

PONTIAC PRISONERS SUPPORT COALITION

# NEWSLETTER

## MASS DEATH PENALTY TRIAL IN COOK COUNTY

### DID YOU KNOW

That despite the large Black and Latin populations in Cook County, most Black and Latin people on trial for their lives are judged and sentenced by white judges, white prosecutors and white juries. 14 Cook County juries have sentenced men to death under the current death penalty law. 10 of those sentenced to die are Black; 3 are Latin; and 1 is white. But of the 168 jurors who sentenced them, every juror but one was white. Prosecutors have systematically eliminated Black and Latin jurors—just because they are Black or Latin.

That between 1930 and 1972, 53% of all those executed in the United States were Black, even though Blacks comprise only 12% of the population. 89% of those executed for rape were Black. But despite the 3,436 documented lynchings of Black people by whites between 1889 and 1921, no white was ever executed for lynching.

That over half of the population on death row in the U.S. now is Black. According to a study made of death row since 1976, a Black person convicted of killing a white person is 50 times more likely to get the death penalty than a white convicted of killing a Black.

That if you state that you could never impose the death penalty, you will automatically be eliminated from the jury on a potential death penalty case. THIS IMMEDIATELY ELIMINATES A GROUP OF POTENTIAL JURORS WHO STUDIES HAVE SHOWN TO BE LESS LIKELY TO CONVICT. People who favor the death penalty are more likely to be more authoritarian and to believe the state rather than the defense. However, if you could in any case impose a death sentence (for Hitler, for instance) , you are legally entitled to serve. DON'T GIVE UP YOUR RIGHT TO SERVE AS A JUROR JUST BECAUSE YOU DON'T BELIEVE IN MASS EXECUTIONS!

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# Why the Rebellion

The following article was written August 13, 1978 by one of the Pontiac Brothers who was indicted March 5, 1979 for 15 counts of murder, 2 counts of attempted murder and one count of mob action.

Since the Rebellion at Pontiac Prison July 22, 1978, so much has been and will be said and written about it. The reason, cause, and blame has been put on the weather, overcrowding, lack of security, and the gangs. It has been said that the killings of the three guards and the assault of three others was senseless, done by men who need no reason to kill or rebel. We all know that men do not kill or rebel just for the sake of killing or rebelling; something had to be wrong and it had to be wrong for a long time for so many men to just kill or rebel knowing that in doing so, they will also be killed or spend the rest of their lives in prison.

"The lock 'em up, throw away the key concept is here once again and you ask, 'Is there going to be another rebellion?'"

I have been an inmate of Pontiac Prison for five years. Considering the years that I have been confined here, I am considered a veteran. Since 1973, I have seen four different administrations, the population change over, and the overcrowding become unbearable. Back in 1975 when the inmate population first began to rise, new officers were hired, the attitudes, knowledge and understanding of their jobs was not a must. And they brought with them a farmer's attitude, an overseer's understanding and the knowledge of a moron concerning young Black men from an urban area, opposed to their upbringing in a small rural town.

The senior officers recognized that there would soon be trouble and requested to be transferred out of the cell houses, and many sought employment elsewhere. Then came the doubling-up (two men to a cell), that was protested peacefully, verbally and in the courts, to no avail. Since then there have been problems with the food, medical care and basic needs that one needs to live every day, such as soap, toothpaste, toilet paper, etc. Winter coats were not issued until February and heat was not put on until late February regardless of the cold weather.

At one time men could work, go to school or participate in some kind of training program, but this year at least 1,400 men are without jobs, schooling and other assignments. These men must stay in their cells up to 21 hours a day and those three hours that are spent out of the cell each day except for weekends (22 hours in the cells) are spent for feeding, yard period, showers and any other movement allowed.

## Overcrowding and intolerable conditions

The overcrowding brought on cut-backs, and soon the food was not fit to eat at all, the heaters were not being fixed, no clothes were issued for months and no recreation equipment was issued such as baseballs, footballs, bats, etc. The living conditions for the inmates and the working conditions for the guards were deplorable and filthy.

