

5/16/72

Mr. Ben Bagdikian
Assistant Managing Editor
The Washington Post
1150 15 St., NW
Washington, D.C. 20005,

Dear Ben,

The latest in your excellent series on jails and conditions inside them contributes to public knowledge, which is essential in a society like ours, but leaves me confused. After some thought I've decided that since my younger day the managerial concept of what is news has changed and I just haven't kept up.

Let me give you an example.

You report, as it should be reported, that eight men on a hunger strike "had not been in sunlight for 84 days" as of the time you conducted your interview.

That is news. Even if these men had been convicted, it is terrible, isn't it?

When a man not convicted, a man who has never been judged by a jury, a man who today, as he has for several years, asks for a public trial, spends not 84 days but three times that long not just not seeing sunlight but not even knowing ~~that~~ of being able to know whether it is day or night, that is not news.

So, I ask myself, why is it news when the sun can be seen but not enjoyed and not news when it is unknown, and for so much longer. I have a few explanations, but they are not entirely satisfactory.

My man had not been tried, and under the law he should be able to participate in his own defense. Yours were convicted and had no such need.

My man had uninterrupted, high-intensity light, two closed-circuit TV cameras on him all the time, two microphones connected to tape recorders all the time, and two armed guards inside his cell every minute of these eight months. The unquestioned reason (and the Post is among the unquestioning papers) was to "protect" him, presumably from the non-conspiracy of which he was officially alleged not to have been a part. Minds less conditioned by current news standards might wonder how the danger to him could be inside his cell, not outside, and how this could be "protection".

When the lawyer for my man consulted with his client, the lawyer, faced with the lights, cameras and whirling tape recorders, had to lie on the floor to consult his client, each whispering into the ear of the other (I have just learned it was a futility). And when he left the cell he had to show his notes to the guards.

Everybody survived it, so I suppose it was not news.

But the lawyer, no friend of mine, protested to the judge. The judge held the man was getting fat, therefore not hurt, so these are appropriate conditions for pre-trial confinement. He had good precedent in agriculture, if not in law, for this is what happens with capons and steers.

But in law, there was precedent. This judge had established it as prosecutor in that very jurisdiction. He had a prisoner of whose guilt he was morally certain. So, he kept that prisoner under lights for 36 hours, not eight months, intermittently bringing him the holy word, which the prosecutor had found an acceptable substitute for the bottle. And so the prisoner confessed and was convicted...as soon as he was away from the lights and the holy word he appealed. The case went to the Supreme Court (Ascraft v. Tenn.)

and was reversed on the ground that under Tennessee law such confinement, for the brief 36 hours, constituted "undue duress".

In the end, after eight months, my man also entered a guilty plea, and he also immediately wrote the judge, first announcing his intention to appeal and then asking that his letter be considered an appeal and that the judge appoint any lawyer of the judge's selection to represent him. Instead the judge first took a vacation and then dropped dead, with his chest on the letter of appeal. Under Tennessee law, my man was entitled to an automatic hearing, therefore it has been denied.

New lawyers filed new actions. There was a hearing 2/24/71, as I recall the date (and I have both the transcript and a tape-recording, if either interest you). I was there. The new judge also had been a prosecutor in the same office. He held that for there to be undue duress a prisoner must first be in chains and then buried in a sweat box and that such frivolities as Supreme Court decisions are irrelevant.

and this also was not news.

From the day of my man's initial confinement that block of cells has not changed. From the day of his departure it has been used as a punishment cell. Four days ago I interviewed two prisoners who had been confined in that cell. Each gave me what seems to be proof that in addition to the acknowledge surveillance devices the cell was also (and effectively) bugged. (This and what follows I ask be kept in confidence, for among other things, as with what you were told, I have to confirm and get more detail and hope to use this in court.) Independently, each gave me identical descriptions of one of these bugs. As I recall it, both also described a second, and one pinpointed a third and alleged he saw a repair being made on it.

Each told me that each cell in this block has but a single bunk. There are, I think, five cells. Each told me that prisoners were forced to use the concrete floor as a bed. Each told me of whispered conversations quoted back by officials, and one told me that he and 11 others confined with him had been beaten. He named those who beat him (he called a captain a "fat mother-fucker", the captain took the lead in beating him, but that can't make news because he was, he claims, beaten only nine times in two days. He is to send me the names and present places of confinement of his 11 companions in un-newsworthy confinement. I have these interviews on tape (and in a federal jail, where I did not appear as a reporter, I was also able to tape interviews with prisoners, interviewed in presumed privacy).

