

**“Everything legal is not moral**

**Legality and morality are not friends...”**

—Robert Hillary King

ALBERT HERMAN ROBERT

“WE ARE FIGHTING FOR THE PEOPLE TO UNDERSTAND THAT WE WERE FRAMED FOR A MURDER THAT WE ARE TOTALLY AND COMPLETELY, AND ACTUALLY INNOCENT OF.”

—Herman Wallace

# Angola 3

## INNOCENCE IS NOT A CLAIM

### 38 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 elected leaders and local media in the early 1970s.<sup>1</sup> They soon called for investigations into a host of unconstitutional and extraordinarily inhumane practices commonplace in what was then the “bloodiest prison in the South.”<sup>2</sup> Eager to put an end to outside scrutiny, prison officials began punishing inmates they saw as troublemakers.

At the height of this unprecedented institutional chaos, Herman Wallace, Albert Woodfox, and Robert King were charged with murders they did not commit and thrown into 6x9 foot solitary cells.

Robert was released in 2001, but Herman and Albert remain in solitary, continuing to fight for their freedom.

Despite a number of reforms achieved in the mid-70s, many officials repeatedly ignore both evidence of misconduct, and of innocence.

The State’s case is riddled with inconsistencies, obfuscations, and missteps. A bloody print at the murder scene does not match Herman, Albert or anyone charged with the crime and was never compared with the limited number of other prisoners who had access to the dormitory on the day of the murder.

Potentially exculpatory DNA evidence has been “lost” by prison officials—including fingernail scrapings from the victim and barely visible “specks” of blood on clothing alleged to have been worn by Albert.

Both Herman and Albert had multiple alibi witnesses with nothing to gain who testified they were far away from the scene when the murder occurred.

In contrast, several State witnesses lied under oath

about rewards for their testimony. The prosecution’s star witness Hezekiah Brown told the jury: “Nobody promised me nothing.” But new evidence shows Hezekiah, a convicted serial rapist serving life, agreed to testify only in exchange for a pardon, a weekly carton of cigarettes, TV, birthday cakes, and other luxuries.

“Hezekiah was one you could put words in his mouth,” the Warden reminisced chillingly in an interview about the case years later.<sup>3</sup>

Even the widow of the victim after reviewing the evidence believes Herman and Albert’s trials were unfair, has grave doubts about their guilt, and is calling upon officials to find the real killer.<sup>3</sup>

In fact, Albert’s conviction has now been overturned twice by judges citing racial discrimination, prosecutorial misconduct, inadequate defense, and suppression of exculpatory evidence.

Sadly however, AEDPA-gutted habeas laws that limit federal power recently allowed the U.S. Court of Appeals to defer judgment to Louisiana, where seemingly vengeful prosecutors insist Albert is “the most dangerous person on the planet.”<sup>5</sup>

In spite of this setback, the validity of Albert’s conviction is again under Federal Court review due to apparent discrimination in the selection of a grand jury foreperson, an injustice that may finally set Albert free.

Although a State Judicial Commissioner similarly recommended reversing Herman’s conviction based on new, compelling evidence exposing prosecutorial misconduct and constitutional violations, the Louisiana Supreme Court denied his appeal without comment.

Undeterred, Herman has now turned to the Federal Courts to prove his innocence and win his freedom.

Meanwhile, Louisiana prison officials stubbornly refuse to release them from solitary because “there’s been no rehabilitation” from “practicing Black Pantherism.”<sup>4</sup>

▶ [Angola Prisoners Boycott Mess Hall](#), Baton Rouge Advocate, 8/8/71  
[Angola Inmate Protest Ended](#), Baton Rouge State-Times, 8/13/71 1

▶ [angolamuseum.org](#), History 2

▶ [www.inthelandofthefreefilm.com/trailer.aspx](#) 3

▶ Warden Cain Oct 08 Deposition; [solitary-watch.com/2010/06/22/court-reverses-appeal-of-angola-3-court-reverses-appeal-of-angola-3-albert-woodfox-no-end-in-sight-to-37-years-in-solitary-confinement/](#) 4

▶ NPR 2008 Series & [www.truth-out.org/article/slavery-haunts-americas-plantation-prisons](#) 5

Louisiana today has the highest incarceration rate in the US—thus the highest in the world. Three-fourths of the 5,000+ prisoners at Angola are African-American. And due to some of the harshest sentencing practices in the nation, 97% will die there.<sup>5</sup>

Reminiscent of a bygone era, inmates still harvest cotton, corn and wheat for 4 to 20 cents an hour under the watchful eye of armed guards on horseback.<sup>5</sup>

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.

We must not wait.

We can make a difference.

As the A3 did years before, now is the time to challenge injustice and demand that the innocent and wrongfully incarcerated be freed.

“My soul cries from all that I witnessed and endured. It does more than cry, it mourns continuously.”

—Robert Hillary King

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## Cruel and Unusual Punishment

challenging the inhumane and increasingly pervasive practice of long-term solitary confinement. Magistrate Judge Dalby describes their almost four decades of solitary as “durations so far beyond the pale” she could not find “anything even remotely comparable in the annals of American jurisprudence.” The case, expected to go to trial in 2011, will detail unconstitutionally cruel and unusual treatment and systematic due process violations at the hands of Louisiana officials.

