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# Black and White and Dead All Over

**The Lucasville Insurrection**

Staughton Lynd

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1998

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At this writing (September 17) George and the others from DR-4 are housed in Security Control Investigation in very burdensome conditions. All their personal property was left behind in the cells, and much appears to be missing. Everybody's commissary is gone. They have been given toothbrushes cut off after the bristles, apparently on the theory that the toothbrush handle could be a weapon. No one has shoes (although George has hospital slippers). Food is even more inadequate than before. Neither coffee nor cigarettes are permitted.

George wants everything to be told 100 percent truthful. What George saw was totally uncalled for, he says.

arm they tried (he believes) to break his right index finger and right arm.

George was handcuffed behind his back, “ungodly tight.” A guard tried to stomp on his private parts. He squeezed his legs together. The guards picked him up by the cuffs and half walked, half dragged him out of the cell. George thought he was walking to his death. He saw thick gobs of blood on the floor.

The guards forced the handcuffs up as high as they could, so that George was bent over like an old man as he moved. A guard told him, “You are going to stand up and walk out of here.” It was impossible for George to stand up. Another guard took him by the hair, and slammed his head against the wall of Jason’s cell. George thinks he was “out on his feet” for a time.

The next he knew he was at an exit door from DR-4, a guard on each side, bent over with his arms up high behind him. In front of O17 a guard hit George in the head. He rolled with the punch. There were more punches. They walked him out.

For half an hour he was put in a cell with Hasan and two other inmates who complained they could not breathe because of the tear gas on George. The two officers, one female, the other male, walked George to the warehouse. The female officer who is from Mansfield said, “This man is saturated with that shit.” The male guard (who George thinks is from Mansfield) told him, “You’re a good man.” When the guards cut off the plastic handcuffs to put on an orange jump suit and then re-cuff George, the female guard remarked on how swollen his hands were.

The inmates from DR-4 lay in rows in the warehouse floor for about three hours. A nurse gave medical attention to the most seriously injured. There was no opportunity to wash off the tear gas and mace, nor would there be any shower for five days.

George found himself on the floor next to an inmate named Combs, a man with only one arm – and therefore “totally defenseless” – who had been sprayed with gas and severely beaten. “His head was a mess,” George recalls.

In April 1993, an inmate rebellion broke out at the Southern Ohio Correctional Facility (SOCF) in Lucasville, Ohio, near Cincinnati. Nine prisoners and one correctional officer were killed during the 11-day uprising. In court proceedings following the end of the riot, five inmates were sentenced to death and are presently on death row at Mansfield Correctional Institution. They are: Siddique Abdullah Hasan (formerly known as Carlos Sanders), Namir Abdul Mateen (formerly known as James Were), Keith Lamar, Jason Robb, and George Skatzes. Hasan, Mateen, and Lamar are black. Hasan and Mateen are Sunni Muslims. Robb and Skatzes are white and are members of the Aryan Brotherhood. We begin with a chronology. Lest we be suspected of slanting our presentation, we take these facts from the opening statement of Special Prosecutor Daniel Hogan in Skatzes’ trial.<sup>1</sup>

April 11, 1993: Inmates take over the L cell block. Six inmates are killed. More than half a dozen guards are taken hostage.

April 14, 1993: A truckload of food and water is left next to the occupied cell blocks.

April 15, 1993: The body of Corrections Officer Robert Vallandingham is dumped in the yard about 11:10 a.m. About 7:30 p.m., George Skatzes escorts Corrections Officer Darrold Clark onto the recreation yard. After Skatzes speaks on the radio, Clark is set free.

April 16, 1993: Corrections Officer Demons is released, and a Muslim named Stanley Cummings makes a TV broadcast.

April 17, 1993: Anthony Lavelle, representing the Black Gangster Disciples; Jason Robb on behalf of the Aryan Brotherhood; and Hasan (Carlos Sanders), a leader of the Muslims, meet representatives of the authorities in the yard for settlement negotiations. The inmate negotiators are assisted by Attorney Niki Schwartz

April 21, 1993: After a second meeting between the authorities, Attorney Schwartz, and the three spokespersons, a settlement is

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<sup>1</sup> “Opening Statement of Special Prosecutor Daniel Hogan,” Skatzes trial transcript, p. 1556 -1562.

finalized. The settlement provides among other things: “(2) Administrative discipline and criminal proceedings will be fairly and impartially administered without bias against individuals or groups... (14) There will be no retaliating actions taken toward any inmate or groups of inmates or their property.” Between 3:56 p.m. and 11:20 p.m., inmates walk out of the occupied cell blocks in groups of twenty.

April 22, 1993: The bodies of inmates David Sommers and Bruce Harris are discovered.

## I. Anatomy of an Uprising

What caused the uprising at Southern Ohio Correctional Facility (SOCF) at Lucasville, April 11-21, 1993?

There is general agreement that the triggering event was the authorities’ attempt to conduct a tuberculin skin test by injecting a substance containing alcohol. Muslims prepared an affidavit stating in part: “we firmly believe that the Mantoux tuberculin skin test which consists of the injection [of] Purified Protein Derivative under the skin of the forearm of an individual... contains alcohol which is not permissible for Muslims.”

