

SKATZES/LUCASVILLE 5 SUPPORT BULLETIN NO. 19. Mar. 1999

(Every drama has its climax: the moment to which everything that has gone before is prelude, the moment after which all that occurs is the unraveling of what has gone before.

In the Lucasville rebellion, that climactic moment was the morning of Thursday, April 15. Correctional Officer Robert Vallandingham was killed at about 11 o'clock that morning.

George Skatzes was one of the prisoners later found to be guilty of the aggravated murder of Robert Vallandingham. In Skatzes' case, the first reason given was his presence at a meeting of leaders of the rebellion that occurred between 8:07 and 8:52 a.m. on the morning of April 15 at which prisoners supposedly voted to kill a hostage guard. The second reason had to do with certain statements that Skatzes made as a telephone negotiator between the end of the "vote" meeting and the moment just after 11 a.m. when prisoners carried Officer Vallandingham's body onto the yard.

Apart from the testimony of other prisoners who had entered into plea bargains, the only evidence for the so-called "vote" meeting is Tunnel Tape 61. The tunnel tapes were recorded by the authorities from listening posts in the tunnels running underneath the cells. A transcript of Tunnel Tape 61 was admitted into evidence in the trials of Jason Robb and George Skatzes.

Tunnel Tape 61 is extremely fragmentary. After Skatzes was found guilty, a forensics technology expert hired by the defense for A. S. Hasan concluded that Tunnel Tape 61 exhibits "a number of anomalies (suspicious record events)." But the trial judge in Hasan's case denied the defense request for further expert services, and the prosecution did not pursue the admission of Tunnel Tape 61 into evidence.

Even if we take at face value the transcript of Tunnel Tape 61 that the State introduced into evidence at the Robb and Skatzes trials, the transcript does not show what the government contended. The State tried to prove that this tape recorded a vote to kill a hostage. In fact, although killing a guard was discussed, the tape records a decision only about what the prisoners' demands should be in their ongoing negotiations with prison officials. Except as indicated, all the words spoken in the following dialogue are taken from the State transcript of Tunnel Tape 61.

Scene 5 begins in center stage, the area from which George Skatzes conducted telephone negotiations in Scene 4. The

telephone and the table on which it sits are clearly visible throughout the following discussion, at the edge of the meeting area, for the moment unused. As Scene 5 begins about a dozen prisoners, black and white, sit in a semi-circle facing the audience. They are seated on beat-up chairs, an overturned file cabinet, and other makeshift furniture.

The electricity is still off. A candle on the floor in the middle of the meeting space sheds a dim light.)

FIRST PRISONER (a Black Muslim): The only thing I care about is dying right. You guys, everyone's in on it. This is what we got to come together for. Now if we come together, come together, and be real strong brothers sustained, we can achieve something.

SECOND PRISONER (a Black Muslim who chairs the meeting): When I said that I would ask for a show of hands, I want to hear a voice.

When we leave up out of here this morning, let's have this established. All three things.

(The phone rings. No one pays attention.)

Let us tell them: water, electricity, turn it back on; people up underneath this basement out from down there.

Let this be our first format. Do this as good faith for the well being of your officers. Turn on the lights and water and get your police out from underneath these tunnels.

(Many people talk at once.)

We ain't asking for nothing else today but for the water, lights, and power, and the people down there get out from in there. This is what negotiations is now. You can do this as good faith for all your officers in here. They suffering just like we suffering. Okay. We ain't going to mention the news media if at all possible, we ain't going to mention that, okay. First of all we want what we had when we started, plain and simple.

I want to know if we all in accord that when we go out here in this phone, whoever does this, I got no problem with George talking on the phone or somebody else can talk on the phone or myself use the phone, but I want to know is this the format here. We ain't talking about the media, we ain't talking about

high ranking FBI official now. We want what we started with: lights, water, people out from in that tunnel, out from down there. If they don't comply with this here, we will resort to drastic measures.²⁷

I want a show of hands. This is what we going out with today. Let that stand for negotiating. Ain't nothing else to talk about.

FIRST PRISONER: Give us back respect. Give us back what we had.

GEORGE SKATZES: Let me say this. That's exactly the way I left it with them, exactly what we're saying right now. That was my conversation. They wanted hostages [and I said we're] not giving you nothing for this electricity and this water.

THIRD PRISONER (a representative of the Black Gangster Disciples): We want what we said. The media, we'll hold off on that. The FBI, we'll hold off on that. We want the lights and the power. That's it.

FIRST PRISONER: George, you get on there, say that there. Say, from this point on we turn it over to the hardliners. There will be no more conversation. Everyone's lives are in Allah's hands.

FOURTH PRISONER: It's gonna be after this, [if they don't turn on the water] then we kill one of them.

