

INTRODUCTION

PROSECUTORS HAVE CALLED IT “the longest prison riot in United States history.”¹ More accurately, the director of the Ohio Department of Rehabilitation and Correction (ODRC) refers to “the longest prison siege in U.S. history where lives were lost.” A 1987 rebellion at the United States Penitentiary in Atlanta seems to have lasted a few hours longer.²

The uprising took place in April 1993 in Lucasville, Ohio, a small community just north of the Ohio River. Two populations, approximately equal in number, confronted one another there. On the one hand were the maximum security prisoners at the Southern Ohio Correctional Facility (SOCF), mostly black, mostly from cities like Cincinnati and Cleveland. On the other hand was the all-white population of the town. Almost everyone in Lucasville worked at the facility or knew someone who did.³

In the course of the 11-day occupation, one correctional officer and nine prisoners were murdered by prisoners.



My wife, Alice Lynd, and I were living in northern Ohio at the time. Those 11 days in April 1993 coincided with the much-publicized siege of the Branch Davidian compound in Waco, Texas. We were barely aware of the Lucasville disturbance.

In 1996 Alice and I learned that a supermaximum security (or “supermax”) prison was being built in Youngstown. Alice organized a community forum at a church near the site to explore the question “What is a supermax prison?” Jackie Bowers from Marion, Ohio, tes-

tified about the experience of 23-hour-a-day isolation. She is the sister of George Skatzes, one of the five men condemned to death after the Lucasville events.

Alice and I became acquainted with “Big George,” whom at this writing we have visited monthly for seven years. We became increasingly convinced of his innocence and volunteered to assist his post-conviction counsel. As retired attorneys, we had more time than busy practicing lawyers to read 5,000- or 6,000-page transcripts. Little by little we came to be researchers for several of the Lucasville Five defense teams.

Two things caught my attention at the outset.

First, there has been an extraordinary degree of solidarity among the five men condemned to death. They have shared legal materials to a greater extent than have their attorneys. They have expressed concern about one another’s health problems. Together they have engaged in a series of hunger strikes protesting their burdensome conditions of confinement. Yet two of the five were at the time of the uprising members of the Aryan Brotherhood, an organization thought to endorse white supremacy, and the other three are African Americans. I sensed a dynamic quite different from the unchanging—even unchangeable—racism that many historians have recently ascribed to white workers in the United States (see Chapter 7).

Second, emotions in southern Ohio have run so strongly about the Lucasville events that truth has gotten lost in the shuffle.

The *Columbia Journalism Review* published an article about the irresponsible speculations of the media during those 11 days. “Glaring mistakes were reported as fact, and were never corrected,” the *Review* declared. “Reporters . . . vied for atrocity stories. They ran scary tales—totally false, it was later found—that spread panic and paranoia throughout the region.”⁴

Among the examples recounted were these:

- Six days into the riot, a front-page story in the *Cleveland Plain Dealer*, citing anonymous sources, reported that along with seven

inmate deaths, 19 other people in the prison had been killed, including “some pretty barbarous mutilations of the dead.”

- A reporter for Channel 4 told viewers that as many as 172 bodies were piled up in the prison. This body count turned out to be a head count of inmates in one of the blocks *not* involved in the riot.
- The *Akron Beacon Journal* reported about the murder of Officer Robert Vallandingham “that his eyes had been gouged out, that his back, arms and legs had been broken, and that his tongue had been cut out.” Not one of these details was accurate.⁵

Even on the tenth anniversary of the uprising, in April 2003, media coverage in Ohio dealt almost exclusively with persons outside prison. The highest award given to Ohio correctional officers for bravery was renamed for Officer Vallandingham; his widow, Peggy Vallandingham, accepted the Vallandingham Gold Star Award for Valor in his name; and flags at Ohio prisons flew at half-mast. News stories conveyed next to nothing about the men on Death Row.

This was not wholly the fault of the media. Applying what appears to be a permanent policy, in mid-February 2003 ODRC Director Reginald Wilkinson informed a reporter for the *Columbus Dispatch* that “no inmates convicted of riot crimes will be permitted to speak to” reporters.⁶

I write as both a historian and a lawyer. Both professions claim to be devoted to the search for truth. And because historians and lawyers commonly turn their attention to events after they have occurred, one might suppose that history and law would correct the mistakes of journalists reporting in the heat of the moment.

