

18 April 1994

Honorable William Wayne Justice
P.O. Box 330
Tyler, TX 75710

RE: Contempt of the Final Ruiz Settlement by TDCJ-ID Officials

Your Honor:

I am perhaps the only original witness for the Plaintiffs in the Ruiz v. Estelle Civil Action who has not yet been paroled or discharged my sentence. I voluntarily returned from Federal Custody in October of 1989, under the impression that TDCJ-ID officials were complying with the letter and intent of your rulings in Ruiz, and had the impression that they intended to voluntarily do so even once the case was settled. Not unexpectedly, I encountered minor discrimination from some of the "old school" staff, but not until November of last year (1993) did the discrimination become serious enough for me to complain about. I have filed four (4) related grievances concerning this serious discrimination, and am awaiting the step three (3) decisions on two (2) of them before pursuing relief through litigation in Federal Court. Unfortunately, three (3) prisoners who told me that they would give me affidavits concerning the discrimination carried out against me right after it happened are, now that it is clear that TDCJ-ID administrative officials intend to completely ignore the pertinent Ruiz rulings, TDCJ-ID Rules of Official Conduct, and various U.S. and Texas Constitutional protections in all of this, these prisoners have become afraid that TDCJ-ID will guarantee that they will have to do all of their sentences should they assist me. Since TDCJ now controls the Parole Board, this is not an unrealistic fear. I will pursue remedy without their affidavits. In any event, all of that is not the main theme of this particular letter.

During the past year or so I have observed the medical staff at the Wynne Unit Infirmary (especially Mr. Healy, P.A.) to refuse treatment to prisoners because those prisoners smoke, or are overweight. In addition, the staff in the infirmary here seem to be operating under the policy that unless there is visible blood on a prisoner, no emergency exists. Some examples follow.

Mr. A.F. Stickler (a.k.a. James Brandon), an inmate here had an infection in one of his eyes, and despite repeated written requests to the infirmary it took him two weeks to get an appointment for diagnosis and treatment. Later, this same man noticed blood in his urine, and had a great deal of difficulty getting the medical staff here to take him seriously. As I recall, it took him over a year to get to see a specialist who diagnosed him as having prostrate (and perhaps other types of) cancer. He is now at the TDCJ medical facility in Galveston, and is reportedly either already dead, or dying.

An inmate named Hill (I do not know his first name or number) complained about intense abdominal pain for three (3) days, but was unable to receive medical attention here. Only when he turned yellow, became grossly bloated, and was in obvious agony did the medical staff here take him seriously...sending him either to Ellis II, or to Galveston. He reportedly died on the way, or shortly after arriving at the hospital.

There have been reports amongst the prisoners here over the past couple of years, which I cannot personally verify, that more than a few prisoners with cardiac problems have been given "Maalox" by the medical staff here, or told that they had "colds", and allowed to die, or to suffer cardiac arrests. You can check with inmate Hap Reardon in the Typing Pool here, as I'm told this happened to him.

Larry White, TDCJ-ID # 616652, suffers from a variety of medical problems, including Emphysema, various respiratory allergies, and arthritic conditions which make it difficult for him to stand for more than two hours at a time. He was given an indefinite lay in by the infirmary here. Officer Benevides (CO III) is charged with making sure that all prisoners assigned to industrial labor here show up for work. Mr. Benevides voided Larry White's medical lay in last week. Larry White was also compelled to work in the food service department here for 5 or 6 months, even though he had notified food service department staff, security personnel, and medical staff that he had had infectuous Hepetitis and was a carrier of that disease.

Michael Smith, TDCJ-ID # 653890, also had an indefinite medical lay in for T.B. and other conditions. The unit classification committee over-rode his medical lay in and made him return to work. In addition, Mr. Smith was kept from picking up his T.B. medication this past week by Sgt. Williams, even though the pill line was still open at the time.

For two to three months antacid tablets and CTM were not available to the inmates on the living blocks...only when it became apparent that Your Honor was looking back into the medical situation were these medications again placed on the blocks. That was last week.

