

Behind the wall

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The Regional Office of the United States Department of Justice, during the past two weeks, have been the guests of the Oregon State Penitentiary.

H.C. Cupp, Superintendent, has opened the doors to the Community Relations Services of the Justice Department from Seattle, to look into any complaints on racial discrimination by any of the minority inmates.

Bob Lamb and William E. Talbert, conciliation specialists, have been meeting with O.S.P. Administration, staff and inmates to determine how much validity there may be to Black inmates' information given to Benjamin Hooks, Executive Director of the National Association for the Advancement of Colored People, when he visited O.S.P. on July 1, 1978.

Lamb and Talbert were called in by a letter written to them by Reverend John Jackson, President of the NAACP Branch in Portland, who also accompanied Hooks on his visit. Jackson wrote, "Mr. Hooks also implied that the Portland Branch should continue to discuss and attempt to deal with some of the local problems raised by the number of persons in residence." The letter by Jackson stated that "I'm not going to attempt to list all of the fourteen various items they had gathered at our Saturday morning meeting. However, I hope your representatives, with the expertise that I do not have, although not to exceed my concern and interest, can detect, advise and take whatever measure necessary to make an effort to eliminate the growing unrest."

Upon meeting with the Black inmates who made their complaint, it was suggested that representation of the Indian-American and Chicano culture group be called upon to see what grievances they also might have to offer.

The duties of Lamb and Talbert are to first see if there are valid grievances, then to see what established channels are already available to solve them and if those channels are effective enough to do the job. Otherwise — can this institution handle its own problem in

eliminating any grievances which might be alleged?

Second, if the alleged minority grievances are strong enough to be valid, then in what manner can Talbert and Lamb's agency assist in eliminating the problem? Both inmates and staff welcome the Community Relations specialist, and meetings have been held throughout the prison at every chance possible.

At this time, two main issues have been agreed upon by inmates and O.S.P. Administration — the need for minority sensitivity training to be added to the personnel training sessions at O.S.P. and the need for minority groups and organizations to become involved in assisting the prison to meet the needs of the minority prisoners in all areas.



Lucius Hicks IV, and Al Wingfield discuss O.S.P. vocational training programs.

Lucius Hicks, Director, Portland State University Educational Center; Eugene Jackson, Director, Northwest Minority Contractors Association; and Al Wingfield of NMCA were the guests of O.S.P. officials on July 18th.

The Black community leaders sat down in a meeting in the O.S.P. Educational Department with Charles Keaton, O.S.P. Rehabilitation Program Manager; Joe Fabis, Prison Industries Manager; Bud McGuire, Vocational Training Supervisor; and Steve Gassner, acting Education Director, to discuss ways Black inmates at this

prison may receive positive training and success skills while incarcerated which will serve their needs when released.

This first of a series of meetings was coordinated through the efforts of Keaton and the *Portland Observer*. Both foresee much of their efforts and concerns will be focusing in on the Oregon Black community leaders, organizations and businesses to assist this institution meet the needs of Black prisoners.

After the meeting, everyone was taken on a tour of O.S.P. Vocational Training and Industrial area. Hicks and Jackson related that they were impressed and look forward to working hand in hand with prison officials to encourage Black inmates to take full advantage of prison programs, so that they may become eligible for programs to be developed on the outside.

Vern Duncan, State Superintendent of Public Instruction and Dr. Wil Gamble, Biochemistry Department, Oregon State University (also member of Corvallis NAACP Chapter) were guests of the O.S.P. Law Class for a session on the need to integrate law courses into grade schools.

The twenty-three inmates expressed their opinions that if a greater impact had been placed on law studies in their elementary and secondary educational subjects, it might have been a deterrent to whatever crimes they committed.

Most of the men directed their statements to today's youth and youthful offenders. Many have children of their own whom they are concerned about not receiving adequate training and education in our state school system on how to respect and use the laws.

Other subjects discussed with Superintendent Duncan were: busing, Proposition 13, the Bakke decision, and effective teachers for 'slow' learners.

At the end of the session, it was quite evident that, Duncan had spent a fruitful evening with these inmate-students. Well apparently he valued the discussion, because the Superintendent has made arrangements to attend another meeting next month.

Hearing reveals death penalty inequities

July 18, 1978. A hearing in Bay Minette, Alabama, on a state court challenge to Imani's (Johnny Harris) death penalty conviction ended July 17th. Imani is a Black prisoner activist who faces execution for participating in a 1974 protest over intolerable conditions at Atmore Prison Farm in Southern Alabama.

Imani was one of five prisoners, known as the Atmore-Holman Brothers, charged with the killing of a hostage guard during the protest. The guard was unharmed until State troopers launched a shooting assault on the prisoners, who were trying to negotiate with the warden about communication with members of the press, clergy, and legislature. The purpose of the protest was to let the people of Alabama know about the brutalities being committed in their name by officials of the state, in hopes that the public would begin to call for changes in prison conditions.

Imani was tried under an 1862 statute mandating the death penalty for a prisoner convicted of murder while serving a life sentence. Imani's former life sentences were handed out in 1971 and were a result of charges concocted against him because his family had moved into an all-white Birmingham neighborhood. Those sentences are also in process of being challenged, in separate court proceedings.

