Not through the
15 course of a lawsuit, but because it's the decent,
16 proper, responsible thing to do.

17 MR. KING: That's what we did,
18 Councilman.

19 COUNCILMAN COHEN: Well, tell me, who
20 other than the lawyers for the City have been
21 working on this problem?

22 MR. KING: That's who the Mayor's
23 Office inquired of, and we were the ones who
24 handled it.

25 COUNCILMAN ORTIZ: Sir, what you did

1 6/11/02 LAW & GOV'T - RES. 020171

2 was to file for summary judgment.

3 MR. KING: That was after we got no
4 cooperation from anyone. I mean, we're sitting
5 here now, there were 200-and-something plaintiffs,
6 sir. Even before they filed the lawsuit, their
7 attorney wouldn't even give us the names. We're,
8 like, Give us the names, give us their dates of
9 births, give us their Social Security numbers so
10 that we can see if we have any information on any
11 of these people, and their attorneys refused to
12 give us the information.

13 How are we supposed to know, how are we
14 supposed to do an investigation --

15 COUNCILMAN NUTTER: Mr. King,
16 Mr. King --

17 MR. KING: If you come in and you say
18 that you're John Smith --

19 (Audience members shout out in
20 response to Mr. King.)

21 MR. KING: Wait a minute. If you come
22 in and you say you're John Smith and you were in
23 Holmesburg Prison --

24 COUNCILMAN NUTTER: Right.

25 MR. KING: -- and this happened to you,

1 6/11/02 LAW & GOV'T - RES. 020171

2 how's the City going to research its records. We
3 might have something on you from --

4 (Audience members shout out in
5 response to Mr. King.)

6 MR. KING: Would you be quiet.

7 COUNCILMAN NUTTER: Mr. King --

8 (Audience members shout out in
9 response to Mr. King.)

10 COUNCILMAN NUTTER: Quiet. Can we have
11 quiet in the room, please.

12 MR. KING: You can go back -- we might
13 have something on John Smith from 1980, but how
14 many John Smiths have been in the prison system.
15 We need to know more than your name; we need to
16 know your date of birth, we need to know some
17 identifying information that differentiates you
18 from all of the other people who have had your
19 name.

20 And before the lawsuit and during the
21 lawsuit, nobody provided the City any information
22 like that, despite the fact that we asked and we
23 asked and we asked.

24 COUNCILMAN NUTTER: Mr. King, I think
25 you can understand that it is a little -- this is

1 6/11/02 LAW & GOV'T - RES. 020171

2 not directed to you individually but, I mean, you
3 have to understand that it is slightly disingenuous
4 when a claim is made about something that may have
5 happened in a government institution and the person
6 making the claim has the burden, seemingly the
7 complete burden, of responsibility to produce
8 records, produce documents, and they were an
9 incarcerated person in a system that has more
10 records and documents about more people than anyone
11 could ever figure out.

12 MR. KING: But --

13 COUNCILMAN NUTTER: And that the
14 defense is, Well, since you can't prove that you
15 were here, even though we had you -- I mean, it's
16 not like people produce their own paperwork when
17 they are either incarcerated or processed; that is
18 all generated by the government.

19 And, I mean, your testimony is, We
20 don't have it, we don't know who was here, we don't
21 know when they were here, we don't know what
22 happened to 'em while they were here, but if you
23 can bring a truckload of information in and show
24 us, we maybe will believe that you were here and
25 that something may have happened to you, and if it

1 6/11/02 LAW & GOV'T - RES. 020171

2 looks okay, we might settle with you.

3 We'll never actually get to the bottom
4 of it, and we may not research for ourselves to
5 determine that you were actually here and something
6 may have happened to you, but if you can flood with
7 us enough paperwork and information to prove that
8 you may have been around or close to it at that
9 time, we'll settle your case, goodbye.

10 MR. KING: That's not --

11 COUNCILMAN NUTTER: I mean, you
12 understand that that's not necessarily how we want
13 to conduct business.

14 MR. KING: If you put it that way, it
15 sounds like it's disingenuous, but that's not what
16 I was doing, it's not what the City was doing. In
17 a normal lawsuit --

18 COUNCILMAN NUTTER: Are you saying that
19 we don't know who was incarcerated at Holmesburg
20 Prison between 1948 and 1974?

21 MR. KING: We have no documents to know
22 that, none at all.

23 (Audience members shout out in
24 response to Mr. King.)

25 MR. KING: We don't.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: We don't know?

3 MR. KING: No, we don't know. We don't
4 know who was there in 1870.

5 COUNCILMAN ORTIZ: Let me tell you
6 something: If one of these individuals here today
7 goes out, goes out, commits a crime --

8 COUNCILMAN NUTTER: You're going to
9 have every --

10 COUNCILMAN ORTIZ: -- somewhere in the
11 report, it will say, "Joe Smith, with a prison
12 record dating back to Holmesburg 1970, 1965..."

13 COUNCILMAN NUTTER: Right, right.

14 Well, let me --

15 MR. KING: Councilman, let me respond
16 to that.

17 COUNCILMAN NUTTER: All right.

18 MR. KING: First of all, that may be
19 true; there may be a record. You know, if you have
20 a record from 1964, there may be a record. First
21 of all, it's not going to tell you what prison it's
22 in; and second of all, which is my point that I was
23 trying to make, I can't find it if you don't tell
24 me your name, your date of birth, and some
25 supporting information. How am I going to look for

1 6/11/02 LAW & GOV'T - RES. 020171

2 it.

3 COUNCILMAN NUTTER: All right.

4 MR. KING: How many I going to look.

5 COUNCILMAN NUTTER: I appreciate that.

6 Let me finish my questions.

7 I think I left with, you did not

8 interview Dr. Kligman; is that correct?

9 MR. KING: No.

10 COUNCILMAN NUTTER: Have you

11 interviewed anyone from Dow Chemical about this

12 issue?

13 MR. KING: No.

14 COUNCILMAN NUTTER: Have you

15 interviewed anyone from the University of

16 Pennsylvania about this issue?

17 MR. KING: No.

18 COUNCILMAN NUTTER: Have you

19 interviewed any former prison officials, guards, or

20 inmates about any of these issues?

21 MR. KING: I've had confidential

22 attorney-client-privileged conversations with

23 people about this, but I haven't talked to anybody

24 who was there at the time.

25 COUNCILMAN NUTTER: Well, is there

1 6/11/02 LAW & GOV'T - RES. 020171

2 anyone who was in an official capacity at the time
3 that is still alive?

4 MR. KING: Not that we're aware of.

5 COUNCILMAN NUTTER: But somehow, all of
6 the prisoners are still alive.

7 MR. KING: I don't know if all of the
8 prisoners are alive or not.

9 COUNCILMAN NUTTER: Well, many of the
10 prisoners are still alive, and I think some of them
11 are here with us today. I mean, last I checked,
12 most of the folks in this room are alive.

13 So do you know who worked in the prison
14 during those years?

15 MR. KING: Lots of people.

16 COUNCILMAN NUTTER: Right, I figured
17 that. Who were the prison, wardens, or
18 superintendents during those years?

19 MR. KING: I couldn't tell you off the
20 top of my head.

21 COUNCILMAN NUTTER: Have you done any
22 research to determine who the prison's
23 superintendent or warden was during any of those
24 years?

25 MR. KING: I'm sure that we did.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: I'm sorry?

3 MR. KING: I'm sure that we did; I just
4 don't remember.

5 COUNCILMAN NUTTER: Who would have done
6 that?

7 MR. KING: We -- our office.

8 COUNCILMAN NUTTER: But you're saying
9 you don't know who it is.

10 MR. KING: I said I don't remember.

11 COUNCILMAN NUTTER: You don't remember.

12 Based upon your reading of the book, do
13 you believe that experimentation occurred in the
14 Holmesburg Prison during those years?

15 MR. KING: I can't comment on what my
16 belief is in this context; my belief is irrelevant.

17 COUNCILMAN NUTTER: It's relevant to
18 the question I asked. You may not want to answer
19 the question, you can say that; but you can't say
20 that your response to a question I ask is
21 irrelevant.

22 MR. KING: That's true, I apologize.

23 I can't answer that, Councilman, based
24 on the circumstances.

25 COUNCILMAN NUTTER: Do you believe that

1 6/11/02 LAW & GOV'T - RES. 020171

2 the information in the book is true or false?

3 MR. KING: I have no opinion on it
4 either way.

5 COUNCILMAN NUTTER: No opinion either
6 way?

7 MR. KING: No, I don't know. I haven't
8 gotten --

9 COUNCILMAN NUTTER: So where does all
10 of this leave us?

11 MR. KING: Where we --

12 COUNCILMAN NUTTER: When was the suit
13 filed?

14 MR. KING: I don't know -- 1999, 2000,
15 something like that.

16 COUNCILMAN NUTTER: So what happened
17 between -- what did you say, '97, when the first
18 complaints started coming out?

19 MR. KING: No, that's when the book
20 came out; we didn't get any complaints.

21 COUNCILMAN NUTTER: All right. So the
22 book came out in '97, you read the book, somebody
23 thought it was kind of interesting, and you thought
24 that you might pursue some information.

25 MR. KING: Right.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN NUTTER: Okay. So what did
3 you do between '97 and about '99, when the suit was
4 filed, to get to the bottom of this? You've
5 already indicated that you didn't talk to any of
6 the various parties involved. So what were you
7 doing?