I have had various problems getting medical treatment from Mr. Healy, the P.A. in the infirmary here. Most seriously, he refused to treat me for a crisis of uveitis and glaucoma in my right eye this past January, even though such a crisis is a vision threatening ophthalmological emergency. Repeated requests in writing and by security and industrial staff who could see that my eye was screwed up still failed in getting me an appointment with medical staff here. When my boss at the Box Factory here finally wrote me a pass and dumped me on the infirmary here...after I'd lost about three nights of sleep from the excruciating pain...Mr. Healy saw me, but was very angry about it; he refused to acknowledge that it was an ophthalmological emergency, refused to consult by telephone with the ophthalmologist, refused to give me the indicated steroids to control the condition, and refused to send me by van to the Eye Clinic at Ellis II. I wrote the ophthalmologist a several page letter about the event, and was sent to the Eye Clinic a couple of weeks later. Fortunately, I have only lost minor acuity from that episode. But, the ophthalmologist never received the letter I sent him. What's more, Mr. Healy made a false entry into my medical jacket stating that I had "lied" to a security staff member to get back into the infirmary. He has also over-ridden the ophthalmologist's (Dr. Anderson) orders in the past to supply me with steroid eye drops.

Some antihistamines (for instance, CTM's) cause a flare up of glaucoma in some patients...including me. However, my 18 years experience with the uveitis and glaucoma in my right eye, along with my almost chronic respiratory allergies has

shown through experiment and practice that some antihistamines control those allergies in me without causing increases in the pressure in my right eye. Dimetapp and Ornade or two antihistamines that have been shown to not affect my interocular pressures. The enclosed I-60's from me to Dr. Tran at the Wynne Unit Infirmary demonstrate some of the problems I've had receiving such simple medications here. In addition, Mr. Healy has told me in the past when I requested antihistamines that "people made it for thousands of years without pills." When I replied that was true, and that for most of those thousands of years the average life expectancy was about 32 years, he became angry, and refused me medication at that time.

While the following has nothing directly to do with the medical problems here it does show the mentality of much of the staff, which is reflected in not just the medical facility, but throughout the unit.

Lt. Losack told me recently when I told him that he was behaving out of compliance with Ruiz, that "Ruiz is over. I'm God on this unit and can do any damn thing I want to, and you had better get used to it."

Both Lt. Losack, and Lt. Roach both show contempt in their respective responsibilities on the Wynne Unit. Lt. ~~Roach~~^{Losack} has used unnecessary violence against prisoners. And both he and Lt. Roach have manufactured a false major case against me for "threatening an officer," and then retaliated against me for filing grievances against them by having an event not against TDCJ-ID rules or regulations processed as a major case. I have suffered loss of two classes, 30 days good time, contact visits, phone privileges, a job, my piddling card, and removal from preferred housing since November of 1993 for having done nothing against TDCJ-ID rules or regulations, but only because I have talked with people about prison reform, occasionally have complained about Lt. Roach's discrimination against artist piddlers on the unit, and am an original witness in the Ruiz case.

In addition, the industrial facilities are having inmates do interstate and international work in violation of various commerce, trade and labor laws. For instance the tag plant and the box factory are now doing a multimillion dollar contract for the country of El Salvador. The data processing facility at the typing pool is doing a contract for a commercial firm in New York, and another for the country of Jamaica. The contracts amount to several millions of dollars. All with inmate slave labor. When one of the supervisors in the typing pool was told that this contractual activity was illegal he laughed and replied that he knew it, but by the time the courts found out about it and stopped them, they would only receive a "slap on the wrist" and would have made millions of dollars...and that when they "heat was off," they'd do it again. This is representative of the current administrations attitude towards the laws and court orders applying to their behavior. I do not know whether or not this sort of illegal production is being carried out on other units of TDCJ-ID.

Your Honor, I hope that this information will assist you in your efforts to evaluate TDCJ-ID administration's current attitude towards not just Ruiz, but towards the laws of the State of Texas and of the United States, as well.

Your Honor, I am not depressed, nor am I suicidal, and as far as I know, I have no prisoner enemies on this unit who might wish to harm me. I tell you this just in case something should happen to me, you will know whom to suspect.

Thank you for your lengthy and difficult work in reference to TDC.

Very Sincerely,

Edward Clarence Gipson

Edward Clarence Gipson

TDCJ-ID # 185948

Wynne Unit

Huntsville, TX 77349

cc: retained