Yet from a historian’s point of view, official narratives about what happened at Lucasville are disturbing in many ways. For example, a historian writing about these events would almost certainly begin by exploring the causes of the riot. But as I will explain more fully in Chapter 8, in the Lucasville capital cases the defense was forbidden to present such evidence, while the prosecution was permitted to expand on this theme at length.

Indeed, my belief in the integrity of truth-seeking in the law has been shaken by the Lucasville judicial proceedings. I have come to feel that the idea that the adversarial process promotes truth-seeking may be as misleading as the assumption that the free-market competition of profit-maximizing corporations will produce adequate public health.

In what follows I present the facts of the Lucasville disturbance as best I can discern them. This is the untold story that the State of Ohio doesn't want you to hear.



A central thesis of this book is that the State of Ohio and its citizens need to face up to the state's share of responsibility for what happened at Lucasville.

It might be argued that the authorities have already conceded their part in the sequence of cause and effect. Prisoners not involved in the disturbance later sued state defendants for negligence in connection with the rebellion. The prisoners' suit alleged in part:

17. In 1990, following an investigation at SOCF, a State Senate Select Committee determined that the security policy and procedures at the institution were "woefully inadequate," and recommended various reforms. . . .

18. Also in 1990, in order to rectify overcrowded conditions and to maintain proper security within SOCF, defendants . . . announced the implementation of "Operation Shakedown" pursuant to which the entire population of the prison was to be single-celled.

19. As of April 11, 1993, single celling had not yet been instituted at SOCF; one thousand eight hundred and twenty (1,820) inmates were still housed in the prison (a number far in excess of the institution's design capacity).

Rather than defend against these and other allegations, the authorities settled with the prisoners for \$4.1 million.⁷ The correc-

tional officers taken hostage, together with the widow and son of Officer Vallandingham, likewise sued the authorities “for numerous torts before and during the siege.” The state once again settled, for more than \$2 million.⁸

In addition to the state’s role in causing the riot, there were several ways in which its negotiators heightened the peril for the correctional officers held hostage in L block. As I will demonstrate in detail in Chapter 3:

- Sergeant Howard Hudson, who was present throughout the negotiations, conceded that state negotiators deliberately stalled.
- On April 12, apparently in response to communication between prisoners and the media, Warden Arthur Tate cut off water and electricity in L block. This action unnecessarily created a new conflict between the occupiers and the authorities, and the failure to resolve it was the occasion for Officer Vallandingham’s murder.
- On the morning of April 14, a state spokesperson named Tessa Unwin denigrated the prisoners’ demands and said that the prisoners’ threat to kill a guard was “just part of the language of negotiation.” Officer Vallandingham was killed the next day while an anguished George Skatzes, negotiating over the telephone, pleaded with the authorities to restore water and electricity.

None of this impressed the Supreme Court of Ohio. In affirming one of the death sentences, the court stated:

Nor was DRC’s alleged refusal to “negotiate in good faith” relevant in the guilt phase. Let us be clear: The authorities in lawful charge of a prison have no duty to “negotiate in good faith” with inmates who have seized the prison and taken hostages, and the “failure” of those authorities to negotiate is not an available defense to inmates charged with the murder of a hostage.⁹

I believe these words to be profoundly misguided. To be sure, the authorities negotiated under duress. Moreover, if Sergeant Hudson

and Ms. Unwin helped to cause the death of Officer Vallandingham, this does not mean that the leaders of the uprising were necessarily free of guilt.

What I nonetheless find unacceptable in the decisions of the Ohio Supreme Court is the attitude that prisoners in rebellion are “enemy combatants” toward whom the authorities have no obligations at all. For example, one Court of Appeals held that under the plain language of the law existing in 1993, the state had illegally eavesdropped on the conversations of prisoners in L block, and that this crucial evidence should therefore have been excluded at trial. On further appeal, the Ohio Supreme Court held that enforcement of the statute for the benefit of rioting prisoners would be “absurd” (see Chapter 6).

Such a holding, and the attitude prompting it, oversimplify a tangled sequence of cause and effect. Perhaps the law itself is prone to such rigidity. Perhaps legal practitioners are driven to view the world superficially by the desire to win. History, with its constipated academicism, has serious problems of its own. But history at least stands for the proposition that an event can have more than one cause, and that sometimes what happens in life is not a melodrama, with clearcut villains and heroes, but a tragedy in which we all have played a part. Is it too much to ask that before sending five more men to their deaths, we pause and seek to determine what really happened?

