

subien

DELAWARE STATE COMMITTEE OF
UNITED STATES COMMISSION ON CIVIL RIGHTS

HEARING ON DELAWARE PRISON SYSTEM

SUSSEX CORRECTIONAL INSTITUTION

Smyrna, Delaware

WEDNESDAY, JUNE 6, 1973.

9:00 a.m.

PRESENT:

MSGR. THOMAS J. REESE

LULA P. COOPER

ROBERT T. COULTER, ESQ.

HOWARD H. BROWN

STAFF:

DONALD GOFF

WITNESSES:

JOHN WIERZBICKI - *Sussex*
DAVID PRESTON -

FOSTER

COURT REPORTING SERVICE, INC.
ROOM 322 - 1530 CHESTNUT STREET
PHILADELPHIA, PA. 19102
LO 7-2670

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES

PAGE

John Wierzbicki

3

David Preston

29

1 MR. BROWN: This part of the session we
2 are going to interview Mr. David Preston and Mr.
3 Wierzbicki. I have been asked to ask Mr.
4 Wierzbicki to testify first.

5 Mr. Preston, would you come up front,
6 anyway?

7 I am Howard Brown. I am the vice chairman.
8 Next to me is Mr. Coulter, and he will advise you
9 of some of the regulations of the Commission and
10 also your rights.

11 MR. COULTER: Just two things I want to
12 bring to your attention officially and for the
13 record: One is that parts of this meeting will be
14 recorded on a videotape machine, and that tape may
15 be used on or by a public television broadcasting
16 station; but not necessarily. It may be used
17 solely by the Commission. If you wish, you may
18 choose not to be photographed by the videotape
19 recording machine. Or if you are photographed by
20 that equipment, you can request that it not be
21 used in that manner and that request will be
22 respected. The choice is on you. Do you wish to
23 be photographed using the videotape equipment?

24 MR. PRESTON: It's all right with me.

25 MR. WIERZBICKI: It's all right with me.

1 MR. COULTER: I also want to let you
 2 know, because we have advised the other inmates as
 3 well, that your appearing here and answering ques-
 4 tions is entirely voluntary. If you should wish to
 5 refuse to answer questions or if a particular
 6 question comes up at any time that you would prefer
 7 not to answer, you may decline to answer that
 8 question, if you wish. I think we should start with
 9 Mr. Wierzbicki.

11 ...JOHN WIERZBICKI, sworn...

12 BY MR. COULTER:

13 Q Can you state your full name and where you are
 14 presently incarcerated?

15 A John Wierzbicki, Sussex Correctional Institute.

16 Q What part of the institution are you in?

17 A Island 2, known as maximum security.

18 Q You were one of the plaintiffs in a suit in Federal
 19 Court that resulted in the new regulations for the
 20 treatment of inmates; is that correct?

21 A Yes.

22 Q Why did you as one of the plaintiffs in that suit
 23 agree to settle for those rules?

24 A Well, the main reasons we agreed to settle was for
 25 the fear of getting 150 years. They were going to charge

Rules for the treatment of prisoners

1 us each with three kidnappings. The Assistant Attorney
 2 stipulated that we would be found guilty. Knowing the
 3 circumstances of our just system, we do not get a jury
 4 of our peers. So like we knew we wasn't going to get a
 5 fair trial. We made a deal to plead guilty to a lesser
 6 charge of assault and they would adopt the standard
 7 minimal rules for the treatment of prisoners. So we
 8 went along with that.

(Plea bargaining)

9 Q Apart from that, did you feel at that time that the
 10 rules and regulations were good rules and regulations?

11 A No. Because it is all law; it has always been law
 12 for prisoners for years. The administration here has
 13 failed to administer the law throughout the institution.
 14 I have been in since 1963.

*Rules for
the treatment of
prisoners*

new

15 Now, like the only part of the standard
 16 minimum rules for the treatment of ^{prisoners} ~~business~~ is the due
 17 process law of the inmates to have counsel at an adjust-
 18 ment board, the medical treatment of having your own
 19 doctor examine you upon request.

20 Q In other words, what you are saying is that apart
 21 from a few provisions, most of the regulations were
 22 already law?

23 A Already law.

24 Q And that the problem has been that these regu-
 25 lations were not before and -- are you testifying

1 that they still are not being implemented?

2 A Yes.

3 Q Can you specify particular points where you believe
4 these new rules for the treatment of inmates are not
5 being enforced or implemented?

6 A Well, from my personal experience in prison, like
7 they are violating the whole condition of all the rules
8 from pretrial on he is ^{thrown} ~~rode on~~ in with anybody.

9 I am doing a life sentence. He can be
10 thrown into the cell with me, and have only two to ten
11 days. He is not given a blood test. If he comes in
12 with some kind of disease, I can come down with the
13 disease.

14 Q These are pretrial inmates?

15 A These are pretrial. There is no separation of
16 inmates. In any part of the prison here or anywhere
17 else they have the facilities. But they don't separate.

18 Q There are pretrial prisoners on the tier where you
19 live?

20 A Oh, yes?

21 Q How many; can you guess?

22 A They vary. Maybe five or six. Just every other day
23 they are going in and out so fast.

24 Q Are there also men on that tier from time to time
25 serving very short sentences?

(Translation)

*pre-trial
no separation*

1 A Oh, yes. There are guys with six months' sentences
2 to a year, three years. *on same tier*

3 Q Weekend?

4 A No one goes before the classification board to be
5 put in the facilities. I mean, you request to go before
6 a classification board while you were in prison for
7 work release or job assignment. Even that there, there
8 is a shortage of jobs. Like they just throw a guy like
9 in a shop or something like that there. There are many
10 guys that want in the school, and they say they haven't
11 the facilities.

classify

12 There is nothing that they can offer us
13 even after we have motivated ourselves. They know that
14 we have made a change. We have learned our mistakes;
15 and the law requires you can't get out in one-third of
16 your parole date to become eligible. If the man has
17 motivated himself enough where he can become a decent
18 citizen, he still has the burden of the time involved in
19 that he will get eligible to go out. It seems like
20 nobody wants to get involved; it's all political.

21 Q With regard to the new rules, are the rules being
22 followed with respect to providing clothing for the in-
23 mates?

24 A No. They are all torn and ragged, the buttons missing
25 He is given that and thrown in a cell with two sheets and

1 a blanket. Half of the guys are not given pillows,
2 pillow cases. They get thrown in the cell. You can be
3 in jail for a while and you've got to go to a guard and
4 ask him for another set of clothing. And he tells you
5 they ain't got it. When he goes out to work release
6 they are given all brand new clothing.

7 Q What about underwear, does the institution provide
8 you with underwear?

9 A No. When I first went to Sussex like 16 months
10 ago they were selling all the underwear and T shirts and
11 towels. They are getting them from Smyrna. They were
12 selling them in the commissary to the inmates that could
13 afford to buy them. You can request them, but they
14 wouldn't give them to you.

15 Q Has that changed recently?

16 A Just recently since you came down there to interview
17 us.

18 Q What happens now?

19 A The only person that gets them now are the people --
20 like myself and David here. We know by law that these
21 people are supposed to give us these clothing. So they
22 will give it to us if we ask. But new prisoners, they
23 are not given it even upon request.

