

# Bicyclists react to lenient plea bargain

by Melinda Skutnick

One year after the tragic death of Penn State engineering professor Bohdan Kulakowski, community members are calling for a harsher sentence for Thomas B. Fry, who was offered a lenient plea by District Attorney Michael Madeira after Fry hit and killed Kulakowski while driving legally blind.

"I think this is a mockery of justice. I think this is a complete tragedy," said David Bevacqua from Bike State College! about the potential plea bargain.

While riding his bicycle home from work on March 22, 2006, Kulakowski was hit from behind by a van on Boalsburg Pike and pronounced dead at Mount Nittany Medical Center later that day. He was 63.

At the time of the accident the driver of the van, Fry, was legally blind and had tried in the past to receive disability benefits for his degenerative eye condition. Fry did not begin to stop his vehicle until 200 feet after the impact, according to the police investigation that followed, claiming that he was reaching for a soda bottle when he drifted onto the shoulder of the road and struck Kulakowski.

However, Fry was driving with a valid



Photo by Ben Brewer

Paul and Jude Simpson lead other bike activists on the Kulakowski Memorial Ride. Bicyclists brought flowers to the site on Warner Boulevard where Bohdan Kulakowski was killed last year.

driver's license despite his blindness because it was never reported to PennDOT by Fry or his optometrists.

"Most blind people don't get behind the wheel of a commercial van," said Dorota

Smith, Kulakowski's daughter who resides in Virginia. "Pennsylvania statute has a clear visual standard of when you can and can't have a driver's license....Him having a valid driver's license was under false pretenses as far as I'm concerned."

The current plea agreement, which Fry accepted Feb. 5, would require Fry to spend nine months under house arrest as well as on probation, according to community members. The charges against Fry are involuntary manslaughter, homicide by motor vehicle and other minor offenses such as careless driving and disregarding traffic lanes. The plea was made official March 27 when it was entered before the court. Fry will not be officially sentenced, however, until May.

"For him to just get nine months, sitting at home, relaxing, it's beyond me. I have no words," said Smith. "I just don't understand how people go to jail for lying, cheating, but he pretty much goes free for killing a man. I don't understand this at all."

"The plea agreement is a miscarriage of justice if it goes through," said Paul Simpson, vice president of the Centre Region Bicycle Coalition and organizer of the Kulakowski Memorial Ride.

"I think that [the plea agreement] is the

biggest joke and the most flagrant abuse of power and favor given to someone who the D.A. knows," said Bevacqua, who alleged that Fry and Madeira have known each other since childhood. "[District Attorney Madeira's] only argument for such a sentence was that he knows the family and he knows Thomas Fry is 'truly remorseful.' Those facts have no place in the court."

Madeira did not return phone calls to *Voices*.

"[This sends that message that] if you have friends in high places, go ahead and strike people, kill people, it's okay," said Smith about Fry's plea agreement. "As long as you're a nice guy."

Simpson said that vehicular homicide usually calls for a prison sentence of three to twelve months, which will not affect Fry if the plea agreement is entered.

Chuck Anderson, CRBC president, compared Fry's recklessness with another act of impairment, drunk driving.

"If you're driving intoxicated, there are some really severe penalties," said Anderson. "As I understand it, [Fry] is legally blind...and if he knew that and he

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# Black activist works toward change at Penn State

by Nisha McIntyre

For most Penn State students, especially those of color, the mention of his name raises eyebrows and generates smiles or head nods. "We know Darryl," they'll say confidently and assuredly, and of course they do. Who doesn't? After all, Darryl Watson has been a strong voice for activism on campus and a regular staple of news features, especially in *The Daily Collegian*. He is a man on a mission, a fighting force seeking to revolutionize "a history of denigration and an environment of discrimination, of anti-black, anti-gay, anti-difference on the Penn State campus," said Watson.

As the president of the Black Caucus and a member of groups such as Undertones, comprised of gay students of color, Watson has continuously challenged what he considers the basic ideology of Penn State, which he claims champions the white, het-

erosexual male experience as being the ideal paradigm of university success and life.

A self-proclaimed radical leftist, Watson said his activism isn't about radical politics but about encouraging change within individuals and with the overall system.

