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DELAWARE STATE COMMITTEE OF
UNITED STATES COMMISSION ON CIVIL RIGHTS

HEARING ON DELAWARE PRISON SYSTEM

SMYRNA CORRECTIONAL INSTITUTION

SMYRNA, DELAWARE

WEDNESDAY, JUNE 6, 1973

9:00 A.M.

PRESENT:

L. COLEMAN DORSEY, Chairman

MSGR. THOMAS J. REESE

LULA P. COOPER

ROBERT T. COULTER, ESQ.

HOWARD H. BROWN

SHERMAN N. MILLER

STAFF:

DONALD GOFF

WITNESS:

LESTER McKINLEY JOHNSON

- D. e. c.

LESTER MCKINLEY JOHNSON

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BY MR. COULTER:
BY MR. DORSEY:
BY MR. REESE:
BY MR. DORSEY:
BY MR. MILLER:
BY MR. BROWN:
BY MR. DORSEY:

Page 3
Page 26
Page 27
Page 28
Page 31
Page 33
Page 34

1 ...LESTER MCKINLEY JOHNSON, called...

2 MR. DORSEY: We have with us now Mr.
3 Lester McKinley Johnson.

4 Mr. Johnson, we have as our counsel Mr.
5 Coulter, who will be asking you questions. Then
6 after he is done the other committee members will
7 ask things that they are especially interested in.
8 And at the tail end, if by any chance we missed any-
9 thing, we give you an opportunity.

10 Mr. Coulter, you had some remarks first
11 to make?

12 MR. COULTER: There is some information
13 I want to give you first: I want to advise you,
14 and I am sure you have already noticed, that these
15 proceedings are being recorded both by a steno-
16 typist and from time to time by a videotape
17 recording device. A transcript will be made of
18 these proceedings. The transcript may be made
19 available to interested persons, including the
20 State of Delaware. The videotape recording of
21 these proceedings may or may not ever be broad-
22 casted over the regular television broadcasting
23 system, but they may be made available to interested
24 persons, and again that may include the State of
25 Delaware.

1 Now, I want you to understand that your
 2 testimony here is not under oath; but nevertheless,
 3 anything that you say here, just as any statement
 4 you say or make any place else, may be used against
 5 you as evidence in a criminal proceeding.

6 THE WITNESS: I understand.

7 MR. COULTER: Your appearance here and
 8 your giving information is entirely voluntary on
 9 your part. You may decline or refuse to answer all
 10 questions or you may refuse to answer any particular
 11 question at any time.

12 BY MR. COULTER:

13 Q Do you understand what I have told you so far?

14 A Yes, I understand.

15 Q Now, I want you to know that I am giving you this
 16 information not to intimidate you in any way, but just
 17 so that you will know what your rights are.

18 A Okay.

19 Q The Committee here hopes that you will be agreeable
 20 to give us as much information as you can about the
 21 conditions here in the prison and about your treatment.

22 But the Committee will not ask for any information
 23 which may touch upon any pending criminal matter.

24 A Okay.

25 Q We will not request you to discuss any alleged

1 attack on any correctional officer or anything of the
2 sort. We are not interested in evidence like that at
3 this time, for reasons which I am sure you are aware.

4 Now, under all of the circumstances, do
5 you still wish to answer questions?

6 A Yes.

7 Q Could you state your full name and where you are
8 presently confined in this institution?

9 A My name is Lester McKinley Johnson. I am presently
10 confined in the maximum security building, the hole.

11 Q Prior to that time where were you confined?

12 A Prior to that time I was confined in the maximum
13 security building; the maximum max, as it is called,
14 B block.

15 Q How long had you been incarcerated in total?

16 A I was arrested in December of 1971, and I have been
17 incarcerated since then.

18 Q All right. When were you first placed on B block?

19 A When I came -- when I was first incarcerated, I came
20 into the receiving room. I asked for a bed. They said
21 that there wasn't no bed. So they said that I could be
22 transferred to maximum voluntarily if I desired to have
23 a bed. So I voluntarily went to maximum security. I
24 haven't been out since.

25 Q When were you placed on B block?

Classification

1 A December '72.

2 Q Were other inmates placed on B block at the same
3 time you were?

4 A Yes. There were three others placed at the same
5 time I was.

6 Q Were these other inmates black?

7 A Yes.

8 Q Were there other inmates on B block at that time?

9 A Yes.

10 Q Were they black?

11 A Yes.

12 Q Were there any white inmates on B block at that
13 time?

14 A No.

15 Q Have there been any since?

16 A No.

17 Q Were you placed on B block as a result of an adjust-
18 ment proceeding? By that I mean any disciplinary
19 proceeding?

20 A That is difficult to say, because I was sentenced to
21 30 days as a result of a disciplinary action, you know,
22 the confinement on B block.