Finally, there is the state’s misconduct after the prisoners surrendered on April 21. At that point the agency charged with investigating what had occurred—the Ohio State Highway Patrol (OSHP)—and the special prosecutorial team appointed to try the Lucasville cases were free to act calmly and with circumspection.

Instead, as I demonstrate in Chapters 4 and 5, in the absence of physical evidence the state, through its various agencies, targeted those whom it believed to have led the uprising and built cases against them by cutting deals with prisoners willing to become informants. The government threatened prisoners with death if they

declined to “cooperate.” I believe I can show that the prosecution put witnesses on the stand to offer testimony that the state knew to be false. Like Emile Zola in his celebrated exposé of the Dreyfus case, I accuse the state of deliberately framing innocent men.

I shall argue that Ohio should be guided by the experience of the State of New York after the rebellion at that state’s Attica prison in 1971. During the years 1975–76 it came to light that prisoners had been induced to present perjured testimony, and that prosecutors were intentionally suppressing evidence of misconduct by state personnel during the assault on the prison. In the end, New York Governor Hugh Carey declared an amnesty for everyone involved in the Attica tragedy—both prisoners and persons involved in the state’s assault on the recreation yard—and extended clemency to prisoners who had already been convicted or had previously entered into plea bargains.

I believe that Ohio should do likewise. The pattern of prosecutorial misconduct should cause Ohio’s governor to pardon all Lucasville defendants found guilty of rebellion-related crimes.



It remains to thank the many people who have helped me to bring this book to the light of day.

They include Frances Goldin, friend, literary agent, and negotiator extraordinaire, and Peter Wissoker, senior acquisitions editor for Temple University Press. Three academics to whom the manuscript was sent for peer review provided helpful comments. I am deeply obligated to a number of lawyers, among them Niki Schwartz, who represented the prisoners in L block in settlement negotiations at the end of the disturbance; Dale Baich, who worked on the Lucasville cases while employed by the Office of the Ohio Public Defender; Richard Kerger, one of the lawyers for the supposed principal leader of the rebellion, Siddique Abdullah Hasan; Palmer Singleton of the Southern Center for Human Rights, which represents capital defen-

dants in Georgia and Alabama; and Professor Jules Lobel of the University of Pittsburgh School of Law. I am solely responsible for all errors that nevertheless remain in the text.

In addition to the five men condemned to death, at least eighteen prisoners contributed relevant memories, documents, and insights. I have not named them lest doing so expose them to retaliation. They know who they are, and they will find their contributions in these pages. In most cases, the information provided to me offered no benefit to the prisoner who shared it. In at least one instance, a prisoner conveyed information to clear his conscience at considerable peril to himself.

Like the women who attended Jesus at the cross after the disciples fled, three women—Jackie Bowers, sister of George Skatzes; Angela Merles Lamar, wife of Keith Lamar; and Vincenza Ammar, beloved friend of Namir Abdul Mateen—provided whatever assistance was in their power to give.

Most of all I am indebted to seven persons who labored with me as an ad hoc editorial collective to try to find the truth about these complex events.

My wife, attorney Alice Lynd, spent approximately three years poring over the transcript of the capital proceedings against George Skatzes, indexing and cross-indexing, and identifying issues for appeal. Later, her time was almost wholly taken up by litigation concerning conditions at the supermax prison that opened in Youngstown in 1998. Most of the prisoners who were found guilty of crimes or rule violations connected with the Lucasville uprising, including those sentenced to death, have been housed at the supermax. The pool of prisoner witnesses to what happened in 1993 was thus near at hand. And Alice has had an uncanny ability to retrieve documents that I knew I had once examined but that thereafter seemed to have disappeared.

The five men condemned to death—the “Lucasville Five”—have been extraordinary collaborators. Throughout the process each of

these men has been confined alone in a small cell, with little access to any of the others. A meeting between myself and all five around a table has never been permitted. Disagreements among the Five could not be ironed out face to face. Prison mail presented many frustrations. Despite these physical obstacles, all five have shared their legal papers with each other and with me, responded to my requests, and reviewed the manuscript in various stages of its preparation. One at a time, I would probe their recollections, considering documents that very often they had provided. When I have come to conclusions different from what some of these men remember, we have discussed those differences with mutual respect and tried to establish the truth. I alone remain responsible for what is set forth herein.