Soon resentment and disrespect were a common sight between guards and inmates. Disciplinary reports were written on inmates for little or no reason, and inmates were placed in segregation and good time was lost because of it. The parole board was not paroling the men and giving them the excuse, "that a parole at this time would promote disrespect for the law." In spite of the fact that some men had gone without any disciplinary reports for years, had jobs and had done just about all their time, the parole board still refused to allow them a chance at parole.

# Death by Electrocution

## What it means to be electrocuted

In Illinois a person sentenced to death dies in the electric chair. This is what happens to a person killed in the electric chair.

A condemned person is electrocuted by passing a high power current of electricity through his or her body. The current causes the eyeballs to pop out and fracture; the tongue to roast and turn blue-black; and the head and legs, which are in direct contact with the current, to be cooked. As the current flows through the body the victim involuntarily defecates and urinates. The muscles of the body whip and snap violently—causing the neck to swell to twice its normal size and the face to bulge and become grotesque. The current jolts the victim with such power that the back may snap and the neck twist until broken.

**After an unknown period of time, during which the victim burns, boils and melts, death results from cessation of respiration and cardiovascular activity.**

## Ethel Rosenberg's Electrocution

It is impossible to say with medical certainty that electrocution causes loss of consciousness or death instantaneously. In the case of Ethel Rosenberg it is documented that she was still alive after the current coursed through her body for three minutes. A witness described her execution:

"...As the black strap was placed across her mouth, she looked straight ahead at the ashen reporters sitting on hard benches before the chair. Her eyes were open when the black leather hood was dropped over her head.

"The warden signaled with a nod. Francel walked quickly into the alcove. He pulled the switch down. Her body smashed convulsively against the straps, which made creaking noises under the strain. Combined with the whistling, crackling sound of the electricity, they created weird, rhythmic dissonances, as if witches were howling in the wind.

## A silent rebuke

"Her right index finger rose as if in silent rebuke. Her body lifted off the seat against the straps and her hands closed into fists as if she was going to charge across the room swinging.

"There was a strong smell of burning flesh, as the temperature of her body reached 140 degrees. Thin smoke rose from her scalp and turned blue in the overhead light, as it flattened out in an ugly cake against the skylight overhead.

## She is still alive

"After the three long shocks, the switch was turned off. The body hung loose. The silence and stench mixed. A guard unleashed the black strap that had been tied tightly across her breasts. Another guard unbound her arms and a leg. Dr. McCracken approached. He could not place his stethoscope into the collar of the dress. He and Dr. Kipp tore it open and listened to her heart. The doctor stepped back bewildered. Instead of uttering the ritual words, he looked at the warden and said in a hollow voice, 'Warden, she is still alive.'

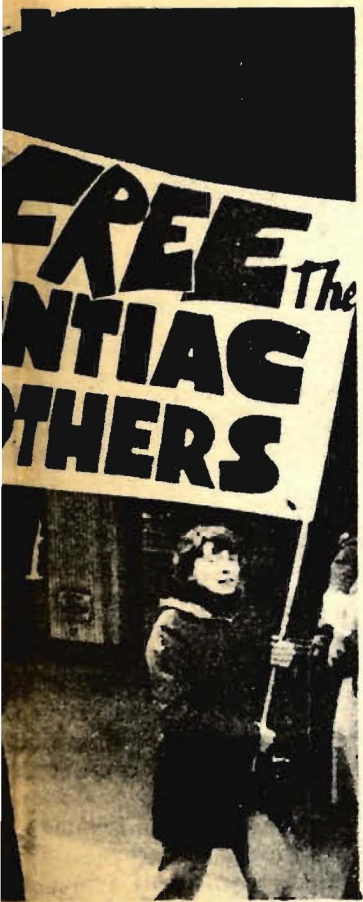
"The executioner came out from his alcove to consult with the warden and the doctor. He, too, could not believe that there was still a heartbeat. In a whispered conference, they decided to turn the switch on for a severe and then modified jolt.

