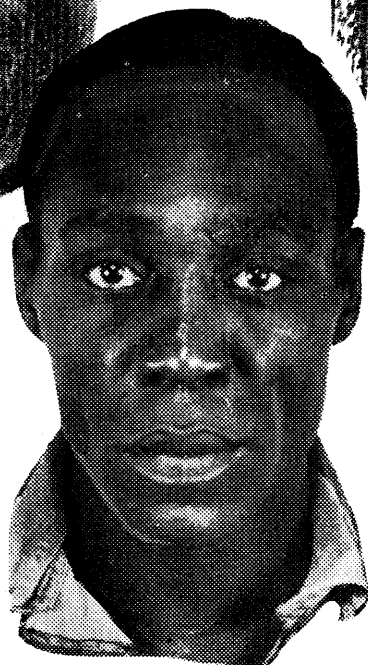


*my
name
is*

**WESLEY ROBERT
WELLS**



● 15 cents



*my
name
is*

**WESLEY ROBERT
WELLS**



● 15 cents

COVER:

One photo shows Wesley Robert Wells as he was when he entered San Quentin. The other shows him as he appears today.

James Curtis Bristol

**My Name
Is**

**Wesley
Robert
Wells**

Foreword by Buddy Green

All profit from the sale of this
pamphlet will be used for the defense of
Wesley Robert Wells

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PUBLISHER'S NOTE

This pamphlet was written by a man in death row at San Quentin prison, by a man who is condemned to die for throwing a cuspidor at a guard.

The story—sembled from letters and legal documents written during Wells' long sojourn in condemned row—is being published so that the public may know the true story of the man the governor of the state of California dismisses brusquely as "a five-time felon."

Wells' case is now on appeal before the U.S. Supreme Court on the ground he has been denied the "due process" of law guaranteed him by the U.S. Constitution. On these dramatic pages you will find the story of what it is like to be a Negro in the prison system of the supposedly enlightened state of California.

FOREWORD

I am one of the few persons San Quentin prison officials have permitted to visit Wesley Robert Wells since he was condemned to die nearly four years ago.

It was in April of 1950, that I interviewed him for The Daily People's World in the office of Associate Warden H. O. Teets.

After I was seated, Teets ordered guards to escort Wells down from death row where he had been for almost a thousand days.

While waiting, Teets attempted to give me his own version of Wells' character.

"You have never met Bob?" asked Teets.

"No," I answered.

"Well," said Teets, "he is quite sometimey. He's a mean man, but he can be good when he wants to be."

The door opened and in stepped Wells. He is tall, muscular, with friendly facial expressions. He looked at Teets and said, "Good morning, Warden," and turned and extended to me a very warm handshake.

After our interview was about 10 minutes old, Wells asked abruptly, "Mr. Green, are they (the prison officials) going to censor your notes before you leave?"

"I don't think so," I replied. "Why?"

After a moment of silence, he explained, "My being in the death lineup is peculiar.

"I am here not for what I did outside of prison, but inside. We inmates are not supposed to say anything about inmates or the administration unless it's favorable. My case is a conflict with the administration. So, if you think they are going to censor your notes, it might be a waste of time to take down what I've got to say."

"You speak your mind," I assured him. "Even if they take my notes, what you say will be still fresh in my memory and if it's okay with you, our paper will print it."

The above point is made to illustrate the strong, militant, unbreakable spirit the man has and to show why prison authorities are now trying to put him to death because they

could not subdue his great courage and determination to fight against prison jimcrow.

At one point during the interview, a Captain Rollins injected himself into our conversation, seeking some praise from Wells.

"You know I've always tried to be fair in giving out assignments to you colored boys, haven't I, Bob?" Rollins begged.

"Captain," replied Wells in a calm, relaxed voice, "it was nice of you to make cooks and porters of some of us, but we also want something on a little higher plane."

In reading Wells' own condensed life story on the following pages, you, the reader, will feel the touch of his tremendous strength and you will also get a glimpse of the real reason why prejudiced prison officials are now trying desperately to snuff out his life.

The Civil Rights Congress, which has been defending Wells, is to be commended for making this great story available to the public.

And Wells' attorneys, Charles R. Garry, C. K. Curtwright and Philip C. Wilkins, are due full credit for winning three stays of execution for Wells, one of which was secured just 13 hours before he was to be placed in the gas chamber.

Outstanding churchmen like Rev. F. D. Haynes and Rev. R. L. Turner, just to mention a few, have played no small part in Wells' case. Last, but by no means least, has been the role played by The Daily People's World. It was the first paper to print the truth about what was happening to Wells.

BUDDY GREEN

February, 1951.

CHAPTER I

My Record

My name is Wesley Robert Wells. I am a Negro, American citizen. My prison number is 24155. I am 42 years of age, six foot, 170 pounds, dark brown color, strong of body. I have been in prison since I was 19 with only a few months in the "free world outside" in 1941. Here is my record:

In 1921, when I was 12, I was sent to reform school in Los Angeles for two years, for stealing a car. When I was 16, I was sent to the Preston Reform School for doing the same thing. Paroled 18 months later, I was back in Preston again within 30 days for violation of parole.

Out for a few months, I was caught with stolen property, given one to five years' sentence, placed in San Quentin Prison in July, 1928, then transferred to Folsom Prison. In 1931, while in Folsom five months, I got into a "free for all." One of the prisoners died days later. I was tried, found guilty of manslaughter and sentenced to serve 10 additional years at Folsom.

In 1941 I was released on parole. Three months later I was back in Los Angeles jails for stealing a car. I was sent to Folsom for one to five years. In 1944, in another fight in prison, I was found guilty of possession of a knife. By law, I got an additional five years to life sentence. The Adult Authority, however, delayed in fixing the exact sentence.

