

IS BEING MUSLIM IN OHIO A CAPITAL CRIME?



**Siddique Abdullah Hasan and
the Lucasville Uprising**

INTRODUCTION

Sometime in Spring 1996, an unexpected image appeared on the TV screen in the Lynd home. It appeared to be a Muslim cleric, complete with black overgarment and skullcap. Evidently he was a prisoner. Indeed, he had just been condemned to death and was speaking to media in a corridor of the courthouse.

The media thrust microphones into the man's face and asked him, in effect, "How does it feel to be sentenced to death?" and "Do you think you will be executed?" The mysterious figure answered with a calm that immediately caught our attention. In effect, he said that every living soul will taste death and what will happen was in the hands of Allah.

This, we soon learned, was Siddique Abdullah Hasan, formerly known as Carlos Sanders. He was a Sunni Muslim "imam," something like a Christian priest. In April 1993 he had been confined in a portion of the Southern Ohio Correctional Facility in Lucasville, Ohio, known as L-Block. As prisoners returned to L-Block from the recreation yard on the afternoon of Easter Sunday, they overpowered guards and took control.

The occupation of L-Block continued for eleven days. Hasan (as everyone calls him) was there throughout. For more than twenty years he has tried to tell his story of what happened to interested reporters. For more than twenty years the Ohio Department of Rehabilitation and Correction has prohibited any face-to-face interview by representatives of the media with Hasan or any other Lucasville defendant.

This is Hasan's story.

The "inoculation" to which Hasan refers was the immediate trigger of the uprising. The authorities wanted to test all prisoners for TB and insisted in doing so by injecting a substance containing phenol, a form of alcohol. Hasan and several dozen others said that it would be contrary to their religious faith to permit this. They were prepared to show that there were other ways of testing for TB, and that the Department had used one such method at another Ohio prison in Mansfield.

The Warden viewed this proposal as a challenge to his authority. He made it clear that any prisoner refusing to be inoculated would be forcibly injected.

I believe that every reader of this interview will conclude, as I do, that Hasan is an intelligent and thoughtful analyst of what happened in L-Block. This doesn't mean that I or any other reader will necessarily agree with all of his conclusions. What it means is that he deserves a new trial, or in the alternative, that the more than twenty years he has served for what happened at Lucasville is enough, and that he should have a chance to live out his faith in civilian society as our friend and neighbor.

--Staughton Lynd



Siddique Abdullah Hasan in his cell at Ohio State Penitentiary, 2014

**Interview between the American Civil Liberties Union
(ACLU) of Ohio and Siddique Abdullah Hasan,
a political prisoner (March 25th, 2014)**

ACLU: What are the most critical things you want the public to know about the Lucasville uprising?

HASAN: Contrary to the lies and half-truths the prosecutors told my jury, I did not mastermind the Lucasville uprising nor did I have anything to do with the prison guard murder nor the other charges fabricated against me in order to secure my conviction. It's a known fact that if you throw enough waste on the wall, some of it is bound to stick. This is exactly what happened to me. Please allow me to explain.

In the aftermath of the uprising, the State of Ohio was under enormous political pressure to both investigate the largest crime scene ever in Ohio and to bring to justice those responsible for certain violent crimes, especially the senseless murder of Corrections Officer Robert Vallandingham. If the truth must be told, the State was primarily interested in obtaining a swift conviction for the guard's murder, so much so that it was willing to cut corners and fabricate evidence. The political pressure became even more extremely intense after a local citizens' committee sought to ensure that indictments be handed down for Vallandingham's murder and that the perpetrators be put to death. This same committee also drafted a petition to then-Governor George Voinovich and to members of the Ohio State Legislature – in particular, to the President of the Ohio Senate and the Speaker of the Ohio House – calling on them to USE the Death Penalty! While this petition was drafted by citizens in Scioto County, the county in which the uprising happened, it was circulated throughout Ohio and was signed by more than 26,000 persons