"The guards restrapped her as if for a second execution. The warden signaled again. The switch was pulled down. For fifty-seven seconds, her body bounced in convulsive movements against the straps, while sizzling skillet noises crackled in the room. The switch was lifted. She descended into the seat in slow motion. Another jolt for fifty-seven seconds made sputtering noises and sent a plume of smoke out of her head. Then silence and collapse. The doctor applied his stethoscope to the smoldering chest. He straightened and said, 'I pronounce this woman dead.' (June 1953)



"GENTLEMEN, I'D LIKE THE PROSECUTOR. HE'LL BE WITH ME DURING THE EXECUTION."





Some men after appearing in front of the parole board felt that they would never have the chance of being free or ever have their manhood returned. Others just refused to appear at the parole board hearings because they felt the parole board would not give them a parole anyway.

### A bomb was in the making

Over the years a bomb was in the making at Pontiac, and Gov. Thompson supplied the finishing touches and the fuse with his Class X law. Making men do longer sentences, the men knew that there was little hope of ever getting a parole, and then with the Class X law, that little hope was taken away. Men started wondering how were they going to earn a day's good time when disciplinary reports were being written for being five minutes late on a pass when they had no control over the officers who had the keys that unlocked the doors that they must go through to reach their destination. Some men were doing long sentences and there was no way possible to go ten years without receiving a disciplinary report from a racist guard. The Class X now put the power in the guard's hand on who would earn good time and how much good time he will earn. Disciplinary reports were being written for anything and everything you say or do to the guards' liking or disliking. Every infraction is a loss of good time, not less than ten days and no more than one year.

In the last five years, numerous laws have been enacted to keep one in prison longer; the electric chair is now dusted off and awaiting its first victim with great anticipation. The lock 'em up, throw away the key concept is here once again, and you ask, "is there going to be another rebellion?" Indictments are a sure thing and regardless if one is guilty of any acts because of his participation in the rebellion, that will not be the issue. Any one of us can and will be used to take the blame because of our attitudes

against the way men are treated, our affiliation with certain organizations and groups, and that we were in the building that the officers were killed in, plus the fact that we are Black men and white officers were killed. Inmates will give false information against others for many reasons, but the main reasons will be from fear and intimidation, and many will give false information for promises of parole or time cut from their sentences. In all my years being in prison, I have never seen an inmate give truthful information because he is a law abiding person.

"Maybe something will be done to change the penal system since guards and inmates have given their lives for the change."

Gov. Thompson thinks that building more prisons, keeping men confined longer, and the electric chair would solve the problems of crime in the state of Illinois. The money that he is using to build more prisons could go into the communities that the men come from for better housing, schools, social and welfare programs. Something must be done before a man gets to the point that he must rob to feed and clothe his family; that problem should be addressed. The State of Illinois has enough prisons; the way they are run and the way men are treated is the problem. Build a new prison and paint it with bright colors, but still if you don't have any meaningful education and vocation programs and still treat the men as dogs, then still you will have created another situation that forces men to rebel. If there is no change in our penal system, we can expect more rebellions in the near future. Maybe something will be done to change the penal system since guards and inmates have given their lives for the change. We must always keep in mind that "men without hope have no fears, not even death."

## Will You Be a Juror?

### Jurors are registered voters

Anyone who is registered to vote can be called for jury duty. If you are not registered, you will never be called and will never sit on a jury. Even if you never plan to vote, if you want to be able to sit on a jury, you must register.

Not everyone who is called for jury duty, however, gets to sit on a jury. Before a person actually gets to sit on a jury which decides a case he or she will be questioned by the judge. After questioning, both the prosecution and the defense can eliminate potential jurors.