Mumia Abu-Jamal has played a special role. He is probably the best-known prisoner in the United States, if not in the world. During the period in which I put this book together, Mumia and his attorneys were in the midst of cross appeals from the decision of a federal judge who had for the moment set aside Mumia's death sentence (although he remained on Pennsylvania's Death Row), but left the jury verdict of guilt intact. Mumia stepped back from these pressing personal concerns to help with this book.

Mumia knew of George Skatzes, and there existed respect at a distance between the former Black Panther who had remained silent about the events surrounding the death of Officer Daniel Faulkner in Philadelphia, and the former member of the Aryan Brotherhood who had declined the state's invitation to accuse other prisoners of murdering Officer Robert Vallandingham (see Chapter 5). Mumia said that he thought the book was "doable." Pennsylvania prison regulations prohibited direct correspondence between Mumia and the Lucasville Five, but through me he offered encouragement.

In an unpublished essay on the Lucasville events, Mumia shares his views about what happened there:

Lucasville.

The name is evocative. People who hear it, who may know very little about its recent role in Ohio history, seem to recognize its penal roots.

It has become a site etched upon the American mind that means prison, like Sing Sing, Marion, or Lewisburg.

The name evokes an aura of fear, of foreboding.

In this essay Mumia contrasts what happened at Lucasville with the much greater loss of life at Attica in 1971. The Lucasville Five, he writes,

worked, against great odds, to prevent an Attica (where over thirty men perished when the state unleashed deadly violence against the hostages taken, and falsely blamed it on the prisoners). They sought to minimize violence, and indeed, according to substantial evidence, saved the lives of several men, prisoner and guard alike.

Like myself, Mumia is particularly struck by the extent to which these five men overcame “easy labels”—Muslim and Aryan, black and white—and began to perceive each other’s humanity.

They rose above their status as prisoners, and became, for a few days in April 1993, what rebels in Attica had demanded a generation before them: men. As such, they did not betray each other; they did not dishonor each other; they reached beyond their prison “tribes” to reach commonality.

I concur. I dedicate this book to all persons, in whatever country, on Death Row for political reasons.

Niles, Ohio



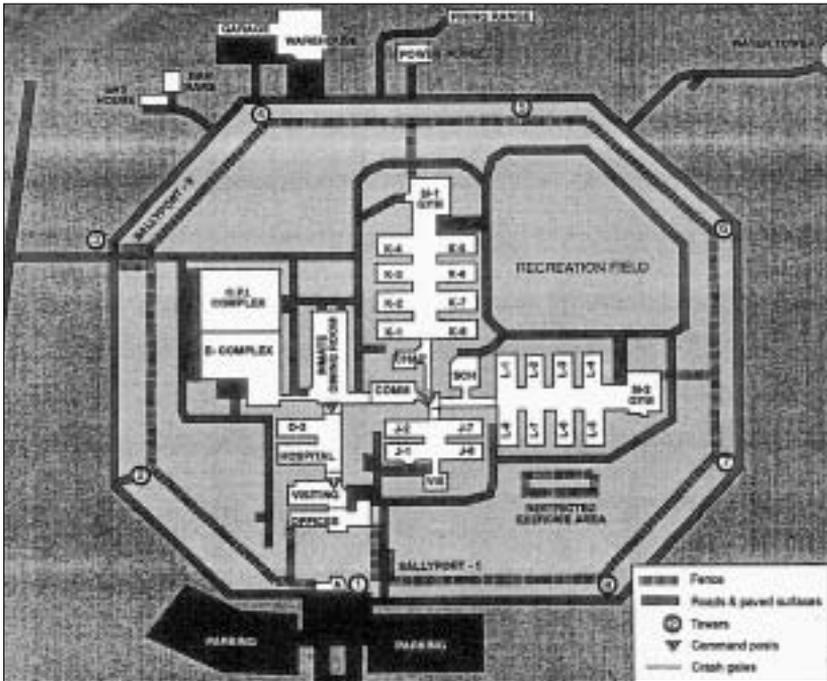
Chapter 1

A LONG TRAIN OF ABUSES

THE UPRISING AT THE Southern Ohio Correctional Facility (SOCF) in Lucasville began on Easter Sunday, April 11, 1993. As prisoners returned from recreation in the yard at about 3 p.m., they overpowered correctional officers on duty inside L block (Fig. 1.1). After the release of certain badly injured officers, eight continued to be held as hostages.