8 MR. KING: We instituted an
9 investigation by way of asking different City
10 departments to try and research their records based
11 on, No, we didn't have names, we didn't have any
12 information to see if they could find records from
13 Holmesburg Prison back during that period of time.

14 COUNCILMAN NUTTER: Okay.

15 MR. KING: And then we tried to also
16 talk to other people in the prison system to see
17 if, you know, anyone knew who was there at the time
18 and who was running it, and we weren't able to. I
19 mean, I don't know what else --

20 COUNCILMAN NUTTER: I understand.

21 Your earlier response to one of my
22 questions was that the research was done on who the
23 various wardens or superintendents of Holmesburg
24 Prison may have been during those years; is that
25 correct?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: As I you recall yes.

3 COUNCILMAN NUTTER: Okay. Then I would
4 ask you to forward to the Chair that information
5 since you've already done that research.

6 MR. KING: Okay.

7 COUNCILMAN NUTTER: Thank you.

8 Thank you, Mr. Chairman.

9 COUNCILMAN COHEN: Just one moment
10 before Councilman Rizzo.

11 Did you ever talk to the University of
12 Pennsylvania to get their records? Maybe they kept
13 records. Did you ever ask them?

14 MR. KING: Yes, we asked the University
15 of Pennsylvania for --

16 COUNCILMAN COHEN: Well, what did they
17 say?

18 MR. KING: We never got them.

19 COUNCILMAN COHEN: Well, did they ever
20 investigate, for example, the money that
21 Dr. Kligman allegedly made in this as a professor
22 at the University of Pennsylvania in charge of the
23 experimentations?

24 MR. KING: I can't speak for the
25 University of Pennsylvania, but my sense is that

1 6/11/02 LAW & GOV'T - RES. 020171

2 they have a lot more documentation than the City
3 does. That's my sense, I don't know.

4 COUNCILMAN COHEN: You said you did not
5 speak to them?

6 MR. KING: I spoke to their attorneys.

7 COUNCILMAN COHEN: Well, did you find
8 out if the University of Pennsylvania knows? Is
9 Dr. Kligman a person or is he somebody's figment of
10 imagination?

11 MR. KING: As far as I know, he's a
12 person, he exists.

13 COUNCILMAN COHEN: Well, was he ever
14 involved in something in called "human
15 experimentation"? Did you ever talk to him about
16 it?

17 MR. KING: I explained the process. I
18 didn't talk to Dr. Kligman.

19 COUNCILMAN COHEN: I don't know that
20 means, that you explained the process. Have you
21 ever talked to Dr. Kligman?

22 MR. KING: No. He's represented by
23 counsel. I can't just talk to him. I can't just
24 call him up and say, "Dr. Kligman, let's chat."

25 COUNCILMAN COHEN: Well, it seems to me

1 6/11/02 LAW & GOV'T - RES. 020171

2 that the University of Pennsylvania is in a very
3 special position. Its president, Judith Rodin,
4 represents the City in many activities. What do
5 you mean, we don't have any -- do you have a legal
6 agreement not to raise issues? They put up their
7 lawyers to defend their people from having to talk
8 to you; is that what you mean when you that say
9 he's represented by counsel?

10 MR. KING: Well, you can't, when
11 someone is represented by counsel --

12 COUNCILMAN COHEN: Have you ever asked
13 the counsel for the University of Pennsylvania to
14 permit you to discuss with Dr. Kligman what he
15 knows about the situation?

16 MR. KING: I'll say two things. We
17 were willing to discuss with the inmates settling
18 the case, offering some compensation before we
19 talked to anybody. After the lawsuit started, of
20 course, I was going to talk to Dr. Kligman, I was
21 going to depose him and I was going to depose
22 everyone from the University of Pennsylvania, and
23 we would have found out specifically what they had
24 to say.

25 COUNCILMAN COHEN: It seems to me the

1 6/11/02 LAW & GOV'T - RES. 020171

2 University of Pennsylvania's record-keeping must be
3 different than the City's. You're saying that
4 because the City dumps its records, that clears the
5 record. Unless the City maintains records of
6 something, that nothing ever existed. What you're
7 saying is that the records that you were supposed
8 to have kept for the City of Philadelphia, that
9 you're saying the responsibility was for the people
10 who were victimized to keep those records when they
11 were in jail at the time.

12 How could they have possibly kept
13 records?

14 MR. KING: I'm not saying that they
15 should have or that they had any responsibility.

16 All we did was ask if they had any
17 documentation and --

18 COUNCILMAN COHEN: Well, are you saying
19 their word is no good? Are you saying that their
20 testimony, their statements cannot be believed?

21 It seems to me if you threw out your
22 records, then you've got to accept those statements
23 as the facts of what occurred when you're the one
24 that has the responsibility to produce records that
25 disagree with them if you can.

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: I'm saying, Councilman, that
3 their word is one thing we would take into account.

4 But, again, in the beginning, before
5 they sued, we asked for their names and supporting
6 information, and we weren't given them. So even if
7 we decided we were going to interview 265 people,
8 we didn't know who they were. How could we go
9 interview them.

10 COUNCILMAN COHEN: But You now know,
11 right?

12 MR. KING: We now know, and the lawsuit
13 has proceeded as the lawsuit has proceed and, you
14 know, they had their chance, and I guess they still
15 have the opportunity to provide the City with some
16 information, and I'm sure the Law Department will
17 consider what they're able to provide.

18 COUNCILMAN COHEN: Well, that's far as
19 the lawsuit, but what's responsibility of the City
20 to the people of Philadelphia who want to know, are
21 we, as the citizens of Philadelphia, supporting a
22 government in the City that permits this kind of
23 experimentation to take place?

24 I haven't delegated, as a citizen of
25 Philadelphia, my responsibility and my concern to a

1 6/11/02 LAW & GOV'T - RES. 020171

2 lawsuit; I'm concerned as a citizen of
3 Philadelphia, as somebody elected to City Council,
4 when I go out in the community, and they ask me, Is
5 this City policy? what do I tell them? Do I tell
6 them I'm waiting for answers from the lawyers in
7 the lawsuit?

8 I'm talking about City policy, not
9 about a lawsuit.

10 MR. KING: That's not City policy.

11 COUNCILMAN COHEN: What's not City
12 policy.

13 MR. KING: It's not City policy to
14 conduct experiments as they were described here
15 today, that's not City policy.

16 COUNCILMAN COHEN: And if they were so
17 conducted, are the people -- let's follow through
18 with what you said. Since it's not City policy to
19 so conduct experiments or to have these kind of
20 experiments conducted, if in fact they were, what
21 is the City's situation then?

22 Has the City issued an apology, saying
23 that if this really occurred, we say we were wrong
24 in doing it, we will never do it again, forgive us
25 and let us know what we can do to correct the

1 6/11/02 LAW & GOV'T - RES. 020171

2 situation? Doesn't the City owe that to all of the
3 people of Philadelphia?

4 I'm not talking about a lawsuit; that's
5 the concern of the lawyers involved and the people
6 individually. We have a much broader concern.
7 What kind of a government do we have in
8 Philadelphia --

9 MR. KING: Well, I would say two
10 things --

11 COUNCILMAN COHEN: -- that permits this
12 and is not willing to acknowledge that it was
13 engaged in wrongdoing if this occurred.

14 And then you've got to answer
15 Councilman Nutter's question as to what occurred
16 and what your opinion is.

17 Councilman Rizzo.

18 COUNCILMAN RIZZO: Thank you. Thank
19 you, Mr. Chairman.

20 Counselor, I've been sitting here very
21 patiently listening, and when you answered some
22 questions just recently, you kind of lost me
23 totally. When I say "lost me," I don't mean that I
24 lost following you. You talked about credibility
25 earlier, about this being a credible hearing.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I just can't imagine -- I mean I'm not
3 the sharpest investigator in the world, but if you
4 want to go back less than 30 years, we have a
5 pension bureau that probably -- lots of people that
6 were trying to locate are on pension. And we're
7 talking about the early '70s here, and I'll bet you
8 if I reached out to 20 people that are getting
9 pension checks that worked at Holmesburg and asked
10 them, were experiments conducted at that facility?
11 you'd get the answer to the question that you want.
12 Either they'd say no or they'd say yes.

13 Did you ever think of doing that?

14 MR. KING: We requested of all of the
15 relevant City departments that we could think of at
16 the time to get us information.

17 But again, you know, I can't send a
18 request to the Board of Pensions and say, Give me
19 the names of all the names of the people who
20 retired from Holmesburg in the last 30 --

21 COUNCILMAN RIZZO: Why?

22 MR. KING: How would they look for
23 those records?

24 COUNCILMAN RIZZO: Let's just say in
25 19 -- give them a window, give them 1969 to 1974.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Give 'em one year, give 'em 1972, and you'll
3 probably come up with a number of people.

4 Again, it doesn't sound like there's
5 any sincerity in the effort to really get to the
6 bottom of what occurred here.

7 MR. KING: Councilman, I think that
8 what you say sounds like a plausible way to go
9 about things. I'm just telling you that I do not
10 think that I could send a request to the Board of
11 Pensions and say, "Please provide me with names of
12 folks who worked at Holmesburg Prison during this
13 relevant time period and send them to me." I don't
14 think they file their records based on who worked
15 where. They file their records based on who you
16 are.