In April of 1947, I was found guilty of throwing a cuspidor at a guard, who was injured. Under California law, I was sentenced to die.

The Supreme Court of California, in a four to three

decision, okayed the law and my death. I appealed, was turned down, then appealed to the U.S. Supreme Court. In the Supreme Court it was five to two, like the baseball scores. I was turned down again.

Thursday afternoon, January 27th, 1950, on my 870th day in Death Row, four guards came for me to take my "last walk." I had torn up old letters, given away personal effects and prepared myself to die.

I was escorted downstairs to the death cell, the "green room," as we call it. There was a mattress on the floor for a bed, and two strong headlights blazing down on me. Five feet away, two guards watched my every move. I prayed silently. I thought how cruel life really was—and yet how I wanted to "live." I wondered about death. I asked myself if this was the way my Creator ordained for me to die.

It was 6:45 on the clock. Warden Duffy came through the cell.

"Bob," he said, "I have some news for you."

"Good or bad, Warden?" I asked.

"Good," he answered, "you have been granted a stay of execution by Judge Goodman of the Federal Court, pending a decision on a writ of habeas corpus."

So I am still alive.

The judge said later he thought the Adult Authority, by refusing to set my sentence, had taken away my rights under the 14th Amendment to the Constitution, which says a state can't take life, liberty or property without due process of law.

The refusal of the Adult Authority to set my sentence had made me technically a lifer. (Under California law, a lifer who assaults a guard can be given the death penalty.)

I have spent almost all my life since a boy in prison. Besides court sentences, I have spent 1732 days in the dungeon or in solitary. Sometimes months and months have passed in the dungeon. I have seen neither daylight nor friend, eating only bread and water.

That is my record. I want to tell you the story behind that record.

CHAPTER II

My Story

Here is my story:

I don't ever remember my aunt, who raised me, buying me any shoes or clothes. I don't say she didn't, I just don't recall any incident like that. I sold papers on the corner and when I didn't get enough money there, I'd steal a little for shoes for me and my younger sister.

We were three kids, my older sister, Alzada, myself and little Charlene. We were born in Fort Worth, Texas, and my mother, Ada Pearl, left my father right after Charlene was born. My mother died of a sickness. I don't remember my father at all, because we were shipped to an uncle in Denver, Colorado, name of Thomas Henderson, a Baptist preacher. Then we were shipped to an aunt in Los Angeles, a tiny 100-pound woman, Henrietta Henderson. She had three kids of her own and no husband with her. So we three kids piled in and made it six kids in two rooms.

Many mornings on my way to school, not having had breakfast, or enough breakfast, I would eat my noon lunch. At suppertime, often when I wasn't earning enough from the papers, my aunt would raise cane if I ate what she considered too much. I have seen my little sis, many times, leave the table with a look of hunger on her face, for fear that my aunt would get on her if she ate any more. She, my little sis, was very shy and timid, as a child.

My aunt had a little place near Temple and Virgil in Los Angeles, right near a swamp. Sometimes the green stuff oozed into the room we all slept in.

It was my job to stake out the cow in the mornings, bring her in at night. Sometimes it took more time in the morning. My cousin would help me but we would get one whack from the school teacher for each minute we were late for school. So, when the cow was ornery, we would cut school.

The first time I ever stole anything was on the way to school with my cousin. We saw some keys sticking in a door. "Let's get those keys," he said. What we wanted them for, I don't know—but we took them. Somebody saw us and got the word to my aunt. We got whipped.

One time we were half an hour late for school. We saw two bikes and stole them, rode over to the aviation field to watch the airplanes. We were foolish enough to bring the bikes home that evening and hide them in the barn. We got another whipping for that, but my aunt was a little bittie lady—she couldn't hurt us kids. The louder we hollered, the sooner she quit. Then we'd laugh like the devil.

My aunt sometimes when she didn't have time to feed us managed to give my cousin and me two-bits to go to the show. Five cents carfare each way, ten cents for the show, a nickel for a hotdog. This particular time we had not eaten, and we were hungry. We bought two hotdogs and didn't have carfare to come home. My cousin and me snitched a Ford car. We got pinched for it.

We started to snitch cars for something to do—"for the fun of it"—the gang used to say. We never thought about it much. Then I got sent to reform school for two years.

When I got out, I was sent to live with an uncle.

At 15 I went to work for a cement contractor and then for a cleaning place. I had to leave school to earn money. My uncle was chauffeur for the factory boss at Wagner & Woodruff Fixture Company. He got me on there. I was washing windows and sweeping the floor. Some guy comes over and corrects me on washing. I said, "I'm doing my job right."

He said, "Don't you talk to me like that."

I said, "Why not?"

He said, "You say 'Sir' when you talk to me, because you're black and I'm white." I got mad and hit him. Then I got fired.

I got a scattering of odd jobs, but mostly four of us guys would snitch a car, snitch a box of potatoes, half for food and half for selling. A friend wanted me to box, but I would start to the gym and never get there.

I got one to five years at Quentin for having stolen clothing in my room.

CHAPTER III

San Quentin

I was scared when I got to Quentin in 1928. I'd heard how bad those convicts were. I wanted to "make it"—to get back out of prison. I figured the way to do it was to act like the next guy—talk as tough, be as tough.

I entered prison believing that if one could, one should fight fair—not to take unfair advantage of your opponent. If I was around and saw two or more men jump on one, I would take the side of the one man, regardless of the cause of the trouble.

