

# Former Mass. corrections officer wins \$2.8M in discrimination case against state.

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A former corrections officer at the Shirley prison recently won \$2.8 million in a discrimination case against the Massachusetts Department of Corrections, which runs the state's prisons.

Smith was represented by [attorney Michael Shea](#). A spokesperson for the Department of Corrections did not immediately return a request for comment.

Smith worked at the prison for about 24.5 years and worked his way up to the rank of lieutenant before retiring in July 2015, a result of a [racially hostile environment](#) at the facility, according to court documents.

The “impetus” of the lawsuit came from a famous photo known as “The Soiling of Old Glory,” a photograph that won the 1977 Pulitzer Prize for its depiction of a white teenager assaulting a Black man during the Boston busing crisis, according to Shea.

“That (photograph) was the heart of the case,” Shea said on Friday. “It led him to say, ‘Enough is enough. I can’t take it anymore. I’ve got to complain.’”

Around Jan. 17, 2015, over Martin Luther King Day weekend — a holiday often referred to by white correctional officers as “James Earl Ray Day” — Smith found the photograph on a breakroom computer, according to Smith’s lawsuit. The reference is to the man who shot and killed the civil rights leader in 1968.

The event was the first in a series that escalated tensions among staff that Smith oversaw and concerns raised with his supervisors were mostly ignored, court filings show.

Shea said that, during the trial this month, a quote he often heard from Department of Corrections leadership was that it was the “wrong picture for the wrong day.”

“That was the theme of the case,” Shea said.

A few days later, Smith requested the superintendent send out a memo to correctional staff about “racial actions and/or comments and/or insensitivity,” according to court documents.

From then on, colleagues of Smith became confrontational and often showed disrespect.

Shea noted that the Shirley prison is the only level six prison in the state, meaning that it houses the “most violent, dangerous inmate population in Massachusetts.”

“They have to rely on each other,” Shea said of corrections officers. “If fellow co-workers don’t have your back, you are in very big trouble.”

He was called a “rat” and told he should “watch [my] back.”

Subordinates disrespected Smith openly and was told by one officer that he was “barely a lieutenant” in the presence of co-workers and inmates, according to the documents.

Smith repeatedly asked for help and protection during separate interviews with an investigator hired by the superintendent and with a member of internal affairs and a union steward.

“(Smith) stated that there was much tension among staff and that he feared that the tension would rise to the level of physical altercations among staff,” according to court documents.

In another instance, Smith walked into his office to find a caricature drawing of him pinned above his desk. The caricature was drawn to be thinking “This ain’t Concord!” — a reference to when Smith worked at Concord prison and lodged a complaint against the Department of Correction.

Corrections officers used name-calling and avoided or ignored Smith. In one instance, Smith was working as the shift second-in-command and a medical situation arose that he responded to. When he asked two lieutenants at the scene about who discovered the emergency, “neither lieutenant verbally responded and one rolled his eyes.”

“(Smith) felt humiliated in front of his co-workers,” the documents state.

Working at the prison became so unbearable that Smith decided to retire on July 2, 2015.

Shea described Smith as “very soft-spoken” who became very emotional at trial — “which I can’t blame him.”

Smith wept softly after the jury returned a verdict in his favor — “But crying happiness that it’s over and happy that he was vindicated,” Shea said.

The jury trial lasted from Oct. 10 to Oct. 20. The jury’s verdict in favor of Smith brought an end to the seven-year civil case last week.

## **Winning lawsuit sheds light on prison’s racism**

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The news photograph came to be known as “The Soiling of Old Glory” after it appeared on the front page of the Boston Herald American on

April 6, 1976. Stanley Forman's image showed a young white teenager, Joseph Rakes, swinging a metal pole at a black attorney and activist, Ted Landsmark.

The fabric of a U.S. flag gathered with the force of the windup.

Forman was covering a Boston protest of court-ordered desegregation. His photograph stopped time on a moment of open hatred in a city mired in racism.

Any white Bostonian with a conscience could not look away: Is America now a place of open street violence against Black citizens, as its glorious emblem nods yes?

Thirty-nine years later, the same image appeared on a screensaver in a breakroom at MCI-Shirley, a Massachusetts prison. Lt. Eric Smith, a Black man, had worked there for more than 24 years.

The message this time, displayed on the Rev. Martin Luther King Jr. Day in 2015, appeared to celebrate the Boston teen's violence.

That's how Smith saw it – in a place he claimed to have encountered stubborn resistance to equal treatment and acceptance.

For Smith, it was enough. He quit the following year and sued the Department of Corrections. This month, a jury in Middlesex Superior Court awarded Smith \$2.8 million after finding the department subjected him to a hostile work environment because of his race.

It took more than the display of Forman's photo on the King holiday, or evidence of 10 other racially charged photos, to persuade jurors. They heard that prison administrators refused to respond to Smith's pleas to counter open bias in the institution.

The lieutenant was later shut out of an event he'd attended for years – and saw that as retaliation.

It became a piece of the puzzle in this case. Smith was told “to not open up a can of worms by complaining about this decision,” court papers said.

Along the way to the verdict, Forman’s photograph, which won a Pulitzer Prize the following year, formed “the heart of the case,” said Smith’s attorney, Michael Shea.

Bias has a way of darting behind a corner, when claims reach courts.

Inside the prison, the King holiday was known by some corrections officers as “James Earl Ray Day,” a snickering reference to King’s assassin.

This jury saw beyond the feints. Forman’s photograph, one of the most famous visual documents of the civil rights movement, had been turned inside out – and the bias behind that twisted use exposed.

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