

Review

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

WITNESS:

RONALD PAYNE - *D.C.C.*

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1 ...RONALD PAYNE, was called and
2 testified as follows:

3 MR. COULTER: Members of the
4 Committee, this man is Mr. Ronald Payne.

5 For the record, I want to give you
6 the following information, Mr. Payne: I want
7 to advise you that these proceedings are being
8 recorded, both by the stenotypist and also on
9 video tape recording equipment. Now, the
10 transcript made of these proceedings may be
11 made available to other interested people, in-
12 cluding the State of Delaware. The video tape
13 recording equipment may or may not be ever used
14 on a public broadcasting station. It may in
15 the future be used in that way. It may also be
16 used by private persons, and those persons may
17 include the State of Delaware. Now, I want to
18 advise you that your testimony here is not under
19 oath; but nevertheless anything that you say
20 may be used against you in a future criminal
21 proceeding. Do you understand?

22 THE WITNESS: No.

23 MR. DORSEY: In any criminal pro-
24 ceeding, anything you say before that trial
25 or whatever it might be may be evidence. What

1 you say here today might be used as evidence
2 in the future. Do you understand that part of
3 it?

4 THE WITNESS: What you are saying is
5 somebody here to prosecute me?

6 MR. DORSEY: I am saying--

7 THE WITNESS: You mean prosecuting
8 witness against me?

9 MR. DORSEY: If you get prosecuted
10 for something that has happened--I don't know
11 what it might be--whatever you say here today
12 could be used as evidence.

13 THE WITNESS: All right.

14 MR. DORSEY: Just like anything you
15 say anywhere else might be used as evidence.
16 But, of course, there is a guy taking it down
17 and he is pretty good. The other thing is that
18 we are taking television tapes occasionally.
19 And they might be shown on public TV. If you
20 want, you can say, "Don't take TV tapes," if you
21 would rather not be on. So do you want us to
22 take TV tapes or not?

23 THE WITNESS: Personally, it doesn't
24 make any difference to me.

25 MR. DORSEY: All right.

1 MR. COULTER: I also wanted to tell
2 you that you are here today--your being here and
3 your giving any information or answering any
4 question is strictly voluntary on your part.
5 You can decline or refuse to answer any question
6 at anytime. You can refuse to answer all
7 questions if you wish. Do you understand that?

8 THE WITNESS: Yes.

9 MR. COULTER: That if any question
10 should arise that you do not wish to answer,
11 you need not answer that question. Or you may
12 elect to stop these proceedings at anytime, if
13 you wish.

14 I am not giving you this information
15 to intimidate you in any way, but just so that
16 you will very clearly know your rights here.
17 The committee hopes that you will give as much
18 information as you can about the conditions in
19 the Delaware prisons and about your treatment
20 here. However, we are not looking into any
21 charges about any fact on any correctional
22 officers. The committee is not asking for any
23 information which may touch upon any pending
24 criminal matter. We request that you not discuss
25 any such matter, including any alleged attack

1 about which charges are still pending. Do you
2 understand that?

3 THE WITNESS: (Indicating).

4 MR. DORSEY: The court reporter can't
5 take down nods.

6 MR. COULTER: So just say yes for the
7 record.

8 Let the record reflect that the inmate
9 nodded.

10 BY MR. COULTER:

11 Q. Do you still wish to answer questions, then?

12 A. Yes, I do.

13 MR. COULTER: Thank you.

14 MR. DORSEY: The other thing is, we
15 have got people who want to hear in the back.
16 It is a small echoing room, and the fan is
17 going. So if you would speak up, it would be
18 easier.

