
Criminal Injustice in Louisiana Continues

THE CASE OF THE ANGOLA 3

Children all across our nation stand and pledge their allegiance to our flag which waves the promises of liberty and justice for all. Yet in countless communities, across America, our judicial system is being prejudiced by racial intolerance, leaving an indelible mark on the law.¹

A Call for Justice: On the heels of the historic interventions of the Judiciary Committee and the Congressional Black Caucus into the injustices in Jena, we support a full investigation into the case of the Angola 3 - three innocent men held in solitary confinement for over 3 decades for trying to speak out against inhumane treatment and racial segregation.

We believe that only by openly examining the failures and inequities of the criminal justice system in America can we restore integrity to that system.

The Situation:

37 years ago, deep in rural Louisiana, three young black men were silenced for trying to expose continued segregation, systematic corruption, and horrific abuse in the biggest prison in the US, an 18,000-acre former slave plantation called Angola.

Peaceful, non-violent protest in the form of hunger and work strikes organized by inmates, caught the attention of Louisiana's first black elected legislators and local media in the early 1970s². State legislative leaders, along with the administration of a newly-elected, reform-minded governor, called for investigations into a host of unconstitutional practices and the extraordinarily cruel and unusual treatment commonplace in the prison. In 1972 and 1973 prison officials, determined to put an end to outside scrutiny, charged Herman Wallace, Albert Woodfox, and Robert King with murders they did not commit and threw them into 6x9 foot cells in solitary confinement for nearly 36 years. Robert was freed in 2001, but Herman and Albert remain behind bars.

In July 2008 a Federal Judge overturned Albert Woodfox's conviction after a State Judicial Magistrate found his trial was unfair due to inadequate representation, prosecutorial misconduct, suppression of exculpatory evidence, and racial discrimination in the grand jury selection process. Sadly, despite this powerful recommendation, Louisiana prosecutors maintain that Albert should remain in Angola for the rest of his life.

Similarly, in November 2006, a State Judicial Commissioner took the rare step of issuing a 27-page report recommending the reversal of Herman Wallace's conviction because of new, compelling evidence exposing prosecutorial misconduct. After stalling for nearly a year, the local District Court issued a curt, two-sentence ruling rejecting the Commissioner's recommendation. In May 2008 the appellate court continued to ignore justice by refusing to hear the case in a 2-1 decision without any explanation. The one judge who dissented found the verdict should be overturned because Herman's constitutional rights were violated, but unsurprisingly the notoriously conservative Louisiana Supreme Court disagreed. The case is currently taking new life as a habeas petition in Federal Court in the same judicial process that led to Albert's conviction being overturned.

Despite a number of reforms achieved in the mid 70s in response to condemnations of the State of Louisiana's criminal justice system from all three branches of state government, many court officials have repeatedly refused to take a serious look at these cases, stubbornly sided with local prosecutors despite evidence of misconduct, and ignored constitutional safeguards requiring prison officials to hold meaningful, mandatory 90-day reviews to justify keeping inmates in solitary confinement for any extended period of time.³ In coming months a federal civil rights lawsuit goes to trial, detailing the decades of unconstitutionally cruel and unusual punishment endured by these innocent men.

1. July 26, 2007. "The Congressional Black Caucus Calls For Blind and Fair Justice In Jena Six Case" http://www.house.gov/apps/list/speech/mi13_kilpatrick/morenews/070726.html.
2. "Angola Prisoners Boycott Mess Hall," *Baton Rouge Sunday Advocate*, August 8, 1971. "Angola Inmate Protest Ended," *Baton Rouge State-Times*, August 13, 1971.
3. Magistrate Judge Docia L. Dalby, in a decision rebuffing the State's attempt to dismiss the civil case, describes the decades of solitary confinement of the Angola 3 as "**durations so far beyond the pale that this court has not found anything even remotely comparable in the annals of American jurisprudence.**"

Who:

Angola 3 – Herman Wallace & Albert Woodfox, who spent nearly 37 years in solitary and are still serving life sentences in Angola for the alleged murder of Brent Miller, a white correctional officer, in 1972; and Robert Wilkerson, who like Herman and Albert, was targeted for his activism, and then freed in 2001 after 29 years in solitary.

What:

Silenced for speaking out against horrific abuse in the Louisiana criminal justice system and thrown into solitary confinement where they remained for over 3 decades.