When no prisoners initially came forward with any credible information pointing to the guard's killer or killers, the State capitulated to political pressure and decided to lay the blame at the doorsteps of the prisoner leaders and spokespersons. Because of my leadership position within the Islamic community, as well as the fact that it was the planned inoculation which inadvertently caused the uprising, I became the prime scapegoat and, by implication, the bogeyman who controlled what others did and the Islamic figure who the rest of the world can hate. As the prayer leader and spiritual head of the Sunni Muslims, I certainly had some level of influence over those people who practiced that faith. But, we were a distinct minority of the inmates in Lucasville and in the uprising area in particular. The vast majority of the inmates who stayed in the uprising (over 400) were completely beyond my ability to control and so I do not agree with the fact that I was a "leader" makes me morally responsible for the death

of a guard. The spokeswoman for the Ohio Department of Rehabilitation and Correction (ODRC), Tessa Unwin, who publicly provoked prisoners by calling their bluff to kill a guard if their demands were not met, has far more liability for his death than I do. Nonetheless, I was a perfect target and the investigation was conducted in such a way that made me the focus of his murder, notwithstanding there is not a shred of physical evidence to support the preposterous assertion that I ordered his execution.

On the other hand, there is physical evidence showing that Special Prosecutor Mark Piepmeier, Sgt. Howard Hudson of the Ohio State Highway Patrol (OSHP), and my prosecuting attorneys – Richard Gibson and Gerald Krumpelbeck – knowingly conspired to make me the scapegoat for the guard’s murder. This assertion may sound far-fetched to someone standing on the sideline who doesn’t understand the political ambitions of opportunistic law-enforcement agents, but the proof is in the pudding.

To be more specific, there is tangible evidence that these agents solicited perjured testimonies from suspects that said I had chaired the meeting where an alleged order, or vote, came down for a guard to be murdered and that I was the ringleader of the uprising. There is an audiotape, however, which exonerates me of these preposterous allegations. It’s interesting to note that the audiotape in discussion has been dubbed “Tunnel Tape 61” and was used as the smoking gun to secure the convictions of other prisoners.

However, in a last minute ditch to secure my conviction, the State reneged on its promise to play this scientific piece of evidence, but only after my defense disclosed to the judge it was a “fake.” Keep in mind that during the course of my trial the prosecutors had already both authenticated and stipulated to the Court that Tunnel Tape 61 was a tape recording of a meeting among “inmate leaders” that was held just hours before the guard’s murder, but then they later tried to recant their own stipulation. Be as it may, the tape is spliced – that is, recordings of events which happened after the guard’s murder were skillfully blended with recordings of events which happened before his murder. This deliberate and diabolical scheme was concocted to make events appear to follow in a particular sequence when they in fact did not.

My observation was confirmed by Steve Cain, a forensic scientist who had over 30 years of experience in examining both audio and video tapes for the U.S. Department of Justice, the U.S. Attorney’s Office, the U.S. Secret Service and others. (Note: This is the same expert the Government had routinely used in authenticating the voices of Osama bin Laden and his second in command, Ayman al-Zawahiri.) So, plain and simple, the recantation was an ingenious maneuver to conceal an immeasurable governmental conspiracy. But, in spite of this spliced tape not being

played during my trial, it is still relevant because it shows several things. For starters, it shows the malicious intent of the investigators and prosecutors – that is, if they maliciously went to such breadth and length to fabricate this piece of evidence, one can only imagine how much more evidence they fabricated and/or how many inmates they coerced to lie in order to secure convictions. In fact, it's exactly what they did.

The testimony of Kenneth Law is a perfect example, where he admits in a second affidavit that prosecutors, including Prosecutor Breyer; Highway Patrol troopers, including Trooper McGough; and even his own lawyer, put tremendous pressure on him to lie on me, James Were and Alvin Jones, or else he would be sent to Death Row. Against his better judgment, while up against an avalanche of pressure and fear for his own life, Law opted to take the easy way out by falsely testifying.