24 Q What about the sanitary conditions there? Do the
25 sanitary conditions meet the health standards as you

*rules
clothing*

*Sani
condi.*

1 would understand the term in common parlance?

2 A No. Man, that place is really rundown. We don't
3 get nothing.

4 Q Can you specify?

5 A We don't get any kind of cleanser or anything to
6 keep clean, to keep ourselves clean. Many times we ask
7 the guard for disinfectant, for paint and material to
8 keep the walls clean. They say no, they ain't got it.
9 That is just where it is at. Just won't give you nothing
10 to work with.

11 Q Are you able to clean the toilets?

12 A No. You know, it might take sometimes three or
13 four weeks before you can get anything to do anything
14 with.

15 Q What about the kitchen area?

16 A That is pretty dirty, man. All the time you see
17 roaches and stuff running around. It stinks.

18 Q Do you know if an inspection is made of those
19 areas by anyone?

20 A No one but the guards. And I doubt if they do
21 it.

22 Q Have you ever seen the toilets or the latrine area
23 in the dormitory section at Sussex?

24 A Yes. The whole place is just rundown. It is in bad
25 shape.

*teeth
sani
standards*

*sani
kitchen*

*sani
inspector*

*sani
latrine*

1 Q Is the paint peeling off?

2 A The paint is peeling off, it is rusted, corroded.

3 Q Is the concrete starting to deterioate?

4 A Yes.

5 Q And crusted with material?

6 A Right.

7 Q Could you describe the overcrowding problem where
8 you live at Sussex?

9 A Like the cells, they are 5x9. There is two guys to
10 a cell, and --

11 Q How many cells on a tier?

12 A 36 cells on a tier.

13 Q Is it 19 cells?

14 A I mean 19 cells on a tier, and you've got two guys
15 in each cell. It is full up now. Like you've got one
16 shower and it is in bad shape. The scum just hangs off
17 the walls.

18 Q Are you provided with shower sandals?

19 A You have to buy them through the commissary.

20 Q On a tier, how much space is there outside the
21 individual cell?

22 A Say roughly three foot, you know, in front of each
23 cell. You run about 100 feet long, and then you've got
24 six tables on a tier. And the tables run about five foot
25 wide. If one is in front of your cell, you've got two

*overcrowded
cells*

1 foot to get around. And like if you are doing any writing
2 or law work, trying to concentrate on helping yourself,
3 I mean, you've got five or six guys playing cards,
4 dominoes, checkers, and stuff like that.

5 Q Do you have any kind of table in your cell?

6 A Just a table that folds up off the wall.

7 Q Is your tier full, two men to a cell, every cell,
8 most of the time?

9 A Yes.

10 Q What about the other side of that area?

11 A The other side is Island 1, known as the pretrial
12 section. Like they've got -- the guys over there that
13 don't want to work in the shop, they put them on the
14 Island 1. They've got time and everything. This is where
15 the young kids come that get put on there.

16 Q Is it filled?

17 A Yes.

18 Q All the time?

19 A All the time.

20 Q How is the 24-hour lockup punishment used?

21 A A guard takes it at his discretion to lock you up
22 for any little minor infraction. You have to consider
23 now any minor infraction could be considered major. Like
24 if we go in the chow hall to eat or something, we are
25 not allowed to talk across the table to another man.

24 hr.
lock up

1 We've got to sit there and be silent. If you're not,
2 you're asked to turn your tray in and go back. If you
3 don't turn the tray in, the captain or somebody puts
4 you on the 24-hour lockup or 48 hours. And that is not
5 before a hearing board or anything else.

6 Q What exactly happens when you get a 24-hour lockup?

7 A You're snatched up out of the cell and taken to the
8 hole.

9 Q What is that like?

10 A Well -- that is pretty bad. I have been in some
11 holes, but that is about the worst one I was in. It's
12 got three bunks, but it's angle iron on the bunk and
13 space about two foot apart. You don't have -- you just
14 can't lay on a bunk. You see a lot of guys laying on
15 the floor because it is more comfortable.

16 Q You don't get out of the cell for exercise, shower,
17 or anything?

18 A You're just locked up. They cut off your privileges,
19 There is no way to communicate.

20 Q This area is made up of barred cells?

21 A Right. It is just a cell, and you're in it.

22 Q All of this takes place solely on the discretion
23 of one correctional officer?

24 A One correctional officer. It doesn't have to be a
25 captain; it could be any guard there.

hearing
board

description
of the hole

24 hr.
lock up

1 Q Is there any kind of grievance procedure there at
2 Sussex where an inmate can present a grievance to some-
3 body in authority to do something about it?

4 A No, no one that I know of. If you take a grievance
5 upon -- if you've got a grievance against the way the
6 institution is or against the guard, you're going to get
7 thrown in the hole or transferred to another institution.

8 Q Why is that?

9 A It seems like anybody in to change the system or
10 change their ways, they will be classified as radical
11 or Muslim or something like that.

12 Q Is there no way that every inmate knows -- there
13 is no way for an inmate to present a complaint to the
14 Superintendent Ellingsworth that a particular condition
15 exists or that a particular officer is engaging in an
16 unfair practice? Is this not possible?

17 A Sure. I mean, to file a complaint to the warden.
18 But like he won't take the time to see you. I never
19 heard of --- myself, I wrote letters to the warden. I
20 got called out front and the captain talked to me, you
21 know; and that was it. I never got a chance to see the
22 warden. That is where it died down. Other guys got
23 wrote up -- to me it was an injustice. They got wrote
24 up for things like talking on the tier. I told them to
25 form their complaint to the adjustment board, the

g Mevance

1 grievance. And like they couldn't do it. They are told
2 they are not allowed to do it. So when you tell them to
3 follow through in the courts for due process, nobody
4 wants to do it because they are oppressed people, living
5 in fear.

6 They want work release and they won't
7 get involved in the change. We want to change the
8 violence.

9 Q Okay. I want to ask you now how much time is
10 spent locked on your tier in a typical day. Could you
11 describe for the committee what a typical day is like,
12 focusing on how much time you are locked on that tier
13 or locked in your individual cell?

14 A Well, guys on Island 2, which is the tier I am on,
15 we are locked on the tier Monday through Friday -- well,
16 Monday through Saturday I would say roughly 10 hours a
17 day during the week, because the rest of us are up in
18 the shop working all day.

19 Q When you say working all day, how many hours do you
20 work in the shop?

21 A From 8:00 in the morning to 3:00 or 3:30 in the
22 afternoon. And, I mean, as soon as you come back from
23 chow, you get up to the shop. There is no going to the
24 tier or anything else. You are not allowed to go to the
25 tier. You go straight to the shop.

1 Q You men are working in the shop in the afternoon
2 now?

3 A Oh, yes.

4 Q Has this always been the case?

5 A Since I have been there it has been. Like if a guy
6 is going to school, if you go to school you go to school
7 class. We got turned down to go to the school. I have
8 to work in the shop all day.