But a long train of abuses contributed to the final decision to rebel. Longtime inmate John Perotti has written: “The SOCF had a reputation for being one of the most violent prisons in the country... SOCF was built to house 1,600 men, one to a cell, but the cells were doubled up and the population was close to 2,300... [M]edical treatment was atrocious.” In 1983, a prisoner killed a shop supervisor, after which twelve guards beat to death a mentally disturbed prisoner, Jimmy Haynes. Two black prisoners, Lincoln Carter and John Ingram, were alleged to have touched white nurses, were beaten by guards, and were found dead in the hole. Inmates filed numerous law suits. Wardens were replaced. Abuse of prisoners continued.

breathe. He lay down on the floor, thinking he was going to die. He could not see his hand in front of his face.

After about fifteen minutes, as if by miracle the fog of tear gas lifted. George got up and leaned toward the hole in his cell window to get some air. A guard sprayed liquid mace through the hole. George told him, “You don’t have to do that. I’m no threat to you.”

George put a blanket on the floor, sat down on it, and waited. Everything in the cell was white from the tear gas.

About an hour later “bunches” of masked guards, wearing black ninja suits, came into DR-4. Two of them told George to stand and put his face to the wall. His hearing is not good, and had been affected by the shotgun-like sounds when the teargas was first fired, but as soon as he understood what was wanted, he complied.

The guards went into Jason Robb’s cell next door. Hasan was told to strip to his underwear. He was then beaten very badly (but did not lose an eye, as the prisoners’ grapevine first reported). George could hear beating, screaming, mumbling from the cell next door. A man who was with Jason in the cell told George later that Jason didn’t say a word to provoke the assault.

When the guards came to George’s cell, they told him to get down on his knees, with his hands behind his head. At least three of them then opened the door and stormed in. They asked no questions but “started beating on me.” George did not resist, but rolled himself into a tight ball, trying to protect his head. The guards pulled his arms and legs in different directions, trying to make him straighten out, face down. They succeeded.

The guards got his left hand behind his back and put on a plastic handcuff. They bent back his wrist and fingers, trying (George believes) to break the bones. One guard hit George several times with his fist on the left side of the head, causing cuts on his jaw and above his eye. Another put his foot on George’s neck.

George’s right arm was still under his body. He was told to “get your right arm around here.” He told them he was sorry to be angry but they didn’t need to do all this. When they took hold of his right

ear, where guards had banged his head against a wall. By September 16 Skatzes' wounds had healed and he was ready to tell his story. He carefully distinguished between what he had seen, what he had heard from others, and what he inferred to be true.

The disturbance began about 5 p.m. when supper trays were brought in. George was locked in his cell at the time. About half an hour later inmates came to George's cell and unlocked it. He told them that he wanted no part of what was going on, and asked to be left alone. He remained in his cell throughout the disturbance.

Inmates were milling around in the public area of the pod. "No one was doing anything," George says. Inmates tried to arrange themselves two or three in a cell in case there should be violence.

At any time the guards could have come in and peacefully regained control, according to Skatzes. He saw no inmate-to-inmate violence whatsoever. He saw no shanks or clubs. The only object that could be considered a "weapon" was a body chain, after it was unlocked. "All they [the guards] had to do was come in," Skatzes insisted.

George advised others of the Lucasville Five not to get on the phone to negotiate, lest, as in 1993, this cause them to be viewed by the authorities as ringleaders.

Time ticked away. Inmates conjectured that the authorities were hoping "for the body count to pile up," so that inmates could be severely punished. But there was no body count, and unlike 1993, there were no hostages.

About 10 p.m. George looked through the window of his cell into the corridor and saw men in gas masks. Then came a loud banging, followed by a noise like the firing of shotguns. A canister came through the cell window, shattering the glass, striking George directly, and causing minor cuts on George's arms. At least five canisters were shot into his cell. One of the canisters lodged on his top bunk, among his legal papers.

He felt as if gasoline had been poured over him and set afire. The hair on his arms stood straight up, and turned white. He couldn't

Lucasville inmates organized a branch of the Industrial Workers of the World (IWW), but the courts held that inmate workers were not "employees" entitled to a minimum wage. In June 1988, inmates filed a complaint with Amnesty International detailing violations of the United Nations Minimum Standards for the Treatment of Prisoners. The complaint set forth instances in which prisoners were chained to cell fixtures, subjected to chemical mace and tear gas, forced to sleep on concrete floors, and brutally beaten. Then Governor Celeste ordered an investigation.<sup>2</sup>

The upshot was appointment of a new warden, Arthur Tate. Chrystof Knecht, a Lucasville inmate at the time of the 1993 uprising, describes the indiscriminate oppressive treatment placed on all SOCF prisoners after Tate's appointment.

Under Tate's regime, SOCF prisoners were told how and when to eat, sleep, talk, walk, educate, bathe, and recreate. Privileges were taken away on a regular basis. New rules were enforced daily, disregarded, then re-implemented weeks later. Psychological conditioning techniques were upgraded. Integration was enforced and agitated by guards to create racial animosity in the form of fights and deeper racial hatred.<sup>3</sup>

Another inmate, William Martin, gives greater detail in a letter written on February 20, 1995, to Attorney Richard Kerger:

King Arthur [Tate] repeatedly demonstrated his ineptitude... For example, King Arthur followed Otto Bender's advice of closing all the windows during the summer because SOCF was designed to have a flow-through ventilation system to keep the institution cool. Without any investigation, King Arthur signed Bender's decree which ordered all the windows closed... My supervisor, Pat Burnett, subsequently

<sup>2</sup> John Perotti, "Lucasville: A Brief History," Prison Legal News, Dec. 1993.