There are two ways either side can get rid of or "challenge" the jurors. Jurors can be challenged either for "cause" or "peremptorily." To challenge a juror for cause, some reason must be demonstrated why that person could not be fair. For example, if you know the person on trial, you would be excused from the jury for cause. A peremptory challenge, on the other hand, can be used when there is no cause or reason, but rather because either side just does not like the juror. **This is the kind of challenge which prosecutors regularly use to keep Black people off juries.**

Any number of jurors can be challenged for cause, but each side has a limited number of peremptory challenges. For this reason, both sides try to hoard their peremptory challenges and to use them up very carefully.

**In cases where the death penalty may be imposed (like that of the Pontiac Brothers) there is a further stumbling block to getting on a jury. A person who says that he or she would never, under any circumstances, impose the death penalty, will automatically be excluded from the jury for cause.**

What usually happens is that the judge asks all of the potential jurors whether they have any religious or conscientious scruples or hesitations against imposing the death penalty. All those who say they do are then questioned individually. The purpose of this further questioning is to find out whether there is **any** case in which these jurors could impose the death penalty. **If the juror says there is such a**

**case in which they could vote for, or even consider death (for example, Hitler), then the juror is eligible to sit on the jury and cannot be excused for cause.**

### This person is human

There is, however, a catch. What really ends up happening is that the prosecutor uses his peremptory challenges to get rid of all those jurors who expressed any reservations about the death penalty. The prosecutor is not supposed to do this, but he does. This is so because the prosecutor does not want a fair jury, but one which is most likely to vote for death. This is the prosecutor's job—to get the maximum number of people, usually Black people, electrocuted.

Thus, if you are called for jury duty in a death penalty case and are interested in actually sitting on the jury, there are certain things you should remember. If you say you could never impose the death penalty you will automatically be excluded from the jury for cause. If, on the other hand, you say you have reservations about the death penalty, but could consider imposing it then you cannot be excused for cause. Still, you will probably get knocked off the jury by the prosecutor. At least in this case, however, you will have forced the prosecutor to use up one of his limited and precious peremptory challenges.

**Better yet, if you know that the only legal reason for questioning jurors on their feelings about the death penalty is to expose those jurors who could never vote for death, then you also know that there is no reason to tell the prosecutor about your mere hesitations.** After all, every human being should have hesitations about taking the life of another human being, and it is not this kind of hesitation that questioning is supposed to reveal. **Remember, once you do expose yourself by expressing reservations about the death penalty, it is just like wearing a big sign which says to the prosecutor—THIS PERSON IS HUMAN. GET RID OF HIM.**

You should always keep in mind the purpose of the questions asked and the results of the answers you give.



"LIKE YOU TO MEET HE'LL BE SITTING UP HERE THE TRIAL."



# The Pontiac Frame-Up

On July 22, 1978, there was a spontaneous rebellion by 1100 prisoners at Pontiac State Penitentiary in Pontiac, Illinois. Three white guards were killed and three others injured. Millions of dollars damage was caused by fires. Seventeen Black prisoners have been charged with the killings. If convicted, all 17 face the electric chair. Their trial is being held in Cook County—so you, or someone you know, could be on the jury which decides if these men live or die. There are facts you should know that you will not learn from the regular press.

## State expected rebellion

Pontiac Prison was built in 1878 to hold 600 men. On July 22, 1978 over 2,000 men were warehoused at Pontiac. 88% of those men were Black. Prisoners repeatedly filed lawsuits attempting to change the conditions and the special discrimination faced by Black prisoners and warning that the situation would lead to rebellion if it was not corrected. **Six months before the rebellion the U.S. Department of Justice also filed a suit against the State of Illinois for having "systematically discriminated against Blacks" in the prisons.**

Thus, State officials knew about both the overcrowding and the racism in the prisons, and they had been warned that these conditions would result in an uprising. In fact, Charles Rowe, then Director of the Department of Corrections, stated that the rebellion "came a year later than most of us anticipated. You can only crowd so many people into a warehouse for so long before something happens."