Nearly a decade ago Herman, Albert and Robert filed a civil lawsuit chal-

# Guilty Until Proven Innocent

## The How, Where and Why of Two Wrongful Convictions

In 1972 a young white prison guard named Brent Miller was brutally and fatally stabbed inside Angola.

Herman Wallace and Albert Woodfox were immediately assumed to be guilty, thrown in solitary without

civil rights movement on the outside, prompted the Angola 3 to form an official Black Panther Party chapter behind bars.

Herman, Albert, Robert and others routinely spoke out against injustice

"I THOUGHT THAT MY CAUSE, THEN AND NOW, WAS NOBLE. THEY MIGHT BEND ME A LITTLE BIT, THEY MAY CAUSE ME A LOT OF PAIN, THEY MAY EVEN TAKE MY LIFE, BUT THEY WILL NEVER BE ABLE TO BREAK ME." —Albert Woodfox

an investigation, and eventually convicted of the crime. In order to understand how and why they were wrongfully convicted, we must first understand where and when.

In 1952, a group of inmates cut their Achilles' tendons to protest brutal working conditions overseen by prison staff—many direct descendants of the original plantation owners and overseers who controlled the land generations before.

By the late 60's when Herman and Albert arrived on the "Farm" for separate robberies, Angola was still chaotic and horrific. Segregation, lack of medical care, and excessive (16 hr/6 day a wk) work schedules were only a few of the problems.

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 details in his book *Dying To Tell*.

Favored white inmates were given state issued weap-

ons and ordered to enforce this and other abusive prison practices. From 1972-75 this armed inmate guard system claimed the lives of 40 prisoners and seriously injured over 350 more.

Although not activists when arriving in prison, brutal, squalid conditions, and news of a growing

and helped organize well-publicized peaceful hunger strikes for change. But to prison officials such as present day Angola Warden Burl Cain: "There is no such thing as a peaceful demonstration in prison."

Warden Cain says this behavior is still threatening to him and other officials: "The thing about [Woodfox] is that he wants to demonstrate. He wants to organize. He wants to be defiant."

"He is still trying to practice Black Pantherism... I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kind of problems, more than I could stand, and I would have the blacks chasing after them. I would have chaos and conflict, I believe that."

Mistrust of inmates who challenged the prison administration made Herman and Albert the prime suspects of the murder of Brent Miller—guilty until proven innocent. Even before examining the evidence, officials began constructing a case to convict them.

Despite having no physical evidence linking them to the crime, a bloody print that didn't match any of the defendants, and multiple alibi witnesses who spoke in Herman and Albert's defense, the State was certain it had found the killers. Nearly 40 years later, they still remain in solitary confinement, fighting to expose the truth.

THE CASE OF THE ANGOLA 3 "HAS THE POTENTIAL OF LAYING BARE, EXPOSING THE SHORTCOMINGS IN THE ENTIRE AMERICAN SYSTEM."

—President Kgalema Motlanthe, South Africa, 2003

## The Mechanics of Misconduct

### Meet The State's Lead Witness: Lying Hezekiah Brown

Hezekiah Brown was the star witness at the original trials. He was portrayed as an unimpeachable, innocent bystander who was compelled by his conscience to testify against Herman and Albert.

When asked if he had been rewarded for his testimony, Brown said, "Nobody promised me nothing." But, we now know that Brown sold his testimony for his freedom.

At Albert's retrial, Warden Henderson testified that he made an agreement with Brown during interrogation, promising to get him a pardon if he'd help "crack the case."

New evidence shows that immediately following his interrogation, Brown was given a carton of cigarettes each week by the ranking officer over his area. That officer testified at the 2006 hearing that the Warden had directed him to purchase and deliver the cigarettes, a valuable prison currency.

Brown was also given his own house complete with a TV, a steady

salary even when he did not work, and birthday cakes.

In a 4/7/78 memo to C Paul Phelps, Secretary of Corrections, Warden Blackburn wrote that the cigarettes "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 Secretary responded: "I think we should honor the agreement."

True to his word, within weeks of Herman's conviction, the Warden also began a well-organized effort to obtain a pardon.

In a letter to the Judge who sentenced Brown for multiple counts of rape Warden Henderson explains the reasoning for his request: "On April 17, 1972 a white officer was killed by 3 black militants...Brown testified for the State and on the basis of this testimony these three individuals received a life sentence each...Mr. Brown's case is scheduled to be heard by the next pardon board and I'd appreciate any consideration you'd give him."

Brown was released, but evidence of these significant promises was kept hidden for decades.

"I DON'T KNOW OF ANY PLACE IN THE WORLD WHERE PEOPLE ARE HELD IN SOLITARY CONFINEMENT FOR OVER THREE DECADES—THAT IS CRUEL AND UNUSUAL PUNISHMENT IF THERE IS EVER ANY ACCURATE USE OF THAT TERM.

I WANT...TO SECURE THE RELEASE OF THOSE TWO INCREDIBLY BRAVE MEN WHO'VE WITHSTOOD THE TERROR AND OPPRESSION OF THE FAILED CRIMINAL JUSTICE SYSTEM IN OUR SOCIETY."

—Rep. John Conyers, US House Judiciary Chair, 2008

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