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National Museum of African American History and Culture

Pamphlet: The Cruel and Unusual Punishment of Henry Winston

Extracted on Apr-19-2024 06:09:51

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John Abt, the well known civil liberties lawyer, had gone to the prison to personally insist that his client be treated with human decency and demand that he be given medical care. He won his demand. Henry Winston was finally hospitalized. They sent him to the Federal Prison Medical Center in Springfield, Missouri, where his condition was diagnosed as a tumor of the brain and "immediate" surgery was recommended.

It was then almost too late.

Henry Winston was dying!

Prison authorities, wrote Murray Kempton in the New York Post (3-9-60) made "the assumption then...that Henry Winston would die. There was even talk of giving him a medical parole, something no convicted Communist before him had ever a right to hope. In the end, the government agreed that Winston could be returned to New York for an operation by a doctor of his own choice, if, of course, his family would pay the expense. He was flown to Montefiore Hospital..."

Thus on February 2, 1960, in the operation room of the Montefiore Hospital, in New York, a Prison guard at the door waiting beside death itself, a man underwent a seven-hour operation.

2. He Lives

Nurses wept when the results of the operation were known. Joyfully they went.

It was successful. After a bloody and grueling ordeal of seven hours on the operation table a medical miracle had been performed. Henry Winston would live.

The tumor was not cancerous, as had been feared, but was benign and harmless. [[italicised]] It became clear that if it had been diagnosed and treated when the first symptoms had appeared, Henry Winston might have suffered few ill affects. [[italicised]]

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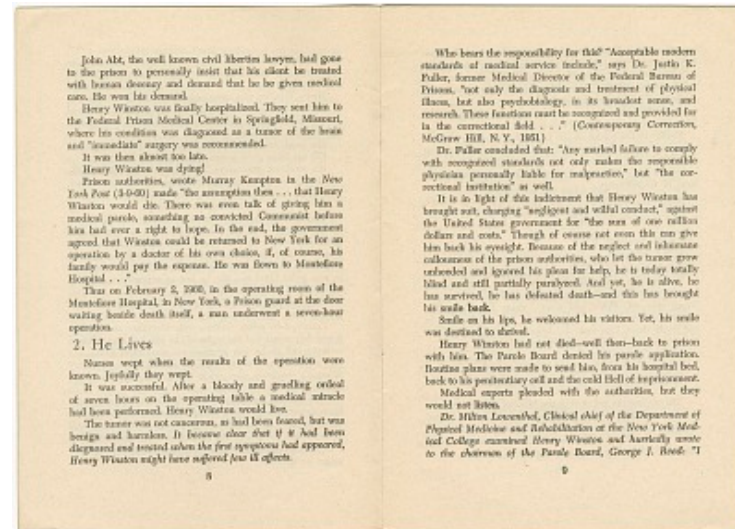
Who bears the responsibility for this? "Acceptable modern standards of medical service include," says Dr. Justin K. Fuller, former Medical Director of the Federal Bureau of Prisons, "not only the diagnosis and treatment of physical illness, but also the diagnosis and treatment of physical illness, but also psychobiology, in its broadest sense, and research. These functions must be recognized and provided for in the correctional field..." (Contemporary Correction, McGraw Hill, N.Y., 1951) Dr. Fuller concluded that: "Any marked failure to comply with recognized standards not only makes the responsible physician personally liable for malpractice," but "the correctional institution" as well.

It is in light of this indictment that Henry Winston has brought suit, charging "negligent and wilful conduct," against the United States government for "the sum of one million dollars and costs." Though of course not even this can give him back his eyesight. Because of the neglect and inhumane callousness of the prison authorities, who let the tumor grow unheeded and ignored his pleas for help, he is today totally blind and still partially paralyzed. And yet, he is alive, he has survived, he has defeated death - and this has brought his smile back.

Smile on his lips, he welcomed his visitors. Yet, his smile was destined to shrivel.

Henry Winston had not died - well then - back to prison with him. The Parole Board denied his parole application. Routine plans were made to send him, from his hospital bed, back to his penitentiary cell and the cold Hell of imprisonment.

Medical experts pleaded with the authorities, but they would not listen.



Dr. Milton Lowenthal, Clinical chief of the Department of Physical Medicine and Rehabilitation at the New York Medical College examined Henry Winston and hurriedly wrote to the chairman of the Parole Board, George J. Read: "I

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