I was on the handball court one afternoon just after I got to Quentin. "Hey you," some guy called me.

"What do you want?" I said.

"Come on, black boy, get off the court and let me play."

"Don't talk to me that way," I answered.

"Why you n—r, you ain't gonna do anything."

We got into a fight and I was brought to Captain Carpenter. I told him the man used that name. Carpenter said, "So what—that's what you are."

I got put into the hole—they call it "wrassling with the bear"—a dark, windowless place with no bed or toilet, just two buckets, a loaf of bread a day. I did a lot of thinking about how bad I wanted out. I swore I'd never get back any more.

I almost went crazy that 10 days. I'd been used to plenty of sports and activity. The boredom sitting there alone, talking to no person—my mind going back and forth from one wall to the other—nothing to do, nothing to see, nothing to listen to, one hot meal every three days.

I was thankful when I got out, blinking in the sun. But I had a lot to learn. Today, sitting in my cell and writing this, I can't say if I'd have acted different. I know this—I don't and never did want more than the next man—I just don't want to be pushed around. I never took it.

There was a lot of jimcrow stuff in Quentin in those days—just like there is now. Then you were continuously addressed as "n—r," you got the worst jobs, and if you objected, you were a marked number.

I'm not trying to apologize or justify those three years from 1928 to 1931. But I was young and held my head up. I didn't take no stuff from prisoner, stoolie, or guard. As a result, I got it bad. I got the strap, the rubber hose, the club, the curses. In three years, I spent 335 days in solitary or the black dungeon, sometimes months at a stretch.

CHAPTER IV

Folsom

I was transferred to Folsom Prison. Folsom is the maximum security prison, and the worst criminals are sent there. When I came in the fall of 1931, I was brought before Warden Larkin, the most vicious man I've ever met in my life. He said to me, "I see by your record that you're a tough n——r. Well, I'll have you eating out of my hand."

I said, "I address you civil, Warden, please do the same to me."

He said, "You black skunk, I'll talk to you like I please."

I said, "My name is Wells, please call me that."

He said, "You black n——r." Then he picked up a cane and smacked my shins. The assistant captain, Bill Ryan, grabbed a softball bat, which I claim he still has to this day, and walked to me, "I'll hit a home run," is what he said.

I just sat down and cried like a baby. I only had ten more months to go, but I knew I'd never make it.

I remember what a judge told me once in court. He said a prison is a world unto itself. The men have their schemes, plots, and counterplots. There are all kinds of things committed there, and all kinds of schemes. I say this not for apology, but because it is true. Prison is full of little cliques, and a man has to belong to one clique or another. Everything in prison is run by a clique, the gambling, the pools on baseball, the prison politics.

Well, I got into a fight between two cliques, Negro and white. A fellow inmate, a Negro by name of Emory Hudson, came to me for help to get some money owed him by New

York Red, a white prisoner in another clique. The upshot of it was a big "free for all." Headlight, me, Buck, New York Red and Hudson. Poor Hudson, who had asked me in the beginning to help him, got knifed.

I sat in solitary for three days, praying that Hudson wouldn't die. He did—and when the guard told me, something passed out of my brain.

I was the man of all of us who got prosecuted. I was given ten more years for manslaughter.

I tried to assume a more wholesome outlook on life. I tried to settle down in Folsom, and get an education. I no longer wanted to be "tough" because that attitude just did not pay. I made every effort to live down my reputation, but it seemed the die was cast. If I'd cowered my head and kissed feet, I might have gotten along. Nobody thought of rehabilitation in those days, and I couldn't hold myself in when I got the dirty end of the stick.

I was in the "hole" one February night in 1933, with another inmate. We were caught tapping on the wall, our only way of talking to inmates in the next hole. The guard came in and took away our clothes and the one mattress, leaving us there naked. For 24 hours, we had no clothes, blankets, bread or water.

We decided to call the guard and start a fight—so that we'd go to the hospital and at least get warm. We shouted for the guard and he finally came. To our surprise, he opened the steel door and threw some clothes in.

I dressed and stepped out. Then I saw the gun guard and the Captain watching. "What's wrong?" I asked.

"Nothing," the guard told me. "We're going to take you down to Twelve Posts and have you rest awhile."

"Is that necessary?" I said.

"Well—it'll do you some good," the guard said. He was 6 foot 6 inches and weighed 240 pounds. He put handcuffs on me and slid my belt through my waist and hands, so I couldn't hold my hands up.

Then the Warden came out and suddenly whipped his hand across my face. I lost my balance and went down.

"You think you're as good as a white man, don't you?" the Warden yelled at me. I got to my feet, and he booted me. I lost my slipper and my balance and tumbled down the steps. They followed me, kicking and pushing at me with their canes

until I got to Twelve Posts, which is a stone cell under a guard post. It was also called "whipping post."

Inside the cell with Larkin on one side of me, the lieutenant on the other, the gun guard in front with a machine gun trained at me—they let go.

Larkin used a softball bat and laid it down on me. He and the lieutenant beat me soft, across the shoulders, the legs, the belly, the head.

Larkin beat me until he got tired, "Why don't you say something, you black skunk," he yelled.

Finally, I cried, "For Crissakes, man! What's wrong with you."

Then Larkin stopped. "See—you ain't so tough," he said. "Now I'm going to leave you, but I don't want you to say another word to anyone comes around here."

For four days, I lay on the cold stone, bleeding, sore. I got a cup of water and a loaf of bread stuck through the iron door, once a day. On the fourth day, I heard a voice whispering at the slot, "Hey man—you want a cigarette—answer up!"