FIFTH PRISONER: We want our lights, or we're talking

²⁷It will be recalled that on Tuesday, April 13, prisoner negotiator James Bell emphasized access to a high-ranking official, while prisoner negotiator George Skatzes demanded that the water and electricity be turned back on. Further, on Wednesday, April 14, Skatzes had worked out a plan with prison negotiator Dave Burchett whereby the prisoners were to release two hostages in exchange for the opportunity to speak to the media. SECOND PRISONER is asking the leadership group, including Bell and Skatzes, to set aside the first and third negotiating postures for the time being, and to return to what George Skatzes had demanded when he first spoke on the telephone.

killing.

FIRST PRISONER: We give a certain time. If it's not on in a certain time, that's when a body goes out.

GEORGE SKATZES: We are running into a lot of problems here. Look brothers, I'm with you, you know, but before we do this, we had better give it a lot of thought. Because once you kill a correctional officer, it is going to change the whole ball game.

We right now are at the point where we can go over there, and we can have this live news media. Tell [the media] you got the water cut off, and let them start putting pressure on [the authorities] to turn that shit back on.²⁸

SECOND PRISONER: Okay. Hold it, hold it, can I say something?

I heard what you said. You said quote unquote get the media in here now. We will give two hostages, right? [I say,] give us all that back that we had and then we give a hostage: one hostage, ONE HOSTAGE.

GEORGE SKATZES: Now we're stepping backwards.

(Many talking.)

SECOND PRISONER: Okay. Let me finish. Hold on, hold on, let me finish.

I'm gonna go on and get this out. We all men. I'm gonna say this right now because I'm not the type person that likes to pull punches, because we all men.

You negotiated two. Ain't none of us in here that ever

²⁸The two sentences beginning "Look, brothers," are drawn from the trial testimony of prosecution witness Roger Snodgrass. Snodgrass stated: "In other words, he was trying to, I think he was trying to dissuade them or make them think of another alternative. . . . The only one that actually spoke up anything to the contrary [of killing a guard] was Mr. Skatzes." Skatzes trial transcript, pp. 4435-4437.

In his notes on the transcript, Skatzes comments: "I am arguing for the news media, and having the pressure put on the State in that fashion, not by killing a guard."

said nothing about two. If we do anything to get the media to get these people to give back what they took, we will give them one hostage. We not giving no two or three.

GEORGE SKATZES: Night before last every one was in agreement with the two.

SIXTH PRISONER: No. no, never, never. Just one.

SEVENTH PRISONER (an Aryan Brother): We gave them too much already. They can only have one man because that's cutting us down.

THIRD PRISONER: One of these hostages is going to have to be sacrificed.

SECOND PRISONER: Say, can we move to close this up? Listen up: lights, water, peoples out from the tunnel.

(Sound of heavy equipment.)

The priority is you've got to get the light and water back on and the peoples out from in the tunnel.

SEVENTH PRISONER: That's non-negotiable.

SECOND PRISONER: That's non-negotiable. Let that be our agenda for the day: "The hardliners are came in effect now. We want back what you took. Once you do that then we going to the next phase."

THIRD PRISONER: [George] should be the first one to talk to them. We know that when they first get back they gonna say, "Well, we can't do this." [Then George should say,] "Okay. I have nothing else to do with it. The hardliners gonna take care of the situation now."

FIRST PRISONER: When you have talked to them, say, "From this point on we're turning it over to the hardliners."

EIGHTH PRISONER: We got that part but what kind of time frame?

FIRST PRISONER: At what point, if they refuse to give us .

. .

THIRD PRISONER: What should our next step be?

SECOND PRISONER: How long do we wait?

SEVENTH PRISONER: Well, we want some daylight left.

(Many talk at once.)

THIRD PRISONER: I'm just using this as a time frame. We give them until 2 o'clock to make their decision. Hang up the phone. Don't answer the phone until 2:00.

You must tell them through whoever is talking on the phone, it looks like it could be a good day for all of us, there is a possibility that we could end this soon.

SECOND PRISONER: Tell them the non-negotiable things. Tell them, "This is what is happening now, and the hardliners are coming and I don't know where I'm at."

We can sit down and come back in. We put the non-negotiable things up, then we come back with the time element that we give them to do it. George, go back in, talking about the hardliners came up with non-negotiable things. Then we going to set down and go over the time element, if they don't do these things. If they don't give us the non-negotiable things, we going with the time element, then we gonna kill them one. Then we open up negotiations again. I mean, is everybody in agreement on that?

(Everybody talking.)

See, we meet back after we put our non-negotiable things out.

(All rise and leave, except for Skatzes, who walks slowly over to the telephone table, and two hardliners -- one black, one white -- who stand with their backs to the audience, to make sure George does what he has been told to do.)²⁹

²⁹At George Skatzes' trial, Anthony Lavelle testified for the prosecution with regard to whether those present at the meeting decided to meet again before any one would be killed. Lavelle stated:

GEORGE SKATZES:³⁰ Two nights ago I laid down some demands for water and electricity.

DIRK PRICE: There is a safety issue.

GEORGE SKATZES: This is things my people have laid down.