9 Q Aren't you locked on the tier from about 11 o'clock
10 until you go to chow?

11 A When we come down from the shop, yes. But sometimes
12 that varies between half an hour and 15 minutes as soon
13 as we come down. And then we go to chow and right back
14 up to the shop again.

15 Q All right. Then after 3 o'clock, or whenever work
16 is finished in the shop, you go back to the tier?

17 A Yes. Straight back to the tier, nowhere else.
18 And then we go to chow about 4 o'clock. And there we
19 come back to the tier at 6 o'clock, and from there you
20 go to the yard every evening between 6:00 and 8 o'clock.
21 After 8 o'clock you go to your tier. Then like it varies
22 now. Sunday and Monday night one week we have television
23 from 8:00 to 10:00.

24 On Tuesday and Thursday -- there are four
25 hours a week for television, and that's it. That is

Schedule

1 your schedule every day.

2 Q All right. You are locked in your individual cell
3 from 10:30 at night or 10 o'clock?

4 A I can't say we are locked in the individual cell
5 because we are locked on the tier. None of the cell
6 doors are locked.

7 Q At any time of the day or night?

8 A At no time. At 10 o'clock all doors are locked
9 from 7 o'clock in the morning to 10:00, all the cell
10 doors are left open.

11 Q At 10 o'clock at night the individual cell doors are
12 locked; is that correct?

13 A Right, from 10:00 to 7:00.

14 Q All right. Are inmates down there permitted to
15 contact the news media, the paper, the radio?

16 A No. Like we get the regular newspaper and stuff
17 like that. But if -- say if I want to get the Playboy
18 magazine or something like that, I am told we are not
19 allowed to have that kind of material, it is obscene
20 and all that stuff. Or some revolutionary paper or
21 underground, you know, you are not allowed to have it.

22 Q I want to pursue that in just a minute. Is there
23 any list that you know of that tells you exactly what
24 publications are not allowed?

25 A No, there is no list.

media

permitted
publications

1 Q The question I originally meant to ask was, are
2 you permitted to speak with a newspaper reporter or
3 speak with a radio person or television person, anyone of
4 this sort? Are the inmates permitted contact with the
5 news media to tell them something?

6 A Everyone that has been out there, we weren't allowed
7 to speak to them. You could get wrote up for it; you
8 are getting out of order in the institution. If a group
9 came through there and had a newspaper reporter and you
10 called him over, that is going to make your time hard.
11 They are going to bring it down on you because you try
12 to make contact with the outside.

13 Q Have there been any problems with respect to
14 security or supervision, particularly with respect to
15 shakedown searches?

16 A Shakedown searches are granted by any officer.
17 They just come down to your cell and tear it apart any
18 time they feel like it.

19 Q Does this happen frequently or infrequently?

20 A This is infrequently. You also catch -- there is
21 also certain guards that run around and -- you know,
22 they are running the jail. I seen them tear up a guy's
23 picture of his wife, you know, letters up, throw their
24 hobbies away. They break them up just for spite because
25 they hate the inmate. They think he is a low-class

newspaper

*Shakedown
searches*

1 person or something.

2 Q Is this a common problem, the hostility of
3 correctional officers?

4 A Yes, I would say so.

5 Q What other occasions do you have to see this problem
6 come up, besides shakedowns?

7 A I think what it is down there, man, you've got an
8 institution against the poor people. It is like the
9 Southerner people against the North, and they're really
10 down on blacks, from what I have seen of it. And as far
11 as I am concerned, they are all Ku Klux Klan people.
12 They just treat everybody unfair down there, you know.

13 Q Everybody?

14 A Yes. I mean, you know, from the North; and the
15 black people from the North. I mean, they take it harder
16 on the black than what they would on me because I am
17 from the North. But like -- hey, man, they just don't
18 want to give anything. They are down on us all the time
19 because we are trying to change things. They are the
20 only ones that's got the problems.

21 Q What about medical services at Sussex? What kind
22 of medical services are available there at the institution?

23 A Nothing, man, that you can't buy in the drug store.
24 The strongest pill down there for somebody is a Librium,
25 that I know of. I can tell you from my own point of

*Officers
by
inmate*

medical

1 view from what happened to me when I cut my finger. I
2 liked to cut them off on a table saw. It was 11 o'clock.
3 It took me to 4 o'clock to get to a hospital.

4 Q Did you at one time have hepatitis?

5 A I came down with hepatitis back in October right
6 after that. And for three weeks I kept going up to see
7 the doctor -- he comes in once a week. For three weeks I
8 went up there complaining. I felt like I was going to
9 die. I turned completely yellow after three weeks.
10 I couldn't hold anything down.

11 They sent me down here, and the doctor
12 told me if they had waited a couple more days I would
13 have died.

14 Q Did the doctor here tell you you had hepatitis?

15 A Right.

16 Q What happened while you were here?

17 A I was put in isolation and I tried to get these
18 people to contact my family, to talk to them on the
19 phone, and they wouldn't let me do that. They put me in a
20 big room like the size of this one. It had four or five
21 beds. They run the other inmates out because I was
22 considered a bad case. They took the magazines out of
23 there. They didn't want me to contaminate anything.

24 I stayed there for a month.

25 Q Did you have a television?

Medical

Medical
was
quote

1 A No.

2 Q No books?

3 A No books. I asked for magazines, I asked for a
4 psychiatrist. They wouldn't send nobody in. I busted a
5 couple windows finally with my hand. Finally they came
6 in and gave me a couple books. That was after three weeks
7 of complaining. I was like stir crazy.

8 Q Is there any facility down there for indoor recreation

9 A Nothing at all.

10 Q Other than television?

11 A Other than television, going up on the farm.

12 Q What is there for outside recreation?

13 A Well, you've got a basketball court. But it's
14 dirty, it's pretty dusty and you are playing on it. The
15 equipment is old. You've got a ball diamond that needs
16 fixing. It is like playing in the field some place.
17 We get to play baseball every night now because the
18 J.C. Chapter managed to buy us some balls and gloves
19 and bats through their funds, not through the inmate
20 funds. We can't get the recreation. You just can't get
21 nothing unless the J. C. Chapter has to approve it.

Commissary

22 We spend money in the commissary, but we
23 can't get nothing. So I don't know who is running the
24 jail, the administration or the J.C.'s.

25 MR. COULTER: This completes the questions

1 I have for procedural questions. Perhaps we can
2 ask Mr. Wierzbicki questions that relate to the
3 matters he has brought up, bearing in mind that
4 there is information I intend to ask Mr. Preston
5 about.

6 BY MR. BROWN:

7 Q You said that you had been going to see the doctor
8 or someone like a doctor down at Sussex.

9 A It was a doctor paid by the administration that
10 comes in.

11 Q Once a week he came in?

12 A Yes.

13 Q For a period of how long did you request this help?

14 A I requested it for three solid weeks.

15 Q Finally your condition became so bad that they
16 had to bring you up here and put you in the hospital?

17 A Right.

18 Q Is that how you lost your finger, on the saw?

19 A No, I didn't lose it. They stitched them up and
20 pulled the skin back over it. They were cut wide open.
21 Each one had about seven stitches.