19 BY MR. COULTER:

20 Q. Can you state your full name where you are
21 presently confined in this institution?

22 A. Ronald Payne, and confined in the isolation
23 area, maximum security.

24 Q. Prior to the time you were placed in the
25 isolation area, were you confined on B block?

1 A. Yes, I was.

2 Q. That is in the maximum security building?

3 A. Right.

4 Q. When were you first placed on B block?

5 A. October 2, 1972.

6 Q. How many other inmates were placed on B block
7 at the same time?

8 A. Eleven--I mean ten.

9 Q. Were they all black?

10 A. Right.

11 Q. Was one of these persons Lester McKinley Johnson?

12 A. Right.

13 Q. Was this action of placing these inmates on B
14 block the action of an adjustment board, a disciplinary
15 board; or was it done by classification team?

16 A. No.

17 Q. Neither one?

18 A. No.

19 Q. Was it an action taken by the superintendent of
20 this institution?

21 A. Not that I know of.

22 Q. Do you know who placed you on B block?

23 A. Walter Redman.

24 Q. Were you told at that time or have you been told
25 at anytime since under what circumstances you could get

discrim

1 off B block?

2 A. Through the classification board.

3 Q. In other words, it would be the responsibility
4 of the classification team to remove you from B
5 block?

6 A. That is what the administration told us.

7 Q. Were you told what you would have to do in order
8 for the classification team to make that decision?

9 A. No.

10 Q. On B block how many hours of the day were you
11 locked in, or to say it another way, locked out of your
12 cell?

13 A. Locked one hour in the yard in the morning. We'
14 come out for the three meals.

15 Q. How long are you out of the cell for the meals?

16 A. About 15 minutes.

17 Q. Do you have recreation in the afternoon?

18 A. No.

19 Q. In the evening?

20 A. Yes, TV.

21 Q. How long?

22 A. 6 o'clock to 10 o'clock.

23 Q. And the remainder of the time are you locked in
24 your cell?

25 A. Correct.

lock out

1 Q. At anytime are you permitted outside the B
2 block itself?

3 A. Only during recreation period.

4 Q. At that time you were where?

5 A. There is a small recreation room.

6 Q. That is right next to B block?

7 A. Right.

8 Q. When do you have visits on B block?

9 A. Saturday afternoon.

10 Q. Any other time?

11 A. No.

12 Q. How long may you visit on Saturday afternoon?

13 A. Before they changed to an hour and a half it
14 was an hour.

15 Q. Now it is an hour and a half?

16 A. Yes.

17 Q. Is there a bus or other public transportation
18 from Wilmington on Saturday?

19 A. No.

20 Q. When does that bus come?

21 A. Supposedly on Sunday.

22 Q. Are you permitted to have visits even on Sunday?

23 A. No.

24 Q. On B block are you permitted to go to the
25 library?

visits

library

- 1 A. No.
- 2 Q. Are you permitted to get books from the library?
- 3 A. Through a library list.
- 4 Q. Were you permitted to go to school classes?
- 5 A. No.
- 6 Q. Were you permitted to have classes on B block?
- 7 A. On B block, no.
- 8 Q. A teacher didn't come to B block?
- 9 A. A teacher came, but they didn't come on B block.
- 10 Q. Were there any other programs or activities
- 11 for which you would be permitted out of the B block
- 12 area?
- 13 A. Just TV and the yard.
- 14 Q. Did the social worker come on B block?
- 15 A. We went outside to his office in the general
- 16 prison population.
- 17 Q. At regular intervals, or only when you so
- 18 chose?
- 19 A. We had to put in for a pass.
- 20 Q. Is everyone on B block, to your knowledge, still
- 21 black?
- 22 A. Right.
- 23 Q. Has that always been the case, to your knowledge?
- 24 A. Right.
- 25 Q. How long have you been in the isolation area?

Library

School
Classes

Treatment
outside of B
Block

Isolation

- 1 A. 30 days.
- 2 Q. How big is your cell?
- 3 A. (No response).
- 4 Q. Is it about 8 x 12?
- 5 A. Yes.
- 6 Q. Is it all made of concrete?
- 7 A. Right.
- 8 Q. The floors and ceiling?
- 9 A. Right.
- 10 Q. Does it have a window?
- 11 A. Right.
- 12 Q. How wide is the window in inches, could you
- 13 guess?
- 14 A. It is about as wide as that, a little thinner.
- 15 Q. It is more narrower than the windows in this
- 16 room?
- 17 A. Yes, sir.
- 18 Q. Which would be perhaps 8 to 10 inches wide?
- 19 A. Right.
- 20 Q. Are you allowed to have items in your cell such
- 21 as toothbrush, toothpaste, washcloth, or soap?
- 22 A. Yes.
- 23 Q. Have you been permitted to have those?
- 24 A. Yes, we have.
- 25 Q. Are you permitted to have books?