It was about that George would make the demands known to the state and if demands weren't met, that we would be notified that they hadn't been met and the guys that was in charge of security in the institution on L side would come and get all the leaders of the group and let us know that the demands wasn't met. [Skatzes trial transcript, p. 3927; emphasis added.]

On cross examination, Skatzes' attorney asked Lavelle whether Lavelle himself had opposed killing a guard on April 15. Lavelle answered, Yes, but that he hadn't told any one during the meeting because there was going to be another meeting at which he could voice his opinion.

Q. [You] believed that the killing of a guard was a fruitless thing to do, correct?

A. Yes, sir.

Q. Who did you tell?

A. Once we spoke and said we was going to meet back up later on that afternoon, so far as I figured the subject was closed until we met back up, till we met up later on. [Skatzes trial transcript, pp. 4066-4067.]

³⁰Sources for the following telephone dialogue are as follows: A government document entitled "Time Line," which contains dialogue between George Skatzes and prison negotiator Dirk Price during the period 9:35 to 9:50 a.m.; notes on a conversation with a prisoner who was acting as security on the phones; Tunnel Tape 59, which covers the period 8:54 a.m. to 10:19 a.m. but is unintelligible except for a few words; Critical Incident Communications, pp. 281-288, which record fragmentary remarks by Skatzes between 10:04 and 10:19 a.m., and between 10:54 and 11:07 a.m.; and the official transcript of Negotiation Tape 6, which covers only a few minutes during the period between 10 and 10:30 a.m.

It's out of my hands. I am only one person.

DIRK PRICE: You have non-negotiable. I have non-negotiable. Explain to your people our position.

GEORGE SKATZES: If these things are not done we will have to take things in our hands.

DIRK PRICE: What do we get if we give you this?

GEORGE SKATZES: We will give you what we had last night. If it doesn't come down, the hard liners will come and be in charge.

DIRK PRICE: I have spent twelve hours working on the media for you.

GEORGE SKATZES: We did not ask you to take the power off.

DIRK PRICE: We did not ask you to take hostages.

GEORGE SKATZES: It's non-negotiable. That's the way it is.

DIRK PRICE: Shit George, you got to give us something.

GEORGE SKATZES: It's non-negotiable. I'm telling you. The law has been set down to me. If I can't get you people to give us something, the hardliners will take this and control this.

DIRK PRICE: We are concerned with safety.

GEORGE SKATZES: It's a safety hazard to be here in the dark and to be sitting here smelling this shit. There's no electric damage been done. Try it. Turn it on and see what happens.

ONE OF THE HARDLINERS: Tell them like 10:30, turn that shit on or there is a dead man out there.³¹

³¹Testimony of George Skatzes, Skatzes trial transcript, p. 5380.

GEORGE SKATZES: Get this clear and this is the bottom line. You have till 10:30 to get the lines on or you will have one dead hostage.

Again I stress to you, if you turn this on, you think you might electrocute somebody. You don't know if someone will get electrocuted or not. Fuck that. If you don't turn it on, it's a guaranteed murder.

DIRK PRICE: Now see, George, if I turn the electric on . .

GEORGE SKATZES: That's it.

DIRK PRICE: . . . I have to be responsible . . .

GEORGE SKATZES: No more.

DIRK PRICE: If they kill somebody . . .

GEORGE SKATZES: That's the end of it.

DIRK PRICE: . . . they have to answer to that.

GEORGE SKATZES: Do your thing. 10:30 or a dead man is out of here.

(According to Critical Incident Communications, p. 288, Skatzes was heard as follows by Officer Pence and should be half-heard in the same way by the audience: "10:54 a.m. Skatzes talking on phone. Appears to be negotiating with someone. Banging on door heard. 10:55. Skatzes still talking. Phone rings once while Skatzes talks. 11:05. Something about 5 minutes or 35 minutes. Other voices interfere with listening. [Skatzes says] 'Wasting valuable time.' 11:07 a.m. Skatzes still talking on phone."

Between 11:05 and 11:10 a.m. four prisoners drag a sheet containing the body of Officer Vallandingham off the stage and out onto the "yard," the area where the audience is seated, depositing the body in center aisle at the back of the hall.

Finally Skatzes seems to become aware of what has happened. He gets up slowly, leaves the telephone table, and walks uncertainly to stage L. There, on the bottom bunk of a bunk bed, are seated two of the hostage guards, Officers Ratcliff and Clark, blindfolded. According to Office Ratcliff's testimony,

Skatzes trial transcript, pp. 2353, 5157-5159, Skatzes "came in, he had his head down, he was rubbing his head.")

SKATZES: I can't believe this. I can't believe it happened. I think they really did a guard.

Boys, I don't know if we are ever going to make it out of here. I don't know if none of us is. They ain't listening. There's only one man who can help us through this, the man upstairs. Let's all hold hands and pray.

(According to Officer Clark's testimony, Skatzes trial transcript, p. 2353: "He came in and basically kneeled in front of me and Jeff [Ratcliff] and we sat there and prayed.")

End of Scene 5

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