<sup>3</sup> Chrystof Knecht, "Letters from Lucasville Prison," *Race Traitor*, Spring 1994, p. 21.

went into King Arthur's office and inquired about his "window decree." King Arthur... had the institution's blueprints on his desk and, as he was gently patting them, he told Burnett, "I have it all right here. The institution was designed with flow-through ventilation. It will keep the institution cooler if the windows are kept closed." Burnett then informed King Arthur that the flow-through ventilation will not work because most of the blowers on the roof are burnt out... [You would think that King Arthur would have rescinded] his "window decree." But he did not want to appear foolish so we all suffered through a very hot summer.

Martin went on to list new rules implemented by Warden Tate. According to Martin, perhaps the "most bizarre" rule was the one requiring prisoners to march to chow, recreation, chapel, work, school, commissary, etc. After the [school teacher Beverly Taylor] was killed at SOCF in 1990, the Speaker of the General Assembly (Verne Riffe) publicly criticized the uncontrolled movement in SOCF's corridors. Warden Terry Morris responded by painting yellow lines in the corridor... King Arthur took it one step further after becoming SOCF's warden. He not only wanted prisoners to stay behind yellow lines but walk in double-file formations. Prisoners who hated each other were forced to march next to each other. Everybody deeply resented this.

Warden Tate's decisions, from Martin's point of view, created an atmosphere of paranoia. There were repeated massive shakedowns "without regard for prisoners' property," and constant transfers of inmates from one part of the facility to another.

Finally, Martin highlights a policy of double-celling blacks and whites. According to Martin integrated double cells increased from 1.7% to 26-31% of the total number of cells at Lucasville (citing *White v. Morris*, 811 F.Supp. 341, 342).

"sundry boxes" from relatives. Warden Coyle denied any connection between the fast and the disturbance, claiming that he had granted the Five more privileges after the hunger strike ended.<sup>26</sup> The controversy about the fast and the riot continued elsewhere. Sonny Williams of the Ohio Prisoners Rights Union

said prison administrators have ignored warnings for months that there could be problems of death row. He said inmates are not provided with proper medical care and some death row inmates have been denied privileges granted to others on death row, such as access to televisions and radios. Coyle said there were no warning signs... (Youngstown Vindicator, September 7, 1997)

As the hours passed it became clear that all injuries to guards had been minor, whereas several inmates had been seriously hurt. Richland County Prosecutor James Mayer, Jr., entered DR-4 shortly after the riot ended. "You had to be careful because there were very few places where there wasn't any blood," he told the local paper. Mayer also confessed puzzlement as to how the state could punish those responsible. "I can't think of anything else we could do to them. They're already facing the worst the state can give them."<sup>27</sup> Warden Coyle concurred that if the most dangerous prisoners were involved in the riot, there wasn't much more that could be done to punish them. "You really can't do much more," he stated.<sup>28</sup>

## What George Says

When George Skatzes was interviewed on September 10, his public defender reported visible lacerations over both eyes and on one

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<sup>26</sup> Columbus Dispatch, Sept. 7, 1997.

<sup>27</sup> Mansfield News Journal, Sept. 7, 1997.

<sup>28</sup> Columbus Dispatch, Sept. 9, 1997

were said to have been injured, but there were few details. Authorities indicated: “We’re not sure what triggered it. Nor do we know the leaders.”<sup>24</sup>

Spin control started in Columbus, the state capitol. The Columbus Dispatch began its story: “Those responsible for the deadly 1993 Lucasville prison riot were among Death Row inmates who took control.” The Dispatch went on to quote the first of many misleading statements from warden Ralph Coyle: “Some of the injuries may have been afflicted [sic] by other inmates before prison officials regained control, Coyle said.” The story added without comment: “Wilford Berry, who has volunteered to become the first inmate executed in the state since 1963, was also housed in the same area.”<sup>25</sup>

Within twenty-four hours Berry’s presence in DR-4 had given rise to a full-fledged official theory:

An inmate who has volunteered for execution may have provided the spark that touched off a five-hour riot Friday among the most dangerous prisoners on death row... Berry, 34, suffered severe injuries at the hands of his fellow Death Row inmates during the uprising, Coyle said.

Skatzes’ sister Jackie Bowers told the paper that Berry was unpopular but that “her brother isn’t among those who dislike Berry. She said he told her feels that Berry doesn’t have the mental ability to make decisions about his appeal.” Bowers also said that tensions had been mounting on Death Row because of the conditions that prompted the summer hunger strike. “They just keep taking things away and punishing them and punishing them,” she said, adding that after the fast, the Five had lost the right to receive

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<sup>24</sup> Cleveland Plain Dealer, Sept. 6, 1997

<sup>25</sup> Columbus Dispatch, Sept. 6, 1997

A third, anonymous inmate account of the “situation at the Southern Ohio Correctional Facility as it led up to the riot” is dated July 5, 1993, less than three months after the rebellion, and draws on the observations of several eye witnesses. Warden Tate and Deputy Warden Roddy, this account asserts, showed “total disregard for the opinions or professional insight of staff with many years at SOCF and in corrections.” Poor communication between upper and lower level management led to constant uncertainty on the part of inmates as to what the rules were at any particular moment. Tate and Roddy “tore the college program down to bare bones” and “did away with music programs, literary programs and a lot of other positive” programs that men were using to do their time. The author believes that Tate would have liked to lock down the whole institution and make it another Marion, Illinois super-max.