Isolation

- 1 A. Legal books, that's all.
- 2 Q. What legal books have you been permitted to
3 have?
- 4 A. Criminal law books.
- 5 Q. These are brought to you by the criminal
6 officer or someone else?
- 7 A. Yes, sent from the library.
- 8 Q. Are you permitted to have writing material?
- 9 A. Yes, writing paper.
- 10 Q. Are you permitted to mail as many letters as
11 you wish from isolation?
- 12 A. No.
- 13 Q. How many letters can you send?
LETTERS
- 14 A. Three a week.
- 15 Q. Are you limited to the number of letters you
16 can send to an attorney?
- 17 A. No.
- 18 Q. Are you limited as to the number of letters to
19 the courts?
- 20 A. No.
- 21 Q. Are you permitted to have items with which you
22 can clean your cell, such as rags, disinfectants, or
23 a mop?
- 24 A. Just on shower day. We can shower twice a week.
25 We sweep and mop the cell; that's all.

isolation
books

mail
in isola.

isolation
cell cleaner

- 1 Q. You sweep and mop the cell?
- 2 A. We don't get the utensils to clean.
- 3 Q. You don't get rags or detergent?
- 4 A. No.
- 5 Q. Are the sinks and toilets cleaned by anyone
- 6 else?
- 7 A. No. We don't have no materials to clean them
- 8 with.
- 9 Q. Do you have a radio in your cell?
- 10 A. No.
- 11 Q. Do you have the little intercom radio?
- 12 A. No.
- 13 Q. Do you have a pillow?
- 14 A. No, not presently.
- 15 Q. Have you had a pillow in the past?
- 16 A. No.
- 17 Q. You do have a mattress?
- 18 A. Right.
- 19 Q. Do you have underwear?
- 20 A. Yes.
- 21 Q. Is it your personal underwear, or provided you
- 22 by the institution?
- 23 A. Personal underwear.
- 24 Q. Have you ever requested underwear from the
- 25 institution?

Isolation
items allowed

- 1 A. Before we were put in I did.
- 2 Q. Do you have shoes?
- 3 A. Yes.
- 4 Q. Do you have hot water in your cell?
- 5 A. Right.
- 6 Q. Are you ever permitted to take a shower more
7 than twice a week?
- 8 A. No.
- 9 Q. Do you get out of your cell at any other time?
- 10 A. No.
- 11 Q. How long are you permitted to shower, how much
12 time?
- 13 A. About five minutes.
- 14 Q. Never longer?
- 15 A. No.
- 16 Q. Does that include the time it takes to sweep
17 your cell?
- 18 A. No. It doesn't include that time.
- 19 Q. Do you get a clean changing of clothing when
20 you take your shower?
- 21 A. The coverall.
- 22 Q. Do you get visits in the isolation area?
- 23 A. No.
- 24 Q. Has anyone attempted to visit you?
- 25 A. Not that I know of. I wouldn't know.

Isolation

- 1 Q. Do you get mail in isolation area?
- 2 A. Right.
- 3 Q. Do you get the regular food in isolation area?
- 4 By regular, I mean the same food as served to other
- 5 inmates?
- 6 A. Correct.
- 7 Q. Is it hot or cold?
- 8 A. Cold.
- 9 Q. Why is that?
- 10 A. I don't know.
- 11 Q. Is it because the food is transported from the
- 12 medium security building over to the isolation area?
- 13 A. It is transported from medium security kitchen
- 14 and then it is transported to another area to the
- 15 isolation area.
- 16 Q. Is this the type of food that was originally
- 17 hot when it was prepared?
- 18 A. Right.
- 19 Q. How often does someone check on you by looking
- 20 into your cell?
- 21 A. No time, unless you call the guard. Unless
- 22 they bring your food or you call the guard or something.
- 23 Q. No one comes by and make a routine check?
- 24 A. They come back and make a punch on the clock.
- 25 But they don't look in the cell.