22 Q How did you get turned down from school? What was
23 the process of turning you down?

24 A They gave me the excuse that they haven't got the
25 facilities right now, you know, they are going to

medical

1 build a new school, they say. So I am told that I've got
2 to wait until they get the new building up before I can
3 get in the school program.

4 Q What protection is it against something that you
5 mentioned earlier, the isolation of the prisoners from
6 the outside society? In other words, what protection is
7 it against your isolation against the society? For
8 instance, what happens when you go back now? What
9 protection do you get if you wanted to contact us?

10 A I could be thrown in the hole and couldn't get word
11 out to you unless one of my friends happened to smuggle
12 a letter out through the underground.

13 Q What about your opportunity to see a social worker
14 once a week?

15 A I can't get to see a social worker even now. Because
16 they've got me labeled as a radical. Even while I was
17 in there trying to fight my own case they refused to see
18 me.

19 Q In your opinion, are the guards from -- this is
20 academic, but I have to ask this: Are the guards there--
21 their attitude or their behavior towards the young,
22 both black and white prisoners, from the city, different
23 from those of the older prisoners?

24 A The older prisoners? Guards down there are prejudice
25 against anybody from the city, black and white; but more

retribution

*guards
hit
smalls*

1 so with the black.

2 Q What about the so-called political prisoners?

3 A Really down on them. I mean, really down.

4 MR. BROWN: Father Reese?

5 BY MS. COOPER:

6 Q Would you be more specific about the difference
7 from the treatment of blacks and whites at Sussex?

8 A Yes.

9 Q You have witnessed this in what ways?

10 A I witnessed it from the country boys from down
11 around Sussex. You take one of these farm boys come in,
12 say he's got a year's sentence. Take a northern boy
13 and he's got a year's sentence. The country boy is
14 going out on work release in maybe 60 days, where the
15 northern boy is going to have to wait six to eight months.

16 Q You mean by northern boy, the northern black?

17 A Northern black and white. But like I say, man, they
18 are more down on the black people.

19 Q They use the work release program as a way of
20 discrimination against black?

21 A Yes. Work release, what programs we do have. That's
22 about it. I mean, they keep everybody oppressed.

23 Q You cannot get access to any of the educational
24 programs?

25 A No. I tried.

*discrim
difference
in treatment*

1 BY MSGR. REESE:

2 Q You have referred to money from the commissary.

3 Can you tell us more about that?

4 A Well, the money that the inmates spend in the
5 commissary is the money used for the inmates' recreation.
6 Like we buy our own recreation on cigarettes, the movies
7 we get. This money is supposed to be used in restocking
8 our commissary and also for recreation equipment.

9 Some of the money is appropriated through
10 the legislature each year. But it seems like we just
11 can't get the recreation we want. Everything is
12 controlled by the J.C.'s.

13 Q That is the Junior Chamber of Commerce?

14 A Yes.

15 Q Is that a voluntary group?

16 A Yes. It is an inmate chapter inside the prison.

17 They are guys that go along with the system. They are
18 not going to speak against it because they are going up
19 for parole, they are out on work release. You know, they
20 get the freedom of the jail.

21 Q That is the only organization of inmates, the J.C.'s?

22 A Yes. They are the only ones recognized by the
23 institution.

24 Q Here in medium, they have an inmate organization?

25 A They have an inmate council. We try to have that

Commissary
\$ made from

J.C.

Inmate
Council

1 down there, but they won't let us have it. They just
2 keep saying that the inmates don't want it. We have
3 been trying to get it, and they still won't let us have
4 it. What they want to do, they want the inmate council,
5 but they want to elect the inmates. They want the in-
6 mates that ain't going to give them no trouble.

7 Q What is the rationale for placement of men at
8 Sussex rather than here, for example? Is there any
9 pattern behind it?

10 A I don't follow your question.

11 Q How come you're at Sussex rather than here?

12 A Up here, after the riots up here, like they sent me
13 down to Sussex and they tried to make it look like a
14 racial thing up here. I was jumped by about 30 or 40
15 brothers in max. But from the way I gather it, it could
16 have been, you know, they said that I was a white racist.
17 This is the way the institution is trying to make this
18 look; but we know different. After I got down to Sussex
19 I wanted down to Sussex, myself, you know. So we just
20 let it roll like it was.

21 Since I have been down there, like there
22 is no difference. I mean, they got clean facilities
23 here; but down there -- I just want to learn about
24 prisoners. Like I have been everywhere, reform schools,
25 everywhere, state hospital. I place myself in these *

transfers
placements

1 positions so I can learn about things because I am writing
2 a book about my life. I want to find out firsthand how
3 people are treated. I think the poor people in this
4 world are treated pretty damn rotten.

5 BY MR. BROWN:

6 Q One more question: Have you witnessed cases where
7 inmates are pitted against one another purposedly by
8 the guards or by the administration?

9 A Yes. I know quite a few cases.

10 Q Could you elaborate on one, without mentioning any
11 specific names?

12 A Let me follow this question: I know some black
13 guys from Wilmington that have been trying to get work
14 release. They had, say, six months left on their sentence.
15 They were sent down from Smyrna to go on the work release
16 down there. They were kept in the shop to work. But
17 dudes come from Smyrna into the prison with a year or
18 three years and they went right on out. I can name the
19 guys, you know. It is a fact. You can go down there
20 and ask all of them.

21 MR. BROWN: Any more questions?

22 BY MSGR. REESE:

23 Q Yes.

24 If you were the warden, how would you run
25 the system?

inmates

*discuss
work-release*

1 A How would I run the system?

2 Q Yes.

3 A Well, I hate to say this, man, because from what I
4 have seen of the men, I would say that prison is going to
5 have to be. Because it has affected a lot of people's
6 minds. There are a lot of people really mentally
7 disturbed through all the punishment of what years of
8 prison has done to them.

9 Q How many people do you think need to be there and
10 what do you think should be done with the rest?

11 A 10%. The others could be on the street living if
12 they were motivated into helping themselves in the
13 prisons, if there were courses set up. But there is no
14 motivation. Everybody hates ex-cons. Once a thief,
15 always a thief. Prison is no different than society.

16 This is my third time back. Like you're
17 going to find guards in prison that is going to hate you
18 and you're going to find people in society that is going
19 to hate you because you are a status quo.

20 They take their bad feelings on the job
21 or something, and they project it on you because you are
22 a lower class people. Ain't nobody loving their neighbors
23 like themselves. They teach the inmate hate and expect
24 them to love. They take away all of his self-respect.
25 The inmate loses all of his self-restriction.

*no. of people
who need to
be created*

1 I seen dudes raped and robbed by each
2 other and beat up and everything. What are you going
3 to do with them? It is hatred. It has possessed them.
4 The church and everybody is wrong or neglecting them.
5 You know, poverty just isn't a home that is broken down.
6 It is the beatings that go on. The kids see the mother
7 beat up, and the beatings he has taken. It takes an
8 effect on the mind. I know; I came from one of those
9 environments, an alcoholic parent. I hated him and
10 the hate possessed me. I hate society from the in-
11 carceration I had.