23 Q Where was this 30-day punishment to be spent?

24 A In the hole.

25 Q After you came out of the hole, you went to B

*adjustment
proceeding*

1 block?

2 A Yes.

3 Q Did the classification team direct that you be
4 placed on B block at that time?

5 A Not that I know of.

6 Q But is the classification team now that determines
7 whether or not you would remain on B block?

8 A Allegedly, yes.

9 Q Assuming you were removed from the isolation area,
10 of course?

11 A Allegedly it is the classification team, yes.

12 Q Were you ever told at that time or at any subse-
13 quent time precisely what it was you would have to do
14 or what it was you would have to do in order to be moved
15 from B block to another area of the prison?

16 A I was told that I would have to enter into
17 psychological therapy, and some other form of program
18 in order to think about getting off B block. I did
19 enter these programs, and I saw that, you know, it was
20 a bunch of jive. So I no longer participated in them
21 programs.

22 Q You have never been off B block except to go to
23 isolation since December 1972?

24 A That's true. As far as confinement, that is.

25 Q All right. About how many hours a day, if you know,

requirements
to get off
B Block

1 are you kept locked in your cell when you are on B
2 block?

3 A (No response.)

4 Q Let me ask you this: Now, you come out of your cell
5 for meals; is that correct?

6 A Yes.

7 Q How long does each meal take?

8 A Maybe 20, 30 minutes, maybe at the most.

9 Q And you are permitted outside your cell for
10 recreation in the morning; is that correct?

11 A One hour.

12 Q One hour?

13 A Yes.

14 Q You sometimes come out of your cell to see social
15 workers; is that correct?

16 A Yes.

17 Q But that is perhaps only once a week?

18 A No.

19 Q More often?

20 A Yes. We are permitted to come out of our cells in
21 the morning and in the evening and in the afternoons.

22 All day until 10 o'clock. This is when I came on B block.

23 Before I came on B block this was not so. I came on B
24 block December 26 of last year.

25 Q So according to your testimony, your cell door

*on B Block
periods of time
out of cell*

1 unlocks in the morning?

2 A Yes.

3 Q At about 7 o'clock?

4 A Yes.

5 Q And it isn't locked again until when?

6 A Until after lunch, 12:30, something to 1:00. Then
7 it is opened back up again about 2:30 or something
8 around there, and closed back up again at 3:00 before
9 they change shifts, and open again after they change
10 the shifts.

11 Q All right. Then how long is the cell door open
12 after they change the shift?

13 A Until 10 o'clock generally.

14 Q From then it remains closed until 7:00 in the
15 morning?

16 A Yes.

17 Q All right. When do you have visitors on B block?
18 Is that on Saturday?

19 A I have never had visits other than on a Saturday on
20 B block, as I recall.

21 Q All right.

22 A I wouldn't know the exact schedule.

23 Q Are you permitted to go to the library?

24 A No.

25 Q Are you permitted to go to school classes?

*locked &
unlocked
cells*

visits

library

1 A No.

2 Q Do you ever go off B block for any other reason,
3 other than to see the social worker?

4 A Attorneys.

5 Q All right.

6 A The minister interview.

7 Q All right.

8 A That's all.

9 Q All right. How long have you been in the isolation
10 area?

11 A Presently?

12 Q Yes.

13 A Today is the fifth or sixth?

14 Q The 6th, I believe, of June.

15 A The 7th would be a full month. The 7th of last
16 month.

17 Q Have you been in the isolation area on other occasions?

18 A Yes.

19 Q What was the longest period of time you ever spent
20 in the isolation area?

21 A 30 days.

22 Q Do you know if other inmates have spent longer
23 periods of time there?

24 A Yes.

25 Q How long?

*M B Block
Attorney*

1 A I don't know exactly, but Tommy Smith spent the
2 longest, I believe.

3 Q Was it as long as 60 days?

4 A I don't know.

5 Q But it was more than 30 days?

6 A Yes.

7 Q Is there a maximum length of time that inmate --

8 A Under the new rules, the imprisonment of inmates
9 is 15 days maximum. However, I understand that -- we
10 were told that we were placed in there under administra-
11 tive isolation pursuant to Rule 31. But there is nothing
12 in Rule 31 that permits the excess of 15 days.

13 Q But even for punishment purposes, if someone is
14 punished for committing two infractions, does he serve
15 15 or 30 days?

16 A According to the rule he is supposed to serve 15
17 days. If he must do another, there must be a break, a
18 period in between there, you know.

19 Q Have you ever known that break period to occur?

20 A Since the new rules, I haven't known of no one
21 being there other than the five of us now more than ¹⁵
22 days.

23 Q You have no inmate by the name of Michael Thomas?

24 A In the hole?

25 Q That's right.

Rules for
the treatment
of inmates

Michael Thomas?