In the course of the occupation, two more hostages were set free, and one was murdered. Eventually, with the help of attorney Niki Schwartz, the state and the prisoners came to a 21-point agreement. On Wednesday, April 21, 407 prisoners surrendered and the five remaining hostages were released.

In subsequent legal proceedings, three negotiators and spokesmen for the prisoners—Siddique Abdullah Hasan, formerly known as Carlos Sanders (hereafter “Hasan”), Jason Robb, and George Skatzes—were found guilty of the aggravated murder of Officer Robert Vallandingham. So was Namir Abdul Mateen, also known as James Were (hereafter “Namir”). All four were sentenced to death, along with Keith Lamar, alleged to have organized a “death squad” that killed five supposed prisoner informants in the early hours of the



1.1 Layout of Southern Ohio Correctional Facility

uprising. Hasan and Namir are Sunni Muslims; Robb and Skatzes were at the time members of the Aryan Brotherhood.

As this book goes to press, the five capital cases are making their way through the courts. Hasan, Robb, and Lamar are at the last (federal habeas corpus) stage of appeals.

KING ARTHUR

What makes human beings rebel?

Often rebellion seems not to be in the personal interest of the insurgents. This was true in Philadelphia in 1776, where Benjamin Franklin is said to have joked about the need for the signers of the Declaration of Independence to hang together lest they hang separately.¹ It was equally true in Lucasville, Ohio, in April 1993. At least

two of the five men later sentenced to death for their alleged roles in the uprising were within sight of release from prison when the “riot” began. Hasan, the supposed mastermind of the rebellion, was in the SOCF honor block.

The words “a long train of abuses” come from the Declaration of Independence. I draw on that history because the American Revolution is the rebellion about which I know most. I taught students about the American Revolution at Spelman College, a college for African American women in Atlanta, and at Yale University. I tried to ask hard questions such as: Why did some tenant farmers support the patriot cause while others hoped for a British victory? (Answer: It depended on the politics of your landlord. You opposed what the landlord was for, in the hope that if he lost you could obtain ownership of your farm.) Why did city artisans, who were radical Sons of Liberty before 1776, vote in 1787 for a constitution drafted by conservatives like Alexander Hamilton? (Answer: Before and after independence, the artisans were concerned to keep British manufactured goods out of America.) And how did it come about that these advocates of inalienable human rights set up a government that protected slavery? (Answer: Both northerners and southerners expected the population in their own part of the country to grow more rapidly than that of the other section, allowing it to dominate the Congress and resolve the issue of slavery in its own interest.)

In writing about the Lucasville uprising, I have viewed it as a rebellion like the American Revolution. I am encouraged in making the comparison by the following words from the country’s leading authority on prison riots, Bert Useem: “[T]he principles underlying collective behavior against authorities appear to be fundamentally the same whether one is examining revolution against monarchies and empires or riots against prison authorities.”²

So what made prisoners at Lucasville rebel? What were the causes of the uprising?

To answer these questions, we must turn to studies conducted

both before the disturbance and after it ended; to deposition and court testimony, especially in a subsequent civil suit by victims of the rebellion; and to the collective memory of the rebels themselves.

The drafters of the Declaration of Independence charged King George III with “a long train of abuses” against their rights. Similarly, prisoners at Lucasville had multiple grievances against Warden Arthur Tate, whom they called “King Arthur.”

The Southern Ohio Correctional Facility in Lucasville was opened in September 1972 to replace the old Ohio State Penitentiary in Columbus, where there had been riots in 1968.

According to John Perotti, who was a prisoner at SOCF, “Luke” acquired a reputation as one of the most violent prisons in the country.³ Prisoner Emanuel “Buddy” Newell, testifying in the trial of a fellow prisoner after the surrender, agreed. When he heard the commotion begin in L block on April 11, he said, he first assumed that it was a “normal fight.”

Q. When you say a “normal fight,” what are you talking about?

A. You know, just inmates, just some inmates fighting, maybe two or three inmates fighting.

Q. Okay.

A. Officers trying to break it up, like all the time.

Q. Is that uncommon at Lucasville?

A. No.⁴

Perotti says that most of the guard-on-prisoner brutality took place in J block, which housed Administrative Control and Disciplinary Control (“the hole”). In 1983, Perotti continues, 12 guards beat to death Jimmy Haynes, a mentally disturbed African American prisoner. While nurses stood watching, one guard jumped on Haynes’s neck while another guard held a nightstick behind it. Two other black prisoners, Lincoln Carter and John Ingram, were alleged to have touched white nurses. They were beaten by guards and found dead in their cells in the hole the following day.⁵ No criminal charges were pressed.