Like Martin, the author of this third history says that Tate began mass transfers of the inmate population. “Inmates that had been in the same blocks for years were forced to move to other blocks... Guys were forcefully integrated with other races.”

The third history also provides a vivid glimpse of Warden Tate’s insensitivity to the Muslim inmates on the eve of the uprising. The author says that the Muslims

thought they had valid reasons and they voiced these concerns to both Tate and Roddy. Instead of trying to resolve this problem to the benefit of all concerned, Tate point blank told the leader of the Muslims that he would ‘drag everyone to the infirmary in chains and force them to take the shots.’ The Muslims told Tate that they would declare a “jihad” with Tate over this situation. They also stated that they’d been willing to take x-rays to test for TB. [Attorney Mark Devan in his opening statement at the trial of Jason Robb, declared: “The Muslims asked Warden Tate to please let

them take saliva tests.” Robb trial transcript, p. 143.]  
They just didn’t want nothing shot into their bodies.

According to the history, on April 6 there was a meeting of Warden Tate and five of his staff with the leader of the Muslims and his “security chiefs.” Tate said what he would do with the chains. On April 9, Tate sent the Muslim leader an Inter Office Communication “stating that it was the decision of the administration not to permit any group of inmates to dictate policy and that those men who had refused the TB test would be tested, whatever means it took to test them.” By then, states the history, it was “common knowledge that the whole institution was going to be locked down to force the Muslims to take [the] TB test.”

The inmate historian sums up that portion of history dealing with the prelude to the riot this way:

This was the situation as it stood before April 11, 1993 and the start of the Easter Day riot. The institution and the atmosphere of the institution had become very tense since the arrival of Arthur Tate as Warden. The incidents described so far... are but fractional in comparison with the everyday occurrences that degenerated the stability of the Southern Ohio Correctional Facility. There was a sense of impending trouble... The stagnation of any positive aspects to life had left a heavy air upon everyone at SOCF. Staff and inmates alike were very discontent with the operations of the institution. Either through bad management or by conspiracy, the attitude of the whole institution was at a boiling point without any outlet in sight. And this is where the complete breakdown of hope sowed the seeds of dissent.

contrary to everyone else. This we are no longer willing to accept.

Finally, we ask that you acknowledge the urgency in addressing our concerns, as this is approaching the fourth week of the strike, and we have no intention of yielding, until we receive a legitimate response and appropriate changes are made. Sincerely,

1. George W. Skatzes
2. Jason Robb
3. A. S. Hasan
4. John Stojetz
5. Namir Abdul Mateen
6. Keith Lamar

The Lucasville Five ended their recent fast on July 24. The unit manager has been transferred. Skatzes’ medical condition remains problematic.

## V. Epilogue

On September 5, 1997, a disturbance occurred in DR-4, the area of Ohio’s Death Row where the Lucasville Five and thirty-two other condemned men are housed.

### The Media Version

Initial Reports of the disturbance told a relatively straightforward story. The incident began at 5 p.m. when inmates overpowered three guards, took their keys, and freed other death-row inmates. Several hours later, a prison tactical squad fired tear gas into the unit and regained control. Three guards and four inmates

3. Food Boxes (No canned goods per Institutional policy)
4. Full Commissary privileges
5. Full visitation privileges
6. Full recreation privileges
7. Legal services
8. Stop messing with our mail

[Referring to] the so-called “21 point agreement”... [o]f particular importance, in our opinion, are #2 and #14, which state that, there will be no retaliating actions taken toward any inmates, or their property.

In conclusion, let us assure you, that we understand your position and the concerns you have in maintaining a safe environment. We also realize that we’ll never be allowed to mingle among other death row inmates and, though we disagree with the notion that keeping us isolated is the answer, we have no intentions to resist against this reasoning. Nevertheless, we set forth the fact that we have already been punished for our alleged participation in the riot, and that any further punishment is blatant retaliation.

Sir, as you know, being sentenced to death is the strongest penalty available to man. Having already been sentenced, we all understand and, await the final decision. In the meantime, however, we request and expect to be treated in the same fashion as other death row inmates.

If you will take the time to investigate, you’ll find that we have presented no problems since being here. The only problem exists in us being singled out and treated

## **Demands**

It would seem that the inmate demands made in the course of the uprising should shed additional light on the rebellion’s causes.

On the one hand, the authorities made tapes from their listening posts in the tunnels beneath L block, recorded their conversations on the telephone with inmate negotiators, took notes on the radio presentation by George Skatzes, and put all this evidence into SOCF Critical Incident Communications. Thus there is a contemporaneous, objective record of inmate demands.

On the other hand, there no longer exists any single presentation or list of demands that can resolve all doubt as to which demands were of highest priority.