"When I talk about change I mean creating a democracy, a real, lasting democratic community that's integrated where every stakeholder in the Penn State brand has a say in the future of this institution," Watson said. This insistence on creating change was the catalytic force in Watson's decision to join and eventually run for Black Caucus presidency.

"I had this idea that I could effect change on a much broader much more global scale if I became president," he said. "I figured that I could organize the group as such that instead of myself creating change, I could help mold others who themselves would be

the creators of change."

Watson's idea has in fact become reality, as Black Caucus boasts a number of members who, like Watson, are passionate to the plight of the black student population. One such member, Donisha Adams was motivated by this activism to become a staff writer and the co-chair of Black Caucus' monthly newsletter, *The Drum*.

"Darryl's been such an integral part of the development and success of the organization," Adams said. "He's so smart and knowledgeable that he empowers us to think and to act responsibly."

However, not all students share Adams' belief. Watson has received a wave of criticism from both students and faculty who believe he is simply blowing off steam and speaking out just to be controversial. Watson said these beliefs are mostly perpetuated by *The Daily Collegian*.

"*The Collegian* has inflated a number of

events," he said, referring to articles published in *The Daily Collegian* Feb. 9 and 12 that charged the Black Caucus with being the perpetrators behind a rally protesting the lawsuit settlement between Penn State officials and former women's basketball player Jen Harris.

According to Watson, the rally was actually the brainchild of SpeakOUT, a campus advocacy group, and not of the Black Caucus. Watson added that the Black Caucus has not carried out any organized political events in the last two years.

"What happened was that I, as an individual, decided to lend support to SpeakOUT and other students who are also fighting to realize their own basic rights as humans and students on this campus," he said.

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# Local stats show link between alcohol, sexual assault

by Jenn Kight  
and Michele Russell

Alcohol is playing a significant role in sexual violence against women in State College, according to a *Voices* review of last year's campus police records. During the 2005-2006 school year at Penn State University Park, 86 percent of the victims and 58 percent of the attackers were under the influence. Campus police reported a total of 79 incidents of sexual assault. Of those reported, alcohol was allegedly used by 68 of the victims and 46 of the assailants.

Susan Delponte from the Center for Women Students at University Park agreed that a relationship exists between sexual assault and alcohol, which negates the stereotype of the lurking, unseen predator in the alley.

Forty victims reported they had lost consciousness during the attack and involuntary drugging was suspected in 10 of the assaults. Of the 79 cases, 13 were reported to either local or Penn State police; seven of the assaults occurred on the University Park campus.

However, most rapes go unreported to authorities. An estimated one out of six women has been a victim of rape or attempted rape, according to a recent report funded by the U.S. Department of Education. Detective Deidre Fishel of the State College Police Department said that the local statistics are "just the tip of the iceberg." According to FBI information received by the Center for Women Students, only ten percent of all rapes are reported.

"This FBI statistic is not arbitrary," said Delponte. "The numbers stay relatively the same. We can assume that around 1,000 assaults and rapes [combined] happen on this campus each year."

In 1998, 27 percent of all reported rape cases were acquaintance rape; the victims knew their attackers, said Det. Fishel. Also, rape often goes unreported because many victims do not even know they were raped.

"Sexual assault is one of the most under-reported crimes that occurs [in State College]," said Spring Cooper, a member of the Feminist Majority Leadership Alliance, which is organizing Take Back the Night April 18. The event, which is in its 22nd

year at University Park, is designed to raise awareness of the prevalence of sexual violence against women.

Take Back the Night participants at Penn State will move throughout the campus and surrounding State College community speaking out in support of women everywhere who want to be safe from sexual assault.

Cooper said that raising awareness about sexual violence is important because many people don't understand what constitutes what seem to be polar opposites: Consent and rape. She said Take Back the Night at Penn State gives women a voice about the injustice of sexual violence.

"The movement supports the idea that sexual violence is not something to be kept quiet about," said Jess Nambudiri, a participant in last year's event. When Nambudiri spoke of friends who were victims of rape, she said the event helped because, "they felt like they weren't alone and that being raped wasn't their fault."

"This movement is important because it maintains the pressure on the university to make change," Krista Moyer, another 2006

participant.