A group of prisoners known as the “Lucasville 14” sought to give up their United States citizenship and emigrate to other countries. Three of these prisoners cut off one or more fingers and mailed them to President Carter and other officials to prove that they were serious. The United States refused to allow them to renounce their citizenship.⁶

Some prisoners organized a branch of the Industrial Workers of the World to demand the minimum wage for prison labor, Perotti relates. The courts rejected this demand. Perotti also helped to prepare a 38-page petition to Amnesty International. The petition described instances in which prisoners were chained to cell fixtures, subjected to chemical mace and tear gas, forced to sleep on cell floors, and brutally beaten, all in violation of United Nations Minimum Standards for the Treatment of Prisoners. The petition was confiscated as contraband, and its authors were charged with “unauthorized group activity.”

In 1989 Warden Terry Morris asked the Correctional Institution Inspection Committee (CIIC)—a body appointed by the Ohio legislature—to prepare a summary of concerns about SOCF to be used by him in discussions with unit managers and department heads.⁷ The CIIC based its response on letters from 427 SOCF prisoners received between August 21, 1987, and November 1, 1989. Many of these—180, or 42 percent—expressed concerns about personal safety. The CIIC report mentioned the murders of prisoners Tim Meachum in December 1988 and Billy Murphy in January 1989, and the stabbing death of prisoner Dino Wallace.

In more than a hundred subsequent interviews with CIIC staff, prisoners—years before April 1993—“*related fears and predictions of a major disturbance unlike any ever seen in Ohio prison history.*”

It was alleged that knives have been and can be bought or provided from staff, and that a staff person allegedly provided a gun that is reported to be hidden in the institution (whereabouts unknown). Inmates claimed of staff approaching them with suggestions or offering to make it worthwhile if they would stab another inmate. Certain inmates are reportedly allowed to stash or transport knives.

One victim of a stabbing claimed that he knew it was coming, because of a reported pattern in such matters. His cell was targeted for daily consecutive shake downs reportedly to ensure that he had no weapon when the inmates stabbed him. A security staff person reportedly apologized to him afterwards, explaining that he has a family. Incidents were cited in which staff reportedly were present when verbal death threats were relayed from one or more inmates to another, (in one case when the inmate also displayed his knives by raising his shirt) yet staff were reportedly silent. In another case, after a stabbing, a staff person reportedly approached the inmate who stabbed the inmate and said, “Why didn’t you kill the son of a bitch?”⁸



1.2 Warden Arthur Tate

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Another prisoner at SOCF in those days, part–Native American “Little Rock” Reed, describes the events that led to the appointment in 1990 of a new warden, Arthur Tate (Fig. 1.2).⁹

Operation Shakedown was the extreme and unjustified result of a horrible incident in which a mentally unstable prisoner killed a young, beautiful school teacher who worked at the prison assisting prisoners to achieve their high school diplomas. Although the prisoner had a documented history of mental instability including violence against women, the administration carelessly assigned him to work as the teacher’s aide, where he would be in a room with her at times alone, with no supervision. The prisoner took

her hostage and ultimately cut her throat with a coffee can lid, nearly ripping her head from her shoulders. Many prisoners thought highly of the young teacher, and were outraged at her senseless and brutal death...

Nevertheless, immediately following the incident, the prison was placed on lockdown ["lockdown" means confinement of each prisoner in his cell]. The guards came into each cell block, armed in full riot gear, and systematically ransacked every prison cell while the prisoners could only stand helplessly and watch... Meanwhile, local citizens banded together in front of the prison demanding that the prisoners be stripped of all privileges, holding placards with such proclamations as "Kill the killers."

SOCF housed both maximum security prisoners and prisoners classified as "close security," a status intermediate between "maximum" and "medium." However, prisoners agree that once Arthur Tate became the warden, the whole complexion of the penitentiary changed for everyone imprisoned there.