Based on the Critical Incident Communications (hereafter CIC), the following were major inmate concerns:

1. Arthur Tate has got to go.<sup>4</sup>
2. Medical care is insufficient. There must be more medical personnel. “We’re given Tylenol for anything and everything.”<sup>5</sup>
3. The policy of integrated celling must be rescinded. There should be no forced integration.<sup>6</sup>
4. Overcrowding in all Ohio prisons must be reduced.<sup>7</sup>
5. Indiscriminate mixing together of prisoners with and without AIDS, prisoners with and without TB, mentally ill prisoners and those not so afflicted, and prisoners at different levels of security, must be ended.<sup>8</sup>

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<sup>4</sup> Skatzes radio broadcast on April 15, CIC p. 439.

<sup>5</sup> CIC pp. 466, 467, 511, 578-579

<sup>6</sup> CIC pp. 489, 510, 511, 564-567, 573, 576

<sup>7</sup> CIC pp. 511, 513, 578-579

<sup>8</sup> CIC pp. 466, 564-567, 591

6. Punishment for alleged gang activity on the basis of physical appearance has to stop. "Say I wear a bandana, they spot us by the way people dress or act. If I draw a swastika, they shake me down and find it, they say it's gang-oriented. Frank Phillips took pictures of tattoos." People in the yard are spotted by the stuff they wear in their hair. The authorities must stop classifying people and charging them as gang members based on bandana, cap, etc.<sup>9</sup>

Of course these were not the only demands. Some were difficult to make specific, such as "No more oppression," "civil rights violations," "violations of due process when a prisoner goes before the R.I.B. [Rules Infraction Board]," "religious freedom violations." There were complaints that the law library was insufficient and that in the prison work program "you sit on your ass all day." Inmates wanted to grow their hair and beard as long as they desired. They thought the college program was "bullshit, that anyone can pass it." The offensive TB test was mentioned more than once, and one inmate said "the TB test could have been done by spitting." There was a desire that the administration be held to its promise of one 5 minute phone call at Christmas.

Finally, there were the demands that arise at the end of any strike or rebellion, here pressed with life-and-death urgency. There must not be singling out of any inmate or group of inmates.<sup>10</sup> "Worried about staying off death row. Must get Fed to take over for protection."<sup>11</sup> There must be no repercussions to inmates involved in uprisings. There must not be any singling out of leaders involved in the riot.<sup>12</sup>

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<sup>9</sup> CIC pp. 507, 509, 511, 513

<sup>10</sup> CIC, p. 505

<sup>11</sup> CIC, p. 510

<sup>12</sup> CIC p. 600

To begin with, we already understand that there are some concerns regarding security, and that, due to the nature of the circumstances that resulted in us being placed on death row, it falls within your responsibility to enforce whatever "Security" measures you deem necessary. Understanding that, we recognize your need to keep us in an isolated area. However, as we have repeatedly attempted to explain, keeping us in an isolated area and denying us privileges that do not constitute a security threat, is equivalent to punishing us twice for the same offense.

At the forefront of our list of concerns, we are asking that George Skatzes receive immediate medical attention for what is, as yet, an undiagnosed problem he's been having with his stomach. With respect to this, he has repeatedly tried, to no avail, to have the Doctor order some tests in order to determine what the problem is. Surely, he is entitled to the same attention that is accorded to everyone else. We're asking that he be given attention capable of addressing these concerns, and preventing his problem from becoming any worse than what it already is.

Secondly, as regards the privileges, we're asking that we be given "all" our personal property that doesn't interfere with you maintaining security. As this is a security issue, we're asking that we be accorded the same privileges that were given to all of the S.O.C.F. inmates immediately following the riot, when placed on Security Control Investigation here at the Mansfield Correctional Institution. These privileges consist of:

1. All personal property (T.V., Typewriter etc.)
2. Access to phones

riot. When I protested that this was “retaliatory” in violation of Point 14, I was told that this was the death row equivalent of administrative control. However, administrative control is not supposed to be punitive and death row inmates are already under very heavy security control. [My requests have] fallen on deaf ears...<sup>23</sup>

The Lucasville Five have undertaken two hunger fasts to upgrade their security classification. In 1997, they were joined by another inmate on Death Row, John Stojetz.

The 1997 fast had two objectives: medical treatment for George Skatzes; upgrading the fasters’ security classification from Level C to Level B. The following letter to Warden Coyle was written by one of the black inmates from Lucasville.

Mr. Coyle (et al):

This letter is in regards to the reasons we have elected to initiate a strike in order to protest against what we feel are the unfair conditions that we have been subjected to, since being convicted and sentenced to death, and subsequently confined here at Mansfield Correctional Institution.

Sir, as you know, we have consistently communicated with Mr. Israel concerning this matter, but, as of this date, there still seems to be some confusion with respect to our concerns and expectations. Therefore, to guard against further waste of each other’s time, we all agreed that it would be more conducive to reaching a resolution if we simply stated our position, thereby giving you an opportunity to clearly consider the issues involved.