Take Back the Night organizers say the group helps women create a support network that fosters change within communities and on college campuses, and it helps make sexual violence an issue that can be addressed directly and publicly.

"Imagine the most embarrassing thing that can happen to a human being, and you might understand why so few victims come forward about their attacks," said Det. Fishel. "The most progressive action against rape is to take away the humiliation that comes with being a victim."

## Take Back the Night

When: April 18, 2007  
Where: Pattee Library, 6 p.m.

After a march through campus, men and women will separate to go downtown. A discussion will take place at Webster's Book Store following the march.

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was driving anyway, in some ways...that's even more severe than being under the influence of alcohol."

"A drunk driver at least has the excuse of impaired judgment," said Bevacqua. "But this guy has been repeatedly overriding his better judgment and continuing to drive for the last 20 years while he's legally blind and a danger to everyone else on the road."

In a *Centre Daily Times* opinion piece March 4, 2007, District Attorney Michael Madeira explained the differences between Fry's case and a drunken driver "homicide-by-vehicle charge."

"The court cannot sentence below three years when a DUI is involved, but no such mandatory sentence is applicable for a non-DUI-related death," said Madeira, adding that he must abide to specific "guidelines and sentencing structures."

Many community members, including those involved with the CRBC and Bike State College!, sent letters to Madeira, Judge Charles C. Brown, Centre County victim advocate Susan Steinberg, and the *Centre Daily Times* asking for a harsher sentence against Fry than the proposed plea.

"I don't understand why Madeira doesn't

want to put in work on this case," said Smith. "He just took the case and shut it closed."

"It's not really a matter of punishing Fry but sending a message to people like him," said Anderson. "We want to make sure it doesn't happen again."

Bevacqua agrees with Anderson that Fry should spend time in prison.

"This is such an unprecedented case that it needs more attention given to it," he added.

"Lack of precedence?" said Kulakowski's daughter. "I mean, how can it be no case? It's still homicide."

"I am fully aware of the tragedy of this situation and of the concern bicyclists feel over their perceived 'second-class status,'" said Madeira in his commentary.

"It's kind of like saying 'Well, Bohdan deserved it because he shouldn't have been riding on that road anyway. Roads are for cars, not bikes.' And of course that's not the kind of community that we want to live in," said Bevacqua.

On March 25, the biking community of Centre County came out en masse to remember and memorialize Kulakowski. Riders met at the Allen Street gates and peddled to a memorial site on Warner Boulevard in Boalsburg, pulling trailers of flowers behind them.

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## from Watson, pg. 11

Watson said that if Penn State refuses to apply discrimination policies to such public figures as Rene Portland, “who engage in such blatant acts of hate,” then there is little faith that they’ll apply them to situations involving professors or others.

“We’re not calling for diversity,” Watson said. “What we seek is integration, not just for blacks, but for poor people and others left out of the equation altogether; for a community where we can all prosper.”

The community Watson envisions will have a more equitable racial ratio; a community that will see an increase in black professors, and students, as well as students of varied sexualities.

“I’m going to be in debt for a long time and so are my friends; therefore, I think we have a right to ask to be taught in a way that is in tune with our own self-worth,” said Watson.

As he speaks, there seems to be a disconnect between the powerful, confident voice that resonates and the composed, almost timid-looking person who possesses the voice. However, Watson confessed that by nature he is an incredibly shy person—something he said others find hard to believe.

“I’m usually the person sitting in front but not talking in classes unless pushed to,” he said. He recalled how nervous he would get before rallies and how much he’d rather avoid politics altogether at times.

“My first rally on this campus I didn’t sleep for a week,” he said. “I was so upset that I was constantly shaking and nearly threw up.”

To many, it seems impossible that such a blatantly outspoken person could claim to be so timid; however, Watson explains the difference in Watson, president of Black Caucus and Watson, struggling student, as if it were a play and he the actor.

“It’s like taking to the stage, fulfilling the role needed to be fulfilled then returning to your everyday life,” he said.

Watson considers himself a product of circumstances. He said he remembers wanting to be a Penn State student. In the rough neighborhood of North Philadelphia where he grew up, he recalled the esteem attached to “the university on the hill.”

