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Criminal Justice Issues and Prisoners' Rights

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by [James Ridgeway and Jean Casella](#) | June 7, 2011

Amnesty International has issued a press release, action alert, and detailed report on the case of the Angola 3, which has been extensively documented in Mother Jones ([here](#), [here](#), and [here](#)). The [press release](#), issued yesterday, concerns the two members of the Angola 3 who remain in prison and have now entered their 40th year in solitary confinement.

The US state of Louisiana must immediately remove two inmates from the solitary confinement they were placed in almost 40 years ago, Amnesty International said today.

Albert Woodfox, 64, and Herman Wallace, 69, were placed in Closed Cell Restriction (CCR) in Louisiana State Penitentiary known as Angola Prison since they were convicted of the murder of a prison guard in 1972. Apart from very brief periods, they have been held in isolation ever since.

The treatment to which Albert Woodfox and Herman Wallace have been subjected for the past four decades is cruel and inhumane and a violation of the US's obligations under international law, said Guadalupe Marengo, Americas Deputy Director at Amnesty International.

The [action alert](#) urges readers to sign a petition to Louisiana Governor Bobby Jindal. The [twelve-page report](#) describes the apparent miscarriages of justice involved in Woodfox and Wallaces original murder conviction, and then asks, Why are they still in isolation? It goes on to explain:

In the early 1970s, conditions at Angola were brutal. Racism was rife. Inmates were racially segregated and guarded exclusively by white officers, as well as armed white inmates. The culture of violence that infused prison life was reflected in the high number of murders and the widespread use of sexual slavery among inmates.

In this toxic environment, Albert Woodfox and Herman Wallace, who were both imprisoned for unrelated cases of armed robbery, founded a prison chapter of the Black Panther Party (BPP). They were later joined by Robert King and together the men campaigned for fair treatment and better conditions for inmates; racial solidarity between black and white inmates; and an end to the rape and sexual slavery that was then endemic in the prison.

They tried to change conditions the prison was considered the worst in the nation. They brought people together and brought in an ideology that said that despite the fact that you were prisoners, you still had some rights. Because of this, the administration saw them as being threats and they have paid dearly. Robert King, 2011

Throughout the long years of isolation, Albert Woodfox and Herman Wallace have consistently maintained that they did not kill Brent Miller. They believe that they were falsely implicated in the murder because of their political activism in prison as members of the BPP. During the many years of litigation in the case, evidence has emerged to suggest that the decision to keep them in solitary was based at least in part on their political activism and association with the BPP.

I would still keep [Albert Woodfox] in CCR. I still know he has a propensity for violence. I still know that he is still trying to practice Black Pantherism, and I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kinds of problems, more than I could stand, and I would have the blacks chasing after them. I would have chaos and conflict and I believe that. He has to stay in a cell while hes at Angola. Burl Cain, Angola prison Warden, 2008. These remarks were made despite a finding by a US district judge in November 2008 that Albert Woodfox had maintained a clean conduct record for 20 years.

Since 1972, the prison review board has reviewed the prisons original decision to keep the men in solitary on more than 150 occasions. At each review, without giving the men an opportunity to participate in the process or dispute the decision, the review board has determined that Albert Woodfox and Herman Wallace should continue to be held in CCR due to the nature of the original reason for lockdown.

In 1996, Louisiana prison policy was changed to remove original reason for lockdown as a factor to be taken into account by the review board when considering whether to continue an inmates confinement in CCR. This change has never been applied to reviews of the continued isolation of Albert Woodfox or Herman Wallace; the board simply continues to note Original reason for lockdown on all of the documents explaining why release from CCR has been denied.

Records show that neither man has committed any serious disciplinary infractions for decades and prison mental health records indicate that the men pose no threat to themselves or to others. However, none of this appears to merit consideration in the view of the prison Warden who in 2006 said of Herman Wallace: his record doesnt really matter a lot. The original sentence, thats why hes there, thats why hes there and thats why hes going to stay there.

Amnesty International believes that the mens continued classification as CCR inmates serves no legitimate penal purpose. Under the direction of Warden Cain, who has dismissed the mens clean disciplinary record as irrelevant, the review board has effectively ignored Louisiana prison policies for 15 years. It has failed absolutely to provide a meaningful review of the mens continued isolation. By simply rubberstamping the original decision to confine the men in CCR, successive prison review boards have subjected Albert Woodfox and Herman Wallace over the course of decades to conditions that can only be described as cruel, inhuman and degrading.