1 A No.

2 Q In your cell what items are you permitted to have
3 other than the clothing you are wearing and your bedding?

4 A Bedding?

5 Q The sheets and blankets. Are there other items that
6 you are permitted to have?

7 A My legal material.

8 Q All right.

9 A Some religious material. It has been stopped
10 recently through the mail. It is a discretionary thing.
11 Whoever comes in and search, if they don't want you to
12 have it they take it. I had clippings sent by my
13 lawyer. They came in last week and thought that the
14 clippings shouldn't be in my possession, so they
15 destroyed them.

16 Q This was sent to you by an attorney?

17 A By Angelo Flasco.

18 Q You are permitted to have some books, then?

19 A No. Only law books and Bibles.

20 Q Are you permitted to have writing material?

21 A Yes. They give us their stationery.

22 Q Is there a limit on the number of letters you can
23 mail from isolation?

24 A Yes. There is supposed to be a limit. It is supposed
25 to be three personal letters a week from the max building

*Solitary
items in
cell*

letters

1 It doesn't specify isolation. But business letters
2 there are no limits.

letters

3 Q Are you permitted items with which to clean your
4 cell, such as rags or cleanser?

5 A I never had or seen none. Not cleaners, no.

6 Q Is there any means that you have for cleaning your
7 sink or toilet?

8 A Not that I have, no.

*Sanitary-
Cell cleaning*

9 Q Are you given anything with which to sweep out your
10 cell?

11 A Yes.

12 Q And that is when you take a shower?

13 A Yes.

14 Q How often is that?

15 A Twice a week.

16 Q Do you have a toothbrush, toothpaste?

17 A Yes.

18 Q Soap?

19 A Yes.

20 Q Wash cloth?

21 A Yes.

22 Q Towels?

23 A Yes.

24 Q No cigarettes?

25 A No cigarettes, no. No commissary, as a matter of

*items allowed
in cell*

1 fact.

2 Q What do you mean by "commissary"?

3 A We purchase -- any items that the commissary sells.

4 Q Such as candy bar?

5 A Candy bar, stamps. I can't even order stamps; I
6 can't order nothing. No commissary at all.

7 Q Do you have a pillow?

8 A Yes. Yesterday they gave us a pillow. !

9 Q Prior to that time you did not have one?

10 A No.

11 Q Do the other inmates have pillows; or do you know?

12 A All the others do not have pillows. Only three or
13 four of us have pillows.

14 Q Do you have underwear provided by the institution?

15 A The last two pair of underwear I had by the
16 institution were court ordered. And they have been worn
17 out. I have no institutional issued underwear.

18 Q Do you have your personal underwear?

19 A I have two pair of personal underwear now.

20 Q You are permitted to have those items in isolation?

21 A Yes.

22 Q What about socks?

23 A My personal socks, yes. Yes, they gave out a pair
24 of socks last weekend.

25 Q Okay. You do have hot water in your cell; is that

*Insti.
Issued
Clothing*

1 correct?

2 A Yes.

3 Q Have you ever been permitted outside of your cell
4 for any other reason than to take a shower?

5 A No.

6 Q Does anyone visit you or check on you routinely
7 during the day?

8 A Such as a correctional officer?

9 Q Yes.

10 A He comes back -- I guess once an hour or whenever
11 he feels as though he should punch the clock. He don't
12 check on us, He don't look in every cell. He punches
13 the clock and comes out. If someone gets ill, they have
14 beat on the door. If we beat on the door too loud and
15 the wrong captain is on, he will come back and threaten
16 us with tear gas. I mean, it is a headache, you know.

17 Q Has tear gas been used in isolation since you have
18 been there?

19 A No.

20 Q But this is threatened sometimes?

21 A Beg pardon.

22 Q But this threat has been made?

23 A Yes.

24 Q Have you seen a doctor since you have been in
25 isolation?

checks
on indiv
in isol.

threat of
use of tear
gas.

medical

1 A The doctor comes regularly, but it is meaningless.
2 I told the doctor on three occasions since I have been
3 in isolation that I have the approval of the administration
4 to have my dentures and have my work continued on with
5 the dentist. I spoke with the warden about this, you
6 know. I can't digest the food, you know.

7 Q You were not permitted to see a dentist?

8 A That's right.

9 Q Have you been given a thorough physical examination?

10 A Since, no.

11 Q When was the last time you had such an examination,
12 if you recall?

13 A It was in December. I was in District Court and I
14 asked the Court to order that the plaintiff be given
15 a physical examination by a private doctor. And when we
16 came back the institution called us in and gave us all
17 physical examinations the following day or previous day.