I recognized Larkin's voice. I said nothing. He tried to imitate a Negro accent again, but I was quiet. Then he came in the cell, stood over me and said, "Why don't you get bad—you ain't so tough. Go ahead, start something, black boy."

I looked at him for a long time and started to laugh.

"What's so funny?" says he.

I said, "Here's a man with a big pistol standing over me—me, sore and half starved to death after four days in this hole—you ask me why I don't get tough! That's a laugh."

Warden Larkin left me there for four months.

CHAPTER V

Parole

My heart was full of defiance and fatalism as the months and years passed.

It was a habit for the guards to shoot at inmates as a warning, or for fun. They shot close to our bodies, from the walls and towers.

I was standing in the yard when a bullet whistled past my ear and struck the ground in front of me. From a window, a guard shouted at me, "Get back into that line."

I stepped back in line, but not before the head guard, Bill Ryan, saw what happened. He came over with two others, Tommy Thompson and John Salberg. Thompson grabbed my arm and twisted it. I cursed him. Pushing me in front of him, Thompson moved me off to the "back alley," a row of unused stone buildings at the prison. They kept goosing me and pushing me with their canes. Arm twisted off or not—I swung around at Thompson and hit him.

The three guards came at me. They backed me against a sand pile. Ryan grabbed a shovel and came for me. I shoved my head out—"Go ahead and hit it," I cried, "hit it and kill me!"

But Ryan laughed and just told Thompson to lock me up in the hole. Later that night, the warden came by on inspection. He was a new man, C. J. Plummer. "What are you in there for?" he asked me.

"Not a thing," I said.

"That's a lie," Bill Ryan said.

Plummer let Ryan and me argue it out. I insisted the guard who fired the bullet at me be called. Plummer called him to the hole and kept asking him why he shot at me. All the guard, name of Strong, could say was, "I got a tough time in the bullring taking care of so many men. That's the easiest thing to do."

Warden Plummer had me released. I know if he had not come to Folsom, I would never have left there alive. One day he told me, "You've been tough enough to buck them all these years. You ought to be tough enough to straighten up and get out."

But it was hard. Folsom was divided into two groups, those with Plummer and those with Bill Ryan. Because Plummer took an interest in me—I got worse and worse treatment from the guards and inmates on Ryan's side of the fence.

Thanks to Warden Plummer, some of my good time was restored to me, and on January 28, 1941, I was freed on parole. The Warden talked to me man to man. "Old Bob," he said, "you're going out to Los Angeles. Don't go on that avenue and think you're bad—we got some tough n——rs down there."

I squirmed, "You know I don't like that word."

Plummer laughed at me, wished me good luck.

CHAPTER VI

Freedom

Freedom! After thirteen years, freedom! I stood on the corner at Folsom and waited for a bus.

That evening, on the bus from Sacramento to Los Angeles, I looked up at the stars. Each time the bus stopped, I stepped down, took a deep breath and looked up at the sky. The stars were very bright.

I got out in Pasadena and hurried towards the apartment my sis, Charlene, had taken when I finally wrote her I was coming out. She had come from Denver to be closer for the great day.

The neon signs made my eyes blink and my head twist. I had never seen them before and I was afraid I would be hit by an auto as I crossed the main streets like a country boy. The stores and traffic lights and cars were so different I felt I was in a new world. I jumped up the steps of the little white house and knocked at the door. A girl opened the screen door and I threw my arms about her. She laughed, but pulled away. "I'm not Charlene," she said, "I'm her friend. Charlene is working, but she sent me over to cook a meal for you."

I thanked her, laughed, and refused the food. I wanted to wait for my sis. And Charlene came later. I didn't know

her. She was 13 when I left her. Now she was 26. Still shy, but so happy, she cried, "Wesley, Wesley, Wesley" on my shoulder.

Freedom! For a whole week I just lay around, forgetting the lineup, the balls, the standing on the back of the chow line for 'colored, the smell of prison. Then Charlene took me to some parties. It was a new world. I didn't know how to crease my hat, or the current way to fix my tie. I didn't know what to talk about or how to talk to outside people.

I had no money so I looked for a job. Prisoners had no social security so I had trouble there. At employment agencies I could give no trade for I had no training. I had no money to join the unions. I couldn't seem to interest an employer. I swore I'd do anything but shine shoes, wash dishes, or sweep floors. Months went by and I got panicky, because it appeared I didn't know how to get a job.

I was self-conscious and maybe I didn't look like I could handle a job—I don't know.

My sis and I talked it over, but got nowhere. My sis lost two jobs when she asked her employers to help me. She got a part-time maid's job, but one day said to me, "Brother, we're going to be short \$10.00 come Saturday rent time. Do you think you can help?"

All that week I looked and found nothing. Come Friday, after Charlene went to work, I just walked around the streets. I went into the stores, asking for errand-boy jobs, anything. Then I decided I'd snatch an old car and sell some parts. I saw an old Chevy, got into it, drove it off.

I froze up. I pulled the car to the curb, got out, and ran away. I came home. I cooked for Charlene. We had supper. She didn't say much. I kept thinking—she's down because she's spending on me—I'm the cause. After dishes, I said I was going to bed. I went inside and slept a couple hours. I woke with the worry of the money across my eyes. I'll take the battery, I figured. That'll get me \$10.00.

I got up, dressed, went out to the street, where the Chevy was. I swear I stood on that corner fifteen minutes before I could move myself to the car. I opened the door—and two cops grabbed me. They had been staked out, waiting.

