

# Solitary Watch

## Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/06/22/court-reverses-appeal-of-angola-3s-albert-woodfox-no-end-in-sight-to-37-years-in-solitary-confinement/>

## Campaign and Advocacy

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by [James Ridgeway and Jean Casella](#) | June 22, 2010

Albert Woodfox has spent nearly all of the last 38 years in solitary confinement at the Louisiana State Penitentiary at Angola. His case has brought protests from Amnesty International and Human Rights Watch, who argue that Woodfox's decades in lockdown constitute torture, and from a growing band of supporters, who believe that he was denied a fair trial. For more than ten years, he has been fighting for his release in the courts. But yesterday, [a ruling by a federal appeals court](#) ensured that for the foreseeable future, Albert Woodfox will remain right where he has been for nearly four decades: in a 6 x 9 cell in the heart of America's largest and most notorious prison.

It's been nearly two years since a federal district court judge in Baton Rouge [overturned Woodfox's conviction](#) for the 1972 murder of a guard at Louisiana's Angola prison. Judge James Brady's 2008 ruling, which ordered the state to retry Woodfox or release him, brought new hope to the 63-year-old Woodfox, who has been in Angola originally for armed robbery since he was 24. A member of the group known as the Angola 3, Woodfox has always contended that he was effectively framed for the guard's murder and then thrown into permanent lockdown because of his involvement with the Black Panther Party, which was organizing against conditions in what was then known as the bloodiest prison in the South.

Without drawing any conclusions about Woodfox's guilt or innocence, Judge Brady of the Federal District Court, Middle District of Louisiana, concluded that Woodfox had not received a fair trial in 1998 (at what was itself a replacement for a faulty 1973 trial). The main grounds for overturning Woodfox's conviction were ineffective assistance of counsel, which allowed questionable evidence and irregular practices to stand without challenge. Woodfox had argued that better lawyers could have shown that his conviction was quite literally bought by the state, which based its case on jailhouse informants who were rewarded for their testimony. (Woodfox's case was described in full in [this 2009 article](#) for *Mother Jones*.)

Judge Brady agreed, and in July 2008 he granted Woodfox's Petition for Writ of Habeas Corpus, ordering that his conviction and life sentence be reversed and vacated. But some of the most powerful figures in the Louisiana justice system were committed to keeping Woodfox in prison and in lockdown. After his conviction was overturned, Attorney General James Buddy Caldwell [declared](#), "We will appeal this decision to the 5th Circuit [Court of Appeals]. If the ruling is upheld there I will not stop and we will take this case as high as we have to. I will retry this case myself. I oppose letting him out with every fiber of my being because this is a very dangerous man."

Caldwell put his case before the federal Fifth Circuit in March 2009 and in yesterday's decision, he prevailed. In a 2-1 decision, a panel of three federal appellate judges ruled that Judge Brady had erred in overturning Wallace's conviction. Their decision is not only a crushing blow for Woodfox, but also a manifestation of how far the rights of the accused have fallen in recent decades.

The [Fifth Circuit Court of Appeals](#) once had a reputation as one of the finest appellate courts in the land. In the 1960s, a small group of Fifth Circuit judges—mostly Southern-bred moderate Republicans—was known for advancing civil rights and especially school desegregation. But today the Fifth Circuit, which covers Louisiana, Texas, and Mississippi, is seen as among the most ideologically conservative of the federal appeals courts. It is notable for its overburdened docket and for its hostility to appeals from defendants in capital cases, including claims based on faulty prosecution and suppressed evidence. The court has even been reprimanded by the U.S. Supreme Court; itself is no friend to death row inmates: In June 2004, Justice Sandra Day O'Connor wrote that the Fifth Circuit was paying lip service to principles of appellate law in handing down death penalty rulings.

In addition, the decision in Woodfox's case shows the crippling effect on prisoners' rights of the 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA), which was passed under Bill Clinton in the wake of the Oklahoma City bombing. That legislation has become the bane of anti-death penalty lawyers and activists, and of thousands of other prisoners seeking to challenge their convictions a pursuit which AEDPA now renders nearly impossible.