17 COUNCILMAN RIZZO: Just asking to see
18 who they send -- if the pile's this high on who
19 gets pension checks, sir, you have competent
20 investigators in the Law Department that could sift
21 through that and come up with a dozen names that
22 you could interrogate, or whatever the word is, and
23 come up with the information that you want.

24 This is -- you know, this is not a
25 complicated issue here that we're dealing with, and

1 6/11/02 LAW & GOV'T - RES. 020171

2 you're making it sound like -- and I'd like to go
3 back.

4 If our prison system -- and I'll ask
5 the Chair to have another hearing -- if they don't
6 know the population of the prison, if you couldn't
7 go back to a file -- when that prison closed, those
8 files were moved to the State Road correctional
9 facility, and I am confident that if somebody
10 really asked and really cared about getting the
11 answer to the question, and you said, Who was
12 incarcerated in 1969 in Holmesburg prison? I'm
13 confident that they would know the -- they probably
14 know every visitor that went.

15 MR. KING: I asked that question,
16 Councilman.

17 COUNCILMAN RIZZO: And you're telling
18 me -- and I think it's embarrassing, Counselor,
19 that if that's the spin that you've been told, that
20 they don't know the population is, I think that you,
21 as a lawyer and a good one, that should -- I'd be
22 embarrassed if I had to sit at that table and tell
23 this committee that Holmesburg Prison doesn't know
24 who was in their custody 30 or 40 or 50 --

25 (Applause.)

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN RIZZO: Counselor, I don't
3 mean to embarrass you.

4 MR. KING: I'm not embarrassed.

5 COUNCILMAN RIZZO: You talked about
6 being disingenuous, you talked about credibility in
7 the last ten minutes. Now do you understand what I
8 mean, that you lost me? I was sitting here keeping
9 my mouth shut and listening carefully, but when
10 that starts coming across, you lost me, sir.

11 Thank you.

12 Thank you, Mr. Chairman.

13 COUNCILMAN ORTIZ: Just going along the
14 line of Councilman Nutter and Councilman Rizzo,
15 have you asked Mr. Costello, who is the current
16 commissioner, where he was around 1969, '71, '72?

17 MR. KING: We've had conversations
18 about this case.

19 COUNCILMAN ORTIZ: Was he around there?

20 MR. KING: I can't answer that
21 question; that's attorney-client privilege, but I
22 believe --

23 COUNCILMAN ORTIZ: Wait, wait, wait,
24 hold it a second. You just went through a whole
25 line with Councilman Rizzo and Councilman Nutter.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I'm giving you people that you could talk to to
3 find out what really happened, 'cause you weren't
4 there.

5 But, you know, it reminds me of the
6 apologists for what happened during the second
7 world war. Are we trying to say that this didn't
8 happen, that the City has no responsibility, moral
9 or political or policy? I mean, that's what
10 bothers me about this whole process right now.

11 You standing there, sitting as an
12 apologist for an atrocious act perpetrated by the
13 City, with the consent of the City government, and
14 no one has the decency to turn around to these
15 individuals and at least say, Listen, we did it, we
16 apologize. We have no money, but we apologize, all
17 right? That's what really bothers me about this.

18 You know that we were sitting here, and
19 I feel a surge of...

20 Because an atrocity in name of the City
21 of Philadelphia was committed -- not once, but over
22 a series of years. And City representatives come
23 before us and hide behind a whole series of legal
24 procedural maneuvers.

25 It's shameful, it is shameful. The

1 6/11/02 LAW & GOV'T - RES. 020171

2 City should be ashamed. If this administration is
3 not willing to admit -- because the City doesn't
4 cease running from administration to
5 administration; every administration becomes
6 responsible for the acts that were done before it.

7 Nuremberg, they all had their
8 apologists. In Nuremberg, they said that they were
9 all, within the Supreme Court of Germany, they were
10 all obeying the law.

11 My God, an atrocity, a complicity
12 between the University of Pennsylvania and the City
13 of Philadelphia was perpetrated on citizens of the
14 City of Philadelphia.

15 Doesn't anyone have the moral fiber to
16 stand up and say, We are sorry, we apologize, we
17 did wrong.

18 Do not tell me that you can't find the
19 records. They're human beings right behind you, by
20 God. Look at them, turn around, look at their
21 faces.

22 COUNCILMAN COHEN: Tell me, have you,
23 in preparation for your appearance here today, did
24 you speak to any ranking City officials?

25 MR. KING: I --

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: Are you speaking for
3 the City of Philadelphia today?

4 MR. KING: I spoke to the City
5 Solicitor yesterday, and he designated me the one
6 to represent the City's position on this today.

7 COUNCILMAN COHEN: Well, I think he
8 sought to be cooperative, but the City Solicitor
9 doesn't make the policy for the City; it stems from
10 the Mayor and appointees from the Mayor.

11 MR. KING: Correct.

12 COUNCILMAN COHEN: Now, have any of
13 them spoken?

14 My deep concern, as Councilman Nutter
15 and Ortiz and Rizzo have explained -- and I see
16 Councilwoman Blackwell isn't here, but she
17 mentioned at the previous hearing how concerned she
18 and her husband, then-councilman Blackwell, how
19 deeply concerned they have been with the situation.

20 It just seems to me that the City has
21 got to do something policy-wise, not legal-wise.
22 Let the lawsuit go its way, but that doesn't
23 concern a million and a half people who make up
24 Philadelphia; they want to know what's the policy
25 of government.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Everybody who has a child and a family
3 and who learns that the child may have been
4 arrested for something and pending trial or after
5 trial is going to spend some time in the prisons is
6 very much concerned. Is that child going to be
7 subjected to human experimentation in order to
8 enrich some corporation? Tell me, what do we
9 answer to people out in the community?

10 MR. KING: Absolutely not.

11 COUNCILMAN COHEN: How do we know that?
12 You may not have the records and you may try to
13 brush everything off, saying it didn't exist 'cause
14 we didn't have the records.

15 MR. KING: We can tell you what's going
16 on in the prison system at the present time and
17 what the present City policy is.

18 COUNCILMAN COHEN: You know, it seems
19 to me that if you don't have the records, you've
20 got to take the word of everybody. Are you saying
21 that Philadelphians ought not to be believed if
22 they're poor or if they're minorities? Because if
23 you don't have any records to disprove what they
24 say, you've got to accept the truth in what they
25 say; everybody knows it's so.

1 6/11/02 LAW & GOV'T - RES. 020171

2 The only one that doesn't know it's so
3 are the leaders of Philadelphia and maybe Frank
4 Keel, the Mayor's press representative, I don't
5 know what he knows. He apparently is not
6 outraged -- he apparently doesn't agree with you.

7 Would you say the City -- in your
8 judgment, should the City apologize if it was
9 engaged in this conduct?

10 MR. KING: That would not be a decision
11 that I will make; that would be the Mayor's
12 decision whether he wants to apologize or not, not
13 the Law Department's decision.

14 COUNCILMAN COHEN: But if you had an
15 opinion, would you make a recommendation to him?

16 MR. KING: A legal opinion?

17 COUNCILMAN COHEN: Yes.

18 MR. KING: I'd make a legal opinion.

19 COUNCILMAN COHEN: What's that?

20 MR. KING: Yeah, I would advise him
21 legally. I'm not going to tell you what I'd tell
22 him, but I'd have an opinion about it legally, yes.

23 COUNCILMAN COHEN: Well, tell me, in
24 the search for records, if there has been such a
25 search, have you kept a record of what you tried to

1 6/11/02 LAW & GOV'T - RES. 020171

2 find? How do we know that there was really a
3 search for records made even? Do you have any
4 records of the search?

5 MR. KING: I'm sure records exist.

6 COUNCILMAN COHEN: No records exist?

7 MR. KING: I'm sure they do.

8 COUNCILMAN COHEN: I didn't get the
9 answer.

10 MR. KING: I said I'm sure that records
11 exist.

12 COUNCILMAN COHEN: Could you bring
13 those records with you next time?

14 MR. KING: I don't think we can turn
15 those records over.

16 COUNCILMAN COHEN: Why is that?

17 MR. KING: They're privileged
18 attorney-client documents.

19 COUNCILMAN COHEN: I don't understand.
20 Now, this is a Council committee. We are
21 investigating the conduct that's been alleged to
22 have been pursued by the City of Philadelphia in
23 its official position as the government.

24 You say that you've made efforts to
25 obtain information. I asked you to show those

1 6/11/02 LAW & GOV'T - RES. 020171

2 records because we've got to know to what extent
3 the City Administration has shown an interest in
4 this and has sought to get information.

5 You say you're not going to turn that
6 over?

7 MR. KING: You know, I will take that
8 back to the City Solicitor, and we will make a
9 decision, but I'm just telling you, as you
10 presented it to me --

11 COUNCILMAN COHEN: I think we're
12 absolutely entitled to such information. How else
13 do we carry out our job of overseeing functioning
14 of City government if we don't have a right to see
15 what you're doing to investigate matters?

16 How would -- give me your legal answer.
17 Suppose in a courtroom, just for a moment, since
18 I'm a lawyer and you're a lawyer, tell me what
19 happens when a person gets on the witness stand and
20 testifies, and the defense says, We have no records
21 to show whether this exists or not, so we have no
22 way of knowing whether the person's telling the
23 truth or not. What would have in the courtroom?