18 Q By the way, are these the clothes that you normally
19 wear?

20 A Yes. These are the clothes that they issue.

21 Q Are these clothes torn in both elbows?

22 A This is how they issued them to me this morning.

23 I had none yesterday because they were torn up.

24 Q But for the record, they were torn in both elbows?

25 A Yes.

Medical

isolation
clothes

1 Q One sleeve is half torn off; is that about correct?

2 A Yes, .

3 Q Are some of the other clothes in better condition?

4 A Not hardly. I doubt it. I doubt it seriously.

5 Q Since you have been in isolation, do you know of any
6 inmate in isolation that has attempted to commit
7 suicide or to otherwise inflict harm on himself?

8 A This particular period in isolation?

9 Q Yes.

10 A Yes. Jackson, Wilburt Jackson. Wilburt Johnson or
11 Jackson. Wilburt Jackson, he was assaulted that day
12 and they beat him up after he set his mattress on
13 fire. And they finally carried him out and put him in
14 another cell. Shortly thereafter they carried him and
15 put him in pretrial.

Suicide

16 Q If you know, why did he set his mattress on fire?

17 A His time was up back there, and nobody -- no. They
18 wanted to put him in receiving room, you know, the same
19 as the hole. There is no movement, no nothing.

20 Q Was this an effort, as far as you know, to inflict
21 harm on him or to get attention to --

22 A It could have been both. It could have resulted
23 in harm to himself, whether he intended it or not. He
24 was locked in there and there were flames and whatnot.
25 I can't say that he intended to hurt himself. One can

1 ignorantly do a thing to draw attention.

2 Q Previously, then, in the isolation area, before
3 this period of time there, do you know of any inmates
4 inflicting harm on themselves?

5 A Oh, yes, yes. Numerous, yes.

6 Q You say numerous times?

7 A Yes.

8 Q Is this half a dozen times, or more or less?

9 A Several occasions. Several occasions they have cut
10 their wrists. Several times in one night they have cut
11 their wrists. They have cut their wrists and got patched
12 up and come back and tear it open.

13 Q To your knowledge, no one has ever actually died
14 in the isolation area, have they?

15 A Not in that area, no. You see, when you say
16 isolation, we are trying to direct it in the hole. But
17 isolation can be imposed anywhere, anywhere on the
18 campus.

19 Q Do you know of anyone successfully committing
20 suicide in some other area of the prison?

21 A Yes.

22 Q Where was that?

23 A In the pretrial area. It was at the time that the
24 brother burnt himself up, he caught afire. This was
25 suicide.

*Prisoners
harming
themselves*

1 Q Was he in isolation; or do you know?

2 A I don't know the status that he was under; but he
3 was in the pretrial area.

4 Q When did this take place, if you recall?

5 A I believe in 1972. If I am not mistaken, it was in
6 1972, or the first part of '72.

7 Q Is there racial discrimination in the maximum
8 security, on B block, or in the isolation area?

9 A Yes, definitely.

10 Q Can you describe what you mean?

11 A I mean that amongst the inmates, concerning the
12 black and the white, I believe that the inmates are more
13 aware of what is happening; they are more conscious of
14 the new age, of the new time. But we have these last
15 century officers, those oldtime people, those incompetents
16 who still have this racial thing imbedded in them. And
17 they impose these false values maybe on the white hill-
18 billy inmate to connive against his friends or his
19 associate, a black inmate. Then you have a staff build-
20 ing up, a group over here and a group over here against
21 each other. It is all because a white racist guard or
22 a black fascist guard.

23 I believe that racism is a part of the
24 element of fascism. When you find a black guard being
25 opposed by a black inmate, his color is not the thing in

Racism



1 play here, it's not the basic thing. It is what he
2 represents, what he is identifying. He is just carrying
3 on that racist idea and racist idea of that administrator
4 who has the rank over him.

5 Q In terms of fact, how does this racism that you
6 have described come out? Does it come out in job assign-
7 ment, cell assignment, classification, or what?

8 A It comes out in all of these areas.

9 Q Can you be specific?

10 A Yes. If one goes before the classification and
11 he's not a part of this thing, click, then those in the
12 classification are not going to -- he might have -- well,
13 you have only got one black on the classification, that
14 is Mr. White. Al White is his name. He's the only
15 black on the classification. And the man tries; the
16 man tries with all of his heart to do right, to do good,
17 to call the shots as he sees them. But then you got the
18 security guard over here, which is an old security
19 guard used to sneak attacks, coming in the back door and
20 dragging you out. They have been using this form of
21 rehabilitation. It is conflicting with the treatment.
22 The treatment has no value. I mean, it can't function.
23 You have racism involved here.