Next, this sliced tape was used to refresh various witnesses' recollections and served as substantive evidence in my trial and subsequent convictions. A case in point is that of the testimony of Anthony Lavelle, the leader of the Black Gangster Disciples, who was the State's key witness to an alleged "second meeting" where a vote was allegedly taken to kill a guard. In Lavelle's initial interview with Special Prosecutor Doug Stead, he told Mr. Stead that there was only "one meeting" where there was a discussion about killing a guard if prisoners' demands were not met, and that that meeting took place on April 14, 1993. He also told Mr. Stead that there was supposed to be a "second meeting" to decide if inmates were to carry out their threat to kill a guard, but that meeting was never conducted. However, after Lavelle listened to the spliced audiotape which the State had provided him, he suddenly came to the realization that there was a "second meeting" that was held on the morning of April 15. It should come as no surprise when I tell you Lavelle's testimony coincided with the spliced tape in almost every respect

Finally, the affidavit of prisoner Gregory Durkin corroborates Lavelle's initial interview that there was no meeting on the morning of April 15. Equally important, Mr. Durkin's affidavit does not name me as one of the participants who were involved in the discussion to kill a guard. Thus, Lavelle's testimony, as well as the other witnesses who listened to the tape and subsequently testified against me, should be dismissed because their testimonies are based on a fabricated piece of evidence that falls under the "Fruit of the Poisonous Tree Doctrine." The U.S. Supreme Court not only held that the evidence obtained through unconstitutional police conduct must be suppressed, but also held that the fruits of illegally obtained evidence must be suppressed. Illegal fruits include not merely physical objects, statements of identifications, but witnesses at trial who are discovered because of the illegal police misconduct. But even if someone is skeptical to believe that the State would stoop so low in doctoring Tunnel Tape 61, we still have some of the following problems in my case:

- The State's key witness against me, Kenneth Law, who failed a polygraph and who the State believed to be the hands-on murderer of the guard has since recanted his lying testimony that I ordered the killing of Vallandingham.

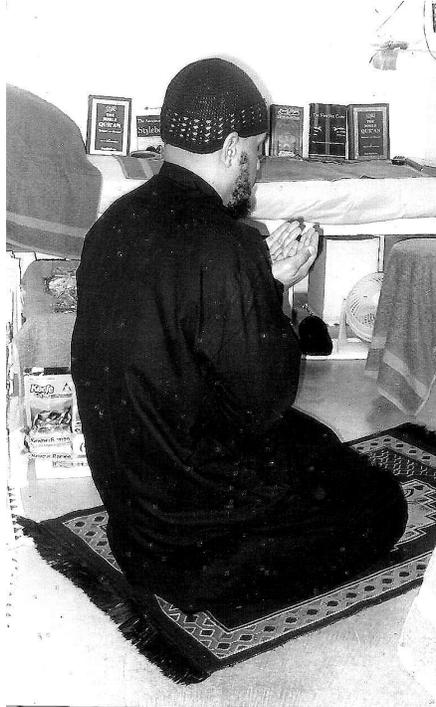
- The State had indicted Law for the capital murder and kidnapping of Vallandingham, and told his jury – in both opening and closing statements – he needed to be put to death for his actions. Law was found guilty of the kidnapping but received a hung jury on the capital offense. His lawyer, along with his prosecutors, informed him that if he did not agree to testify against me, Were and Jones, then he would be retried for capital murder. He agreed to testify to their conditions – that is, to the truth of his statement, and if he deviated from it or tried to absolve anyone from their involvement in the guard's murder, then his conditional plea agreement would be off the table. Mind you, this is the same statement they had believed to be a lie. How scandalous was this agreement? If they thought his statement was truth, then why did they try to put him on death row? On the other hand, if they thought his statement was a lie, then why am I on Death Row? Needless to say, they cannot have their cake and eat it, too.