24 MR. KING: You'd have a problem.

25 COUNCILMAN COHEN: Wouldn't the

1 6/11/02 LAW & GOV'T - RES. 020171

2 plaintiff win?

3 MR. KING: Not necessarily.

4 COUNCILMAN COHEN: Well, if they
5 believed in the credibility -- in all my years of
6 hearings, I can tell you I found no witnesses more
7 credible than the witnesses that have testified to
8 this brutality that took advantage of their poverty
9 and the fact that they were confined and didn't
10 have rights at that time, because they were
11 confined in the Philadelphia prisons.

12 It seems to me clearly that judgement
13 would be in their favor because you have no defense
14 to offer.

15 MR. KING: Well, that's --

16 COUNCILMAN COHEN: You have no records
17 of anything, so how are you going to deny anything?

18 MR. KING: That's why they have the
19 principle known as the "statute of limitations."
20 You're not supposed to be in a position when you go
21 to court not to have records. That's why we --

22 COUNCILMAN COHEN: Oh, my.

23 MR. KING: That's why we have the rule.
24 That's why --

25 COUNCILMAN COHEN: Up until now, I was

1 6/11/02 LAW & GOV'T - RES. 020171

2 able to respect your judgment, but if you're
3 telling me the City's going to try to use a
4 technical procedural process such as the statute of
5 limitations to say, Oh, we don't have to answer
6 this because you're too late in filing. When
7 you're dealing with poor people who have been
8 taking advantage of, you have a very, very tough
9 policy decision in front of you.

10 COUNCILMAN ORTIZ: These were crimes
11 against humanity, David.

12 COUNCILMAN COHEN: I think that's a
13 fair explanation of it. These were crimes against
14 humanity and they affected everybody in the City,
15 whether they were the immediate victims or not
16 because any of us might at anytime be in the same
17 position as those people were.

18 And incidentally, I want to salute
19 their courage in coming forth and showing their
20 injuries to us and relating the stories, because
21 people often try to hide acts of inhumanity against
22 them.

23 Councilman Rizzo?

24 COUNCILMAN RIZZO: Thank you.

25 Counselor, you heard here today that

1 6/11/02 LAW & GOV'T - RES. 020171

2 there's an apology that's requested. Did you
3 advise your client not to apologize?

4 MR. KING: I can't tell you what I
5 advised my client to do or not do.

6 COUNCILMAN RIZZO: Okay, next question.
7 What would be the rationale of an attorney -- what
8 would be the -- why would you advice -- if -- let's
9 say that you advised your client not to apologize;
10 why would you do that?

11 MR. KING: I can't answer that one
12 either 'cause that would be revealing what I would
13 tell my client.

14 COUNCILMAN RIZZO: What about advising
15 them to apologize?

16 MR. KING: I mean, I'm not going to
17 tell you what my advice would be --

18 COUNCILMAN RIZZO: As a lawyer.

19 MR. KING: There would be circumstances
20 where I might say, Maybe you should apologize.
21 There might be circumstances where I might say you
22 shouldn't, but I'm not going to tell you the basis
23 for which I make those --

24 COUNCILMAN RIZZO: Well, what would be
25 your reason for not wanting to tell the committee

1 6/11/02 LAW & GOV'T - RES. 020171

2 that?

3 MR. KING: That, I think, is private
4 lawyer-client information.

5 COUNCILMAN RIZZO: I'm just asking
6 you -- forget this case for a moment.

7 Another situation: Why would you
8 advise your client not to make an apology? If
9 you're protected by the statute of limitations, why
10 would you advise them either to apologize or not to
11 apologize? It's not a tough question.

12 MR. KING: No, I don't think it's a
13 tough question, Councilman, and if we weren't in
14 this forum, I could answer that for you, but I
15 cannot answer that question given the pending
16 litigation.

17 COUNCILMAN RIZZO: Are you a --

18 MR. KING: I'm not afraid.

19 COUNCILMAN RIZZO: No, I'm not using
20 the word "afraid."

21 MR. KING: Okay.

22 COUNCILMAN RIZZO: I'm not suggesting
23 that you're afraid, but would the consequence be
24 that if the apology was made that that would open
25 the door to some other litigation?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. KING: No, I don't think so.

3 COUNCILMAN RIZZO: Well, then why -- if
4 an apology suffices and it's not opening a door for
5 the next step, I don't understand why we can't
6 admit -- because I think today, I could probably go
7 back to my office, go through my personal phone
8 directory, come up with ten names that worked
9 within the prison system, talk to some of the board
10 members that served on the Board of Prisons, and be
11 able to confirm, with pretty good fact associated
12 with it, that experiments either occurred or they
13 didn't occur.

14 This administration's not stupid, they
15 know whether it occurred or didn't occur. And if
16 it did occur, apologize. If it didn't occur, then
17 stick to your guns.

18 But I have a feeling that at the end of
19 this hearing today, when I go and start making some
20 phone calls because, again, I know many of the men
21 that worked there, I know many of the people that
22 served on the board, and I think within an hour,
23 I'll be able to find out whether or not experiments
24 occurred.

25 They're going to say to me, Sure,

1 6/11/02 LAW & GOV'T - RES. 020171

2 Frank, everybody knew that that was going on up
3 there. Or they might say, No, I don't know
4 anything about that. But I have got a feeling that
5 that's not the answer that I'm going to get.

6 So did you -- and you said you wouldn't
7 answer this question, but let me ask it again. Was
8 the recommendation in the Law Department not to
9 apologize?

10 MR. KING: The recommendation -- the
11 intention of the Law Department was to engage the
12 inmates in a discussion, hopefully have them
13 provide some information to see if we couldn't do
14 something to compensate them; that was the
15 intention.

16 COUNCILMAN RIZZO: So you're basing --

17 MR. KING: And if they --

18 COUNCILMAN RIZZO: So you're basing --
19 go ahead, I'm sorry. Go ahead, sir.

20 MR. KING: I mean, that was our
21 intention, and I think it was a good intention.

22 COUNCILMAN RIZZO: But you're telling
23 me that because you have no information to support
24 an apology, that's why you're not giving one.

25 MR. KING: No, I'm just -- and even

1 6/11/02 LAW & GOV'T - RES. 020171

2 during the litigation when we went out our requests
3 to give us information, you know, we have things
4 called "interrogatories," and each one of the
5 plaintiffs was sent one, and there's a part in
6 there for them to say, This is what happened to me,
7 these are the injuries I have, etc., etc.

8 We'd need to interview them, but no one
9 answered them, no one answered them. If we got
10 that, maybe we would have enough information to do
11 something else, but we didn't even get that.

12 COUNCILMAN RIZZO: Are you sure they
13 got them, are you sure they didn't get thrown in
14 the trash before they got mailed?

15 MR. KING: I sent them to their
16 attorney and I never heard. I have no reason to
17 believe that they were thrown away, but I --

18 COUNCILMAN RIZZO: So what you're
19 saying, though, possibly is that there was a
20 defective counsel, that the lawyer might not have
21 done the job they were supposed to be doing.

22 So you're basing this entire issue on
23 something that was sent to an attorney, the
24 attorney possibly never receiving them or not
25 caring to respond for one reason or another. It

1 6/11/02 LAW & GOV'T - RES. 020171

2 sounds to me like maybe a letter or something else
3 possibly should have been done after there was no
4 response.

5 MR. KING: Well, I don't know what the
6 attorney did. All I know is we sent out the
7 request for the response, and we didn't get them.

8 COUNCILMAN RIZZO: Councilman Cohen, I
9 thank you for that opportunity. I'm finished.

10 COUNCILMAN COHEN: City Council has not
11 delegated to any attorneys the power of the City
12 Council to get to the root of this problem, and so
13 that whatever is being put forth by the attorneys
14 for the City has no relevance to the probe by City
15 Council. We're asking for responses. The
16 attorneys who handled the case for the prisoners
17 have nothing to do with City policy.

18 MR. KING: I'm -- I'm --

19 COUNCILMAN COHEN: They're representing
20 their individual claims, and I hope they're doing
21 it to the best of their ability; and if they're
22 not, I'm sure their clients will handle that
23 situation, but it's certainly no defense. We did
24 not turn over to them the responsibility for this
25 heinous offense, if it took place. It's the people

1 6/11/02 LAW & GOV'T - RES. 020171
2 of Philadelphia that are demanding information, and
3 we're going to get to it.

4 And I'm going to ask at this point
5 that -- there are two are more witnesses.

6 MR. KEARNEY: Three.

7 COUNCILMAN COHEN: There are three
8 additional witnesses that will be heard, and then
9 we'll let everybody know what we're going to be
10 doing.

11 But I have to tell you one thing
12 clearly, before anybody leaves: This is not a
13 matter that will ever go away until there is full
14 justice, full explanation, full acceptance of
15 responsibility for whatever took place. And until
16 that occurs, this matter is alive.

17 And if anybody has the belief that
18 legal tactics or hiding behind the statute of
19 limitations is going to work, I want to disabuse
20 them of that. And in my judgment, in a matter this
21 serious and this momentous, for the City of
22 Philadelphia to have ever used the statute of
23 limitations as a defense is an insult to all -- not
24 only to the people, the plaintiffs in the lawsuit,
25 but to all of the people of Philadelphia.