In the case of my man, who had been extradicted illegally, two governments collaborated in the confiscation of the only official records of the hearing outside the possession of the U.S. government. Not news. I filed suit for it after the then Deputy Attorney General lied about it repeatedly, also not news. (The Post did send a reporter to the press conference I held in the silly notion it was an obligation I owed, and he wrote a column, but the Post was over-up that day, and can a liar Deputy Attorney General be newsworthy, even if his name is Kleindienst?). In the end, the Attorney General held his Deputy was a liar and promised me access to the official records. When it was not consummated, I got a summary judgement against the Department of Justice. Still again, not news. Needlessly, the Department's lawyer perjured himself, I so charged to the court and to the Attorney General, without even pro forma denial. Naturally, not news. And the evidence I thus obtained was exculpatory, the least newsworthy part of the whole thing. When it appeared in my book that made it even less newsworthy. So, I've got to learn all over again what is and is not news. Clearly, I am not up to date.

Best as back, by the way. And keep up your own great work. Best regards,

Harold Weisberg

P.S. Bem were it not that I have been so effectively taught, by the Post in particular, that I just don't know what news is, I'd swear that I came back from Leavenworth with a couple of pretty good, even significant, stories. One has to do with what can be admitted in evidence and, if not overturned will revolutionize one area of law. The defendant in that case was represented by a lazy lawyer who is also the prisoner of his own wierd politics and neither investigated nor prepared the case. After conviction, the court appointed a local lawyer, who is shocked at every aspect of the case in court and the decision, also unreputed, of the appeals court. He has recently file a 50 page petition for cert. to the Supreme Court and tells me there is no precedent.

"My man", I should have made explicit, is James Earl Ray. I make no public use of it for a variety of compelling (to me) reasons and I ask you not to, but I am his investigator. The case I refer to above is that of his brother John, charged with driving the getaway car in a bank robbery near St. Louis. J.B. Stoner was his initial lawyer. His present one is Robert Hampe, St. Louis, 621-1701. John's story is that part of the proof of his ~~xxx~~ defense, the condition of his car, which made his participation impossible, was confiscated in an illegal search of his premises. It is garage bills. He tells me that the only proof against him was the finger of a glove allegedly used by one of the robbers. It was not found in his car when searched by the local police, but the FBI claims it ~~is~~ found it there. An odd concept of the use of gloves not to leave fingerprints, cutting the fingers off. Two men part of the heist got into a shootout in a Portland, Ore., motel. One was killed. The other, Ronald Goldenstein, rushed to the dead man's room and took his possessions to his own, Goldie's. There, without a search warrant, it was ~~settled~~. It includes something like \$12,000. That money stayed on the evidence table during the entire trial in St. Louis. Goldie's conviction was overturned on the ground of illegal search and seizure. But the court held that this same evidence was admissible against John Ray. The appeals court agreed.

I have not been able to check all the details out, but I do not have to depend on John's word. I have Hampe's. In the end, and most likely in political cases, I think we may find that this decision may be news.

Please excuse the haste and errors. If I were not persuaded of your personal interests and concerns, I'd not take the time to write at all with the notes of so many hours of interviews and investigations to type.

HW

First Private Talks Reveal

THE WASHINGTON POST Sunday, May 14, 1972 A 3

Injustice in Federal Prisons

By Ben H. Bagdikian

Washington Post Staff Writer

LEWISBURG, Pa.—What happens when, for the first time, a newspaperman is permitted to interview a federal prisoner in private?

In this case:

- Some horror stories that will not be printed until corroborated.

- First word of a hunger strike by eight men in solitary confinement who can't find out when they will get into sunlight again.

- Claims that the prison sometimes punishes inmates in capricious, careless and even humorous ways.

- An assertion that federal prisons are especially harsh with inmates who hold liberal or radical views.

- One prisoner who now feels for the first time that he understands why he committed so much crime in the past.

- Surprise by inmates to discover that there is now a "normal," non-violent way to get their word to the outside public.