Down at the Los Angeles jail, it seemed they knew about me from Folsom. They took me to "Siberia," a back cell, and chained me to a bedpost. They kept me there for three days

before they took me to court. Next night the deputies took me back. I refused to go. Three of them beat me unconscious with their clubs—chained me again. I woke up at midnight—and pleaded for water. A guard came and unlocked me. I cried not to be left there. Six of those cursing fools came at me. I was mad and I took them on. I'm not bragging when I say I laid the six of them out—even though I went blank from the pain.

Next day, chained to a wheelchair, I was taken to Judge Scott's court. I was called "a wild animal" but I told the Judge what happened and I asked him for work on a road camp, where I could do a job and be treated decent.

The prosecuting attorney said I "was an anti-social criminal at heart" and "thought the world owed me a living."

I told the judge this wasn't true, that if I had an opportunity to fit in somewhere—I could make good. The Judge was favorable to me—matter of fact, he told me to stay in touch with him by letters—but he had no choice. I got one to five years, was shipped to Quentin and although I pleaded with Warden Duffy for a road camp job—the next day I was sent back to dread Folsom.

CHAPTER VII

My Toughest Jam

Warden Plummer said to me, "Why didn't you make good out there?"

I thought. And then I said to the Warden, "Just let me learn a trade up here, please, Warden! Any trade—and I swear you'll never see me again."

The Warden agreed. The war had broken out and he had war contracts to get out. I asked for the welding shop. He called, and I was right there in the office. He called Shappell, the man in charge.

"Will you take Wells down there?" I heard him ask. He listened, hung up, and said to me quietly, "Shappell thinks it'll

disrupt work to bring a Negro down there. They're all white workers."

I asked, "How about the Trade Department?"

The Warden called Glenn Henry. He got the same answer—no colored wanted there.

"Warden," I said, "ain't we all supposed to be in this war?"

The Warden said he'd try to work something out. Weeks passed and I waited. Finally I got my assignment, "making little ones out of big ones"—the rock pile.

I refused to go. I said, "If I'm going to work, it's going to benefit me or my country—but I'm not going to bust rocks up like an ignorant fool!"

They didn't assign me anywhere. I just hung around the yard, moving from one clique to another, wanting desperately to do something that would have some meaning, rather than just hang around. The word went out again that I was bucking the whole prison—the dangerous "wild animal," who wouldn't obey rules.

One afternoon, about an hour after lunch, one of the inmates swarmed on top of me. I beat him off, while a guard watched eight feet away. I got nine knife wounds, in my shoulder, arms, and groin. I almost died. The guard did nothing but grin.

The man who attacked me was promoted to Quentin and soon after got his parole. With a surgical clamp in my belly, I was thrown into solitary. It was me, me, me, they were after. From August 26, 1942, I stayed in solitary until March 3, 1943.

They were short of manpower to get planting and harvesting done outside the prison. I pleaded with the Warden to give me a crack at it. He did. For a whole year I stayed out of trouble. I had a job and I was doing something that counted.

I got to playing the trumpet too—and when the harvest was done, I was good enough to make the prison orchestra, not the white one—the jimcrow band. My good record, I was told, might get me a parole soon, in two months.

I was playing handball one day with an inmate named Brown. He said the game was over at 11 points, I said 21. We argued. He blew his top and cussed at me. I walked away.

I heard through the grapevine he was gunning for me, so I avoided him.

On August 15, 1944, coming into the messhall, I was told Brown had gotten a butcher knife and was waiting for me inside.

A friend slipped me a knife that I put in my trumpet case. Inside, Brown had gotten two buckets of scalding hot water and was waiting for me.

I backed away from him, telling him we were headed for trouble, and I was up for parole and didn't want to mix.

I stalled him for ten minutes, trying to talk him out of it. But he kept coming and moving at me with his knife. I used my coat like a bullring cloth to head him off. I cut him once—believe me, I could have cut him 20 times. The guard came over after I had kicked Brown's knife from his hand. The guard asked me for my knife, but remembering what had happened to me last time I was defenseless—I said, "You get his knife out of the way and bring us to the Captain. I'll give him my knife." And that's what I did.

At my trial, I pleaded not guilty—possession of a knife only in self-defense. I was found guilty of possessing a knife.

All right—so I was guilty? But of what? Of outwitting my opponent? But when a man comes at you with a butcher knife—do you think merely of getting a butcher's knife the exact size as his—or do you think of getting that knife away from him by any and as many means as possible?

I was my own lawyer in that trial and took this great chance because I believed I was just and right. I lost. It was small consolation to me that the Judge realized I was not a "depraved, dangerous animal." Anyway, for the record, this is what he said to me in court:

"There was some justification, in a way, if you can say there could ever be justification (for my act) . . . if this defendant had exercised the same amount of skill and intelligence and ingenuity, and thought, that he exercised during this trial, and even when he committed this crime, he would probably be quite an influential man on the outside. He could have acquired any position that he desired. . . ."

The automatic sentence by law is "not less than five years and not more than life," but the Judge advised leniency. Just a month more for parole, and here I got it again.

Did Brown get tried? Did he get sentenced for having a

knife? He was freed from Folsom on parole, a few months later.

I filed an appeal of my sentence, but the day the trial was over. I got brought back to Folsom. Into solitary I went, indefinitely. Bread and water, by myself, no work, no mail, no nothing.

CHAPTER VIII

The Cuspidor

I sat down and wrote a letter to the Adult Authority, which is a group of men in charge of fixing the sentences and kind of running things. I wrote, "The trouble that I had in August is perhaps known to you. I have been unjustly prosecuted and am being unjustly treated in being confined in solitary.

