

**WRITTEN TESTIMONY OF FRED M. MOSELY
FOUNDER & PRESIDENT, JUSTICE AFFILIATES
BEFORE THE SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY
HOUSE COMMITTEE ON THE JUDICIARY
LITERACY, EDUCATION, AND REHABILITATION ACT
DECEMBER 6, 2007**

Mr. Chairman and Members, I am grateful for this opportunity to appear in support of HR-4752 (Literary, Education, and Rehabilitation Act). My name is Fred M Mosely and I am Founder and President of Justice Affiliates. Through our Justice Project, we provide assistance to men and women recently released from incarceration and we also provide counseling to their family members. Another component of Justice Affiliates is Justice Ministries, wherein as an ordained minister, I share a series entitled “The Laws of Life”, with the inmate community.

I bring a unique experience to the work that I do, having served as a trial attorney for the United States Justice Department, as a Special Ohio Assistant Attorney General, Assistant Cuyahoga County Prosecutor, defense attorney in private practice, and as a municipal court judge.

I did not realize the fine line between various positions in the courtroom. I have however, learned that there is a very fine line between the prosecutor’s side of the trial table and the defense side. The distance between the defense attorney’s chair and the chair of the defendant is nearer than one would imagine. Surprisingly, the presiding judge is not immune from finding him or her seated on the defendant’s chair.

Early in my career, I was not cognizant of the fact that an individual can be on top one day and on the bottom on another. Further, I did not realize that one can be in a position of authority in the legal community for a season and at the lowest level at a later

time. Therefore, I have learned that it is wise to have compassion for the least of them because “Blessed are the merciful, for they shall obtain mercy”.

My unique experience includes the fact that in 1984 I was indicted for the same offence by a Federal and State of Ohio Grand Jury for receiving kickbacks from contractors. I had a potential incarceration period of one hundred and thirty-two (132) years. I was convicted in 1985 and sentenced to ten (10) years in the federal system, and twelve years (12) concurrent in the State of Ohio.

In addition to the fact that I have sat on almost every strategic seat in the courtroom, I also have had the experience of being a federal and state inmate, and parolee. As a result of these experiences, I truly appreciate the benefit of good time credit, and as a result of which I was able to return to my home in seven and one half (7 ½) years. To have been released earlier than I would have been, enabled me to address several pressing issues concerning my children: one (1), my youngest daughter who was in her teens was functioning on a much lower mental level because of SIDS, two (2), my middle daughter, because of the hurt and disappointment of my incarceration, was frequently running away from home, and three (3), my oldest daughter who was having to deal with the embarrassment of negative pretrial and post trial press concerning her father.

I am familiar with the re-entry process, having been away for a significant number of years: forty months (40), in the federal system and four (4) years in three (3) different Ohio institutions. I also understand the process of re-entering society after a long prison term. Similarly, I am mindful of dealing with scornful looks from former colleagues and

I know what it is like to seek employment having the barriers of being a middle aged minority with a criminal record.

My understanding of HR-4752 introduced by Representative Bobby Scott (D-Virginia 3rd) is that this bill would amend Title 18, United States Code , to award credit toward the service of a sentence to prisoners who participate in designated educational, vocational, treatment, assigned work, or other developmental programs. I support such efforts because of my personal experience and because of certain facts in numerated in the document of support of HR-4752 summarized below:

- Increased recidivism results in profound collateral consequences, including public health risk, homelessness, unemployment and disenfranchisement.
- Impact on children, the weakened ties among family members, and destabilized communities.
- That more than fifty percent (50%) of former inmates are unemployed.
- A large percentage of inmates function at the two (2) lowest literacy levels.
- A substantial number of local jail inmates have never completed high school or its equivalent.
- That participation in correctional educational programs lowers the likelihood of re-incarceration.
- Lengthy periods of incarceration should be reserved for offenders who pose the greatest danger to the community, and to those who commit the most serous offences.

- That the elimination of incentives such as parole, good time credit and funding for college courses means that fewer inmates participate in and excel in literacy, education, treatment, and other development programs.

I met men from all walks of life at FPC Big Spring, Texas. Some of these men were well educated and trained (i.e. judges, lawyers, federal and state legislators, medical doctors, educators, businessmen, pilots, ministers, etc.). Most of the inmates, however, at FPC Big Spring, Texas were men from urban areas such as Dallas, Houston, Oklahoma City, and from the District of Columbia who had no marketable skills and limited education. Many of these men took advantage of educational, vocational, treatment, assigned work and other developmental programs, and were able to earn additional good time credit.

My memories of FBP Big Spring include seeing the pride on the faces of men pursuing their GED's or college courses as they walked to class with school books in hand. I recall the look of accomplishment on some who had never had a meaningful job or a regular place of work to go to on a daily basis. These men were able to earn good time credit. I also reflect on the interest displayed by some of the men enrolled in various programs and the successful completion of same which also provided good time credit.

I vividly recall a pharmacist, from Shelbyville, TN who was serving a six and one half (6 ½) year sentence. He was a divorced father with two (2) young boys and was driven to do all in his power to return home as soon as possible to be a responsible parent and a guiding force in the lives of his two sons. Being aware of the good time credit he could earn based on work assignment, the pharmacist applied for work in the cable

factory. He worked extremely hard and was able to send money home to help support his children. Also, because of his painstaking work ethic he earned sufficient good time credit to effectuate his release months sooner than scheduled. He has been restored to his career in pharmacy, and is remarried and active in ministry.

Another individual at FPC Big Spring who availed himself to the benefits of good time credit was a young drug dealer from Lubbock, TX. This diligent individual worked long hours on his prison job, earned his GED and accumulated sufficient good time credit to allow him to return home sooner than his scheduled release date. He is now a well know and respected pastor in Lubbock, TX.

There was a farmer from Guyman, Okalahoma who offered his skills as a heavy equipment operator. He was involved in most of the construction work on the compound. This individual was in his sixties (60's) upon his arrival of FPC Big Spring and longed to return to his wife of many years and his family in Oklahoma. The good time credit earned by him allowed him to do just that, and he returned to a successful farming career.

Since my release I have been invited to speak to the inmate community in various institutions (state and federal) I have endeavored to give a message of hope and restoration. I encourage those to whom I speak to take advantage of every conceivable opportunity to better themselves, spiritually, mentally, and physically. They are also strongly encouraged to take advantage of every opportunity to earn additional good time credit. They are reminded of the fact that their preparation for return to society began the day they entered the institution, and not on the day of release. I encourage them not only to endeavor to better themselves, but also to be an integral part of the lives of their family members.

On many occasions, as I walk through downtown Cleveland, I see men with whom I was incarcerated, in desperation of meaningful employment. The combination of race, age, criminal record, limited education and skills, all but preclude them from significant employment. I receive letters from around the country from men and women in need of re-entry assistance.

I strongly support HR-4752. It is my opinion that good time credit should be based upon term of imprisonment imposed as apposed to time served. Further, good time credit should be extended to all federal inmates including those from the District of Columbia. I applaud Congressman Scott and the Members of this Sub Committee.