One of the Lucasville Five, Keith Lamar, remembers that Tate "immediately scrapped all the programs, supposedly as a way to cut down on inmate traffic. Lines were painted on each side of the hallway floors, and we were ordered to stay within those lines as we walked—military style—to and from the kitchen, gym and work areas."¹⁰

Chrystof Knecht, another Lucasville prisoner, has similar memories: "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." Bill Martin, also a SOCF prisoner, thinks the "most bizarre" rule was the one "requiring prisoners to march to chow, recreation, chapel, work, school, commissary, etc." King Arthur wanted prisoners not only to walk within the lines, "but walk in double-file formations. Prisoners who hated each other were forced to march next to each other. Everybody deeply resented this." According to Martin, there were repeated massive shakedowns of

prisoners' personal property and constant transfers of prisoners from one part of the facility to another.¹¹

SNITCH GAMES

A prisoner who becomes an informant is known behind bars as a "snitch." In its report to Warden Morris, the CIIC concluded that the main concern of SOCF administrators should be "snitch games,"

the common denominator reported to be related in one way or another to past or present circumstances of the large majority of inmates. They spoke of the relationship between snitch games and unit management, violence, gangs, racial tension, drug, gambling, sex and extortion rings, job assignments, cell assignments, unit moves, lack of personal safety, fear of other inmates and distrust of staff.¹²

Yet, according to Keith Lamar and an influential Muslim prisoner, Taymullah Abdul Hakim, also known as Leroy Elmore, after Warden Tate's appointment SOCF continued to encourage "snitches": "the only way you could work where you wanted to work, or cell where you wanted to cell, was to be in cahoots with the administration. This served to increase the snitch population exponentially." Taymullah declares that Tate "promoted informing on guards and prisoners. Prisoners were fitted with 'wires' (recording instruments) and sent at guards to entrap them in criminal activities. Flyers were printed up instituting a 'snitch line' where prisoners and visitors could write to inform on criminal activities inside Lucasville."¹³

Warden Tate's invitation to snitch was conveyed in a memorandum, a copy of which is before me as I write. It is dated May 31, 1991, and directed to "All Inmates And Visitors." The memo states in part:

Due to my concern about violations of laws and rules of this institution, I feel it necessary to make myself available for persons wishing to pass this information on to this office concerning these

things.... I have established a post office box at Lucasville, Ohio for information which could assist our departmental efforts in eliminating violation of institutional rules and criminal conduct. Your letter will be intercepted by this office and will not be processed through normal institutional mail. Your information will be held in strict confidence.... The address is as follows: Operation Shakedown, P.O. Box 411, Lucasville, Ohio 45648.

Prisoners view snitches much as striking workers perceive scabs, only more so. It should not have come as a surprise that at least eight of the nine prisoners later killed in the uprising were perceived by others as “snitches.”

L'ÉTAT C'EST MOI (I Am the State)

What did Warden Tate intend? In a document entitled “Situation at the Southern Ohio Correctional Facility as it led up to the riot,” dated July 5, 1993, an anonymous prisoner states that he believes that Tate would have liked to lock down the whole institution permanently “and make it another Marion, Ill. supermax” (a prison in which prisoners are confined in single cells for 23 or more hours a day).

There is evidence for this theory. The most comprehensive of the post-uprising studies, *Southern Ohio Correctional Facility: Disturbance Cause Committee Findings* (sometimes called “the Mohr Report” after its chairperson, Gary Mohr) contains in its appendix a memorandum dated March 22, 1993—20 days before the uprising began. The memo, from Tate to Eric Dahlberg, South Region Director is entitled “Request to Construct a Maximum Security Unit at SOCF.” Although Tate speaks of constructing a “maximum security” unit, SOCF was already for the most part a maximum security prison, and his request must be understood to seek supermaximum conditions of confinement. The memo states in part:

Over the past several months I have expressed my concerns relative to the need for a maximum security unit at this facility which

is suitable to house those prisoners who are high security risks requiring maximum levels of supervision as well as a physical structure designed to effectively house them.... [I]nmates in the highly assaultive, predatory category requiring maximum security confinement, will continue to increase due to lengths of sentences.

Recognizing that the department was unable to finance the construction of a new supermaximum security prison at that time, Tate asked permission to build a "high security unit" at SOCF.

Whether or not Warden Tate consciously wanted to turn SOCF into a supermax, it is certain that he insisted on absolute obedience. Like Bourbon kings before the French Revolution, he acted as if he believed that "I am the State." Bill Martin offers an example of Tate's mindset.¹⁴

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 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.

Similar hard-headedness about the best way to test for tuberculosis would trigger the April 11 uprising.