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<sup>23</sup> Attorney Niki Schwartz to Attorney Gerald Messerman, June 4, 1996

## Conclusion

There is a substantial fit between inmate accounts of the events leading up to the rebellion, and the demands that inmates put forward as they rebelled. Arbitrary decision making by the warden was one major cause of what happened. Overcrowding, compounded by a policy of double-celling black and white inmates together, was another. The conduct of the black warden and black deputy warden was offensive to white inmates. But in the end, a black warden’s failure to listen carefully to the concerns of black (Sunni) Muslim inmates was, in the words of the third inmate history, “the spark to ignite the flames to a riot.”

## II. A Riot, a Race Riot, or a Black-and-White Insurrection?

The composition of L block as of April 11, 1993, was 429 black inmates and 327 white inmates.<sup>13</sup> About half of these L block residents withdrew from the rebellion as it began, by going out into the yard and from there to K block.

According to Special Prosecutor Hogan, the vast majority of the 407 inmates who surrendered at the end of the disturbances did not belong to any organized group. However, he also claimed that three organizations “ran the show” during what he called “this riot.”<sup>14</sup>

The largest organized group were Sunni Muslims. Hogan said that there were about fifty to seventy Muslims at the beginning of the riot, and that their numbers grew as it went on.

The “second most powerful group,” according to Hogan, was the Aryan Brotherhood (AB). They numbered about twenty at the beginning of the riot. During the riot they controlled cell block L-2,

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<sup>13</sup> Blackmon trial transcript, p. 201

<sup>14</sup> Skatzes trial transcript, pp. 1529, 1553

and many white inmates who were not members of the AB were permitted to stay there, also.

Finally, a third group that in Hogan's words "had some control" was the Black Gangster Disciples (BGD). They numbered eight to twelve on April 11, 1993.<sup>15</sup>

The Muslims and BGD were all-black. The AB was all-white. Prosecutor Hogan told the jury that all of the inmates killed on the first day of the riot "were white" and that a "paranoia began that lasted for a number of days."<sup>16</sup>

### Paul Mulryan's Account

Inmate Paul Mulryan has published a detailed account of the first hours of the uprising that is consistent with Prosecutor Hogan's remarks, and with the testimony of guards and inmates. Mulryan writes: "My first thought was that there must be a racial war... Down the range I could see several teams of masked convicts converging on the block... Then I saw both black and white skin showing through their masks. I was relieved." A little later, Mulryan recalls, "two Masks" announced: "Lucasville is ours! This is not racial, not racial. It's us against the administration! We're tired of these people fucking us over. Is everybody with us? Let's hear ya!" According to Mulryan: "Hundreds of fists shot into the air as the prisoners roared their approval." The convicts rigged up a public address system using a tape player and two large speakers taken from the rec. department. They set these up near the windows facing the large media camp in front of the SOCF. Mulryan says that the following tape recording was played over and over:

The prison authorities want you to think that this is a racial war. It is not! Whites and blacks have united

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<sup>15</sup> Skatzes trial transcript, pp. 1529-1530

<sup>16</sup> Skatzes trial transcript, pp. 1501, 1550-1552

the Ohio State Highway Patrol told Fryman, "we don't care how we have to do it, we want Robb, Hasan and Skatzes... Give us those three." Special Prosecutor Piepmeier told him, "We're able to make any kind of deal you want."<sup>21</sup> Reginald Wilkinson, ODRC Director, later wrote:

[T]he key to winning convictions was eroding the loyalty and fear inmates felt toward their gangs. To do this, [Piepmeier's] staff targeted a few gang leaders and convinced them to accept plea bargains. Thirteen months into the investigation, a primary riot provocateur agreed to talk about Officer Vallandingham's death. He later received a sentence of 7 to 25 years after pleading guilty to conspiracy to commit murder. His testimony led to death sentences for Carlos Sanders, Jason Robb, George Skatzes, and George Were.<sup>22</sup>

## IV. On Death Row

The men sentenced to death as leaders of the Lucasville insurrection have been reunited on Death Row at the Mansfield Correctional Institution.

What they have experienced there is described as follows by the lawyer who helped them in negotiating a surrender agreement:

Departmental regulations provide for three levels of privileges on death row and for newly sentenced inmates to be placed on the middle level upon arrival. However, Jason Robb (and all other subsequently death-sentenced riot inmates) was placed on the lowest level of privileges upon his arrival, notwithstanding two years of exemplary behavior since the

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<sup>21</sup> Interview notes of Attorney Jeffrey Kelleher, Sept.30, 1995.

<sup>22</sup> "After the Storm," p. 21.

Special Prosecutor Piepmeier indicates that thirteen months into the investigation, Anthony Lavelle, leader of the Black Gangster Disciples, agreed to cooperate with the authorities. (Cincinnati Post, Apr. 6, 1996.) Robert Brookover testified that he had killed David Sommers (Skatzes trial transcript, pp. 3668-69) but he received no additional time as a result of the Lucasville riot. Many of the witnesses conceded that their testimony at trial contradicted their initial sworn statements to the authorities. In many instances, their testimony was inconsistent with the testimony of other witnesses.

4. The prosecution was permitted to question witnesses at length about events that occurred after the riot as well as about horrendous murders and beatings with which the defendants on trial for their lives were not charged and in which they were not involved. Inevitably this prejudiced the minds of the jury.