1 6/11/02 LAW & GOV'T - RES. 020171

2 We don't want to hide from the truth;
3 we want the truth to come out so that it can be
4 corrected. Don't you see, this is not just a legal
5 matter; this is a matter that affects the whole
6 quality of government. No wonder people are
7 cynical about government. If government feels free
8 to commit these kinds of crimes and then hides
9 behind the fact that it can't find records and then
10 says to the people who are trying to get relief, it
11 says to them, You're too late, you weren't timely
12 in asking for help, that's no kind of decision for
13 a government that represents people to make.

14 So please go back, let not only the Law
15 Department, but every part of the government of the
16 City of Philadelphia learn that it's going to have
17 to account to the people of Philadelphia, and until
18 that happens, this matter will be alive and kicking
19 until we get all of the information, and
20 appropriate corrective action is taken.

21 So I thank the attorneys for the City
22 for at least appearing here. I think you were
23 given a mean job to do, and we know there's nothing
24 personal, but we feel sorry that you have to do
25 what you're apparently doing, and that's trying to

1 6/11/02 LAW & GOV'T - RES. 020171

2 hide the facts.

3 MR. KING: No.

4 COUNCILMAN COHEN: We need the facts to
5 come out, open, and admit to whatever has to be
6 admitted to.

7 Thank you for appearing today.

8 The three witnesses representing the
9 City at this point are dismissed.

10 MR. KING: Thank you, Councilman.

11 COUNCILMAN COHEN: And the next witness
12 is...

13 Reverend Betty Hill is going to be the
14 next witness. Reverend Hill, if you can move to
15 there. And take the cane with you if you'd like,
16 'cause it looks so good, I may want to use it.

17 (Witness comes forward.)

18 COUNCILMAN COHEN: Reverend Betty Hill,
19 please identify yourself for the record. We're
20 delighted to have the honor of having you appear as
21 a witness here today because we all know of your
22 many years of service to the community in the City
23 of Philadelphia.

24 Reverend Hill, identify yourself for
25 the record.

1 6/11/02 LAW & GOV'T - RES. 020171

2 REVEREND HILL: My name is the Reverend
3 Betty R. Hill. My address is 1114 West Nevada
4 Street in Philadelphia, Pennsylvania.

5 COUNCILMAN COHEN: Do you have
6 testimony which you wish to give to this committee?

7 REVEREND HILL: I have much interest in
8 this. I lost a son's good health. I lost his legs
9 in this. I'm a living witness that it did happen.

10 To this Council, these people here are
11 interested in this case. We want to see justice
12 happen, and we want to know, why is it taking so
13 long, when we pay taxes, when we walk these
14 streets, to have you, you, and you -- there's not a
15 councilman sitting there that don't know me know
16 that I deal for the right.

17 I had to lose a son; he's sleeping in
18 green (indiscernible) because they took his leg and
19 they treated him like he was a dog out there. And
20 I raised three children by myself, and I went
21 everywhere I could to get help or get everything
22 for these people.

23 These people are not looking for
24 nothing that's not justice; they are looking to
25 either come forth with the truth to so the future

1 6/11/02 LAW & GOV'T - RES. 020171

2 generation and no other generation don't have to go
3 through with what we they through out there.

4 It's not fair and it's not fair for
5 City Council, whom I voted for each and every one
6 of you, to take so long to bring us down here and
7 talk to us like this. You know we need help. You
8 know we don't have money to hire lawyers and pay
9 'em. Get the solicitor, get the people to help us.
10 We love our family and our children just like you
11 love yours.

12 And we want justice. We stand for
13 justice and we demand justice. Until we get
14 justice, we going to be a pain in your butts right
15 down here in City Hall. And I want City Council to
16 know that I'll be right down here on you.

17 My son is sleeping in his grave. He
18 lost his health on account of this. His leg, you
19 couldn't even see his leg; you could see the bones
20 of his leg. And you go out there and ask those
21 guards or ask those people anything, they'll tell
22 you, We ain't got time to talk to you, or you don't
23 have an appointment.

24 Well, we not going to hear that from
25 you all. We lost our friends, we lost our

children, we lost our husbands and some of our daughters. Everybody don't do everything right. They may go wrong once in a while, but you bring 'em back to the fold.

And my son is sleeping. His legs, he couldn't walk and all of this down there. Go down there and talk to the guards or talk to anybody in prison. Do you have a pass or who sent you or do you have a lawyer? All of us wasn't able to hire a lawyer.

Most of these people in here know me, and I know them. All of us is not rich. We couldn't get voted into politics and run down to City Hall to keep you -- in fact, I asked for a ticket, and they tell me, I'm not your Councilman. I can't even get a ticket if you're not my Councilman. I can't get help for my son, my friend, or my neighbor.

And this is what we demand: Nothing but the truth. It did happen, Councilman Cohen. I'm a living witness to this happening. And all of these people can raise their hands. They know it happened.

(Audient members raise hands.)

1 6/11/02 LAW & GOV'T - RES. 020171

2 REVEREND HILL: That's why we are down
3 here. Some of these people are losing a hard day's
4 work just to come down here to sit with you to see
5 what is going to happen.

6 You can settle any other case, you can
7 to for us when you need us to vote for you, you can
8 run to us for this, that and the other. Now give
9 us some justice. Settle this case with truth,
10 happiness, and fairness so this won't happen to the
11 incoming generation.

12 The 20th of this month, I'll be 89
13 years old. Give these people some justice, let
14 them know what's going on. You are our leaders.
15 Protect us. When we come to you, don't say you
16 have to wait till next week or another month or I
17 didn't get it or you didn't have the right lawyer
18 or you didn't have this. Come up and give us some
19 help, strengthen us.

20 Sometimes our leaders is the cause of
21 we go wrong, 'cause you don't give us the thing
22 that we need and we have to have.

23 I say to you, whatever justice it is,
24 this did happen right out at the prison. I looked
25 at it through my son. He died with those legs.

1 6/11/02 LAW & GOV'T - RES. 020171

2 He's not here to speak.

3 I want these people to get justice and
4 help. Will you do it? Will you consider it? On
5 my birthday, on their birthday. How many here, you
6 all here with me, raise your hands.

7 (Audience members raise hands.)

8 REVEREND HILL: God bless you and God
9 deep you. Will you do that for us?

10 Thank you.

11 COUNCILMAN COHEN: Thank you very, very
12 much, Reverend Hill.

13 (Applause.)

14 COUNCILMAN COHEN: Thank you so much,
15 Reverend Hill, thank you so much. This Council is
16 going to stay on it until you tell us we're done.

17 The next witness is Jack Barnett.

18 (Witness comes forward.)

19 MR. BARNETT: Good afternoon. My name
20 is Jack Barnett. I live at 6310 North Tenth
21 Street, Philadelphia, PA, 19141.

22 I'm here today for more than one
23 purpose. I was incarcerated in Holmesburg Prison.
24 I became employed in H-Block. I was taught by the
25 inmates working there how to draw blood, so I began

1 6/11/02 LAW & GOV'T - RES. 020171

2 to draw blood on inmates. I had mixed feelings
3 about it, but the way the system worked was that if
4 you were fortunate enough to land a job of that
5 caliber, you should consider yourself very well
6 off. It allowed me to purchase things that I
7 needed from the commissary. I had no family at the
8 time to support me. So that was my way of
9 surviving in the prison.

10 I put my thoughts behind me as to the
11 things that I was doing to my fellow human beings,
12 but there's very few days that pass that I don't
13 think about it and I wonder, suppose I pass one of
14 these people on the street, you know, how would I
15 feel, how would they feel?

16 And at this time, I would like to
17 apologize to all of the former inmates that are
18 sitting here today and to those that may not be
19 here, and also to the people of the City of
20 Philadelphia for participating in this.

21 But, as I said, that's the way life is,
22 I thought I had no choice, and I did that. And I
23 became very proficient at it. I was an excellent
24 phlebotomist. I would bleed, like, some people in
25 studies, you would have 50 people on the study, and

1 6/11/02 LAW & GOV'T - RES. 020171

2 they would have to be bled sometimes every 30
3 minutes, so that would give you, like, 30 minutes
4 to get those 50 people out of there, and you had
5 maybe two phlebotomists working on it. That's how
6 good we were.

7 After going through this -- in the
8 earlier testimony, one of the past inmates that was
9 employed there spoke of a burn test. This is one
10 thing that definitely troubles me today. I think
11 about it sometimes at night. Inmates were
12 inflicted with third-degree burns to see what type
13 of treatment would work on burns. They would be
14 inflicted with first-degree, second-degree, and
15 third-degree burns. And there are people walking
16 around today with scars on the inside of their
17 wrists that are around that were inflicted in
18 Holmesburg Prison, and I know this because I've
19 seen some of them.

20 As I said, I became very proficient in
21 that. I was put in charge of a cell to run studies
22 on my own. I have conducted studies of up to 150,
23 maybe 200 inmates during the day. As I said, you
24 have maybe 25 to 50 people on one study. I would
25 run three or four studies at a time, at one time.

1 6/11/02 LAW & GOV'T - RES. 020171

2 I drew up graphs, I drew up charts,
3 showing the effectiveness of the medications that
4 were being tested. I did skin pops -- this was
5 what you saw on the inmate's back, this is what's
6 called "skin pops," where you would insert, inject
7 solutions, different types of solution under the
8 skin.