Imani's death penalty trial took place in rural Baldwin County, near Atmore Prison Farm. He was tried before an all-male, all-white, all-over-age forty jury. The state was unable to establish any proof against Imani at trial, other than the fact of his participation in the protest. In fact, at a July, 1975, pretrial motions hearing on the case, Assistant Attorney General George Van Tassel stated, "It is not our positions that this defendant (Johnny Harris) was actually holding the knife or anything else. We don't contend that this defendant stabbed this guard."

The most important legal issue raised in the current state court proceeding is a challenge to the composition of the jury pools from which the names of grand jurors, who indicated Imani, and the names of trial jurors were drawn.

According to the U.S. Constitution, a person is entitled to a jury of his/her "peers." This has been interpreted by the courts to mean that juries must be drawn from a group of names, or a "pool," which is randomly chosen from a cross-section of the community, using such sources as voter registration lists, phone books, and city directories. Everyone whom the jury commissioners (in charge of placing names in the pool) do not personally know to be ineligible must be placed in the pool. The pool must be entirely replaced every few years.

The evidence presented at Imani's hearing raises much question whether he ever had a chance of being tried by a jury of his peers. In Baldwin County, where he was tried, there are 5,023 Black people and 33,707 white people over age 21. Blacks make up 15.2 percent of the population. However, they make up only 7.7 percent of the names in the jury pool. This means that they are underrepresented by 49.3 percent, or that just about half of the Black people in Baldwin County are excluded from jury duty. Black women are 8.2 percent of the population, but make up only 2.9 percent of the names in the jury pool.

In Escambia County, where Imani and the other Atmore-Holman Brothers were indicted, the percentage of underrepresentation is similar or worse. According to identifications made by Sheriff Scotty Byrnes, Blacks make up only 9.9 percent of the jury roll, while they are 28.5 percent of the county population. This represents an exclusion of 66 percent. According to another survey, Blacks constitute 13.9 percent of the jury pool and are therefore excluded by about 50 percent. Women in Escambia are underrepresented by 21.3 percent, while the figure in Baldwin County is 34.1 percent.

This exclusion is systematic, and not an "accident," as shown through the testimony of the jury commissioners. They stated that they only put people whom they know in the pool, and admitted that they know few Blacks other than their own and their white friends'

housemaids and employees. Also, they never entirely renew the jury pool.

Throughout the hearing, state lawyers implied that most Black people in both counties are convicted felons or "habitual drunkards" and therefore ineligible for jury duty.

Another major issue raised during this hearing was that of discriminatory application of the death penalty. Bill Bowers, a noted researcher from Northeastern University in Boston, testified on the history of the use of the death penalty in Alabama. 82 percent of executions in Alabama between 1927 and 1965 were of Black people. Blacks executed were younger than whites, and fewer Blacks had appeals taken.

Bowers also testified about race-of-victim studies he is currently conducting. In 1976, 94 percent of 400 homicide arrests in Alabama were of people of the same race as the victim. Two percent of the arrests were of whites accused of killing Blacks; four percent were of Blacks whose alleged victims were white. Although they were only four percent of the arrestees, Blacks charged with homicide against whites constitute 47 percent of Alabama death row inmates! 46 percent on death row are whites accused of killing whites. Seven percent are there for alleged Black-on-Black homicides. And no white person on death row is there for the alleged killing of a Black person!

Results in Florida, Georgia, and Texas, where Bowers has also conducted studies, are similar. The four percent for alleged Black-on-white homicides leads to 36 percent of the death sentences in those states.

The presiding judge, Leigh Clark, has allowed until September for briefs to be submitted. A ruling is expected in the fall.

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Facts of Importance

VOLUME II JULY 1978 SERIES I

Most questions asked regarding our June statement in the "Observer" were: How do we treat persons afflicted with alcoholism?

We treat alcoholism by the uses of a four phase modality, Phase A through D, along with the Triple R concept (Rights, Respect, and Responsibility).

PHASE A:
When persons come to the EXODUS program as clients they start out in Phase A. After the intake procedure, various crises, emergency and supportive help is provided; further diagnosis is recognized, while a certain amount of confidence develops between the client and the EXODUS program. During this phase the client is prepared to enter Phase B.

PHASE B:
Here the client makes a commitment to adjust his habits one at a time to a more constructive and productive selection through process counseling and other supportive prescriptions. The Triple R (Rights, Respect and Responsibility) concept is used as a measuring model by which the client can objectively balance his Rights to his Responsibilities through Respect. At present we have no Phase B clients.

PHASE C:
After a client has successfully gone through Phase B he enters Phase C, which is a direct supportive service to help the client when he runs into difficulties regarding job, family or friends.

PHASE D:
Is a forever follow-up service to let the client know that, even though he/she has completed the EXODUS program, if help is ever needed we are here, and no "blame factor" is at stake. This is done through periodic mailings and group activity invitations.

The EXODUS program has been in existence for almost four months. It has gained approximately 110 clients, and has expanded to include a day care facility and a residential center.

Yes, we are effectively treating alcoholism by the hour, by the day, by the month. Our clients appreciate your support, contributions and donations.