Robb and Skatzes are white and the men they were charged with helping to murder (Vallandingham, Sommers, and in the case of Skatzes, Elder) were also white. Yet the prosecution was allowed to spread on the record the facts that Robb and Skatzes were leaders of the Aryan Brotherhood and that many members of the Brotherhood are hostile to blacks and Jews. This must have had a prejudicial impact on the jurors, and may have been unlawful under the holding of the Supreme Court of the United States in *Dawson v. Delaware*, 503 U.S. 159 (1992).

5. The prosecution's theory as to the defendants was essentially that they were leaders, and therefore responsible for anything that happened during the riot. Inmate Johnny Fryman was so badly beaten and stabbed at the beginning of the rebellion that witness after witness who saw his body lying in a pool of blood assumed that he was dead. After the surrender,

to protest the abuses of the SOCF staff and administration.<sup>17</sup>

## Black and White Together

The banners and graffiti displayed in the occupied cell blocks expressed both racial separation and racial cooperation.

Sergeant Howard Hudson of the Ohio State Highway Patrol testified in Skatzes' trial about the insignia found in the occupied cell blocks after the surrender. They included:

- A six-pointed star, said by the officer to be associated with the Black Gangster Disciples;
- A shield containing a large "N" and a cross, said to be a symbol of the Aryan Nation;
- Swastikas and lightning bolts together with the words "Honor," "Aryan Brotherhood Forever," "Supreme White Power," and "Belly of the beast," an apparent reference to the Southern Ohio Correctional Facility (SOCF) at Lucasville;
- A crescent moon representative of the Nation of Islam.<sup>18</sup>

Sergeant Hudson also identified a photograph of the L corridor. This testimony followed:

**Q.** On the wall on the right there appears to be something written?

**A.** Says, "Black and White Together."

**Q.** Did you find that or similar slogans in many places in L block?

**A.** Yes, we did, throughout the corridor, in the L block.

**Q.** Including banners that the inmates produced?

<sup>17</sup> Paul Mulryan, "Eleven Days Under Siege: An Insider's Account of the Lucasville Riot," *Prison Life*, n.d., pp. 32-33, 91-93

<sup>18</sup> Skatzes trial transcript, pp. 1930-1945

A. Yes, sir.<sup>19</sup>

The prosecutor returned to the slogans in L corridor and the gymnasium, as if to make sure that the jury had taken notice.

Q. [What is photograph number] 260?

A. 260, the words, "Convict unity," written on the walls of L corridor.

Q. Did you find the message of unity throughout L block?

A. Yes...

Q. Next photo?

A. 261 is another photograph in L corridor that depicts the words, "Convict race."

Q. 262?

A. Again, in L corridor, "Black and white together," painted on the wall.

Q. 263?

A. Another shot of, "Black and white together."

Q. That slogan appeared a number of places?

A. Yes, it did.

Q. 264?

A. Again, another shot of graffiti in L corridor, "Blacks and whites, whites and blacks, unity."

Q. 265?

A. "Black and white together." Then below that, written in different color ink, says, "Eleven days..."

Q. 266?

A. This is located in the M-2 gymnasium, the words, "Whites and blacks together," painted on the bulletin board.

Q. 267?

A. The words, "Black and white unity," painted on the wall in L corridor.

Q. 268?

over 1,000 megabytes of memory was developed to store and retrieve data on crime witnesses, locations, and events." ("After the Storm," Corrections Management Quarterly, 1997, pp. 20-21.) An article in the Columbus Dispatch, Apr. 6, 1997, based on "state records," summarizes the money made available by the State of Ohio to the prosecution and the defense in the Lucasville criminal cases as follows:

#### **Prosecution**

Criminal prosecution \$1.4 million

State Highway Patrol investigation \$1.3 million

Total \$2.7 million

#### **Defense**

Defense attorneys, investigators, expert witnesses \$892,000

Thus the state's own figures show that three times as much was spent on the prosecution as on the defense.

3. The prosecution conceded that there was no physical evidence linking any of the defendants to the murders and kidnappings with which they were charged. The allegations against the defendants rested altogether on the testimony of guards and other inmates. In the case of George Skatzes, the Ohio State Highway Patrol pressured him to cooperate with them, that is, to inform ("snitch"). They said they would indict Skatzes for only one murder if he would testify against other defendants. Skatzes told the prosecution that he could not help them. The next time the authorities came to see Skatzes, they told him that this was his last chance, that if he would not help them he would be indicted for three murders. Skatzes once again refused to plea bargain. The prosecution did exactly what it had threatened. The testimony that caused the Lucasville Five to be convicted came from inmates who had themselves helped to kill the victims about whom they were questioned, but had entered into plea bargains. A statement to the press by

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<sup>19</sup> Skatzes trial transcript, pp. 1922, 1978

These unfair practices included the following:

1. Attorney Niki Schwartz of Cleveland, who helped to negotiate the settlement that ended the uprising, has denounced the criminal prosecutions of participants in the rebellion as a travesty of justice. According to Schwartz the prosecutions violated point 2 of the settlement, which said that “criminal proceedings will be fairly and impartially administered without bias against individuals or groups.”

Schwartz has asserted in a letter to Chief Justice Thomas Moyer of the Ohio Supreme Court and in testimony under oath in the trial of Jason Robb that Special Prosecutor Piepmeier successfully aborted efforts by the inmates to obtain counsel during the investigative stage of the proceedings. Schwartz states that Piepmeier told him that if the inmates had counsel prior to indictment they would not incriminate themselves.