9 COUNCILMAN COHEN: For whom were you
10 doing this?

11 MR. BARNETT: Beg your pardon?

12 COUNCILMAN COHEN: For whom were you
13 doing this?

14 MR. BARNETT: For the University of
15 Pennsylvania.

16 COUNCILMAN COHEN: Were you employed by
17 them?

18 MR. BARNETT: Correct.

19 COUNCILMAN COHEN: Did you get paid by
20 them?

21 MR. BARNETT: From my understanding,
22 that's where my pay came from.

23 COUNCILMAN COHEN: And at that time,
24 what was your individual status?

25 MR. BARNETT: I was an inmate.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: You were an inmate?

3 MR. BARNETT: I was an inmate at the
4 time.

5 COUNCILMAN COHEN: And did you receive
6 different compensation than the victims have
7 testified they got?

8 MR. BARNETT: I received a higher rate
9 of pay.

10 COUNCILMAN COHEN: You received a
11 higher rate of pay?

12 MR. BARNETT: Yes.

13 COUNCILMAN COHEN: Well, first I want
14 you to know that we very much appreciate your
15 honesty and the apologies that you're making, and
16 we think you're setting a great example for the
17 rest of the City of Philadelphia.

18 Go ahead with the rest of your
19 information.

20 MR. BARNETT: Yes, sir. I have one
21 important point I'd like to make.

22 As I said, I became very proficient in
23 this. After my discharge from Holmesburg Prison, I
24 went to work for the University of Pennsylvania for
25 Dr. Albert Kligman. At that time, my duties were

1 6/11/02 LAW & GOV'T - RES. 020171

2 to receive the results of the test, to compile, as
3 I said before, charts and graphs plotting the
4 effectiveness of the medications that were being
5 tested and used. It was a very good job, but I
6 only stayed one year, and I went to work in
7 hospitals after that.

8 But I'm just happy to have a chance
9 this morning to, as I said before, apologize and
10 get some of this off of my chest, because this is
11 something that has definitely stayed with me.

12 And I'm asking Council this morning to
13 please believe that this happened, because I lived
14 it, and I continue to live it to this day.

15 Thank you.

16 (Applause.)

17 COUNCILMAN COHEN: Thank you very much
18 for your testimony.

19 Has anybody from the City of
20 Philadelphia ever asked you for information?

21 MR. BARNETT: No, sir.

22 COUNCILMAN COHEN: Did the prison
23 officials know of your involvement at the time?

24 MR. BARNETT: Yes, sir. Yes, sir.

25 COUNCILMAN COHEN: Would you be

1 6/11/02 LAW & GOV'T - RES. 020171

2 prepared to give that information?

3 MR. BARNETT: Yes, sir.

4 COUNCILMAN COHEN: I think that pretty
5 much disposes of the -- if it was so easy for this
6 body to get that information, for the City of
7 Philadelphia to say they couldn't get it boggles
8 the mind.

9 We thank you very, very much, and we
10 want to commend you for your forthrightness in
11 coming forward. I think we're going to see more of
12 you as this matter progresses.

13 We're going to follow the injunction of
14 Reverend Hill to follow this until justice is done.
15 We hope it's soon, but if it's not soon, I'm
16 telling you, we're going to be as persistent as
17 it's humanly possible to be to bring justice, full
18 justice, to everybody as quickly as possible.

19 Thank you very much, Mr. Barnett.

20 MR. BARNETT: Thank you, Councilman
21 Cohen.

22 I understand that the author of the
23 book is here, and I wonder if -- and to a limited
24 purpose, if he could shed light on the City's
25 contention that there are no records and no way to

1 6/11/02 LAW & GOV'T - RES. 020171

2 find them.

3 Mr. Hornblum, would you be prepared to
4 come forward, and in that limited area, tell us
5 your evaluation of the testimony of the City's
6 lawyers this morning.

7 (Witness comes forward.)

8 MR. HORNBLUM: Chairman Cohen, members
9 of the committee, I'd like to preface my comment by
10 saying --

11 COUNCILMAN COHEN: First state your
12 name for the record.

13 MR. HORNBLUM: Allen Hornblum,
14 H-O-R-N-B-L-U-M, author of the book, Acres of Skin.

15 I'd like to thank you for continuing to
16 press this issue. Your predecessors,
17 unfortunately, over many decades, did not have this
18 issue on their radar screen, and I guess we can say
19 better late than never, so I want to applaud your
20 efforts.

21 With regard to the comments you heard
22 from Russell Green, from Dorothy Alston, from the
23 last gentleman, there is no doubt that these
24 medical experiments went on. In fact, they even
25 proceeded when I said they did. According to my

1 6/11/02 LAW & GOV'T - RES. 020171

2 research, they went on from 1951 to '74.

3 After the publication of the book and
4 all of the publicity it received, I received
5 numerous contacts and calls from academics as well
6 as individuals who resided in the City, who were up
7 in age and asked me, why did I say the experiments
8 started in '51? And I said that was what I thought
9 the beginning was, when Dr. Kligman walked into
10 Holmesburg Prison and said he saw acres of skin,
11 meaning the inmates of Holmesburg.

12 Well, one individual told me in fact,
13 that when Willy Sutton went over the wall of
14 Holmesburg Prison in 1945, he was wearing patches,
15 because this individual put them on him during the
16 second world war. So even during the early '40s,
17 Holmesburg was used as raw material for medical
18 research.

19 The City, I believe, has not pursued
20 this case because it's a nuisance, it's a problem,
21 it's an embarrassment. When this deal was
22 solidified and initiated in 1951 to allow
23 Holmesburg to have its inmates used as guinea pigs,
24 it was basically over a handshake, a handshake
25 between Dr. Kligman and Dr. Frederick Baldi, who

1 6/11/02 LAW & GOV'T - RES. 020171

2 was the superintendent of the prison system. They
3 were both doctors, they were both interested in
4 advancing science; they thought this could be
5 useful to everybody concerned, including the
6 inmates who would make, as the inmates say, "some
7 chump change "out of it.

8 Dr. Kligman, of course, was as much an
9 entrepreneur as he was a physician, and he
10 recognized the potential, the economic potential,
11 of using Holmesburg as a research facility for all
12 of the pharmaceutical companies in the post-war
13 period who were looking to gain a bigger share of
14 the market.

15 So where initially in the early '50s,
16 these tests were rudimentary university academic
17 studies, they quickly turned the corner and became
18 very big entrepreneurial endeavors with Rohm &
19 Haas -- I'm not sure with Rohm & Haas -- but
20 SmithKline, with Merk, with many of your largest
21 pharmaceutical companies coming to Dr. Kligman, the
22 University of Pennsylvania, and Holmesburg
23 Prison -- it was that iron triangle of the
24 physician, the university, and Holmesburg; whereas
25 the citizens of Philadelphia, even the lawmakers of

1 6/11/02 LAW & GOV'T - RES. 020171

2 Philadelphia, did not know it was taking place.
3 People around the country in the business of
4 testing humans knew about Holmesburg.

5 That is why R.J. Reynolds in North
6 Carolina came to Philadelphia, why Dow Chemical and
7 Michigan came to Philadelphia, why the U.S. Army
8 and Maryland, their medical testing unit, came to
9 Philadelphia.

10 These records do exist. In fact, I
11 brought some of the them to show the legal counsel
12 of City Council today some of the things that I
13 collected over my five-year investigation. And as
14 Councilman Nutter said earlier, that you really had
15 to go on a mission to solve this.

16 And at the time I was the Chief of
17 Staff of the Philadelphia Sheriff's Office, but I
18 became so involved in this quest because I had
19 witnessed these experiments when I first started
20 working in the prisons in the early '70s, that when
21 I talked to many of the mates -- and quite frankly,
22 I didn't know hardly anybody of this group here.
23 This group got together after the book Acres of
24 Skin was published, and they finally realized how
25 they were used and misused.

1 6/11/02 LAW & GOV'T - RES. 020171

2 But I did track down a number of
3 inmates, and they told me what they were used for.
4 And it was somewhat helpful, but they didn't really
5 know exactly what ointment or what potion or what
6 substance they were being injected with or
7 swallowing.

8 I then went to the doctors, the medical
9 technicians who coordinated these experiments.
10 Their response? Somewhat like you received: They
11 wouldn't talk to me, they'd hang up to me, they'd
12 only talk if they could have their attorney
13 present. They pleaded with me not to investigate
14 this case. They had been running from it for
15 decades.

16 I knew at this point that this was a
17 serious story, and I had always expected from the
18 early '70s that there would be a medical ethicist,
19 a journalist, a historian who would look into this
20 story, but they never did.

21 So I started to do it in the mid '90s
22 and gave up my job and nearly went into hock
23 pursuing this story for five years. And I had to
24 go through a very thorough search of government
25 documents, using the Freedom of Information Act,

1 6/11/02 LAW & GOV'T - RES. 020171

2 getting documents from the FDA, the EPA, the
3 Nuclear Regulatory Commission, the U.S. Army,
4 everywhere I could go that had documents.

5 The City, who has numerous people,
6 numerous attorneys, who certainly make a hell of a
7 lot more money than I do, could have done the same
8 thing if they were interested.