Slow on Grievances

Last Tuesday, this reporter conducted the first private personal interviews ever held with federal prisoners. These were possible because of a court order of Judge Gerhard A. Gesell in U.S. District Court in Washington, D.C. wiping out a previous federal prohibition.

What emerged in general was word of the hunger strike and the assertion by men interviewed that punishment within the prison is not based on any established

rules but that charges are created in each individual case often for infractions never heard of before.

The eight men on a hunger strike had been in punitive segregation and had not been in sunlight for 84 days as of the day that four of them were interviewed (on a rainy day) by this reporter.

The eight are charged with failing to produce grievances rapidly enough—less than two full days—after they were elected by inmates, at the prison's suggestion, to compile such a list.

No prisoner interviewed said he had ever been shown any printed rules of the prison nor been told them at any time, including the "Admissions and Orientation" weeks upon initial commitment to the maximum security penitentiary.

"You know you've broken a rule when you get punished," one of the inmates interviewed said, "or you pick it up by hearsay. Or now and then there'll be a decent hack (prison jargon for guard) who'll take you aside and say, 'Hey, what you just did is against the rules so don't do it again.'"

Harsh on Radicals

One of the interviewed prisoners described charges for punishment brought against him that, like the present ones holding the eight in solitary, seemed to be created and worded by the prison staff to fit a particular situation or disapproved conduct or attitude.

The interviews also resulted in prisoner claims that there was no known

procedure by which they would be held in solitary or what they had to do to win release.

All of them claimed that the prison was particularly harsh on inmates with liberal or radical politics as indicated by books ordered by inmates.

The four interviewed inmates were all members of a committee elected by the prison population to present grievances to the warden, an election urged by the warden at the time with his promise of no reprisals if there were no violence. There was no violence but the committee members were placed in solitary confinement and are now condemned to stay there "indefinitely" on a charge of failing to present grievances on time.

Warden Noah Alldredge of Lewisburg Penitentiary denied that there were no printed rules or regulations. He said he believed that

they have existed since 1955 and were "available" to incoming prisoners. He did not say each prisoner saw them and later described them as "guidelines."

Has Own Reasons

(At a hearing in federal court in Lewisburg last month Associate Warden George Cansler of Lewisburg told Judge William J. Nealon that he could not remember the last time he had ever seen such rules and regulations.)

Allredge said that decisions on when to remove inmates from "indefinite" solitary confinement depended on his decision on when the inmate's conduct was "appropriate." He said he had his own reasons for not releasing the eight former members of the inmate grievance committee "but I'm not going to tell you."

He said he did not wish to discuss other allegations made by the inmates during their interview.

Ronald Phillips, 34, convicted of band robbery in Los Angeles in 1968, is serving an "indeterminate" sentence of zero to 20 years, a practice permitting federal judges to leave maximum discretion to parole boards on promising-looking offenders.

Though he had been living solely on water for five days, the dark-eyed, mustachioed prisoner appeared in good spirits when delivered by guards to the prison visiting room where interviews were held.

Privileged Solitary

"This was the only non-violent way we could think of to protest our indefinite confinement in segregation," he said. "None of us knows how long we'll stay in solitary. We could spend all the rest of our time there, never seeing anyone or getting into the rest of the prison population. It's possible I could spend 13 years in that cell and never get outdoors. There's no way of knowing."

The decision to fast was made by the group, calling to each other through six-by-twelve-inch barred opening in their solid doors. In addition to the refusal of food, the fast represented the main human contact of men in solitary, the three

times a day guards would come to the door with food trays.

Each segregation cell is about six by 12 feet, has a mattress on a steel slab bed bolted to the floor, a chair, a steel locker, a toilet and a washbowl. The cells are in segregation Stage 5, the most privileged solitary confinement, which means, among other things, that each cell has a window of clear glass.

Once a week each prisoner is taken from his cell for one hour during which he may shower and do calisthenics in the segregation corridor. Otherwise, he never leaves his cell.

"Of course, we're all afraid of 'The Tour,'" Phillips said. "That's prison jargon for the government moving a man from prison to prison around the country, but always keeping him in solitary. We all know of some men, non-violent men, especially political or draft cases, who have spent their whole time in solitary, doing 'The Tour.'"