24 Whenever the proper treatment staff
25 members will present -- I can't tell if the guy is white

Racism

1 or black. When they present an inmate before the
2 classification, the leaders of the classification are
3 security staff members, the Deputy Warden Redman. He
4 is an incompetent who believes in no treatment, just
5 a hammer or stick, a club; rehabilitate them that way.

6 You have five or six members sitting on
7 this so-called classification board; and these guys --
8 you have nobody to identify with the people. And these
9 guys -- you have nobody to identify with the people.
10 There is no one identifying with the inmate. I don't
11 care if the inmate is white or black. You have no one
12 identifying with them.

vacuum

13 Q Do you have any actual evidence; and if not, do
14 you have a belief whether the men confined on B block,
15 as you were previously, were there for racial reasons?
16 Do you have any evidence of that?

17 A Yes, I have evidence of that.

18 Q What kind of evidence do you have?

19 A I have evidence -- I was not there on that block.
20 As a matter of fact, I am the one that started the
21 Motion for them. I was out there where the happening
22 was. I know that -- I know that these guys did not do
23 whatever they alleged they done to get them on that
24 block. But I know that they put them guys on that block
25 because they were black. They put them on as a reprisal

1 from the riots of '69. And that racist guy, the
2 lieutenant,, everything rests on this man, an incompetent.
3 This man has no degrees in psychology. He can't
4 evaluate an inmate's thinking. He can't know the man's
5 ability to classify him as a maximum danger. He don't
6 know this. This is the thing, I know. And it was based
7 on racism. I know that this same Lieutenant Tucker,
8 before I was on the status of max --

9 MR. DORSEY: Mr. Johnson, we are here
10 gathering information, general information. If
11 we are going to discuss particular individuals, we
12 need to do that in executive session rather than an
13 open session.

14 THE WITNESS: Well, the question was do I
15 know it as a fact, and I can only name the man's
16 name as a matter of fact because I know this.

17 MR. DORSEY: If you know it as a fact,
18 fine. If you would like to tell us more details,
19 we would like to hear that --

20 THE WITNESS: At another time; I under-
21 stand.

22 MR. DORSEY: -- at another time.

23 MR. COULTER: All right.

24 BY MR. COULTER:

25 Q It is not that we are attempting to cover anything

1 up. It is a desire to have that person with an
2 opportunity to respond to what you say.

3 A Right. I understand that.

4 Q Moving to another area, you are known in the
5 institution as a jailhouse lawyer; isn't that correct?

6 A Yes.

7 Q Have you been confronted with problems in terms of
8 your efforts to aid other inmates in legal proceedings?

9 A Yes.

10 Q What have those problems been?

11 A You mean from the administration?

12 Q Yes, or any problems you may have had, with the
13 court or otherwise.

14 A Yes. My mail -- the mail had been delayed.

15 Q What kind of mail is this?

16 A Any kind of mail, legal; no matter what it is.

17 Q All right, fine.

18 A The mail will be hindered. In other words, it
19 might be a writ, it might be a settlement motion. The
20 mailman will put eight cents on this big package, knowing
21 that it can't travel with eight cents on there. He knows
22 that. And this happens every week. The letter goes to
23 Wilmington and nobody signs for the letter; they have no
24 right to. The mail comes back two or three days later to
25 me. The mail stays up here and nobody came to pay the

*jailhouse
lawyer*

*is this the
malware or
someone in
the west?*

1 fees.

2 Q All right. Have you had other problems? Have you
3 been prevented from giving legal aid to other inmates?

4 A Just by my movement. Just by my incarceration in
5 the max max is all of it, you know. They lock it all
6 up. "He can't help nobody."

7 Q Are there other people that might be called jail-
8 house lawyers in B block or in isolation now?

9 A Not that I know of.

10 Q Do you know if other people known as jailhouse lawyer
11 might have had the same problem?

12 A I don't know what other people's problems may have
13 been. I only know what my problems are.

14 Q Are there adequate legal material here for you to
15 do what you would consider a competent legal job?

16 A No, no.

17 Q What items do you need that are not here?

18 A The inmates need not only a library full of books,
19 the inmates need the legal papers, typewriters, the machin
20 and whatnot to -- copy machines. We need these things
21 for legal assistance.

22 Q Do you have access to a typewriter on B block?

23 A Not now. When I was on B block, yes.

24 Q But not now that you are in isolation?

25 A No.

*jail house
lawyer*

*Legal material
available*

1 Q It is not possible to get legal paper; was that
2 your testimony?

3 A Yes. From the state, yes.

4 Q Are there other problems that you have in terms of
5 giving legal assistance, or does this sum it up?

6 A Notary, getting your notes notarized. You have
7 to rely upon the administration at their convenient time
8 to get this immediate legal business done. I want it
9 done today. I want it done today, and I have to have it
10 notarized.

11 The man is on vacation. What do you do? I
12 have a legal document I had to have notarized to send
13 in to this Board. The man was on vacation. They
14 thought I was going to file a motion to court.