As the Fifth Circuit noted in its ruling, "The AEDPA requires that federal courts defer to a state court's adjudication of a claim unless the state court decision ran contrary to clearly established Federal law, as determined by the Supreme Court, or was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding. And as the judges pointed out, 'An unreasonable application of federal law is different from an incorrect or erroneous application of the law.'"

In other words, the state courts could be wrong, they just couldn't be so far out as to be undeniably unreasonable. And in the end, the Fifth Circuit judges agreed with the States argument that in the case at hand, the district court failed to apply the AEDPA's heightened deferential standard of review to Woodfox's ineffective assistance claims. Woodfox's conviction may have been wrong, but it was not, in the eyes of the Fifth Circuit, unreasonable so there will be no new trial for him. This is how justice works in post-AEDPA America.

For Woodfox, this means that his time in prison stretches before him with no obvious end in sight. His lawyers have promised to return to his case with new evidence, but that could take years, and the outcome might still be the same. In the meantime, Woodfox and fellow Angola 3 members Herman Wallace and Robert King have mounted a [constitutional challenge to their solitary confinement](#), which may come to trial before the end of this year. (Wallace was Woodfox's co-defendant in the guards murder, and has also been in solitary for 38 years. King, sentenced to life for another prison killing, had his murder conviction overturned and was released from Angola in February 2001 after 29 years in lockdown; he remains a plaintiff in this suit, which covers time he was in solitary.) That case, too, will eventually go before the Fifth Circuit and even a win would mean only a release from permanent lockdown, not from Angola.

Woodfox's release from solitary, as well as his criminal appeal, is vehemently opposed by Angola's warden, Burl Cain, who has likened the Black Panthers to the KKK, and is adamant that the aging Woodfox is and always will be a menace to society by virtue of his political beliefs. He has said that Woodfox is locked in time with that Black Panther revolutionary actions they were doing way back when. And from that, there's been no rehabilitation.



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.

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

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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GET A LIFE!!!

In any future trial this footage should be edited and shown by the defense.

[http://www.youtube.com/watch?v=\\_mzdhzDIiDQ](http://www.youtube.com/watch?v=_mzdhzDIiDQ)

[http://www.youtube.com/watch?v=jWAqabl\\_hBU&feature=related](http://www.youtube.com/watch?v=jWAqabl_hBU&feature=related)

<http://www.youtube.com/watch?v=V4SJGW3oKaI>

<http://www.youtube.com/watch?v=ltehUhsg05A&feature=related>

Is it believable that cops would frame this man? Hell yes! Is it possible the jury rubber stamped their case? Oh yeah! Am I a sympathizer of the BPP. Hell no! Here are a couple of excerpts from my memoir. First from the CYA Preston School of Industry 1969.

I have never understood the racial tensions evidenced in the penal system even to this day. Most inmates, no matter their color, share similar backgrounds, with the overwhelming majority coming from poor single parent households in run down areas of town. At the time I suspected, and rightly so I might add, that much of the hostility towards my race could be traced to the words of two militant groups active in prisons during this era, the Black Panthers and Black Muslims. So I began to view these two movements as the primary source of unjustified attacks on the people of my race.

So when a group meeting was called and the black wards asked to receive the Black Panther newspaper and permission to wear their hair in cornrows I opposed them. I felt that this paper would just fan the flames of hostility in an already volatile atmosphere. I was not sure

how the establishment felt about it so I placed it in context for them which only started a shouting match between the black and the white inmates.

The counselors intervened saying Thats enough for today. This meeting is closed. I noticed a strained expression of disbelief on an African American counselors face. He was obviously disappointed that I had forced the discussion to be cut short.

And here is my version of Easy Rider or should I say Uneasy Hitchhiker. Note my fear of being framed which supports this mans claim.