- According to Law, he saw who and how Vallandingham was murdered. In brief, I supposedly gave an order to Were to kill a guard, and then Were gave it to two other prisoners. With his hands tied, two inmates put a 45-pound weight bar over the front part of Vallandingham's neck and then rocked back and forth like a seesaw until he died. When my lead counsel cross-examined the State's expert witness, Dr. Patrick M. Fardal, the chief forensic pathologist and deputy coroner for Franklin County, who had conducted nearly 4,000 autopsies, about Law's testimony, Dr. Fardal stated under oath that he could "state to a reasonable degree of medical certainty or scientific certainty that what [Law] described about the weight bar did not occur." Simply put, Law was telling a blatant lie.

- Inmate Rodger Snodgrass testified that I "chaired the meeting" where a vote or decision was made to kill a guard; however, Sgt. Howard Hudson, the lead investigator both during and after the uprising, has reluctantly conceded under oath that my voice is not heard on Tunnel Tape 61.

- In a recent interview with filmmaker Derrick Jones, Common Pleas Court Judge Daniel Hogan, a former prosecutor who successfully secured capital convictions against two men charged with Vallandingham's murder, said: "I don't know that we will ever know who hands-on killed the Corrections Officer Vallandingham." Well, that's not what he and his colleagues told our juries. In each case they named hands-on killers.

- During this same interview Judge Hogan also said: “The decision was made among the leaders of this riot [that] if the water wasn’t restored and if the electricity wasn’t turned back on, they were going to kill a guard.” If this decision was made by the “leaders” and then implemented, and I was not in this meeting, why am I on Death Row? Is being Muslim a capital crime in Ohio?



- The State’s case against me is premised upon bargained for, self-interested statements, by parties that deflected attention from themselves and on to others. My trial transcripts will reflect that at least five of the inmates that testified against me had committed crimes that made them eligible for the death penalty if convicted; however, by falsely testifying against me and others, they avoided the ultimate punishment: DEATH!

- The killing of Vallandingham was a rogue action. When a reporter asked Tessa Unwin about bed sheets prisoners had hung outside their windows with messages saying they will kill a guard if their demands were not met, she replied: “It’s a standard threat. It’s nothing new ‘we’re going to kill a hostage.’” Lavelle became extremely upset by her remarks and then took the liberty himself, in a rogue action, to have the officer executed.

- My trial judge, Fred J. Cartolano, a former prosecutor from the same office that was prosecuting my case, denied our “MOTION FOR APPOINTMENT OF EXPERT” to examine the original copy of Tunnel Tape 61. In fact, he denied several key motions of ours which directly assisted his former office in securing my convictions.

- The State solicited perjury and/or allowed to go uncorrected false,

damaging and misleading evidence and testimony of its witnesses that it knew or should have known was false, resulting in an unfair and unreliable trial result.

ACLU: How have you been affected by the uprising and your incarceration?

HASAN: At the time of the uprising I was one year to the parole board, but here I am (two decades later) still yearning for and fighting to regain my rightful freedom back into society before crossing the frontiers of this earthly journey. But, for the past 21 years I've been isolated and held under very special conditions, with virtually no human contact. This type of mental, physical and psychological torture and isolation have caused me to gradually withdraw more and more into my own private world. Be as it may, such isolation has not detoured me from lifting up my voice and pen to fight against ongoing oppressive prison conditions and policies.

Since death is the inevitable event for every living creature, I do not fear it because I've learned to come to terms with my pending mortality. So the thing that has affected me the most and has left a sour taste in my mouth is, the State of Ohio is trying – with prior calculation and design – to put me to death for a crime it knows I didn't commit. Like Sean Bell, Troy Anthony Davis, Oscar Grant, Trayvon Martin and many other poor Black men in this country, in the eyes of the State of Ohio, I'm just another “nigger” whose life is expendable. But, I remain unbowed and determined to expose the gross and quintessential miscarriage of justice in my case. Yet, I fully understand that I cannot do it alone and will need help from the outside community – that is, from good-hearted people who believe in true justice and will help me raise HELL!