15 Q Was another notary provided?

16 A After I mailed my motion, they had the hearing last
17 week, Friday and Saturday. I didn't know nothing about
18 no hearing down here today. I can't get no newspaper. The
19 man come and get me; I didn't know I was supposed to be
20 here. They said, "They are having it down here." I
21 couldn't understand the power of this board, the power to
22 subpoena. I couldn't understand this. Why must the
23 Federal Government rely on the State and their employees
24 because they don't want to work overtime -- we are
25 citizens, too. "We are speaking about civil rights. We

quote might use

1 are not equal to the citizens, but we still have the
2 same civil rights. We shouldn't have to rely on these
3 people. You know they are going to suppress us anyhow.

4 Q I am not unaware that you wrote a letter to the
5 Federal Judge requesting assistance in appearing at
6 this Committee's hearing.

7 A Yes.

8 Q What facts came into your attention to cause you
9 to believe that you would not be transported to that
10 hearing?

11 A When I read the letter back from -- I guess it was
12 the Delaware Department, Delaware Branch, from your
13 organization, the Civil Rights Commission. I saw some-
14 thing in that letter that, you know, it was very doubtful.
15 It said, "We appear or we expect to see you -- to get
16 your testimony at such and such a date." However, the
17 Board has okayed it, and this and that. There is some-
18 thing there of assurance. Everything was left on the
19 dependency of the State, you know. And it shot past me.
20 I said, "No, man. This thing is outside. It ain't
21 together."

22 Q You didn't have other people acknowledge that you
23 would not be transported? In other words, no one told
24 you in advance? *that would not be transported.*

25 A No.

1 MR. COULTER: All right. I have no
2 further questions.

3 BY MR. DORSEY:

4 Q Mr. Johnson, would you describe how you got the
5 clothing that you are wearing, and describe it for the
6 record?

7 A Describe these clothing and how I got them?

8 Q Yes. Starting this morning.

9 A This morning I woke up. After breakfast I told the
10 guard I didn't have no jumpsuit, coverall suit. And
11 he said, well, there's nothing he could do; see the
12 next man. The next man come on, and he picked up the
13 breakfast tray and washed another empty cell that was
14 flooded. I said, "I gave you my thing yesterday because
15 it was all torn up. You said you were coming back to
16 bring me another thing."

17 He said, "I forgot about it." I went
18 down and brought this back. It was folded up, so I didnt
19 bother about looking at it. I placed it on the floor
20 and laid back down and went back to sleep. This is how
21 I got this thing.

22 Q Would you describe it?

23 A This is a coverall suit that I have worn when I
24 had my mechanics shop. It is filled with holes, the
25 left armand the left elbow and right elbow. The right

*Cotho
getting
things
replaced*

1 wristband is holey. The wrist has a hole on the left.
2 It is big, it's hot, it's heavy. It is what I have to
3 sleep in and live in, you know.

4 MR. DORSEY: Thank you.

5 BY MSGR. REESE:

6 Q Mr. Johnson, you mentioned the terms of getting off
7 of B. block to be allegedly up to the classification
8 board.

9 A Yes.

10 Q What do you mean by "allegedly"?

11 A I mean that recommendations have been made by the
12 treatment staff member, the school guys and social workers
13 for me to get off B block. But their recommendations
14 are -- I hate to quote the man, but the recommendations
15 are, you know -- I have heard the quotation of Chief
16 Redman during the classification meeting; and the treat-
17 ment staff officer quoted this. Chief Redman said,
18 "Ram the treatment up their ass. They're going to stay
19 on that Goddamn block." This is all my efforts and
20 all -- anything that I desire to try to, you know, fit
21 in, all of that stuff is just gone, you know. It is
22 pseudo, I don't even want it.

23 Q Sir, we have had three days of hearings and B Block
24 has been mentioned many times, max max. What is so
25 special about it?

1 A About block -- I see B block as a group of -- I
2 see B block as a body of people who are conscious of
3 what is going on and yet determined to commit their
4 lives to be worth something. They are determined not to
5 be used. They are determined not to be ignorant. They
6 are determined to stand up and be men. I see B block
7 this way, and I am very proud to see people, honest to
8 God people, you know, that ain't going to be sold out.

9 BY MR. DORSEY:

10 Q Mr. Johnson, as I gather, you have maximum security
11 and within maximum security there is B block; is that
12 right?

13 A Yes.

14 Q And that is all so-called max max; is that right?

15 A Yes.

16 Q Now, is the security section or the hole separate
17 from B block?

18 A Yes.

19 Q It is in addition to B block?

20 A YTe

21 Q So there are really three degrees of security
22 within max; that is, there is max itself, and then
23 there is max max, and then there is the special security
24 cell?