"I feel I was absolutely justified in what I did. However, I shall do my best to survive, if only given the chance. Gentlemen, I humbly beseech of you that chance. I would highly appreciate it, if the Authority would assist me to rehabilitate myself. I feel that there is good in me, that I can, and will make good, if I can interest someone in my welfare. I still have confidence in myself, prison has not caused me to be bitter towards society; all that I ask is a chance to earn an honest living when I am free. I do not believe that I was meant to be an utter failure. I ask of you, Gentleman, to grant me a transfer to San Quentin, where I can do my time with a job, for Warden Duffy promised me that. I will be free of the mental strain that I've labored under in this prison.

"Due to my past record at Folsom, and to the prevalent sentiment, it is inconceivable that I can live a normal prison life, with no serious trouble here."

They kept me in solitary. The months passed. I thought I'd go out of my brain. I got no answer from the Adult Authority. Unable to work on my court appeal, it was turned down. I was allowed no mail in—I felt cut off from all living people, from the world.

The rules said I had to shave every day. For what? What should I shave for? Who was looking at me but me? I got tossed into the dungeon, into that blackness, onto that cold stone—no food, no cigarettes. If you got caught tapping on the wall to an inmate on the other side—they turned the hose up and blasted you wet and dripping, and you froze.

I yelled one time for the guard until I thought my lungs would burst raw. "Lemme out! Lemme out a' here!" I yelled. The guard came, took his club and laid my eye open. But at least I got to the hospital, and saw some human life moving.

Then I heard about the letter. Mundt, who used to be with the old Adult Authority, now a state district attorney, wrote to the board that my sentence was not to be fixed, so that I'd be doing LIFE! He said there was a law that if a lifetermer committed an assault in prison, he could be put to death! Mundt said for sure I would commit an assault some day in the future and then they would have me!

I didn't believe it, but the grapevine came back that the letter was in the Adult Authority files. Now I knew why the Adult Authority hadn't fixed my sentence yet! They were stalling—waiting for me to get into trouble!

So here I was—in for LIFE! I haven't been sentenced for life by Judge or the jury. There is a lot of difference between the term "five years to life" and "life!"

Two years went by, two years of hell. I couldn't raise my hands without knowing—this is what they want. This is what they're waiting for. This is how they'll kill you. And I wanted to be out of prison so bad I didn't know what to do. The war was over and there were jobs and opportunities outside.

I couldn't take the dungeon any more. Part of me had gone away, slipped away. The needling, the giggling, the cursing, the swaggering of the guards over me—I couldn't hold it in. They had even kept me from playing in the colored band.

Brown, the guard, comes by at checkup time. He flashes his light in my face. I wake up. He's not supposed to do that. Rules say he flashes the light on my feet. I scream at him for it. I shout at the captain this guard is breaking the rules.

Brown puts charges in against me and here I have to go to the Warden's place to have the same people, who are punishing me—judge me. Brown breaks the rules, but I get the charge to be placed into the dungeon!

Dr. Day, the prison doctor, comes by with another doctor. They examine me and tell the guards to get me out of solitary—that I'm sick and need treatment—that I'm abnormal from fear and tension.

Nothing happens. Two days later I go down to that prison kangaroo court from solitary. I get in the room and Guard Brown starts twisting what happened. I want to talk and I'm told to wait my turn. But he's lying about it. They put me outside and it looks like the dungeon again. These three burly, beefy guards standing there and Brown coming by grinning at me.

I don't know whether they hit me or I grabbed the cuspidor first—but everything blew—arms, clubs, blood. Everything hit and I threw that cuspidor. I went out, down, clubbed unconscious.

CHAPTER IX

Death Row

The Court appointed me two lawyers, Philip C. Wilkins, and C. K. Curtwright. The first time I saw them, Warden Heinze had me locked on one side of a hallway, them on the other. He told Wilkins I was "a mad dog."

Once again it was Mundt trying my case, this time as the prosecuting attorney. He had to prove that I, with malice aforethought—figuring it out before—had assaulted the guard Brown, and, as he had written in his letter, the law made that a crime punishable by death for a life term.

He proved it. The strategy planned in 1944 came to pass.

My attorneys told the Judge and jury I had not thought this out before, that I was under mental strain and tension, that Brown was not hurt badly. The Judge would not let Dr. Day take the stand to prove my condition at the time I lost control of myself.

On August 29, 1947, I was sentenced to die in the gas chamber at San Quentin. I was sent to Death Row.

I wrote this letter then:

"Dear Mr. Wilkins: You will please forgive me for writing to you like this, but I felt a strong desire to write to someone; and after thinking over my few acquaintances, I decided to write to you.

"You will probably not be able to understand it, but I am glad to be here. After what I went through 'down below' (Folsom) I assure you, it is quite a treat to be here, even though this is 'condemned row.'

"I am supposed to be a 'hardened criminal,' but I feel such sorrow for some men here. They are so young and when they walk past, and one knows it is their last walk, and one can't do anything for them. Man, what I feel inside. . . ."

"It is my intention to broaden my mind, to read, and think on a more constructive plane. I have been trying to come to Quentin for five years. I can at least 'be myself' here, that is something that I haven't been able to do for quite some time."

I did what I told Mr. Wilkins I would do. I practiced my handwriting, never having had an education. I read Alexander Dumas and Sir Walter Scott, and more and more: I borrowed law books and studied the law, especially appellate laws, habeas corpus, and the Constitution.

My two lawyers stayed with the case, even though they got no money. From the law books, I copied cases aimed at showing the laws putting me to death were unjust and unconstitutional.

My lawyers appealed my case to the California Supreme Court, and after months of waiting, the court announced an amazing statement. Four to three they okayed the lower court. But all seven justices said the doctors should have been allowed to present evidence of my condition. However, the majority judges went on to say the evidence wasn't important enough to have changed the jury's mind. But that evidence had been my only defense. The lawyers had gotten two affidavits from members of the jury, saying, if they had heard the doctors—they would not have found me guilty at all.