Another thing which troubles me is, the prison authorities would not allow us to take an alternative TB test that wouldn't infringe on our religious belief, nor would they quarantine us until they could reach a diagnosis on whether we had been infected with TB or not. However, today, Ohio Department of Rehabilitation and Correction (ODRC), due to financial reasons, no longer provides TB testing [namely, the Mantoux tuberculin skin test] for those under its jurisdiction and control. As of November 2013, ODRC provides all its inmates with an eight-question written survey called “Confidential: Inmate Tuberculosis (TB) Symptom Screen.” If two or more of the symptoms are positive, “the screen is positive and the inmate must be evaluated by an ALP ASAP to rule out active TB, order chest x-ray & IGRA testing, and determine if isolation precautions are indicated.” Had ODRC adopted this screening test 21 years ago, it would have saved 10 lives and taxpayers \$68.6 million in direct cost for the uprising, and \$30 million annually for 904 prison guards hired to increase security statewide and \$65 million for its “supermax” prison built in Youngstown.

ACLU: What would you like people to know about you as a person?

HASAN: Though I've made mistakes during my adolescence and early adulthood, I've changed for the better. Experience and life lessons have taught me that we should learn from our mistakes and capitalize on them by becoming a better person and not exploiting our old ways of living. Prior to the Lucasville uprising, my time in prison was wisely spent re-educating myself and preparing for my re-entry back into society. To be more specific, I had acquired by GED diploma and had immediately enrolled in data processing and, later on, in college classes; became a member of the African Cultural Organization (formerly Black Culture Club) and, shortly thereafter, was appointed its public relations director; took up public speaking courses; initiated some stringent studies toward becoming a certified scholar in Islamic jurisprudence and Sufism (spiritual purification and enlightenment); and, finally, was working on an apprenticeship in masonry, plumbing and electrical wiring. In addition to my own academic, oratorical, religious and vocational pursuits, a portion of my time was spent providing academic, moral and spiritual training, purification and development to those prisoners who sought my tutelage. According to prison standards, I was a model prisoner and resided in the honor block at SOCF [Southern Ohio Correctional Facility].



ACLU: What do you think is the reason that you are being denied

in-person access to reporters and filmmakers who want to tell your story?

HASAN: The State has told the world that we are illiterate, incorrigible, unsympathetic and uncaring monsters that need to be confined in Ohio's "supermax" prison until we are put to death for alleged crimes we committed. By demonizing us in such a harsh manner, it has caused the vast majority of the public to not take an interest in our cases, cases which are a serious affront and travesty of justice. However, if we were granted on-camera access, the public would come into the realization that we are well-groomed, well-behaved, educated, and able to physically show how the State railroaded us. Moreover, we would be able to tangibly show the evidence they used to accomplish this. The job of the media is to explore important issues from all sides, right? Well, the State, prison guards, staff, and non-convicted inmates have all been given the opportunity to tell their stories. However, those convicted of riot-related crimes have not been given the same opportunity. To deny us this equal protection under the pretext of concern "regarding safety and security and the fear that [we] would thereby gain a disproportionate degree of notoriety and influence among [our] fellow inmates" is disingenuous and a blatant lie. If ODRC didn't want us in its state, they had the opportunity to transfer three of us out of state when we made the request in 1997 (via our attorney) to be transferred. Equally important, if they were really concerned about our influence over other inmates, why have we been housed around them for over two decades? The real reason is: the State wants to continue to conceal its wrongdoings that caused the uprising as well as its wrongdoings in fabricating evidence against us and coercing suspected inmates to commit perjury against us. Plain and simple.

Editor's Note:

Imam Hasan is looking for political support from concerned persons – professors, students, journalists, radio and news personalities, religious and community leaders, activists, etc. – who are ready, willing and able to help him build a movement to expose the gross miscarriage of justice in his case. To learn more about Imam Hasan's case, log onto www.lucasvilleamnesty.org and see his web pages at www.facebook.com/siddique.hasan and www.myspace.com/freesahasan



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