9 As Councilman Rizzo knows, there are
10 procedures to keep track of people. As Councilman
11 and Congressman Blackwell could tell you if he was
12 here, there were log books that were kept of the
13 inmates on these blocks, and if you searched out
14 those old log books, they will show and underline
15 in red the names of individuals who were being
16 placed on H-Block to be used as testing material,
17 individuals who were being used as guinea pigs for
18 U.S. Army and CIA experiments.

19 But there has never been interest in
20 this. Two reasons primarily, I would suggest.
21 Certainly if you look in the audience here is that
22 the test subjects were not sympathetic individuals.
23 Just as your Tuskegee syphilis study subjects were
24 African-American, uneducated, unsophisticated
25 sharecroppers from Macon County, Alabama; the

1 6/11/02 LAW & GOV'T - RES. 020171

2 people in this audience who have joined in this
3 suit are overwhelming, if not exclusively,
4 African-American and exclusively former individuals
5 who were being held as prisoners. Why expend time
6 and effort and money to try and rectify the
7 injustice that took place.

8 They never used the string section of
9 the Philadelphia Orchestra for experiments, they
10 didn't use the members of the Chamber of Commerce;
11 they were using people across the board who were
12 vulnerable subjects. It could have been prisoners,
13 it could have been retarded individuals, it could
14 have been people in mental hospitals. They were
15 the ones who were used in the post-war period as
16 raw material for experimentation.

17 Holmesburg, unfortunately, in the City
18 of Philadelphia, became quite possibly the greatest
19 center of human research in post-war America.
20 Although half the states in America had at least
21 one prison that used prisoners as test subjects,
22 Pennsylvania had nine or ten; and by far,
23 Holmesburg for its 25 or more years, was the K-Mart
24 of human experimentation.

25 There are documents that the City can

1 6/11/02 LAW & GOV'T - RES. 020171

2 get showing the experiments that took place so that
3 the City Solicitor, who was placed on the hot spot
4 here, in having to deny what he knows what was
5 definitely the case, that experiments took place,
6 will show you the types of experiments, the length
7 of them, who was paying for them. In some cases
8 like this, they redacted the names so that you
9 can't see, but there are cases where names are on
10 these sheets and you can identify them.

11 And I have been able to track down
12 individuals who told me their story and then found
13 their name in some document that the federal
14 government had, because Dr. Kligman was doing
15 experiments in conjunction with a federal agency or
16 department.

17 And there are individuals currently up
18 at the prison system, such as Tom Costello, the
19 Commission, such as Press Grooms, the Deputy
20 Commissioner, such as many others who saw the
21 experiments because they were there when I was
22 there. Now, they may not know the specifics of
23 them, and I wouldn't doubt that's the case, 'cause
24 I spent five years trying to track it is down, but
25 it was a very free and easy and loose system where

1 6/11/02 LAW & GOV'T - RES. 020171

2 the prison system of Philadelphia was like a
3 plantation and loaned out people that it was
4 holding as test subjects.

5 And that went on day after day month
6 after month, year after year for a quarter century.
7 And it really is a dark mark on Philadelphia. A
8 lot of it occurred during the progressive era of
9 Philadelphia politics when Mayors Dilworth and
10 Clark were in office, and it proceeded through the
11 '60s and into the '70.

12 And a lot of Democrats, Republicans,
13 people in the clergy were all blind to the fact
14 that this was going on, just as it happened in
15 Tuskegee, where for 40 years, African-Americans
16 were used as test subjects and never treated.

17 Holmesburg is the flip side of
18 Tuskegee. You had healthy people who were made
19 ill. Some people profited greatly from that.

20 And I applaud the efforts of Councilman
21 Cohen and the other Councilmen who have come in
22 here and paid attention to this and tried to
23 redress this grievance that these individuals
24 legitimately have.

25 (Applause.)

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: Thank you very much,
3 Mr. Hornblum.

4 Councilman Rizzo?

5 COUNCILMAN RIZZO: Thank you.

6 Thank you for taking the time today in
7 making this available to us.

8 I want to be careful how I ask you this
9 question. We heard about statute of limitations
10 today, but as far as you know, did any of this
11 medical testing cause the loss of life?

12 MR. HORNBLUM: I have been told by
13 numerous inmates, and even by some correctional
14 officers, that people died.

15 I could not track it down, I could not
16 confirm it; and if I could not confirm something, I
17 did not place it in the book.

18 But the rumors exist widely throughout
19 the individuals who were used as test subjects, and
20 even some guards were under the belief that that
21 happened.

22 But, as I said, if I couldn't document
23 it, I did not write it in the book.

24 COUNCILMAN RIZZO: Well, I could
25 understand that, but I was just interested on your

1 6/11/02 LAW & GOV'T - RES. 020171

2 thoughts on that. It's very interesting.

3 Well, again, I thank you for this and I
4 thank you for the opportunity.

5 MR. HORNBLUM: Thank you, Councilman,
6 for showing your interest.

7 COUNCILMAN RIZZO: Thanks.

8 Thank you, Mr. Chairman.

9 COUNCILMAN COHEN: All right.
10 Councilman Rizzo has made what I think is a very
11 good suggestion, and I would like to know how
12 everybody feels about it, particularly Mr. Leodus
13 Jones -- where is Mr. Jones?

14 MR. JONES: Right here.

15 COUNCILMAN COHEN: Would you come
16 forward to the table for a moment?

17 (Witness comes forward.)

18 COUNCILMAN COHEN: We would like you,
19 as the chair or leader or whatever, we would want
20 to call you, to maybe consider getting lists of
21 names of everybody that you can who are here who
22 were in prison. We'd like to get their involvement
23 in naming other names of people they know who know.
24 We'd like to show that there's an abundance of
25 material available now, if the City only sought it.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Now, we don't want to prejudice any
3 rights that anybody may have in lawsuits, but a
4 lawsuit is not the province of City Council. Our
5 investigation is our business.

6 But if you would consider it and the
7 folks here would consider it, it could prove very
8 helpful. We would like to establish clearly that
9 more than enough exists just listening to
10 Mr. Hornblum. One can see it just looking at the
11 faces of people here. We know you're dealing with
12 the truth.

13 As a matter of fact, I suspect that
14 most of you have understated the problems that you
15 face because human beings, when subjected to
16 inhuman conditions, we try to often hide it from
17 knowledge of your family or of other people.

18 So we have no question at all about
19 where truth lies. Our job is to make those who
20 perpetrated these kind of activities, is to make
21 them come forward, ultimately admit their guilt,
22 and do what is necessary to make everybody as whole
23 as people could be made.

24 Now, Mr. Jones, would you raise that
25 subject with your people?

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. JONES: Yes.

3 COUNCILMAN COHEN: I don't want to ask
4 anybody to sign a name and address unless it's
5 agreeable to you and to the counsel for your
6 lawsuit, that's not our responsibility. But we're
7 aware that there's a lawsuit and you certainly have
8 every right to pursue that lawsuit.

9 MR. JONES: Yes. Well, one of the
10 things that we would like to do is discuss it with
11 our attorney and see what he advises us.

12 COUNCILMAN COHEN: Okay, that's --

13 MR. JONES: But I'm sure that we can
14 get that information to you.

15 As was stated before, we have over 300
16 individual members that were test subjects during
17 that period. And since that time, since 1999, when
18 we came together, we have lost over 23 individual
19 members who have died from, you know, other
20 illnesses and whatnot and foul play and things of
21 that sort and natural causes.

22 But, you know, as we stretch this out,
23 as you can see, we're not kids. You know, when we
24 were going through this, I was what they called the
25 "Young Buck," you understand? Now they look at me

1 6/11/02 LAW & GOV'T - RES. 020171

2 as a junior senior-citizen. We don't have too much
3 time on this planet. We have a lot of illnesses
4 and things of that sort. Some of 'em we can't even
5 relate to, you know, whether or not they were a
6 part of the test studies or whether or not it was a
7 part of growing old, you understand? But we don't
8 have too much time to be around, you understand?

9 So, you know, we going to talk with
10 Mr. Nocella, and we --

11 COUNCILMAN COHEN: Talk to your
12 attorneys, talk to Reverend Hill, talk to whomever
13 you'd like to talk with, but we would be interested
14 in establishing clearly that there's a real
15 abundance of evidence available, that the City is
16 negligent in not having pursued it all of these
17 years.

18 We're going to work very hard on the
19 subpoena question. You may ask, What's the
20 problem? Well, in -- there's only been one
21 subpoena ever issued by the City Council of
22 Philadelphia prior to our efforts today, and that
23 was issued 50 years ago and went only to a City
24 agency.

25 So we have some new ground legally to

1 6/11/02 LAW & GOV'T - RES. 020171

2 pursue. We intend to pursue it, we intend to do
3 everything humanly possible to make the chemical
4 companies that profited from this human
5 exploitation, we intend to make them bear their
6 appropriate responsibility.

7 We intend to make the University of
8 Pennsylvania put some meaning into some of the
9 educational slogans about truth-telling, because we
10 think the University of Pennsylvania ought, in the
11 interest of education, come forward and say, In the
12 interest of truth and humanity, we admit our guilt.

13 And we think that to the extent that
14 there were profits, that money ought to be
15 recaptured from those who profited from this
16 illegal human exploitation, and that money should
17 be made available in every way to help correct the
18 conditions that existed.

19 Now, that, in general, is our approach.
20 I cannot give you precise dates; I wish we could,
21 but the law and legal procedures and legislative
22 procedures don't work out that way. But we intend
23 to be working very hard all during the summer in
24 perfecting this.