In Psychiatric Ward

One condition of solitary, he said, is to saw off tooth-

brushes to a total of two inches.

"It's one of those things that sounds unimportant on the outside. But if you're in prison and especially in solitary, such a thing really forces you to hold on to your sanity. Why do they do it? To keep us from making it into a weapon to kill ourselves or someone else? But we've got a steel locker in the cell we could make a weapon from and there's that beautiful clear glass in the window that would make a beautiful weapon."

All the fasting prisoners are now in the prison hospital psychiatric ward, a standard procedure for any inmate who has not taken in food for 72 hours. The eight men began fasting Friday, May 5.

"They weigh us and take urine samples every day, I guess to see when we reach a point of medical danger. Then they force feed you, either give you a sedative and an intravenous while you sleep or put a tube down your throat. But I feel fine. My stomach has stopped contracting, sometimes I feel a little pressure behind my eyes and when I wake up I feel as though I've already had a hard day. But I can keep going for a lot longer."

Unity among the eight has been important to prevent depression and psychological effects of isolation, he said.

Disunity Technique

"You get a feeling of hopelessness. You become convinced that you're never going to get out, never going to leave that bare cell."

Clarence Jones, 25, also a bank robber and former dope addict, like Phillips, similarly is serving a 20-year term and was on the inmate grievance committee. He was the first to refuse a food tray on Thursday, May 4, and after discussions with each other through he slots

in their cell doors they decided to make it a group effort.

Jones takes water and coffee only. Some of the others are eking out pieces of fruit saved from earlier meals before they go onto water or coffee alone.

"But we're agreed that if any one of us feels too weak and can't go on and takes a little solid nourishment, we won't condemn him and we'll all do the same thing to maintain unity."

Jones claimed that the prison staff had attempted to foment disunity among the eight.

"At first we all took our one hour of weekly exercise and showers together. Three weeks ago they began doing it separately—all the blacks together, and all the whites at another time. That's an old prison technique to keep inmates at each other's throats. We protested and asked to be kept together but they still kept us separate at exercise, by race."

Missed Parents Funerals

Like most of the eight, this is first disciplinary punishment in prison, and like Phillips, he had been taking community college courses and working in the highly valued dental technician training laboratory before he was elected to represent the prison population during a two-week work stoppage that started last February 15.

He, like others, said his politics seem to be related. He has books on Mao, Nkrumah and Lumumba and Marx in his cell. He, like others, named a non-violent draft violator who spent three years in solitary on what they described as capricious charges, 19 months at Lewisburg and the rest in another federal penitentiary.

The interview was the first visit Jones had had in 20 months, since his wife and he decided on a separa-

tion. His parents have both died while he was in prison.

Prison regulations provide that most inmates may have one furlough during their term for a family funeral; Jones could attend neither funeral. Prisoners in addition to paying for their own expenses have to bear the expenses of an accompanying guard. In Jones' case, this would have meant a cost of more than \$300 which he did not have.

Jones described one of the eight, William Irwin, 41, elected chairman of the grievance committee.

Back to the Hole

"Will is really amazing. Here was a guy who all his prison life really believed that the prison system was just, that if he did every-

thing they wanted him to do, they'd treat him straight. He really was what the staff wanted, the 'model' prisoner. I can't tell you what a shock it was to this man when they did this to him, when they daid, go ahead and elect a committee and then threw us all into a solitary. He couldn't believe it."

Irwin was one of the four inmates interviewed. He is a heavily built man who, in civilian clothes, might look like a prosperous bartender. He is non-political and disagree with the ideology of his committee members. He also supports the fasting.

"It's just to get out of segregation and get some justice," he said.

"We know that as soon as we start eating, we go back to the hole. We're not doing

this out of moral principles; we're doing it to get out of the hole."

Irwin has a long criminal history with terms in reform school as a child, in COLORADO State Prison, Trenton, N. J., and Rahway, N. J., state prisons.

Always Got Parole

"After all my troubles in the past, for the first time I've come to realize why I was so violent whenever I got out of prison before. I'm ashamed to think of it now. Why, I'd be a wild man. I'd get out and beat people, I mean really hurt them, people I never met before, and I always thought it was because I hated people because of what happened to me in prison.