Mr. Curtwright wrote me: "Mr. Wilkins and I are at a complete loss to understand the actions of the majority judges. First they said the lower court was wrong and they refused to reverse the decision. We will keep fighting."

I decided to write my own brief. A fellow inmate helped me. I worked hard at it, especially at the legal language.

On April 15, my attorney, Mr. Curtwright, wrote to me: "I have examined your habeas corpus application to the Supreme Court. I do not want to puff you up particularly, but I do want to say that I have read many briefs filed by attorneys of long standing and experience which do not compare with yours either in the logic of the argument or the appositeness of the authorities cited."

My brief was denied, but the information was no surprise to me. They were judging my character from the lies and misrepresentations of the case, that I was dangerous and it would be expedient to "get me out of circulation."

My execution was set for May 16, 1949, at 10 in the morning.

Mrs. Bass of The California Eagle newspaper had answered a last-ditch letter I had sent her. Her advice was to contact Reverend Haynes in San Francisco, which I did. Reverend Haynes listened to me, examined the records, and then told me his organization, the Ministerial Alliance, would advance the funds to send my case to the U.S. Supreme Court.

I wrote to Mr. Curtwright, who answered me: "Despite the fact that we have spent thousands of dollars in time from our own pocket, we will do everything to assist you. Mr. Wilkins and I will start to work immediately with Reverend Haynes."

Reverend Haynes got another lawyer, Charles Garry, of San Francisco, to come into the case. My execution was postponed by the U.S. Supreme Court when they took a memorandum under advisement.

October 20th, Mr. Curtwright wrote me: "The Clerk of the United States Supreme Court informs me our application for the Court to hear your case is denied. It is, of course, useless for me to tell you how disappointed I am . . . this decision disposes of anything further we can do. We have shot our bow. The only thing now available is an appeal for clemency to Governor Warren."

Governor Warren refused to change the sentence. He pointed to my record. I was "an incorrigible, dangerous man."

My execution was set for January 27, 1950.

I wrote to Mr. Garry. He had mentioned appealing to the federal courts, an unusual move. I said I was sure the state was taking my life in defiance of the 14th Amendment. I

urged him to file in the federal court—maybe they would see the state was doing wrong.

A few hours before my execution, Judge Goodman of the Federal District Court issued a stay of my sentence.

The Civil Rights Congress took up my case, and their Mr. Aubrey Grossman came to visit me, telling me that thousands of people were hearing my story and writing letters of protest to Governor Warren.

On Friday, March 31, Judge Goodman ruled:

“This court must conclude that in the true and historic sense the petitioner (Wells) was not accorded due process under the 14th Amendment, when the death penalty was adjudged against him.

“By deliberate and designed inactivity the administrative body, known as the Adult Authority of California, kept the petitioner in an indefinite status for the purpose of making it possible to impose the death penalty upon him . . . (the Adult Authority) may be called (overzealous) in an attempt to reach through the criminal process (and indeed to destroy) those whom they regard as undesirable citizens.”

CHAPTER X

Support Grows

On October 14, I wrote to Ida Rothstein, director of the San Francisco Civil Rights Congress, in part as follows:

“I assure you that it is really gratifying in these trying days to know that I have so many friends that are sensitive to my plight and are leaving no stones unturned to see that justice is done in my case—for which I am deeply grateful.

“Even though I do not think that Governor Warren will do anything for me, I want you, and all of you, to know that I appreciate your kind intentions and efforts just the same.

“Just why Governor Warren is so desirous of having me put to death is something I am unable to understand.

“I really do not believe I am the incorrigible, anti-social,

mad killer the governor and other agents of his office have taken great pains to portray.

"I make no pretensions to having been a model prisoner. . . . It might even be truthfully said that I have been mean, hard and perhaps, at one time or another, even savage.

"I've been forced to fight with every means available for survival. I have scars on my person I will take to my grave, that will testify to some of the brutal treatment I've received at the hands of both inmates and my prison keepers.

"And now, after many years of abuse, after many years of suffering, the governor says that I am incorrigible, that I am dangerous, that to commute my sentence to life imprisonment would be tantamount to condemning some guard or inmate to death.

"Now I ask, IF the governor is right, IF I am the mad dog he says, I ask this, 'How did I become that way—and why?'

"I certainly wasn't that way when I entered prison at the age of 19. . . . I am the result of what inhuman, brutal and ignorant treatment can do and cause."

CHAPTER XI

Solitary Again

Seventeen days after I wrote that letter, on October 31, I was back in solitary—charged with "inciting a riot."

(The San Francisco Examiner screamed on the morning of November 1, "Quentin Death Row Riot." The paper's story told about a sitdown strike by 13 death row convicts at San Quentin. Warden Duffy was quoted as identifying Wells as the "ringleader.")

There was no "riot." I was not, as Warden Duffy charged, the "ringleader."

(The men in death row, all accounts agree, sat down in their exercise area on the afternoon of October 31, and refused to return to their cells until Warden Duffy would discuss with them a series of long-standing grievances.)

When we failed to go to our cells, approximately 40

guards, armed with clubs, arrived on condemned row. On orders from Duffy, they entered the area where we were peacefully standing around and proceeded to club, drag, escort and carry the prisoners to their cells. The prisoners offered no physical resistance whatever.

Four of the guards attacked a prisoner named John Allen without apparent reason or provocation, clubbing him unconscious and inflicting head injuries that required 14 stitches to close.