25 So I'm going to recess today's hearing.

1 6/11/02 LAW & GOV'T - RES. 020171

2 Before I do, Councilman Rizzo, do you wish to make
3 a comment?

4 COUNCILMAN RIZZO: Yes, sir. Go ahead.

5 COUNCILMAN RIZZO: Mr. Jones?

6 MR. JONES: Yes, sir.

7 COUNCILMAN RIZZO: Based on your
8 conversation about your life expectancy, if you
9 hang around with Councilman Cohen, you're going to
10 be on this planet for a long time.

11 MR. JONES: Yes, sir, I see. Yes, sir,
12 I see.

13 COUNCILMAN RIZZO: But my question is,
14 during the testimony of the City lawyers, and they
15 can't figure out who worked there as security
16 guards, I'm going to ask the chairman of the
17 security force, the wardens and the correctional
18 officers, I guess we call them now, I'll bet you
19 that you could sit at that seat and think of ten
20 names of people that you know that worked at the
21 jail that were correctional officers.

22 And I'm suggesting to the Chair that if
23 they would consider -- if the City can't figure out
24 who the City workers were up there, that you might
25 help them figure it out by this entire group just

1 6/11/02 LAW & GOV'T - RES. 020171

2 recollecting some of the names. You know the
3 names, probably you could sit here and talk about
4 every one of them that worked in that jail. You
5 could put a list together that you would also
6 consider talking to your lawyers appropriately,
7 providing those names to the Chair in the event
8 that we have to start looking for some of these
9 folks. That, I think, would be very helpful.

10 But that is the request I make to the
11 Chair. I wanted to explain it, but if the Chair
12 would agree that that would be helpful, I would --
13 I think that that could be helpful down the road,
14 since Councilman Cohen will not let this go.

15 MR. JONES: Yes, sir. I could think
16 of -- Owens at the time was the captain. I could
17 think of Earl Hatchet (ph). I could also think of
18 Press Grooms, Costello. You know, we can come up
19 with some --

20 COUNCILMAN RIZZO: You could brainstorm
21 for an hour with a group and come up with all of
22 the names.

23 Wasn't it at Holmesburg Fromhold and
24 Curran and were --

25 MR. JONES: Yes, yes.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN RIZZO: Yeah, they're
3 deceased, but my point being that just in my own
4 mind, I think I knew a half a dozen people that
5 worked up there that are still alive.

6 MR. JONES: Sure.

7 COUNCILMAN RIZZO: So you could be
8 helpful there, but that's the Chair's call.

9 MR. JONES: Yeah, well, we have a
10 meeting coming up and we can begin to put them
11 names together. I'm sure we wouldn't have a
12 problem.

13 Can I say two things before you
14 adjourn, Councilman Cohen?

15 COUNCILMAN COHEN: Yes.

16 MR. JONES: In answer to your question
17 about whether or not there has been any deaths as a
18 result of these experiments, we have heard rumors
19 such as was stated, and we going to investigate
20 into that a little more thoroughly, because I'm
21 sure with all of the individuals that's a part of
22 the survivors that have worked for the University
23 of Pennsylvania during the time that they were in
24 prison can give us some leads, if not some
25 information, on that. So we going to pursue that.

1 6/11/02 LAW & GOV'T - RES. 020171

2 And the other thing in reference to the
3 University of Pennsylvania, the number that we got
4 from Councilwoman Jannie Blackwell. Some of our
5 members had called that number and the receiving
6 end was sort of less -- was uncooperative or
7 uninformed or whatever, you understand?

8 So, you know, there are some
9 things that -- I mean, we pursued this once before,
10 and we did the same thing. And what I suggest is
11 that some of y'all have someone to dial that number
12 and see what kind of results that y'all get for the
13 record.

14 COUNCILMAN COHEN: Okay.

15 MR. JONES: All right. And I would
16 like to thank on the behalf of the experimentation
17 survivors each and every one of the individuals who
18 have taken time to really pull this together and
19 try to get some results for us on this resolution.

20 COUNCILMAN COHEN: Thank you very much.

21 (Applause.)

22 COUNCILMAN COHEN: If, in the course of
23 gathering all of the material, you feel it's
24 necessary to bring a lot of folks together to get
25 the information and you let my office know, we will

1 6/11/02 LAW & GOV'T - RES. 020171

2 arrange for you to have the use, say, of an area
3 like this courtroom, maybe this courtroom or some
4 other area where you could all meet together.

5 MR. JONES: Thank you.

6 COUNCILMAN COHEN: All right.

7 Councilwoman Blackwell?

8 COUNCILWOMAN BLACKWELL: Thank you.

9 Good afternoon, everyone.

10 You're saying that even the second
11 number for Penn did not work?

12 MR. JONES: Yes. This was what we were
13 told. Is Dot in the house? Somebody call Dot,
14 please. I'm going to straighten this out right
15 now.

16 COUNCILWOMAN BLACKWELL: Absolutely
17 because they assured me --

18 MR. JONES: Well, like I said, if any
19 of the Councilmen get somebody to call that number.

20 COUNCILWOMAN BLACKWELL: I shall.

21 MR. JONES: Don't put 'em on notice,
22 okay? Just let it simmer and let's make these
23 calls to see what happens.

24 COUNCILWOMAN BLACKWELL: And certainly,
25 that is unconscionable.

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. JONES: Yes, here's Dorothy here.
3 Dorothy, didn't you say you tried that number, Penn
4 whatever?

5 MS. ALSTON: Yes, uh-huh.

6 MR. JONES: Will you let the
7 Councilwoman know what happened?

8 (Witness comes forward.)

9 COUNCILWOMAN BLACKWELL: Good
10 afternoon. Your testimony was excellent and I'm
11 very, very sorry you went through so much.

12 MS. ALSTON: Yes. When I first heard
13 about the number from Penn, I think it's
14 215-879-Penn. We had had a meeting, the steering
15 committee, and I told Leodus that I was going to
16 call the number and see what the results was.

17 I called the number and they wanted to
18 know what clinic I wanted and what type of
19 insurance I had.

20 COUNCILWOMAN BLACKWELL: Okay, they're
21 telling me the number is 789-Penn.

22 MS. ALSTON: Yes.

23 COUNCILWOMAN BLACKWELL: And you're
24 saying they asked you about your insurance?

25 MS. ALSTON: Absolutely. They wanted

1 6/11/02 LAW & GOV'T - RES. 020171

2 to know what type of insurance I had, and I said I
3 was told that I could call this number, and I
4 explained a little bit to the operator that
5 answered the number what I wanted.

6 COUNCILWOMAN BLACKWELL: Absolutely.

7 And what happened from there?

8 MS. ALSTON: And nothing else happened.

9 COUNCILWOMAN BLACKWELL: And nobody
10 ever got back to you?

11 MS. ALSTON: Nobody ever got back to
12 me.

13 COUNCILWOMAN BLACKWELL: Did they ask
14 for your name and number?

15 MS. ALSTON: No, they did not.

16 COUNCILWOMAN BLACKWELL: Oh, dear,
17 that's unbelievable.

18 All right, I will certainly report to
19 Mr. Jones and report to the Chair of the committee,
20 Councilman Cohen, and obviously, I will contact
21 Penn as soon as this hearing's over.

22 But thanks for letting me know. We
23 don't know these things if you don't tell us.
24 Thank you very much.

25 MS. ALSTON: Thank you so much.

1 6/11/02 LAW & GOV'T - RES. 020171

2 MR. JONES: Thank you.

3 COUNCILMAN COHEN: All right, then the
4 hearing will stand in recess until the call of the
5 Chair.

6 We're going to work and come back with
7 additional hearings until this matter gets fully
8 resolved. We want the companies to be compelled to
9 appear here and give testimony. And we want the
10 wrongs that have been done to get righted. To that
11 we're committed. Thank you all for coming today.

12 MR. JONES: Councilman Cohen, one
13 question?

14 COUNCILMAN COHEN: Yes?

15 MR. JONES: When you say "the call of
16 the chair," what does that mean? Anytime between
17 now and the next week or next month?

18 COUNCILMAN COHEN: I don't know what
19 that means until the committee meets and the staff
20 meets and we work out our schedule.

21 MR. JONES: Okay.

22 COUNCILMAN COHEN: And we're open to
23 any suggestions that you might have.

24 MR. JONES: As always, we will wait to
25 hear from you.

1 6/11/02 LAW & GOV'T - RES. 020171

2 COUNCILMAN COHEN: Okay, but you're
3 free to make recommendations to us all, sir.

4 MR. JONES: Okay, thank you.

5 COUNCILMAN COHEN: The hearing stands
6 in recess until the call of the Chair.

7 (Committee hearings end at
8 2 o'clock p.m.)

9 - - -

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1

2

CERTIFICATE

3

4

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia's meeting of the Committee on Law and
Government of Tuesday, June 11, 2002, are contained
fully and accurately in the stenographic notes
taken by me, and that this is a true and correct
transcript of same.

11

12 RE: Resolution No. 010271

13

14

15

16

Josephine Cardillo

17

Registered Professional Reporter
and Notary Public

18

19

20

21

22

23

24

25

(The foregoing certification of this
transcript does not apply to any reproduction of
the same by any means, unless under the direct
control and/or supervision of the certifying
reporter.)