12 In 1963 I was given 11 years sentence
13 for a fourth degree burglary and two -- it was a maximum
14 on each charge consecutive. That was my first charge.
15 I was 21. During that time I seen guys serving five
16 years for murder, five years from raping their own
17 daughter, the five-time losers for armed robbery going
18 four and three-year bits. And you expect me to accept
19 justice? Where was rehabilitation? No one cared about
20 getting a psychiatrist in there to help an inmate.

21 BY MR. BROWN:

22 Q I have one further question: You mentioned -- what
23 do you feel about the safeguard in the prison, either
24 from the other prisoners or prisoners from themselves?
25 I am referring to the allegation of rape, prisoners

*Security &
Supervision*

1 raping each other. What about the safety in the prison
2 among themselves?

3 A There is no safety, no protection for inmates,
4 because the guards got the "I don't care attitude." I
5 see guys, young kids raped and sent down at Sussex.
6 And before they get there the inmate has the word on
7 them. They are throwed on the tier with lifers and
8 everybody else. And they are subject to it again, and
9 nobody cares.

10 Q How could you stop rapes going on in prison if you
11 were living on the prison with 36 men and you are one
12 man? -- and the rest of them are, you know -- your door
13 is open all day long?

14 BY MR. COULTER:

15 Q Where is the officer stationed?

16 A He sits outside. He don't look down the tier. He
17 has to look through a wall to look down the tier. You
18 figure 100 feet down, and you're laying in your cell
19 and five inmates walk in there. You are going to get
20 raped. You could holler all you want. You could holler
21 on the tier right now for guards just to get paper or
22 something. They ignore the call. Even when fights break
23 out or stuff, they don't bother to come in there and try
24 to break it up. They just throw everybody in the hole.

25 I seen dudes in max get beat for half an

Security
Supervision

1 hour at a time. The guards were standing there locking
2 the door. I mean, what are they paid for?

3 Q The guards were locking themselves away from the
4 incident?

5 A Right.

6 MR. BROWN: If there aren't any other
7 questions, thank you, Mr. Wierzbicki.

8 (witness excused.)

9 -----
10 ...DAVID PRESTON, called...

11 BY MR. COULTER:

12 Q Mr. Preston, could you state your full name and
13 where you are now confined?

14 A David Preston. I am presently incarcerated at the
15 Sussex Correctional Institution, Georgetown, Delaware.

16 Q What tier are you on?

17 A I am on D-tier. This is a particular area that is
18 set aside, and it is often referred to by the general
19 prison population and administration as the tier for
20 radical and troublemakers, et cetera.

21 Q Who put you on D-tier or D-1 tier?

22 A Captain of the guard, Captain Johnny Martin.

23 Q How long have you been there on D-1?

24 A Approximately six and a half weeks, roughly eight
25 weeks.

D-1 Tier
Sussex

1 Q Did you have an adjustment hearing before you were
2 put there?

3 A No.

4 Q Did you go before the classification board before
5 you were put there?

6 A No.

7 Q On D-1 tier are there any windows that open onto
8 the outside directly?

9 A No.

10 Q But you can see across a corridor?

11 A That's right.

12 Q But you have to look through a particular wire
13 grate?

14 A Yes.

15 Q Is that grate clean or dirty?

16 A It is rusty, dirty, corroded, and, you know, it
17 has collected dust from the walls and --

18 Q Soot?

19 A The screen is, you know, full of dust, dust
20 particles. In other words, the way it is situated,
21 there is no ventilation; no air can penetrate this
22 particular wire.

23 Q Has it been necessary to put a fan in there for
24 that reason?

25 A Yes.

Classif.

*D-1
window*



1 Q Does that solve the problem?

2 A No, it doesn't. You see, regardless of how hot it
3 is on the outside, you see, they cut the radiators on.

4 It could be 90 degrees on the outside. They will cut
5 the radiators on, and there is no ventilation. When
6 the fan is operating, it is only turning hot heat over.

7 Q Are the radiators on now?

8 A Well, I couldn't say because I haven't been there
9 since this morning. But generally every day or every
10 other day someone cuts the radiator on, yes.

11 Q What other light is available on that tier?

12 A Light?

13 Q Yes.

14 A Well, there is light.

15 Q There are light bulbs along the tier?

16 A Yes. But due -- the tier is approximately 80 feet
17 long and about 30 feet wide. There is four rows of light
18 bulbs in the roof, and each cell carries a light.

19 Q Do all of these light bulbs work?

20 A No. Sometimes a bulb might be out a week or two or
21 three days before you see one. You ask the officer for
22 one. That could be seven days before you receive it.

23 Q How many cells are on that tier?

24 A Eight.

25 Q How many inmates live there now?

D-1 Tier
light

1 A 13.

2 Q How many of those 13 inmates are black?

3 A All of them.

4 Q Is it true that about three weeks or a month ago
5 there were three white inmates on that tier?

6 A Well, the three white inmates were placed on that
7 tier because they didn't have housing facilities in
8 another part of the jail. They were placed there
9 temporarily.

10 Q Was that also the day that I interviewed you?

11 A Yes, it was. Maybe three days later they were, you
12 know, taken off and placed in the various parts of the
13 jail from the home farm section to Island 2 where
14 Wierzbicki is.

15 Q How long had it been before any white inmates were
16 on that tier?

17 A I can say like --

18 Q To your knowledge?

19 A A month. Because I had been back there about a
20 month before I was interviewed by you; and there was no
21 one when I went there. The only time they were placed
22 there was the day that I was interviewed by you.

23 Q Now, is D-1 tier always filled to capacity, every
24 cell?

25 A No.

D-1
discrim
racial

1 Q Is it frequent that all those cells are not filled?

2 A Well, see, the only time that -- all of those cells
3 are filled, you know, is on the weekend. They have what
4 you call weekenders, fellows who come in who serve time
5 Friday through Sunday. They generally put all the
6 weekenders on detail for approximately three days. Then
7 it is occupied, all the cells.

8 Q What do you mean by detail?

9 A You misunderstood me. I didn't mean detail, D-tier.

10 Q What is your job?

11 A I doesn't have one.

12 Q Did you have a job earlier?

13 A You see, this is how you are placed on D-tier.
14 January 1973 I was carried before the classification
15 and evaluation board for the purpose of being assigned
16 to an institutional job. I was recommended that I be
17 transferred to Smyrna. The officer -- the majority of
18 the officers at Sussex at that time they went to the
19 warden and told him that I was, you know, considered a
20 model inmate and didn't cause any disturbance and so
21 forth. So they overruled the previous decision and
22 said, "We'll call you back."

23 I was called back before the Board in
24 February of 1973, and I was placed in the institutional
25 shop. I suffer from an allergy, hay fever. A medical

1 doctor that visits periodically, he requested that I be
2 relieved of my shop duties. So I dropped the slip for
3 reclassification., I was called back again and they say,
4 "Well, we going to transfer you to Smyrna." They give
5 me a slip and said that the transfer was on the basis
6 that they wanted to motivate me. They said that further
7 academic and vocational training would enable me to
8 obtain full employment anywhere that I might choose to
9 live.