I advised the prisoners, "Don't fight them! Don't fight back! Let them beat our heads in, but don't fight them."

They left me to the last. I called out to the other prisoners, "They are saving me for the last one. You know what that means!"

I heard the Warden give the order singling me out for special treatment. I sat down, folded my arms behind my back and told the guards, who were standing all around me:

"I know that you want to beat my head in and then say, 'He attacked a guard.' But I'm too smart for you. If you beat my head in, it will have to be without a cause, as I am not going to raise a hand."

"Alright, get him," said the warden. "Get him out of here!"

Whereupon the guards grabbed me and cruelly and brutally choked me unconscious. When I regained consciousness, the Warden said, "You are going on the other side." (Meaning the hole.)

My throat hurt terribly. I could hardly talk.

That night I suffered treatment equivalent to the Southern "sweat box." I will remember that evening as the most horrible night of my prison existence.

(Wells told his attorney, Charles Garry, he had nothing to gain by organizing such a demonstration but recalled he predicted when interviewed by The People's World last April that something like the demonstration would occur unless long-standing grievances were corrected. Once the demonstration was begun, however, he participated.)

(Wells was given 28 days in solitary confinement for his part in the sitdown. He was denied mail and other privileges. Upon his release from solitary he was isolated from the other prisoners in condemned row. He was still denied mail and visitors.)

It was not until Jan. 23 that I was finally taken to the prison hospital for an examination of my throat. The exam-

ining doctor, a throat specialist, told me I had sustained a permanent injury to my throat and larynx. He said the damage was irreparable and that my larynx would never regain its proper functioning.

I am not complaining at being punished for failing to go to my cell when told to do so, but I am questioning the legality of the punishment administered in consequence of that infraction.

This was what I said in a writ of habeas corpus, which I prepared myself (including typing) and had filed in Marin county superior court.

I say my punishment was a planned and designed act by the Warden calculated to embarrass and discredit my friends and to render their efforts on my behalf futile and ineffective.

It was designed to prejudice me in the eyes of the public in general, and the governor in particular, thereby prejudicing, if not nullifying altogether, any chance I may have had of getting executive clemency.

For, if I fail to get a reversal of my case in the courts, an appeal to the governor for executive clemency will be the only hope left.

To deny me clemency on my "record" is tantamount to depriving one of his freedom under the McCarran Law and other such "control" laws.

WELLS CAN BE SAVED

The words you have just read constitute one of the most powerful indictments ever written of a penal system that is the rule in most of the states of the U.S.

As a denunciation of jimcrow it must rank on par with "Scottsboro Boy."

The words Wells has written constitute not only a powerful plea for his own life but a major blow for the freedom of his people.

With the help of others Wells can be saved.

There are a number of ways in which you can help:

- You can write a letter to Governor Earl Warren in Sacramento demanding executive clemency for Wells and calling for an end to segregation and discrimination in California's penal system.
- You can write to Warden Clinton T. Duffy at San Quentin asking that Wells' privileges, including the right to receive mail and visitors, be restored.
- You can write to Richard McGee, state director of corrections, in Sacramento, asking the restoration of Wells' privileges as well as an end to segregation and discrimination in the prison system.
- You can write your state legislator urging him to support Assembly Bill 3284, by Assemblyman Robert L. Condon. This bill, now before the California Legislature, would make segregation and discrimination illegal in the state's penal system.

Wesley Robert Wells can and will be saved.

IDA ROTHSTEIN, Director,
San Francisco Civil Rights Congress.

You Can Help

Tear off this blank and mail it today to:

San Francisco Chapter
CIVIL RIGHTS CONGRESS
228 McAllister Street
San Francisco, California
Phone - UNderhill 1-3184

Send me free of charge a card prepared by CRC legal staff explaining my legal rights in case of arrest, subpoena or search of my home.....

Send me without obligation more information about the work of the Civil Rights Congress.....

I would like to become a member of the Civil Rights Congress. Enclosed is \$1 for a year's membership....

Please send me additional copies of "My Name Is Wesley Robert Wells" at 15c per copy. Enclosed find.....

NAME.....
(Please print)

STREET ADDRESS.....

CITY..... STATE.....

His courage is beyond belief

On Oct. 16, 1950, a delegation of church, union and civic leaders met with California's governor, Earl Warren, in Sacramento to plead for executive clemency in the case of Wesley Robert Wells.

The governor attacked Civil Rights Congress sponsorship of the delegation. He charged CRC "is merely using Wells as an instrument to try and commit sabotage of our courts and institutions." He refused the plea for clemency.

Members of the delegation were moved to anger, but few more eloquently than Rev. R. L. Turner, pastor of San Francisco's Pleasant Hill Baptist church.

"We're non-partisan on matters on this kind. I don't care who he is, if he's fighting to save a life," he told the governor, "I'll fight with him. If I'm under a cloud by doing this, I'll come again if someone else is in such trouble.

"If you could see the knife wounds in his body, you'd know, governor, that he represents the very personality of one that has been imposed upon for 22 years and is the victim of butchery."

Now Rev. Turner has hailed the publication of this pamphlet as a significant step in the fight to save Wells' life. In a special statement to the San Francisco Civil Rights Congress, he declared:

"For the past two years I have studied the conditions surrounding the years of imprisonment of Wesley Robert Wells, and I say Wells has been handled by and under the most inhuman torture that could be attributed to the vilest of men.

"His courage is beyond belief. His head is bloody but unbowed. My prayer is that his life will be spared."

If you are interested in this, and other, civil rights cases, contact the San Francisco Civil Rights Congress, 228 McAllister Street, San Francisco.