Isola
check
on indi

- 1 Q. They don't look in your cell?
- 2 A. No.
- 3 Q. Is the door to your cell solid steel?
- 4 A. Yes.
- 5 Q. One could not see through it without opening
- 6 a small flap?
- 7 A. Yes.
- 8 Q. So that someone punching a time clock is not
- 9 able to see in your cell?
- 10 A. No.
- 11 Q. There is no other way to determine what you may
- 12 or may not be doing in that cell when he comes; is
- 13 that correct?
- 14 A. Right.
- 15 Q. There is no intercom system, is there?
- 16 A. No.
- 17 Q. How does an inmate in his isolation area summon
- 18 a correctional officer?
- 19 A. Bang on the door when the guard comes back to
- 20 make the punch.
- 21 Q. You bang on the door in what fashion?
- 22 A. A fist bar there.
- 23 Q. And shout?
- 24 A. Right.
- 25 Q. Is that the only way to summon an officer?

*Isolation
Summon
guard*

1 A. Right.

2 Q. Is there a solid steel door which separates the
3 isolation area from any correctional officer during
4 routine times of the day?

5 A. Right.

6 Q. How far away from that solid steel door is the
7 nearest correctional officer ordinarily, to your
8 knowledge?

9 A. When I am in isolation?

10 Q. Is it not true that the correctional officer is
11 ordinarily stationed the gate to the wing on which the
12 isolation area is located?

13 A. Not that I know of.

14 Q. Then is the nearest correctional officer at or
15 around Lieutenant Tucker's area in the central area
16 of the building?

17 A. Right.

18 Q. Is that perhaps 50 yards from the solid steel
19 door which separates the isolation area?

20 A. It might be a little more than 50 yards.

21 Q. All right. Do you have to shout and bang on
22 the door quite loudly?

23 A. You still don't get no response unless the
24 inmates in the other block call the guard

25 Q. In other words, an officer does not routinely

- 1 come when you bang on the door?
- 2 A. No.
- 3 Q. It is probably true, isn't it, that there is
- 4 some excess banging on the door?
- 5 A. Yes. When you need the guard.
- 6 Q. Have you seen a doctor while you have been in
- 7 the isolation area?
- 8 A. The doctor comes over there.
- 9 Q. How often?
- 10 A. Once a week.
- 11 Q. Does he come in your cell?
- 12 A. No.
- 13 Q. Does he see you personally?
- 14 A. They open the cell door.
- 15 Q. Then what happened?
- 16 A. They ask you what is wrong with you and you tell
- 17 him, and he tells you he will send you something.
- 18 Q. Has he ever given you a physical?
- 19 A. No.
- 20 Q. Have you seen a psychiatrist?
- 21 A. No.
- 22 Q. Have you seen a social worker since you have
- 23 been in the isolation area?
- 24 A. Once a week.
- 25 Q. Does he come there when you request him, or not?

Isolation
doctors

Social worker

- 1 A. Most of the time you have to request him.
- 2 Q. What happens when he comes?
- 3 A. What happens? You give him the phone number of
- 4 the people you want to call, and you give him the
- 5 message. And he send it back.
- 6 Q. Does he talk to you about the problems you may
- 7 be having?
- 8 A. Not necessarily.
- 9 Q. But he will make phone calls for you?
- 10 A. Right.
- 11 Q. During this time when you have been on isolation,
- 12 or at any previous time, has any inmate, to your
- 13 knowledge, attempted to commit suicide or commit
- 14 mutilation of his own body, to your knowledge?
- 15 A. Since I have been back this time?
- 16 Q. Yes.
- 17 A. No.
- 18 Q. Has this happened at any previous time when you
- 19 were in isolation?
- 20 A. Yes.
- 21 Q. When was that?
- 22 A. Back in July. The inmates cut their wrist, set
- 23 the cell on fire.
- 24 Q. Has anyone attempted to set the cell on fire
- 25 since you have been there this time?

