



**Smithsonian Institution**

*National Museum of African American History and Culture*

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

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been, a case of such vindictiveness, inhumanity, and foul cynicism in the treatment of a helpless prisoner by the United States Government.

So it was that in March, 1960 a new petition for executive clemency was sent to President Eisenhower. On April 7, 1960, Mr. David W. Kendall, Special Counsel to the President, officially acknowledged the petition with the comment that it would probably not be acted upon until reports of Henry Winston's condition were received from the hospital.

That was in April. Consultations have long been held. Medical reports on his condition have long since been written, studied, and probably filed away in some dusty corner of the file room - and there forgotten.

And though the months go by, there is still no word of consideration from the President. Nor is there any indication that he implied promise to consider the hospital data, and the condition of the prisoner's blind and crippled body described in those data, has been, or will be acted upon. Where is the compassion of executive clemency that President Eisenhower has shown to those convicted of crimes of a hideous character? Where is the compassion shown to those who have suffered infinitely less?

To turn down this plea for executive clemency would be a cold hearted thing indeed. Yet, what can one say of the heart of a man who will not even consider it?

One is reminded of the famous case by Abraham Lincoln in the midst of the Civil War. I will not, Lincoln wrote to the soldier, "add a pang to what you have already suffered."

I will not add a pang to what you have already suffered!

Would that President Eisenhower could in his conscience say as much.

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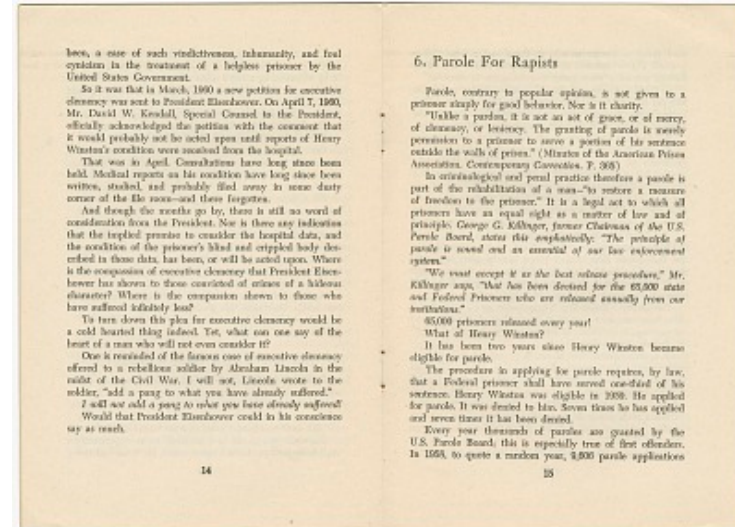
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## 6. Parole For Rapists

Parole, contrary to popular opinion, is not given to a prisoner simply for good behavior. Nor is it charity.

"Unlike a pardon, it is not an act of grace, or of mercy, of clemency, or leniency. The granting of parole is merely permission to prisoner to serve a portion of his sentence outside the walls of prison." (Minutes of the American Prison Association. Contemporary Correction. P. 365)

In criminological and penal practice therefore a parole is part of the rehabilitation of a man - "to restore a measure of freedom to the prisoner." It is a legal act to which all prisoners have an equal right as a matter of law and of principle. George G. Killinger, former Chairman of the U.S. Parole Board, states this emphatically: "The principle of parole is sound and an essential of our law enforcement system."



"We must accept it as the best release procedure," Mr. Killinger says, "that has been devised for the 65,000 state and Federal Prisoners who are released annually from our institutions."

65,000 prisoners released every year!

What of Henry Winston?

It has been two years since Henry Winston became eligible for parole.

The procedure in applying for parole requires, by law, that a Federal prisoner shall have served one-third of his sentence. Henry Winston was eligible in 1959. He applied for parole. It was denied to him. Seven times he has applied and seven times it has been denied.

Every year thousands of paroles are granted by the U.S. Parole Board; this is especially true of first offenders. In 1958, to quote a random year, 9,606 parole applications

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