



Smithsonian Institution

National Museum of African American History and Culture

Pamphlet: The Cruel and Unusual Punishment of Henry Winston

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4 Fresh Air Is Subversive

He was not permitted to walk about in the hospital ground, nor take a breath of fresh air. He was a "dangerous" prisoner. Though it was by walks such as this that the paralysis of his legs could be eased and his limbs rehabilitated, to permit this would be to relax "prison discipline." Lord! What a thought! Fresh air is subversive!

So the blind and crippled man was held prisoner night and day least her run away to the forbidden hospital grounds and dare breathe of the unimprisoned air.

The Guild of the Jewish Blind offered to send a teacher of braille, twice a week for a visit of one hour each. For their office was too far from the hospital for a teacher to come hospital for a teacher to come more often. Imprisoned in his room, Henry Winston was forbidden to go for instruction. "The suggestions for learning braille and further cane instruction are being held in abeyance," commented Dr. James E. Wesley of the hospital staff, "since the patient is a federal prisoner and these activities would involve going to agencies outside the hospital." Braille lessons were therefore denied him.

He learned braille, but by himself. He taught himself. In the dark of his room he was his own teacher.

Enough of this, said the Bureau of Prisons, and in October 1960 they decided that Henry Winston had been rehabilitated enough. Enough of this humanitarianism—he would be sent back to prison—at once. If the sick prisoner was to be thrown behind bars again the red tape spun with incredible speed, though while he was becoming sick there was no such haste.

Once again the medical experts pleaded with the Government and advised against further imprisonment.

The U.S. Government's own medical consultant, Dr. Harry Berns, urged a medical care program that precluded sending Henry Winston to prison again. Dr. Berns recommended that:

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"...the patient be treated as blind and therefore the following steps be taken: a) to continue to learn braille; b) to be identified by using a white cane; c) to continue lessons in typing; d) if possible the patient's wife and children should be brought into the picture so that they know what his new range of capabilities are, in order that they do not overprotect him when he leaves his present environment."

The Guild of the Jewish Blind offered similar advice.

Once again the Government would not listen. They rejected the advice of their own physicians. They had no intention of permitting Henry Winston to leave "his present environment."

On October 12, 1960, Henry Winston was sent back to prison.

Now he lies in a prison hospital in the Federal Correctional Institution at Danbury, Connecticut. He will be imprisoned here until 1962. He was sentenced to eight years. He has served more than half of his sentence. Yet, despite everything that has happened to him, the Parole Board has refused him parole. He busies himself by learning, not only braille, but braille shorthand. He intends to defeat his blindness, just as he defeated his own death.

He is quite a man.

5. "But Don't You Have A Good Case?"

Federal Judge Edmund Palmieri, before whom one of the endless court struggles was waged to win the right of humane treatment and medical care for Henry Winston, at one point asked:

"But don't you have a good case for executive clemency?"

His voice was gentle and troubled. In his experience on the bench perhaps he had never heard, for there had never

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4. Fresh Air Is Subversive

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