25 A Yes.

B Block

Maximum

1 Q Of which there are nine; is that right?

2 A I didn't hear you, sir. Would you repeat that?

3 Q There are nine security cells; is that right?

4 A In the hole?

5 Q Right.

6 A Yes.

7 BY MSGR. REESE:

8 Q Mr. Johnson, is there any common characteristic
9 among the men on B block? Is there anything they have
10 in common? We know they are all black. What else?

11 A They are all doing long time, or comparatively --
12 substantial sentences. They all are known to help --
13 I don't care if the guy is purple -- they all are known
14 to help their fellowmen. They are known to not, you
15 know, be sold out. They are known to stand up. I see
16 all of this in common.

17 I am 10 years older than most of the
18 guys on that block. But I see -- I see really people, man,
19 you know.

20 Q Are most of them Muslims?

21 A No. Most of them are not Muslims. Most of them
22 have a knowledge of Islamic faith. I am not a Muslim,
23 but I believe in a lot of the principles of Islamic
24 teachings. Most of them are dedicated into these
25 particular teachings such as eating certain foods,

B Block
men

Religion

1 smoking. Most of them don't smoke. I think I am the
2 only one back there that smokes. Absolutely, I believe
3 this. And I am a Christian.

4 Q If you were the warden here, what would you do
5 about B block?

6 A If I was the warden here, there would be no labels
7 on the buildings, there would be no names on the build-
8 ings, there would be no max, medium, minimum. This
9 psychologically influences -- we are dealing with people.
10 They are not dealing with machines to be labeled. This
11 psychology influences the individual to think, "Well, I'm
12 not as good as the other guy who is in who has committed
13 a crime worse than mine because I am over here in a
14 placed called max max."

15 They are in max as a result of population
16 overcrowding, allegedly. They are allegedly placed there
17 temporarily until pretrial facilities can be available.
18 But they don't get -- they don't go through this process
19 at all. The only time is if a real young guy or one who
20 is overfeminine. But when an inmate comes in and he
21 happens to be a Third World culture, or black, or militant
22 or whatever expression that they might desire to label
23 him, if he even appears to be that way, "Put him in max.
24 We are crowded." And he is not going to get out of
25 there.

*Discrimination
over-crowding*

1 Q Would you consider all the men in B block political
2 prisoners?

3 A Most definitely. Definitely. Positively. I
4 consider them that before I was even in there. They are
5 political prisoners.

6 BY MR. MILLER:

7 Q There is only one thing that bothers me: You said
8 that you are somewhat concerned about the people being
9 looked upon as machines, labels, and so forth, in a
10 given area.

11 A Yes.

12 Q How do you feel about the general security around
13 the prison? By that, I mean, do you sometimes fear for
14 your life from the officers or from the inmates? Do
15 you feel there is adequate security if people wasn't
16 put over in different sections to take care of your
17 life so that some day you walk out of here?

18 A I feel that presently I am afraid every time someone
19 comes down the block and come to the door. I awake
20 because I am afraid. I am expecting members of the
21 administration to come in and allege that we attempted
22 to escape just to destroy us because we are exposing
23 them. I believe that they are exposing themselves.

24 I believe that anything that is pushed,
25 anything that is pushed forward, it's got to show. I

*Security &
Supervision*

1 believe that they can't cope with this thing legally.
2 They are the law, they are the law. They represent the
3 law, but they are disorderly.

4 Q But before you go too far, let's ask one question;
5 and you can correct me if I am sensing you wrong. But
6 my general indicators tell me that you have a high
7 degree of hostility towards the management here at the
8 prison.

9 A I do personally?

10 Q Right. Now, I may be wrong, tell me if I am and if
11 I am I won't pursue the direction that I am interested.

12 A From outside looking in, I am not hostile. I
13 respect where respect is given. I am hostile where
14 hostility is. These are elements of man's nature. You
15 stick your hand on fire, you holler; and I am going to
16 holler.

17 Q Just to finish what I am wondering, since you
18 have been on max max for a considerable amount of time,
19 what are you doing to try to meet with the officials,
20 other than on a strictly legal basis, to try to remedy
21 some of the tension that exists?

22 A The citizens of max united together one evening to
23 form a committee so that we could work with the present
24 administration without going through the court and all
25 that. The committee -- I was not part of the committee.

hostility

*Maximum
Prisoners
Committee*

1 I was just elected to be the consultant. I felt that
2 my name and my charge and my problems would badly
3 influence the committee. So I declined to be anything
4 other than the consultant. The committee functioned.
5 They had their meetings, et cetera, for several weeks.
6 And this led to a point where the administration didn't
7 want to understand it; and they said, "No, you can't
8 assemble."

