



**Smithsonian Institution**

*National Museum of African American History and Culture*

## **Pamphlet: The Cruel and Unusual Punishment of Henry Winston**

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"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment be inflicted."

The Constitution of the United States  
Article VIII of the Bill of Rights, 1791

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## 1. The Man On The Operating Table

The hospital was still.

In the white tiled operating room a man lay mute, immobile, paralyzed on the hard table while a silent surgeon began one of the most delicate of all operations—the removal of a brain tumor. He began to cut into the skull.

Chills touched the spines of even the case hardened O.R. nurses. It is often so in the split second of the first incision. On the operating table the man was motionless. He was paralyzed on both legs by the pressure of the brain tumor on his nerves. He was blind. He was helpless. The room shivered in stillness. Everything was in readiness. In minutes the life of the unconscious human being, awaiting his fate at the fingertips of the surgeon's skills, would begin its teetering balance between life and death.

In the corridor, outside the operating room, a Federal Prison guard kept watch. He paced back and forth.

His gun was in his holster; he had his orders.

His job was to make sure that the blind man on the operating table did not escape!

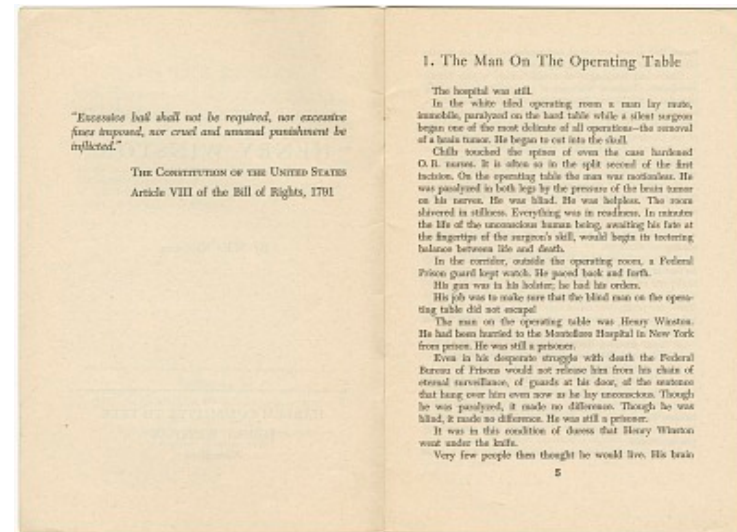
The man on the operating table was Henry Winston. He had been hurried to the Montefiore Hospital in New York from prison. He was still a prisoner.

Even in his desperate struggle with death the Federal Bureau of Prisons would not release him from his chain of eternal surveillance, of guards at his door, of the sentence that hung over him even now as he lay unconscious. Though he was paralyzed, it made no difference. Though he was blind, it made no difference. He was still a prisoner.

It was in this condition of duress that Henry Winston went under the knife.

Very few people then thought he would live. His brain

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