10 So I tried to inform them that I had
11 served time before and that I had a -- received a high
12 school equivalency and that I had taken vocational
13 training and learned how to mix colors, make shoes, and
14 so forth. They wouldn't listen to it. So the dietary
15 supervisor at Sussex requested that I be placed in the
16 kitchen in the dining area. So they transferred me to
17 Smyrna.

18 I appeared before the Board here in Smyrna
19 about April 5, 1973. When they got my folder they
20 opened it and someone had placed in my folder that I was
21 a troublemaker and that I had worked in the dining area
22 and that I had verbally assaulted the supervisor in the
23 kitchen area and that I couldn't get along with any of
24 the inmates. So, without this I wouldn't have bothered.
25 I figured that this would affect my parole appearance.

transfer

1 I filed a complaint in the U. S. District Court. So I
2 received a letter from Mr. Floyd McKissick of the
3 National Conference of Black Lawyers advising Mr. Tower
4 that he represented me in this matter and he wanted
5 some information like why I was transferred forthwith.

6 Two days later they sent me back to
7 Sussex and I was placed on detail and waiting the out-
8 come of this court decision in this area. While I was
9 placed there and at the time I haven't been classified
10 and they won't. I was told Monday that when I do come
11 up for classification that means I can forget it. If
12 any of the inmates are seen talking to me they could be
13 taken off work leave and put in tentative segregation.

14 Q Did your being labeled as a troublemaker have any-
15 thing to do with the fact that you have attempted to
16 assist both yourself and other inmates in filing legal
17 petitions?

18 A Well, that's where all my trouble started. You know,
19 once I began to attempt to assist unsophisticated people
20 with legal papers, that is where it began.

21 Q Do you have any information that that is why you
22 were transferred to Smyrna?

23 A I was told by their officer. Mr. Ralph Collins
24 and several of the officers were told by the administta-
25 tion that I was transferred because I had previously

*jail-house
lawyer*

1 dropped in a slip to be transferred and had to forget
2 that I had respectfully requested to be transferred.

3 You see, I was transferred on the basis
4 of my legal activity, not because I wanted to be or
5 because I needed the vocational training. I was trans-
6 ferred because -- you know, from -- I ain't going to
7 make no accusation that I can't prove -- but my opinion
8 is that if an investigation was had in Sussex Center it
9 would be another Watergate.

10 Q Do you believe there is any connection between
11 your legal activities and your being placed on D-1 tier?

12 A Sure.

13 Q Doesn't the fact that you live on D-1 tier keep you--

14 A Isolated from the general prison population, yes.

15 Q Within the last two weeks have you been given
16 additional freedom to help inmates with their legal pro-
17 blems?

18 A Yes. About two weeks and a few days ago the officer
19 opened the door and told me to come in the dining area,
20 that there was an inmate that wanted some legal assistance
21 Since then it has been like a chain reaction. They don't
22 bother me any more. I don't know why, whether it is be-
23 cause of the complaint or because of this Commission
24 investigation.

25 Q When you attempt to give legal assistance, what

Legal act

Placem.

1 materials do you have there, library material or office
2 material?

3 A You see, the majority -- well, the petitions that
4 I usually file -- there is no law books, other than
5 Delaware Code Title 11, Volume 7. The petitions that I
6 generally file or assist people in the preparation of,
7 I had to keep it confined mostly to the Federal issue,
8 because I have no -- there is no Atlantic reporter dealing
9 with recent State Court decisions or anything like
10 that. So I had to keep it, you know, confined maybe --
11 try to bring it from the 6th or 14th Amendment. The
12 complaints that I file are from memory when I was doing
13 time elsewhere, you know, like certain sections of the
14 Federal Code. Bu me remembering it, I don't have no
15 difficulty.

16 Q What you are saying is that you had to rely on
17 Federal Law, but there is no U. S. Code available; is
18 there?

19 A There is no U. S. Code. There is nothing there,
20 no supplements, no Atlantic reporters. There is nothing
21 but just Title 11. If they have it, it is concealed
22 and won't make it available.

23 Q Have you requested other volumes of the Delaware
24 Code and been denied that request?

25 A I requested Volume -- Title 11, Volume 16 last week.

law books
available

no legal
books

1 I was told that some time early last year prior to my
2 request that someone had requested and refused to bring
3 it back. On that basis there was no access to it, which
4 I know it was not true because had that book not been
5 returned it would have been a general shakedown.

6 Q Are you permitted to use the index to the Delaware
7 Code?

8 A There is no index.

9 Q At least you have not been given an index; is that
10 correct?

11 A I am going from personal knowledge and observation.
12 There is no index. You see, I don't want to put nobody
13 on the spot; but I have been told that there is no in-
14 dex. There are certain officers that talk to me, that I
15 get along with.

16 Q Perhaps it would be interesting to request to see a
17 copy of the index, because I as an attorney have had
18 occasion to consult it. It is altogether inadequate,
19 and I sympathize with the difficulties you are going to
20 encounter using that index. There are many pertinent
21 provisions that I note aren't given in the index. Let
22 me assure you that the index does exist. Whether it
23 exists at Sussex, you know better than I.

24 In any event, let's move along to some
25 other questions: When an inmate moves back and forth

1 between Sussex and Smyrna, is there a notice given to
2 him in advance? By in advance, I mean a day or two in
3 advance that he is going to be transferred? Is he
4 permitted to give advance notice to his family or his
5 attorney?

6 A Not in every case. In some cases -- if an inmate
7 is going to be transferred Friday, he might know it
8 Wednesday; but not in every case.

9 Some people are picked up without any
10 notice, without notice being given. They might be
11 called Friday morning and said, "You are being trans-
12 ferred to Smyrna."

13 Q Does the institution ever notify your family or your
14 attorney?

15 A I can't speculate on that because I don't know.

16 Q To your knowledge, it hasn't happened?

17 A No.

18 MR. WIERZBICKI: No, they don't. When they
19 transfer you, they don't notify your family or
20 anybody else.

21 Q When you arrived, Mr. Preston, at Sussex Correctional
22 Institution, are you given an intake physical examination
23 by anyone?

24 A No. The only thing you are given is the regular
25 fingerprinted, mugged, and data processed: the height,

transfers

notification
of transfers

transferee
intake at new
institution

1 the weight, and physical build and everything. It all
2 depends on what time of the day it is. If it is after
3 5 o'clock in the afternoon, you're usually put in the
4 flats. This is the hold area. You are held there until
5 after 5 o'clock in the afternoon until the regular 8:00
6 to 4:00 shift comes on the next day. Then you're turned
7 loose without any physical examination or blood test.
8 You're turned loose on the general prison population.

9 Q To your knowledge, does the medical officer down
10 there make a sanitary or health inspection in the
11 kitchen or in the latrine areas?

12 A No. This is what I wanted to point out: You see,
13 Sussex do not have what you would call a diagnostic
14 center. An inmate can complain of an illness. If you
15 complain of an ailment, instead of you being given proper
16 care you are given barbiturates and aspirins and sent on
17 your way. They don't know what is wrong with you, what
18 may be wrong with you, or anything.