9 I said, "Look, fellows. There is nothing
10 I can do; but I know you have a right to peacefully
11 assemble." And that was it. What more could I do?
12 That effort has been made.

13 As a matter of fact, this committee still
14 functions underground. You can't squash people. People
15 are people. Wherever there are two people, that is a
16 unity.

17 MR. MILLER: Okay. I just wanted to find
18 out whether any efforts were being made.

19 BY MR. BROWN:

20 Q Have you witnessed any abuse by the guards towards
21 the inmates not on B block, but in isolation?

22 A Yes, daily.

23 Q Describe it.

24 MR. DORSEY: I'm sorry. If we are going
25 to get into specifics, we must hear them in

1 executive session, giving an opportunity to the
2 other people involved.

3 MR. BROWN: I didn't mean to mention names.

4 MR. DORSEY: We are interested in whether
5 there is a pattern of incidents. We would like
6 testimony about a particular incident.

7 A Would you restate the question?

8 Q Okay. Put it this way: In your experience person-
9 ally, and have you observed the pattern of incidents
10 where guards or the administration abused prisoners?

11 A All incidents are based upon some administrative
12 abuse. There are no exceptions. Every one of them that
13 I have heard of since I have been incarcerated in this
14 jail.

15 BY MR. DORSEY:

16 Q Okay. There have been references to Mr. Redman and
17 Mr. Tucker, and incidents described about them. It
18 would appear to me that those particular incidents are
19 not particularly important to our investigation. If
20 you agree, Mr. Johnson, we'll have those specific name
21 references taken out of the record.

22 A Yes, okay.

23 Q And left out. If you wish, we can have an executive
24 session where we can discuss it more fully. I gather
25 you agree that those particular events aren't very

1 important, anyway.

2 A They are not important?

3 Q Well, they are important --

4 A But at this time?

5 Q Yes.

6 A I understand the purpose of the committee is to
7 investigate prisons, you know.

8 Q No. We are undertaking a general study of the
9 conditions within the prison, not particularly incidents
10 of -- unless there is a pattern, as you have described.

11 A I think that this committee has the authority and
12 the power to strike and take out whatever they want is
13 not appropriate for the purpose. I don't think that
14 my opinion and suggestions should be the basis of the
15 committee taking out and adding to.

16 MR. DORSEY: Are there other questions?

17 BY MR. MILLER:

18 Q There is one statement: Do you have anything you
19 want to say that we haven't asked?

20 A Yes. Yes, I do. I don't think that the purpose of
21 the taxpayer's money and the effort they had put forth
22 to rehabilitate these people are being effectively used
23 to the maximum limit. Speaking of civil rights -- I
24 think that there are no existing programs appropriated
25 by the taxpayer's money moving effectively forward

1 towards rehabilitation in the prison. The programs that
2 are effective are nonstate supported and nonfunded
3 programs such as the Alcoholics Anonymous and Nornok.

4 Q Since you are 10 years older than some of the other
5 prisoners in max, could you give us an opinion on what
6 you think them coming in as a young person where the
7 prison itself has helped them or made them a better
8 person; or whether the prison in fact has encouraged
9 their recidivism.

10 A Look, Man -- this joint, man, is creating -- it is
11 creating these young people, man. They come into this
12 jail, they are looking for correction when they get here.
13 They see all of this racism, they see all of this stuff;
14 and it projects them, it sets them off. I relate with
15 these people, man, because -- not because I am their age,
16 not because I am black; but because I understand these
17 people. I understand they are saying, "Look, man. This
18 thing is wrong."

19 "Look, man, what have I got to do with it?
20 But I suggest you file a motion and do this." I ain't
21 nothing special, you know. But by my efforts and my
22 awareness of this thing, by me relating to these youngster
23 this identifies me with them. Whether I want to be with
24 them or whether I don't want to be, it identifies them
25 with me. If they get busted in the head, I get busted.

1 I am doing a life sentence as a result of a murder. I am
2 not going to be busted in my head, I am not going to be
3 that way. I am never going to get out of this jail,
4 No. 1. The administration will never give me nothing.
5 I am not a revolutionist, I am not a militant. I am
6 a Christian. I believe in the doctrine and teachings of
7 Jesus and all the prophets; and I believe in life. I
8 believe that the same safety of life that they lived
9 in the same protection that they put on their life I am
10 going to put on mine. I don't think if you have a
11 thousand troops out there I ain't going to let nobody
12 take my life like that. I think that the law of nature
13 is survival. I am going to survive under any circum-
14 stances. I will die, but I will die struggling. I
15 believe this in my heart.

16 I have a family, wife and kids. I am
17 human; I bleed like everybody else, you know. I am a
18 Christian; a clergyman of the clergy, sir.

19 MR. DORSEY: Thank you very much.

20 (witness excused.)

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24

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