## Witnesses in isolation

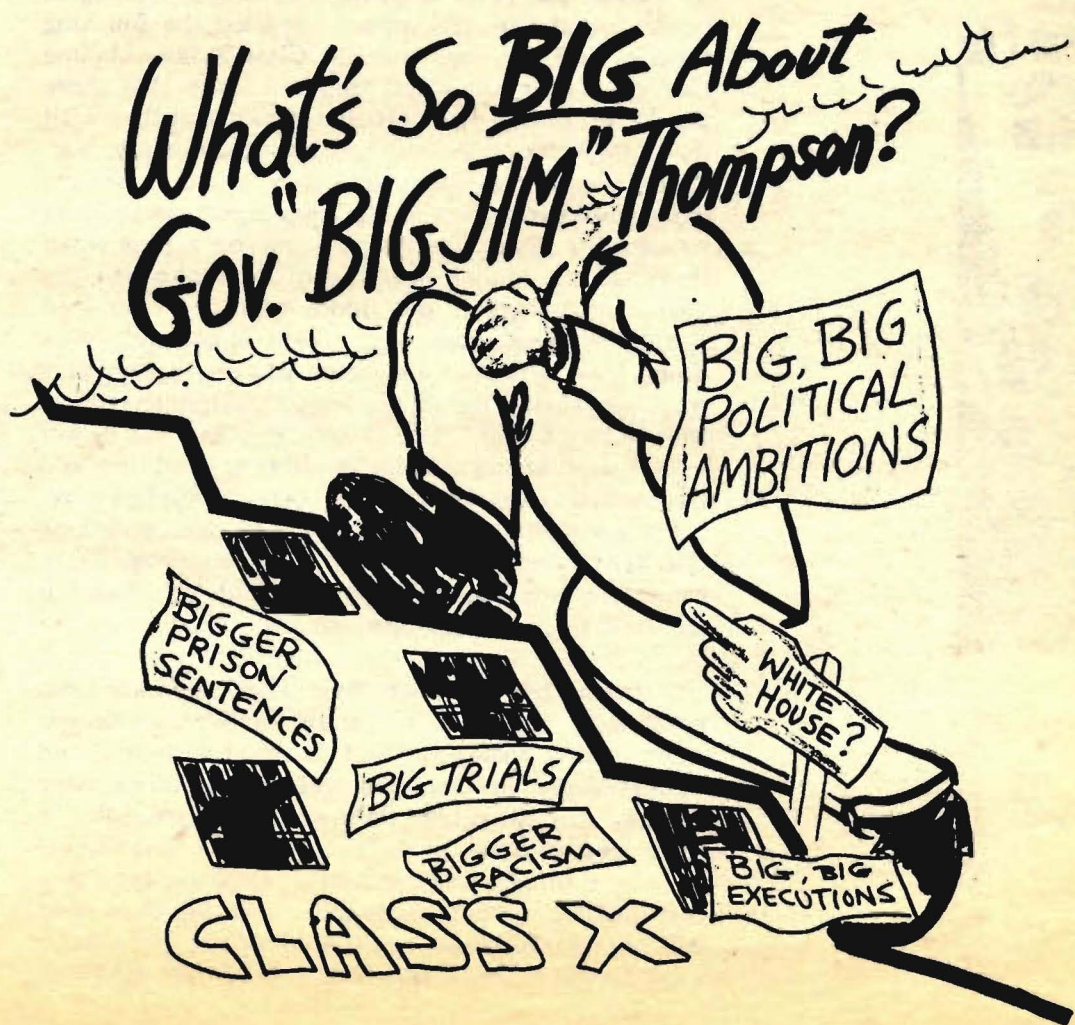
The State responded to the expected uprising not by improving conditions, but by hunting for scapegoats. For months after the rebellion, prisoners were kept on deadlock while state investigators from the Illinois Department of Law Enforcement (IDLE) interrogated the prisoners. **Deadlock meant that the state held both potential witnesses and potential defendants in isolation for eight months.** Prisoners were kept two to a 5½' by 9' cell (smaller than a Volkswagen bug) 24 hours a day, without family visits, medical care, showers, soap, toilet paper, cigarettes or other necessities. Lawyers were forced to file a lawsuit to gain access to the prison. These conditions were aggravated by many beatings and mactings of prisoners.