isolation
set cells on
fire

- 1 A. I think there was a mattress on fire.
- 2 Q. By the way, you are not permitted to smoke in
3 isolation, are you?
- 4 A. No.
- 5 Q. And positively you don't have matches; is that
6 correct?
- 7 A. No.
- 8 Q. What is in the cell that could burn, other than
9 the mattress?
- 10 A. Sheets and blanket.
- 11 Q. Is there any other material, any other items in
12 the cell other than that?
- 13 A. Unless you want to burn your personal clothing,
14 your underwear.
- 15 Q. Will the paint burn, or do you know?
- 16 A. I don't know.
- 17 Q. In the isolation area are the cells cool enough
18 for comfort in the summertime or warm enough for
19 comfort in the wintertime, or do you know?
- 20 A. No.
- 21 Q. Is that no for both?
- 22 A. No.
- 23 Q. It is too hot or too cool?
- 24 A. Too hot in the summertime and too cold in the
25 wintertime.

Isolation
temperature

1 Q. Do you have a ventilation system in that cell?

2 A. Most of the time it is not working in the
3 wintertime.

4 Q. Can you control the heat by making it warmer
5 or colder?

6 A. No.

7 Q. Can you open the window?

8 A. Yes.

9 Q. So you can make it somewhat cooler?

10 A. Right. Most of the windows have the handles
11 torn off of them.

12 Q. So that you cannot open them or close them?

13 A. Yes.

14 Q. How about your cell?

15 A. I have a handle on mine.

16 Q. How many men are in the isolation area now?

17 A. Seven.

18 Q. Are they all black?

19 A. Yes.

20 Q. Were they all previously on B block?

21 A. All but two.

22 Q. How often does the toilet flush in your cell?

23 A. Sometimes every half hour, sometimes every five
24 minutes, sometimes every minute.

25 Q. In other words, it flushes at varying intervals?

*Isolation
Climate
control*

Discrim.

*Toilet
Flushing*

1 A. Right.

2 Q. Can you control how frequently it flushes?

3 A. No.

4 Q. Does it flush during the night?

5 A. Right.

6 Q. How often?

7 A. Sometimes every five minutes, sometimes every
8 minute.

9 Q. Sometimes every five minutes during the night;
10 is that your testimony?

11 A. Right.

12 MR. COULTER: I have no further
13 questions for Mr. Payne. I would like to give
14 the committee a chance to ask some additional
15 questions.

16 BY MR. DORSEY:

17 Q. I have just a couple: Who controls the light
18 in your cell?

19 A. I don't know.

20 Q. Well, is there an overhead light in your cell?

21 A. Right.

22 Q. Is there any other light in your cell?

23 A. During the daylight from outside.

24 Q. Other than that there is just the one overhead
25 light in your cell?

toilet
flushing

- 1 A. Right.
- 2 Q. Does that turn on and off by you or the guard?
- 3 A. The guard.
- 4 Q. You said you didn't have any wash equipment for
5 the facilities. How long ago was your sink washed
6 out?
- 7 A. I don't know. How long ago? Twenty eight days
8 ago.
- 9 Q. Is that right before you got there or right
10 after you got there?
- 11 A. Right after I got there. I had a can of
12 cleanser in the cell. I used to wash the sink, and
13 the next day the guard took it.
- 14 Q. The same thing is true of the toilet?
- 15 A. Right.
- 16 Q. Do you have a toilet brush or anything like
17 that?
- 18 A. No.
- 19 MR. DORSEY: I have nothing else.
- 20 MS. COOPER: Nothing this minute.
- 21 MSGR. REESE: No questions.
- 22 BY MR. BROWN:
- 23 Q. Is there any communication between you and the
24 other fellows in isolation either during the shower or
25 any other time?

light control

sanitary

1 A. Not unless we holler across the hall at each
2 other.

3 BY MR. MILLER:

4 Q. While you were on B block, what was the
5 relationship--well, you said there were no whites
6 there on B block with you, right?