19 You are just turned loose on the prison.

20 As far as a periodic inspection in the
21 dining area, no. And the officers walk around there --
22 through the dining area and open the top of the cooking
23 utensils and stick their hands in there and get food out.
24 It is outrageous down there. A person might have the
25 common cold, flu, skin disorder, and they are allowed to

intake

med. officer-
sanitary inspec-
tion

medical
care

1 work in the kitchen area.

2 I was requested by a couple officers that
3 I am not going to name, they asked me not to, but they
4 wanted me to really point this particular area out because
5 they say it is unfit and dangerous as a health hazard.
6 They informed me also that they would like to have testi-
7 fied before this committee, but they were informed that
8 had they came before the Commission, and as far as any-
9 thing pertaining to that institution, would have been --
10 you know, their job would have been in jeopardy, and on
11 that basis they couldn't come. But they requested that I
12 point this out to the committee here.

13 BY MR. BROWN:

14 Q Let me interrupt you. Are you aware that we intended
15 to have you up to testify in Wilmington on Friday and
16 Saturday?

17 A Yes, sir. You see, they refused to bring me. They
18 led me up to that point and had me assuming in good
19 faith that they were going to bring me. I hear you
20 didn't have any subpoena power. But had I known earlier,
21 I would have got a court order to appear. But they knew
22 this, because I went to the Superior Court and I told
23 them if they weren't going to allow me I would make it
24 known and have a court order to appear.

25 They told me I would be allowed to go. I

1 sent the letter to the captain, and he said I could go,
2 but that I would need an officer to volunteer to take me.
3 I said I might as well forget it. I didn't pursue it
4 because I didn't want to get locked up.

5 Q There was a possibility that a number of guards
6 would have come up, but they were being threatened?

7 A I can only testify to what they told me. They told
8 me -- on the basis of what they told me, I would say yes.
9 I don't want to mention their names.

10 MR. BROWN: Right.

11 BY MR. COULTER:

12 Q You have briefly described to me a number of racial
13 problems that you feel exist at Sussex Correctional
14 apart from just D-1 tier. What are some of these other
15 problems?

16 A We have -- first of all I would like to talk about
17 the classification committee. You have a committee
18 composed of approximately eight people, supposedly repre-
19 senting the cross section of the prison and deals daily
20 with the prisoners.

21 And this particular classification committee
22 they make certain decisions, which I think affect the
23 inmate parole appearance before the parole board. It
24 has a tendency to strain relations. The overall prison
25 population of Sussex, I would go so far to say that it

*Racial
Probs - Sussex*

.58 or 5/31/73

1 is 90% black. These people that make these decisions,
2 there is no black participating in it. I think that
3 some black people should participate because the majority
4 of the prisoners are black, and somebody should be there
5 to identify with the majority of the prisoners. There
6 are no black people participating in there, and I think
7 it is wrong.

8 Q Does this affect work assignments?

9 A Sure, it affects work assignments. That work release
10 program, there is a lot of discrimination practiced, but
11 it is done not on the basis of color, but in the area
12 of patronism. There are certain people that sit on the
13 committee. If you are right, you are assured of work
14 release. They can tell you two weeks before you appear
15 whether you will be granted the privileges, or what-have-
16 you. Like I say, there is no black people participating.
17 There is people eligible and a lot of work open. But
18 simply because they are participating in this committee,
19 Mr. X, if you're not what I call "Tomism," you're not
20 shining shoes, you're not going to get it.

21 Q It just now occurred to me, I observed on one
22 occasion a black inmate shining an officer's shoes. Is
23 this a common practice down there?

24 A Well, I attempt to point it out like this: The
25 better job, a clerk in the commissary, secretary to a

to assignment
discrimination *

1 social worker, secretary in the shop, institutional
2 shop, all white fellows had it. But the shoe shine box
3 is given to some black inmate.

4 Q Is that an assigned job?

5 A I'm not going to say it is assigned. It might be on
6 a voluntary basis. You never seen a white man with that
7 box.

8 Q Is this job done by someone all the time?

9 A No. I see two or three different inmates with that
10 box. I criticize it --

11 Q What I meant was, does someone do that job all the
12 time?

13 A The same person?

14 Q Yes.

15 A No.

16 Q Any day of the week, on any particular given day
17 of the week, can an officer have his shoes shined by
18 an inmate?

19 A Right. All he has to do is say, "I want my shoes
20 signed." And directly you see someone with the shoe shine
21 box.

22 BY MS. COOPER:

23 Q What if anybody refuses?

24 A Well, I can't say about the shoe shine box because I
25 have never seen anyone refuse.

job
assign
meny

document

1 But the area where I am, we don't get any
2 pay. We must volunteer. And if you don't volunteer, that
3 is automatic lockup or writeup.

4 It was two fellows refused to work two
5 weeks, and they were given five days apiece in the hole
6 for refusing to work.

7 Q So they aren't just left to be idle? They do have
8 to work; is that what you're saying? If you don't work,
9 you get reprimanded for it?

10 A Under the Delaware law a person serving more than
11 90 days must be classified for a job. Once they label
12 you as a radical, they can confine you and compel you
13 to work absence of pay, and this is wrong. There are
14 laws against this. They compel you, if you refuse to
15 work you can be locked up; however, you haven't been
16 assigned to any job.

17 Q People on D-2 don't get paid?

18 A No.

19 Q But they have to work?

20 A Under the request or if they refuse -- they don't
21 bother me. They might ask me and say, "Do you want to
22 volunteer?" But they don't compel me, they don't do it.

23 I have seen people come up and say, "Get
24 up and go to work." If you refuse, you will be written
25 up and eventually called before the classification

PUNISHMENT

1 board and placed in tentative punishment. I know of two
2 persons, of personal knowledge and observation, where
3 it happened last week.

4 BY MR. COULTER:

5 Q Do you know the names of those individuals?

6 A I know the names of the individuals, the officer
7 who wrote it up, and everybody who put him in the hole.

8 Q I have explained to you before the problem that we
9 have with the Federal Law that forbids us to receive
10 testimony that defames or degrades or incriminates
11 somebody without him being here to testify, but it has
12 to be in executive session.

13 Now, perhaps the other members of the
14 committee feel that it is important enough to do that.
15 I don't know at this time, but it would be -- there could
16 be no problem with giving this committee the inmates'
17 names involved. Do you know the names of the inmates
18 that were subjected to this?

19 A Clarence Wyatt and Preston Rue. You see, I would
20 also like to point out that he mentioned something to
21 Wierzbicki when he said what assurances would he have in
22 the event that we went back to Sussex and wanted to
23 contact him, what assurances do we have that we could.
24 Overall, like I say, when we go back this afternoon there
25 is a possibility that we might be locked up. But

*retribution
for testifying*

1 everybody in the prison knows me, you know; and somebody
2 would undertake to write a letter and get it out through
3 the -- some kind of way a letter would probably get out
4 of the jail. Then again, they probably wouldn't lock
5 me up because they've got to bring me out to Superior
6 Court; and I don't think they want too much action. I
7 think they would wait to see the outcome of the complaint,
8 and that is when they will undertake to do what they
9 could do.