The Amnesty report goes on to describe in detail the conditions in which these men, both now in their sixties, continue to live.

Throughout their prolonged isolation, Albert Woodfox and Herman Wallace have endured very restrictive conditions. Herman Wallace was transferred to the Elaine Hunt Correctional Center in 2009 and, the following year, Albert Woodfox was transferred to the David Wade Correctional Center. But although both men have now been moved out of Angola prison, the conditions in which they are held have not changed. They are confined to their cells for 23 hours a day. When the weather is fine, they are allowed outside three times a week for an hour of solitary recreation in an outdoor cage measuring 1.84.5m. For four hours a week, they are allowed to leave their cells to shower or walk, alone, along the cell unit corridor.

Their cells measure 2x3m. All they can see from inside the cell is a small area just beyond the bars at the front. Each cell has a toilet, a mattress on a steel bed platform, sheets, a blanket, a pillow and a small metal bench attached to the wall. Natural light is limited to a very small window at the back of the cell.

They have restricted access to books, newspapers and TV. Throughout their imprisonment, they have been deprived of opportunities for mental stimulation; they have never been allowed to work or to have access to education. Social interaction has been restricted to occasional visits from friends and family and limited telephone calls .

Lawyers report that both men are suffering from serious health problems caused or exacerbated by their years of close confinement. In the case of Herman Wallace, this includes osteoarthritis aggravated by inadequate exercise, functional impairment, memory loss and insomnia. Albert Woodfox is described as suffering from claustrophobia, hypertension, heart disease, chronic renal insufficiency, diabetes, anxiety and insomnia.

Decades of solitary confinement are also having a clear psychological effect on the men. After being held together in the same prison for nearly 40 years, they are now subjected to equally harsh conditions, but 250 miles apart in separate institutions. Herman Wallace is being held on a tier alongside mentally ill people and says that the shouting and screaming of inmates is making it very difficult for him to sleep.

The report concludes with a call for the United States to honor its obligations under international treaties.

Amnesty International believes that the conditions in which the two men are held, including the length of time they have spent in isolation, violate international human rights treaties to which the USA is a party.

The USA has an obligation under international standards to ensure that all prisoners, regardless of their background, are treated humanely and that any security measures that may be necessary conform to this requirement. The prolonged and indefinite isolation of Albert Woodfox and Herman Wallace without meaningful review runs directly counter to this obligation.

The USA has ratified the International Covenant on Civil and Political Rights, and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which prohibit torture and other ill-treatment. The relevant treaty monitoring bodies (the Human Rights Committee and the Committee against Torture) have found that prolonged solitary confinement can amount to torture or other cruel, inhuman or degrading treatment. Both bodies have expressed concern that the harsh conditions of long-term isolation in some US segregation facilities are incompatible with the USAs treaty obligations. Amnesty International believes their findings are particularly significant in the case of Albert Woodfox and Herman Wallace given that few, if any, other prisoners have spent so long in solitary confinement in recent times.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets @solitarywatch.

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Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

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I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kinds of problems, more than I could stand, and I would have the blacks chasing after them. I would have chaos and conflict and I believe that. He has to stay in a cell while he's at Angola. Burl Cain, Angola prison Warden, 2008.

This seems to be an admission by Cain that there are still conditions in Angola that warrant organizing against. If not what does he have to worry about?

The problem is that legitimate grievances by inmates are rarely addressed which only encourages inmates to organize clandestinely against the system. Brute force is then applied by the authorities to crush the inmate dissent and the leaders are then subjected to these draconian measures. For sure there are a few unreasonable demands made by inmates but overall it is better for the administration to review them with an open mind and address those that have merit than to attempt to suppress them.

I liked the goals of the inmates quoted here.

They were later joined by Robert King and together the men campaigned for fair treatment and better conditions for inmates; racial solidarity between black and white inmates; and an end to the rape and sexual slavery that was then endemic in the prison.

The joining of oppressed peoples of all races has historically been a deep seeded fear of the powers that be. The solidarity exemplified by the stories you reported on in Lucasville, Ohio and Georgia scare these authorities.

However as the 1970s showed us violence against this omnipotent force only set the prison movement back as it lost public support. It is encouraging to read that many inmates have learned that lesson.

I think this international pressure will finally free these men but thousands more like them of all races are still waiting to be heard.

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