7 A. Yes.

8 Q. What was your general feeling about the
9 relationship between whites and blacks in the prison
10 as it is standing now?

11 A. As it stands now?

12 Q. Right.

13 A. I couldn't give you an all around situation. I
14 have been in maximum security for 30 days.

15 Q. What about maximum security?

16 A. They had a few racist inmates going around try-
17 ing to organize. Other than that, everybody was try-
18 ing to create a sense of unity.

19 Q. So it is just a minority group?

20 A. Right.

21 BY MR. BROWN:

22 Q. Had there been any situations where inmates
23 have been pitted against each other by the guards?

24 A. Surely.

25 Q. Would you describe them?

1 A. The situation of the guards? I might come into
2 an inmate and tell him something or make a remark about
3 another inmate. This creates a division among the
4 inmates.

5 Q. This is among black and whites?

6 A. Yes.

7 BY MR. MILLER:

8 Q. Do you feel that there is a cultural difference
9 between the guards and you coming from the inner city?

10 A. Partial difference?

11 Q. Do you feel that there is a cultural difference?

12 Do you think they understand the black problem?

13 A. No.

14 Q. You don't?

15 A. No.

16 MR. DORSEY: Okay. If there are no
17 other questions--

18 MS. COOPER: I just want to get some
19 clarification.

20 BY MS. COOPER:

21 Q. You said earlier that you had been on B block
22 since October of 1970?

23 A. '72.

24 Q. Since October of 1972?

25 A. Right.

1 Q. Were you given the maximum time that you would
2 be on B block?

3 A. Was there any maximum?

4 Q. Right.

5 A. No. Up until we were put in isolation we were
6 in there six months.

7 Q. You had been in there six months?

8 A. Right.

9 Q. Were you ever allowed an opportunity to come
10 before the classification unit in order to get out of
11 B block?

12 A. No. Not me as an individual.

13 Q. Is there any avenue for you on B block to
14 express greivances about B block to the administration?
15 Is there any kind of Prisoner Action Committee in the
16 maximum security unit as there is in the medium
17 security unit?

18 A. We tried to organize a committee in max, but it
19 was suppressed by the administration.

20 Q. Do you feel that this is because the majority
21 or all of the people in B block are black, and, there-
22 fore, they don't listen to this unit of black people?

23 A. Not only because they are black. Because of
24 their political views, too.

25 Q. Would you express a little bit of that? Do you

get out of
B Block in
Maximum

PAC in
max.

1 feel free to express that in light of what has been
2 stated to you before about what you say might be used?

3 A. It don't make no difference to me.

4 Q. Do you want to express to the committee what
5 you feel about political oppression within the prison?

6 A. In what terms?

7 Q. Well, you made the statement that you felt that
8 your views weren't listened to because they were
9 political views. Is this correct?

10 A. Right. Because of the organization we tried to
11 form, we wouldn't cater to the administration.

12 Q. Could you be specific?

13 A. Similar to reformists program around here.

14 Q. What kind of things do you want to see changed
15 within the prison?

16 A. First of all, we wanted to end B block and end
17 the brutality of the inmates as a whole. That was
18 the first thing.

19 Q. Were there others?

20 A. Yes. We were trying to get a couple of guards
21 out.

22 Q. You are 21 now?

23 A. Right.

24 Q. And you have been here how many years?

25 A. Almost four years. It will be four years in

political
oppression

1 September.

2 Q. It will be four years in September?

3 A. Right.

4 Q. Given that prison systems or correctional
5 systems are to rehabilitate young people to return to
6 the society in a manner in which they can provide for
7 themselves and their families and have the rights of
8 liberty, justice, and equality, do you from your
9 experience feel that from age 17 to now the prison
10 system has headed you so that if you are returned to
11 society that you will have been rehabilitated, you
12 would have been a better person as a result of having
13 been in the prison system?