10 BY MS. COOPER:

11 Q Is the hole the same as the reception area?

12 A No. Well, the hole is the isolated area set off by
13 itself.

14 Q It is not a section right next to where new prisoners
15 coming in may be placed?

16 A New prisoners come in through the receiving room.
17 The place is in that area. But, see, once you come
18 through the receiving room, like I say, if it is between
19 6:00 or 4:00 in the day, you don't stop there. You come
20 right on in where the prison population is. There is no
21 orientation. You are brought on in and mingle.

22 Q I am just trying to get the picture of the hole
23 and where and the relationship to the receiving room. It
24 is in the receiving room?

25 A Right. But, see, the term "receiving," I understand

*isolation
location*

1 what you say, but there is no receiving room. It is
2 just an area where you give your name and march right
3 on out. It's not like maybe back here in Smyrna where
4 you come in and take a shower and you are inspected
5 bodily and go through the routine thing and then placed
6 in isolation, orientated, and let loose. You just come
7 through for about five minutes and you come through and
8 come on out. There is no receiving area.

description
of receiving

9 MR. WIERZBICKI: There is one matter I
10 would like to bring out about the women prisoners
11 that are brought there. They are put in the room
12 up next to the commissary, and if they are there is
13 supposed to be a matron with a woman prisoner 24
14 hours a day if there is a facility for a woman.
15 The only woman brought in is thrown in this room
16 and a big steel door is shut behind them. And
17 like if the woman comes in drunk, she could be
18 in the DT's, strung out on dope or anything. Like
19 they are never given no attention. So like I heard
20 them in there -- sometimes we are up there having
21 movies. A lot of women come in on Friday -- they
22 are thrown in that room and not given any attention.

23 MS. COOPER: How many women are down there?

24 MR. WIERZBICKI: It's not the idea how
25 many. It is the fact that when you shut a woman

1 in with DT's with no doctor or matron, there is a
2 chance that she could choke herself to death.

3 BY MS. COOPER:

4 Q Are they there on a long-term basis?

5 MR. WIERZBICKI: Two or three days at
6 the most. As soon as they could get them up to
7 the women's prison.

8 MR. PRESTON: The simple word, it is hold-
9 over.

10 BY MR. COULTER:

11 Q Returning to some of the racial problems, in your
12 experience as a black inmate, are whites permitted to
13 share the cells?

14 A No, sir. They are segregated. You know, like maybe
15 an inmate has been in one cell maybe 18 months and he
16 has gotten accustomed to it and decorated it with some-
17 thing, and he might be one of the type inmates that, you
18 know, obsessed with cleanliness, keeps his area clean.
19 And if he is a black inmate and he is one in the cell,
20 and here's a black inmate here and he wants in that cell,
21 if a white inmate comes in, regardless of how long the
22 inmate been in, they can't share the cell together. He
23 must move out in order to make it available to the white
24 inmate.

25 Q Does it work the other way around where two whites

*racial
problems*

*all
segregation*

1 each have a single cell and a black comes along maybe?

2 A Right. One must move out. In other words, a black
3 and white inmate cannot be housed together, under no
4 circumstances.

5 BY MS. COOPER:

6 Q If they requested it, could that be?

7 A He would refuse it. If he requested it, they would--
8 that is what I am trying to point out. These people's
9 mentality is so low they think that you are -- how should
10 I say? -- bucking against their authority. So what they
11 will do, they will designate you by labeling you as
12 something. And from then on you are in for it. You are
13 deprived of everything. You can't get a haircut. If
14 you get one, you have to argue with the officer. And
15 before you get anything, you will be locked up.

16 If you request it, he says you're trying
17 to go over his head.

18 BY MR. COULTER:

19 Q Are there any black inmates down at Sussex who
20 would decline to eat pork for religious reasons?

21 A Yes.

22 Q Do you know about how many that might be?

23 A Conservatively, maybe nine or ten. There are some
24 people that adhere strictly to the Islamic faith. It
25 forbids them to eat pork meat.

*dietary
pork*

1 Q Is there any substitute food made available to them
2 when pork is being served?

3 A No. They serve you food. If you don't want to eat,
4 you just don't eat. No, ain't no substitute food. If
5 they have sausage and rice, you eat it. If you don't
6 want to eat the sausage and rice, you don't eat.

7 BY MR. BROWN:

8 Q Mr. Preston, I want to get back to what I thought
9 you said about the radiators. You said that the radiators
10 which produce heat are on in your cell now? I mean,
11 during this period of time, this hot summer?

12 A Right. I say regardless of how hot it may be
13 outside, someone -- I don't know who -- will cut the
14 radiator pipes on and increase the heat twice as much as
15 what it originally was.

16 Q That is on D-1 tier?

17 A Right. It gets so hot the only time that we can
18 really see each other, you know, the majority of the
19 prisoners, is when they cut the radiators on and they
20 have to open the outside door and let air circulate.

21 There is no ventilation on D-tier.

22 Q What about the rest of the tiers?

23 A No. Not unless it is cold weather. The other tiers
24 have windows to the outside. D-tier is inside, like it
25 is inside this room.

*guards
vs.
inmates*

1 Q We have heard earlier today prisoners who have been
2 in isolation up in Smyrna talk about the type of treat-
3 ment they get and the bathroom flushing every 20 minutes
4 or sometimes every minute. What do you have in Sussex,
5 or do you consider that radiator treatment the same type
6 of treatment; or is there any other type?

7 A Well, the only thing -- as far as I have been
8 subject to, which I would call cruel and unusual punish-
9 ment, is this radiator. When they transferred me, I was
10 put in over there right across over there. And I do
11 know about those bathrooms flushing right behind each
12 other.

13 Sometimes they call it Chinese torture,
14 a psychological effect on your mind. The commodes there
15 are so rusted they couldn't flush if they wanted to; they
16 are old. The place is falling down.

17 MR. BROWN: I have no more questions.

18 BY MR. COULTER:

19 Q I have nothing further.

20 MR. BROWN: I would like to thank you
21 both for appearing before the Commission.

22 MR. WIERZBICKI: Maybe today the community
23 doesn't get involved in prisons. You only turn
24 loose killers. A kid can be turned loose for steal-
25 ing a car, and is going to get out there and kill

State of
Sussex

1 someone.

2 MR. PRESTON: There is something I would
3 like to say: He mentioned about this silent treat-
4 ment that was employed back in the '30's. In the
5 dining area I could be sitting across from her and
6 I can't whisper to her because that is a lockup.
7 And thjs is building up a lot of animosity among
8 the inmates. I get a chance to talk to all of them
9 when we get in the yard. If somebody don't do
10 something, it's going to create a great rebellion
11 down there. I wrote a letter last night -- I wrote
12 letters to Governor Tribbitt, Mrs. Stabler, and
13 various Federal judges in Delaware complaining about
14 it and trying to set out that these inmates want to
15 be heard and the voices are being suppressed.

16 BY MS. COOPER:

17 Q Did you send anything to Jack White?

18 A Yes. I sent a letter to Mr. White, too.

19 Something is going to have to be done
20 about it. I would go so far as to say if something isn't
21 done before this summer is over, I would liken every
22 mother or father's son or nephew there to the plight of
23 life hanging on a thread.

24 -----

25 (Concluded.)

Visits

Quote
For begin
end