“To say you go to Penn State is almost as saying you attend an Ivy League school,” he said. “People look up to you and are proud of you.”

The first of four children to attend college, Watson said he recalled his days in North Philadelphia where he described a fierce urgency of now.

“You’re always just a couple of seconds away from being evicted, from being fired, from being shot and killed,” he said. With this sense of urgency, he added, also exists a strong sense of agency—the idea that one has the ability to affect things.

“I learned from my parents and my environment that you couldn’t just sit around and expect things to happen in your life,” said Watson. “You have to take yourself and put yourself into the equation to make the changes that you want to see.”

Injecting himself into equations has definitely been Watson’s formula for change at Penn State. However, the Black Caucus president admits that in the beginning he never wanted to be the political figure that he has become.

“I just wanted to go to Penn State, get educated and be involved in a couple extra-curricular activities,” he said, “which is why when I first came here, I didn’t join the NAACP or the Black Caucus until my second semester freshman year.”

However, Watson said, these basic desires were put on a back burner after he was constantly confronted with being black and gay.

“The idea of coming here and just leaving with a degree was a luxury I couldn’t afford,” he said. “I felt like I was losing my

“...To separate ourselves from the evils we breathe on this campus is to act like it does not happen.”

--Darryl Watson

mind, like I was going crazy. The way people looked at me and responded to me really did hurt me, like knives almost.”

Watson said he remembers feeling for the first time that he was an “other,” that there was something wrong with him. He said he recalls talking to counselors but not receiving the comfort he sought.

This comfort was only accomplished when he discovered that he wasn’t alone; that friends and peers were secretly struggling through the same ordeals.

“I have friends who have received death threats and who are terrified to say things or to come forward because they are afraid of further being victimized,” said Watson. “Because of this I felt like I had to act...to separate ourselves from the evils we breathe on this campus is to act like it does not happen.”

Unfortunately, Watson said he believes that a history of insults and criticism has created a norm whereby people refuse to question behaviors and decisions at Penn State. It is only when someone has been called the “n” word or has been the victim of a hate crime, he said, that eyebrows are raised and an issue is presented.

Watson said that the Black Caucus operates to address discrimination on campus, not to antagonize or blow-off steam.

“Our goal is to provide a vision, an alternate way of thinking and behaving that allows people to realize that they have options besides that of the status quo,” he said.

Watson urges the development of the critical mind and critical discussion.

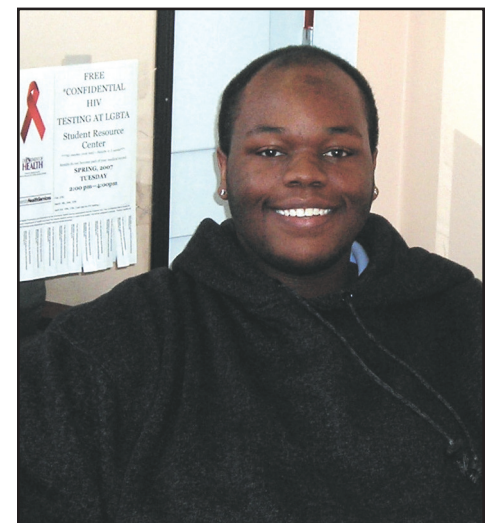


Photo by Nisha McIntyre  
Darryl Watson, a self-proclaimed radical, has been fighting a Penn State environment he calls “anti-black, anti-gay and anti-difference.”

“One of the greatest travesties perpetuated on this campus is the failure to force students to think for themselves, to critically analyze for themselves,” he said. “When we rely on *The Collegian* and on hearsay without question, we graduate without learning to be active participants in our own realities.”

As the self-professed radical leftist, incredibly shy president prepares to graduate, he said he hopes that his actions have instilled in people who have felt discrimination the desire not to be silenced but to speak up and demand remedial measures from their administrators and peers.

As for his work, the sociology and economics major said he hopes to receive his doctorate in sociology, possibly teach and most importantly, continue his work in community organizing and activism.

“I have been involved in community organizing for a while and today, the fruits of my labor have been felt as far away as California, Texas and Louisiana,” he said. “My activism did not start here at Penn State and it certainly will not end here either.”

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