14 A. I feel as though like you can't take the person
15 out of the natural environment and brutalize them and
16 tear gas them and expect them to function, and separate
17 them from their loved ones.

18 Q. Your attitude and what your feelings are is that
19 you are in a racist institution?

20 A. My attitude and feelings are from experience.

21 Q. Your experience is that this is a racist
22 institution, and being a racist institution cannot
23 listen with respect to you as a young black person,
24 and, therefore, cannot rehabilitate you as a young
25 black person?

Rehabilitation

1 A. Not only me, but everybody that is presently
2 incarcerated.

3 BY MR. BROWN:

4 Q. Do you consider yourself a political prisoner?

5 A. Right.

6 Q. Would you describe what that is and the relation-
7 ship between the guards and others that are political
8 prisoners?

9 A. The relationship?

10 Q. Yes, the treatment?

11 A. Antagonistic relationship.

12 BY MR. DORSEY:

13 Q. What is a political prisoner?

14 A. A political prisoner? Any man is a political
15 prisoner. Everybody in here is in here for committing
16 a crime of economics or a crime of survival. It is
17 really a crime against the State. Some people may not
18 be conscious of it and some people may be conscious
19 of it. But it is all related to economics.

20 BY MR. BROWN:

21 Q. Has it been the trend that most of the fellows
22 in max are black?

23 A. All.

24 Q. In isolation?

25 A. In isolation.

*political
prisoner*

*max
inhabitants*

1 Q. Has it been your experience or your opinion that
2 most of the people in max and in isolation, whether
3 black or white, are politically conscious prisoners?

4 A. Yes. Some on a lower level and some on a
5 higher level.

6 Q. Is there anything that hasn't been asked here
7 that you would like to discuss?

8 A. Not necessarily.

9 BY MSGR. REESE:

10 Q. You mentioned brutality in the hole, right?

11 A. Right.

12 Q. Can you tell us what you mean by that?

13 A. Inmates being attacked by the guards.

14 Q. Attacked how?

15 A. Tear gas and blackjacks.

16 Q. Under what circumstances does this happen?

17 A. One inmate had 15 days in the hole. His 15
18 days was up, and he had been in the jail three months.
19 They tried to take him back to the receiving room. He
20 said he wasn't coming back to the hole until he got
21 some room. They told him they didn't have any room.
22 So they brought him back to the hole. So the inmate
23 said he wanted to see the chief. They told him the
24 chief wasn't around. So when they brought him out of
25 the cell and put the fire out, the chief came over

Isolation
brutality

1 with tear gas and mace and jumped the man and sprayed
2 him with mace.

3 BY MR. DORSEY:

4 Q. About how long ago did that occur?

5 A. About two weeks ago.

6 BY MS. COOPER:

7 Q. Do the prisoners in B block have access to the
8 warden? Can you request to see the warden and get to
9 see him?

10 A. Well, alot of requests have been made, but to
11 no avail.

12 Q. In other words, you make the request but you
13 don't know what happens to it once the request is made?

14 A. No.

15 Q. And there is no response to it?

16 A. No.

17 Q. Who takes your request?

18 A. The Lieutenant on duty.

19 Q. And it is up to him to decide whether he will
20 deliver it?

21 A. Right. They are supposed to be obligated to
22 deliver messages.

23 Q. There is no requirement for them to respond to
24 your request, either through writing or through an
25 appearance, come to see you?

*Availability
of warden*

1 A. I wouldn't really know.

2 MR. DORSEY: Okay. Thank you very
3 much, Mr. Payne, for presenting your testimony.

4 The court reporter can stand up and
5 all the rest of us stay where we are. Our last
6 recess took 15 minutes.

7 We will now hear from Mr. Ellingsworth.

8 (Witness excused).

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