According to Schwartz, after the Ohio State Bar Association, the Ohio Association of Criminal Defense Lawyers, and the Ohio Public Defender Commission recruited and held training seminars for over 200 volunteer lawyers to provide individual representation to the inmates targeted for criminal charges, the Special Prosecutor blocked appointment of many of the volunteer lawyers, and through contacts with the judges persuaded them to appoint lawyers for the inmates selected and approved by the Special Prosecutor.

2. Millions of dollars were provided to the prosecution, while the inmates’ defense was starved for funds. According to an article co-authored by Reginald Wilkinson, Director, Ohio Department of Rehabilitation and Correction: “Over 1,250 interviews were conducted. Investigators received on-the-job training from FBI forensics experts. More than 4,000 items were tagged as evidence. A special computer program using

A. 268, the words, “Black and white together,” again painted on the board in L corridor near the gym.<sup>20</sup>

### What George Skatzes Says

George Skatzes joined the Lucasville Aryan Brotherhood in about January 1993, three months before the uprising. Skatzes joined because he perceived whites to be a minority at Lucasville: a majority of the inmates were black, the warden and deputy warden were black, and the head of the Ohio Department of Rehabilitation and Correction was black. For Skatzes, joining the AB was a way to carry out his philosophy of, “You respect me and I will respect you.”

Skatzes says he had no advance knowledge of the uprising. When the insurgent inmates opened the cells in the L blocks, George was able to leave his own cell, L-6-58. “I didn’t know what it was all about,” he says.

George received a message asking him to go out on the yard. Skatzes went out on the yard, but then returned to the occupied cell blocks. Why did you go back?, we asked George. Because I had friends in there, he answered. In his words, The place was blowing up and “I had people I was concerned about.”

At some point on this first day George saw a black inmate (Cecil Allen) talking through a bull horn to a small crowd of other prisoners. George went up to listen. To his surprise the man on the bull horn pointed to George and said, “There’s nobody going to be talking to you guys but me or this man right here,” meaning George Skatzes.

A little later the man with the bull horn approached George together with Hasan (Carlos Sanders). Skatzes did not know Hasan, or that he was Imam of the Muslims. Hasan said to Skatzes, “We’ve got to get this under control.”

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<sup>20</sup> Skatzes trial transcript, pp. 1993-1994

Finally, a third black man came up to George. He said that white guys were congregating in the gym and the blacks were paranoid. He asked George to go to the gym and calm things down.

We asked George, Why did these three black men – the man with the bull horn, Hasan, the third man – ask you for help? Weren't you a member of the Aryan Brotherhood?

Skatzes answered that he did not want to make much of himself, but "I had a lot of respect." He told us of incidents before the uprising when white and black inmates had asked his help in settling disputes. One of these incidents involved the man who asked him to go to the gym.

So Skatzes did as he was asked and went to the gym. He went up to the group of black inmates and said, "This ain't no time for you to call me a honky, or me to call you a nigger." Then he approached the whites, who were sitting in the bleachers. Putting his arm around a black inmate, George said, "If the guards come in here they're going to shoot us all, no matter what color we are." We asked George who that black man was. He said, I don't know; I had never met him before.

On April 15 when George spoke on the radio his words were recorded by the authorities and a transcript was introduced as Exhibit 309A at his trial. He stated in part: "We are oppressed people, we have come together as one. We are brothers... We are a unit here, they try to make this a racial issue. It is not a racial issue. Black and white alike have joined hands in SOCF and become one strong unit."

### **A Tentative Conclusion**

When people learn that Jason Robb and George Skatzes were members of the Aryan Brotherhood (AB), they may feel that they want nothing to do with the defense of the Lucasville Five. We urge you to reconsider any such inclination.

It is our tentative but carefully-considered conclusion, that Jason Robb and George Skatzes were targeted by the prosecution BECAUSE they made common cause with black inmates during the uprising, and presented themselves to the authorities as spokespersons and negotiators for both races. We propose that the authorities want to kill them because they committed an unforgivable sin in white America: they stood up together with a group of blacks in a life-and-death situation.

### **III. A Travesty of Justice**

On February 3, 1997, the House of Delegates of the American Bar Association voted 280 to 119 to urge Congress and state legislatures to declare a moratorium on the death penalty.

The ABA calls for implementation of previously-adopted policies intended to "minimize the risk that innocent persons may be executed." These policies include: (1) Competent counsel for all defendants in capital cases; (2) Availability of Federal court review of state prosecutions; (3) Elimination of discrimination in death sentencing on the basis of the race of either the victim or the defendant; (4) No execution of mentally retarded defendants or defendants under 18 at the time their crimes were committed.

The ABA House of Delegates acted on the basis of a Report by its Section of Individual Rights and Responsibilities. Referring to the four previously-adopted policies listed above, the Report states that "the federal and state governments have been moving in a direction contrary to these policies," for example by ending Federal funding for lawyers helping death row inmates to pursue appeals. According to the Report, "fundamental due process is now systematically lacking in capital cases." It characterizes present administration of the death penalty as "a haphazard maze of unfair practices."

The trials of the Lucasville Five were just such "haphazard maze[s] of unfair practices" as the ABA condemns.