"Now I understand something. I really did all those

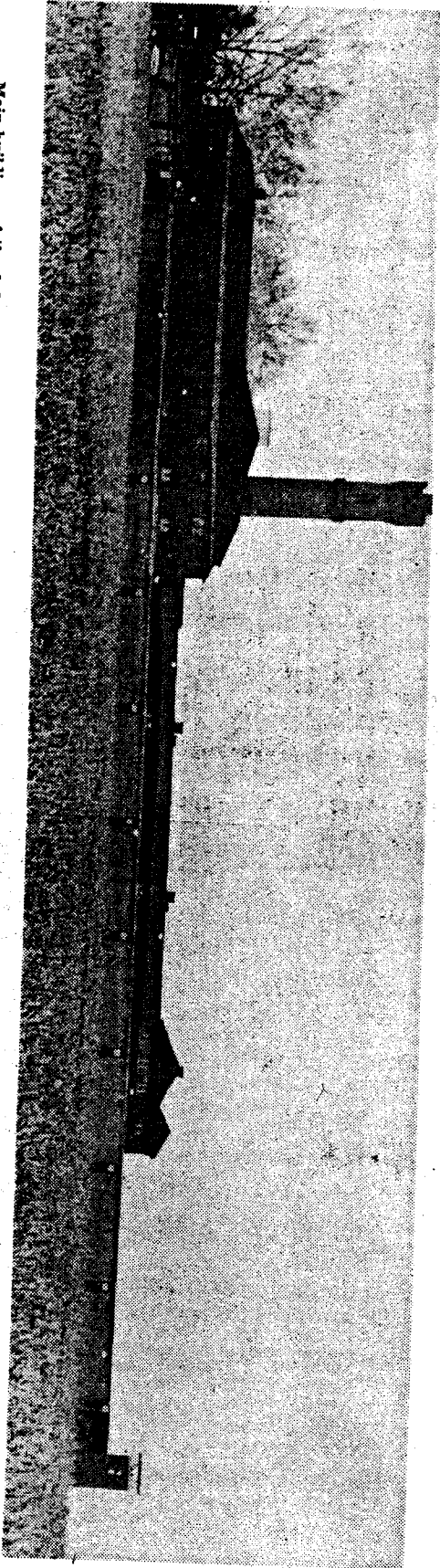
terrible things to other people because I hated myself. All my prison life I've played their game, I've been a 'model prisoner,' I've conned them, I played the rehabilitation game. I treated the staff with humble respect and I always did whatever was expected no matter how humiliating and you know—I always got parole, always.

I'd goet out and beat someone, maybe in my own family, almost senseless—Jesus, I'm lucky I never killed anyone. Back I'd go to prison and I'd do the same thing—play the con game, be bowing and scraping, accept everything. I really hated myself because I had no self-respect, I accepted irrational and dehumanizing things and said thank you.

"Now I realize that I have self-respect. I'm doing what I feel is right and I'm not hurting anyone in the process. So now I'm in solitary and I suppose now I'll never get parole. But I don't hate myself anymore."

"Voodoo" Doll

He added, "But I'll tell you, what they do to inmates whose politics they don't like is horrible. I don't believe the same way as some of the other guys I'm with, but I don't believe anyone has a right to tell another man what to think as long as he doesn't hurt anyone. There's no question: If you're political, if you have beliefs they don't like in prison, you get extra punishment and bad treatment."



Main buildings of the federal prison at Lewisburg, Pa., are enclosed by a high masonry wall, punctuated by guard towers, and surrounded by stubble fields of corn.

By Margaret Thomas—The Washington Post

The Washington Post

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BENJAMIN C. BRADLEE
EXECUTIVE EDITOR

May 17, 1972

Dear Mr. Weisberg:

I don't feel nagged.

I do feel that you are one of a handful of intelligent people with a rare capacity to confuse and disrupt -- at least confuse and disrupt me.

I followed your questioning of the Warren Commission more closely than you thought, as I have followed most writings on this subject. I have just recently finished an article by Dr. John K. Lattimer, writing in a publication called Resident and Staff Physician.

I suppose you will disagree, but it seems to me to dispose of the divisive arguments you were raising. It certainly makes me wonder what you are really driving at.

Sincerely,

Benjamin Bradlee

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