How:

Charged with murders they did not commit and convicted by all-white juries. Robert was released in 2001 after he successfully proved his innocence. Both Herman and Albert's cases are stuck in appeals, but new evidence proves their innocence:

- The star witness, Hezekiah Brown, was serving a natural life sentence for aggravated rape when prison officials promised they would help him obtain freedom and give him special favors in exchange for testifying against Herman and Albert. In addition to receiving his own house with a TV on prison grounds, money to pay for clemency ads, birthday cakes, and other luxuries, recent testimony from a prison guard confirms that Brown was also given a weekly carton of cigarettes, paid for and delivered by the State. True to their word, within weeks of Herman's conviction, the warden began a well-organized effort to obtain a pardon for Brown that eventually succeeded. Brown was released in 1986.⁴ Evidence of these significant promises was kept hidden for decades.
- Bloody fingerprints at the scene of the murder did not match any of inmates charged (and officials to this day refuse to check them against the prisoner fingerprint database to find the real killer).
- Both Herman and Albert have multiple alibi witnesses who came forward in their defense, with nothing to gain by testifying on their behalf.
- In contrast, prisoners who testified against Woodfox and Wallace have recanted their testimony and admitted they were coerced by prison officials to lie under oath.
- A Judicial Commissioner in 2006 recommended overturning Herman's conviction. She found that the trial was fundamentally unfair because Wallace was prevented from demonstrating to the jury Brown's motive for testifying.
- A Magistrate Judge in 2008 recommended overturning Albert's conviction finding that his trial also was unfair due to inadequate representation, prosecutorial misconduct, suppression of exculpatory evidence, and racial discrimination in the grand jury selection process.
- Even the widow of the correctional officer who was murdered says she believes Herman and Albert

did not do it and is urging the state and federal government to find her husband's real killer.

Why:

Targeted because they were organizing for humane treatment and to put an end to segregation in the prison.

- Herman, Albert, Robert and others routinely spoke out against injustice.
- Although not activists when arriving in prison, brutal, squalid conditions, and news of a growing civil rights movement on the outside, prompted the Angola 3 to form a Black Panther chapter behind bars.
- Prisoners organized a well publicized 6-day non-violent hunger strike in August of 1971 calling for an end to segregation, inadequate medical care, sexual slavery, armed inmate guards, and excessive (16 hours a day/ 6 days per week) work schedules.
- In response, Representative Dorothy Taylor, the only African-American member of the state legislature, took up the cause of prison reform, met with prisoners, and called for public hearings into conditions in the Louisiana penal system.
- As a result, one year later, Governor Edwin Edwards appointed a prison reformist as Director of the Department of Corrections.

Where:

A rural Louisiana prison known as Angola, "the Farm."

- 18,000 acre former slave plantation where, to this day, many prison officials and staff are directly descended from the families of original plantation owners and overseers who controlled the land generations before.
- More than three-quarters of the 5,000+ prisoners at Angola are African-American, and because Louisiana has some of the harshest sentencing practices in the country, 85% will die there.⁵
- In the 1970s Angola was still racially segregated and regarded by the Louisiana State Department of Corrections in its own official history as the "bloodiest prison in the south."⁶
- A gruesome system of sexual slavery, where new prisoners were openly bought and sold into submission, was sanctioned and facilitated by guards, as Warden Henderson admits in his own book.⁷
- Favored inmates were given state-issued weapons and ordered to enforce this brutal sexual slavery and other abusive and corrupt prison practices. From 1972 to 1975 this armed inmate guard system claimed the lives of 40 prisoners and seriously injured more than 350.
- Although reforms in the late 1970s reduced the workweek from 96 to 40 hours, and raised the minimum wage from 2 to 4 cents an hour, today inmates at the prison still make only 4 to 20 cents an hour harvesting soybeans, cotton, corn and wheat.

4. In his testimony at Woodfox's retrial, Warden Murray Henderson testified that he made an agreement with Brown while interrogating him about Miller's murder. He said that he explained to Brown that he would **help obtain a pardon** for Brown if Brown would help "crack the case." This promise was made before Brown testified. In a memo dated 4/7/78 from Warden Frank Blackburn to C. Paul Phelps, Secretary of Corrections, Blackburn wrote, **"As discussed with you, I would like to have issued to the above named inmate [Hezekiah Brown] one (1) carton of cigarettes per week. This, I feel, would partially fulfill commitments made to him in the past with respect to his testimony in the state's behalf in the Brent Miller murder case."** The memo also contains a handwritten response from C. Paul Phelps to Warden Blackburn on 4/25/78. Secretary Phelps states, "I concur. Warden Henderson made the original agreement with Brown... I think we should honor the agreement."

5. 1999 Academy Award nominated documentary "The Farm: Angola U.S.A.," directed by Jonathan Stack & Liz Garbus.

6. <http://www.corrections.state.la.us/lsp/history.htm>.

7. Butler, Anne, and C. Murray Henderson. *Dying to Tell*. Center for Louisiana Studies, 1992.