## Witnesses given money & clemency

The only hope of relief for most prisoners was by striking a bargain with the IDLE investigators. Prisoners who did bargain with the IDLE were given paroles, transfers, or clemency. By the state's own admission, they have also been paid thousands of dollars and given jobs, housing, etc. Prisoners who refused to give investigators what they wanted were threatened with protracted periods of confinement on deadlock; they were also told, "we're going to fry you in the electric chair."

When the investigation was over, 17 Black prisoners were charged with the murder of the guards. The state is alleging that each of these 17 men killed each of the three guards five different ways: If they are convicted on any one of these 15 counts of murder, they may die in the electric chair.

**These indictments are tainted. All of the "evidence" gathered came during the course of the so-called investigation where prisoners were bribed, tortured, coerced and intimidated to provide testimony against other prisoners.** It is clear that the state does not know who killed the guards, and has chosen these 17 men to act as scapegoats for the State of Illinois, which wants to avoid its responsibility for the prison conditions and the treatment of the Black and Latin prisoners that led to the rebellion.



## "We will live like men"

Prison rebellions, which have been occurring regularly for the past ten years, will only stop when the conditions that cause them are changed. A short time after the 17 Pontiac Brothers were indicted on these death penalty charges, prisoners at Stateville Penitentiary, just down Route 55 from Pontiac, rebelled. The day after the Pontiac Rebellion prisoners at Reidsville Prison in Georgia rebelled. Within the past few months, prisoners have rebelled in New Jersey, New Mexico, New York, and Indiana.

The most vivid message of the impossibility of preventing rebellions by punishing them comes from Attica Prison in New York. Nine years ago, prisoners at Attica seized hostages and the prison for five days. The state rushed in to retake the prison and killed 43 men—the worst slaughter in the U.S. since the Civil War. Quite a 'lesson' for prisoners, right? Wrong. In the past nine years, there have been seven more rebellions at Attica, each raising similar demands—not for color televisions and air-conditioning, but to be treated as human beings, to be allowed tolerable food and medical care, and to be free from racist attacks. In their words, "If we cannot live as men, then at least we will die like men."

## "BIG JIM"

Governor Thompson, however, is not interested in these realities, but only in building his own political career. Thompson is an ambitious politician who knows that there is support in the white community for the death penalty and other 'law and order' measures—no matter how futile. He also knows that if responsibility for the rebellion is not directed to the prisoners, it will be directed to him and his aides. They were the people who created and refused to change the intolerable conditions that made the rebellion inevitable. Thompson is hoping that by executing these 17 men he will both hide his own responsibility and build his political career.

Killing more men or imprisoning them forever might satisfy some frustrated hearts and minds, but

it won't stop the rebellions. The conditions and racist treatment of Black and Latin prisoners must be changed, and no amount of vindictive activity will change that fact. If the State of Illinois can execute a number of the Pontiac Brothers, it will open the floodgates for mass executions all across the country. We must stop this trade of Black lives for white votes!

## ACT NOW! WE NEED YOUR SUPPORT!

- I would like more information.
- I can arrange for PPSC to give talks or show its slide show to people or groups I know.
- I enclose \$10.00 for a 1-year subscription to the PPSC Newsletter.
- I enclose \$3.00 + .70 handling for the booklet "Pontiac Prison Rebellion: A Case for the Church's Response."
- I enclose a \$----- donation for the Pontiac Brothers defense. (Make tax-deductible checks out to Illinois Justice Foundation/Pontiac Prisoners.)

Name-----

Address-----

Phone-----

Return this form to:

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OR CALL: (312) 427-4064