

DALLAS TIMES HERALD, April 15, 1981

Convicts had accused warden of brutality

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HOUSTON — Wallace M. Pack, the prison warden killed two weeks ago by an inmate who claims self-defense, condoned violence against prisoners and harassed inmates who were jailhouse lawyers, according to court testimony.

The statements about Pack were made during a year-long trial here before U.S. District Judge William Wayne Justice of Tyler, who ruled in

December that the Texas Department of Corrections routinely violates numerous constitutional rights of prisoners.

TDC officials have bitterly attacked Justice's opinion, complaining the judge blindly believed the testimony of convicted felons while discounting that of TDC witnesses.

Pack, 54, a veteran TDC employee who had been appointed warden of the Ellis Unit near Huntsville on March 18, was drowned and his farm

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Wallace M. Pack

Slain warden reportedly

WARDEN — From Page One

manager, Billy M. Moore, 49, shot to death in an incident April 4 on the sprawling farm surrounding the prison compound. Inmate Eroy Edward Brown, 30, of Waco, serving a 12-year sentence for aggravated robbery, has been charged with two counts of capital murder.

Brown's lawyers, Jerry B. Register and William T. Habern of Huntsville, say they expect their client to plead not guilty based at least partially on self-defense.

Pack's appointment as the Ellis warden capped a 19-year TDC career spent entirely at the Wynne Unit, located in Huntsville. He rose steadily through the ranks after his appointment as a correctional officer in 1961, becoming a lieutenant in 1964, a captain in 1966, a major in 1967 and an assistant warden in 1977.

TDC officials have eulogized Pack as a dedicated and respected professional who treated prisoners sternly but fairly. At a speech Tuesday in Dallas, TDC Director W. J. Estelle called Pack and Moore "two of your finest correctional officers."

Another view of Pack emerges in the 42,000 pages of transcripts from the prisoner rights lawsuit on file in U.S. District Court. One prisoner claimed that Pack helped brutalize inmates — a practice that Justice, in his 256-page opinion, said was "wide-

spread" among TDC guards in general and certain top prison officials in particular. However, Justice did not mention Pack by name as he did several other TDC officials.

Four other prisoners and a former TDC guard linked Pack with retaliations against "writ writers," jailhouse lawyers who file lawsuits against prison officials or who complain about conditions to reporters and outside officials.

Several years earlier, before Pack came to Ellis, Brown filed an unsuccessful lawsuit challenging prison conditions.

The testimony about the abuse came from Arthur J. Nathaniel, a Wynne inmate serving 99 years for rape and murder. In rambling, sometimes incoherent answers during a Oct. 23, 1978, court appearance, Nathaniel testified that Pack once ordered "porters," inmates who assist the correctional staff, to attack patients who did not want to receive medication at a prison medical facility and also personally participated in the abuse.

"Most of them porters would whip them and kick them and strip them buck naked and take a needle," Nathaniel said. "They would be holding him down by the neck choking them to death."

A lawyer asked, "Who are you referring to?"

"Major Pack and other inmate pa-

tients would join them, because the major told them to do them like that," Nathaniel replied.

The most detailed testimony on Pack's alleged insensitivity to legal access came from James E. Eckles Jr., who was not a prisoner but a former TDC guard. On Nov. 20, 1978, he told of the instructions regarding treatment of writ writers — instructions he said he received from Pack and Warden C. L. Adams.

"They were to be kept segregated from the other inmates," Eckles said. "Anywhere they went they had two officers with them. They were strip-searched coming and going. We shook down their cells every day or about every other day, sometimes twice a day, sometimes more.

"We wrote them up for any rule infraction ... stuff that you would normally let another inmate do and you would kind of press them on it ... He was arrested for small, penny-ante things that other inmates would be turned loose for. He would go to solitary or shell peanuts or do extra duty."

Questioned by TDC lawyers, Eckles said he had been told that the writ writers tended to have more violent personalities. Eckles denied suggestions that his father, who also worked for TDC, had been fired and that his testimony was colored because of it.

Clarence D. Moore, a former Wynne prisoner, testified on Dec. 12,

resented jailhouse lawyers

1978, that Pack made him a "floor boy," or supervisor of other inmates.

"Major Pack told me that he didn't want nothing but the major problems and I was supposed to handle everything else, you know . . . I, you know, could be rather mean."

According to Moore, Pack once became upset with a writ writer, Felipe Barboza.

"The major called me down there and said, 'I'm going to send Barboza over there to you. I don't want him in the writ room (law library) as much as he's been going down there,'" Moore said.

This was accomplished, Moore said, by transferring Barboza to a prison wing supervised by an inmate with a more formidable reputation for violence.

Another former inmate, Donald R. Whitt, testified on Nov. 7, 1978, that a Warden McCarthy once summoned him to a meeting with McCarthy and Pack to discuss a letter written by Whitt's cellmate, Wilborn Neilson, a writ writer whom Whitt called "a thorn in the side of the administration." In the letter, apparently intercepted by prison officials, Neilson wrote that he thought Whitt was placed in his cell to kill him, Whitt said.

Whitt said he told the jailers he had no idea what Neilson meant. "Warden McCarthy told me that I could enhance my position considerably if I

would do something to Bill Neilson," Whitt testified.

Under cross-examination by TDC lawyers, Whitt acknowledged that no harm came to Neilson and that shortly thereafter Whitt was moved to another cell.

Billy Ray Beeson, serving time for armed robbery, testified on Dec. 7, 1978, that after his nephew was beaten at another prison he wrote a complaining letter to TDC higher-ups. Pack called him into the office and asked about the incident, Beeson said. "After that I just started getting harassed," he said.

Guards searched him daily, Beeson said, adding that they ordered him alone among the inmates in the wing to get rid of the books in his cell, ostensibly to make it easier to clean the floors.

Because of breathing difficulties, Beeson said, the prison doctor had ordered that the solid door to his cell be left open for sufficient ventilation. Twelve days after he filed a lawsuit challenging his confinement, Beeson said, "Assistant Warden Pack slammed the door in my face and it stayed shut about two hours."

On cross-examination, Beeson conceded that guards later forced every prisoner in the wing to remove their books for cleaning purposes.

Prisoner John Ellingsworth, con-

victed of armed robbery, car theft and possession of a weapon, told the court on Oct. 30, 1978, that Wynne officials became upset with him after he signed an affidavit supporting David Ruiz, the lead plaintiff in the prisoner-rights suit.

"Shortly thereafter, I was arrested for a minor offense," Ellingsworth said. "I believe it was having dirty bars and I was called before the assistant warden, William Pack. (Ellingsworth used the wrong first name.)

"He told me in so many words that I was going to have a hard way to go because I was lying to cause him some trouble by submitting this affidavit, by hanging around, associating with" Ruiz and other known writ writers.

Ellingsworth acknowledged under questioning by TDC lawyers that his only punishment was two stints in solitary confinement.

Moore, the slain farm manager, also testified during the trial. He was asked questions about the death of inmate James Batts in September 1977 at TDC's Eastham Unit near Huntsville, where Moore was supervisor of crop production.

Several witnesses testified that Batts was beaten severely by guards as he was being moved to a truck driven by Moore for transport out to the farm. Moore testified that he did not see the incident.