Upon my release from Baton Rouges Parrish Jail I was unceremoniously taken to a holding cell next to the officers command center and locked inside. For whatever reason and I think it was just a power trip, they left me there alone without any explanation for hours as they joked around together. At first with my adrenaline still pumping I anxiously paced the floor. However as the time passed by with no word I tried to take a nap but the hard wooden benches and bright overhead light made sleeping impossible. Still I didnt complain fearing that a disruptive outburst was exactly what they were attempting to elicit out of me. I didnt want to give them any excuse to keep me there. So the time passed extremely slow which allowed me time to contemplate my next course of action. Up until this moment I had never entertained the idea of being released alone. (I was there with my brother Mike who was not released but stayed behind.) While waiting I couldnt help but wonder if the jailers were notifying the arresting officers of my release. The threats of our arresting officers to plant drugs on us upon our release still resonated with me so I decided to not return to my fathers house. Instead of heading home I decided to set out to Interstate Highway 10 and hitch a ride back to California. I was just not willing to call the arresting officers bluff. I had heard enough about the penal system in the south while being held within it to convince me that I did not want to experience any more of it.

Upon my release in mid-afternoon I set out towards the Interstate with no money in my pocket, not even the ten dollars that I had left Preston with. Although I was dressed lightly in a short sleeve shirt and polyester slacks sweat soon began rolling down my back from the mid-days humidity as I walked down the infrequently traveled strip of highway. The desolate, two lane, highway held few distractions along the way and the sun beat down relentlessly on me forcing me to squint it its light. As I walked along the road the slick leather of my Italian dress shoes soles continually slipped slightly backwards on the asphalt with each step making my trek that much more arduous. When I finally reached Highway 10 over an hour later I noticed a sign that read West to Lafayette so I crossed the highway and stuck out my thumb to the traffic traveling in that direction.

Another hour or so passed before a car finally stopped for me and luckily he was traveling to Texas. After arriving in Texas I spent my first night in the free world trying to leave a small country town near Houston. My ride had let me out when he turned south towards Corpus Christi in a sleepy little village which apparently closed up all of its establishments by 9PM.

Not long after I was dropped off and before a single vehicle had passed me by the local sheriff spotted me in the darkness along side the road and pulled his cruiser over about twenty feet in front of me. Suddenly the vehicles interior light came on which eerily illuminated the sheriffs face like a jack-o lantern. The sheriffs stern expression under his white ten gallon hat made my heart race with apprehension as the vehicle slowly inched its way over to my position on the side of the road. In the otherwise still of the night the only audible sounds were the idle of the vehicles engine, its approaching tires crunching pebbles on the road, and the intermittent squawking of the dispatchers voice over the radio. When the vehicle finally pulled along side of me the officer rolled down the passenger side window and asked in an authoritative heavy southern drawl What you doing out here so late boy? To which I answered Im on my way out to California and Im waiting for a ride.

You dont say, California huh? You got some ID boy?

No I dont have a drivers license yet.

Whats your name then boy? Where you say youre coming from boy? I gave the officer my name and my fathers address in Baton Rouge in the belief a southern address would be more acceptable to him. Although my hair was short and my cloths dressy the sheriff replied Ill tell you what boy Ill be back in awhile if your still here Im going to take you downtown and you can be our guest for awhile. We know how to treat you California hippie types. Understand me boy? Although Im thinking what am I going to do now? I smile politely and say Thank you officer Ill be on my way then. As the cruiser pulls away I continue thinking If I dont get out of here soon Ill end up cutting cane. Please, Please let me get a ride!

I knew that the Texas work farms, along the lower reaches of the Brazos River were infamous for sending men there for even the smallest of infractions such as vagrancy. Legend has it that the mules on the farms were treated better than the convicts, because the state had paid money for the mules. The farms mill and headquarters were both located in a small town called Sugar Land southwest of Houston. And the song Midnight Special lamented the plight of these poor souls on the radio of the day.

A lone cars lights suddenly appeared in the distance down the dark country road. As the car approached me I put on the most desperate face that I could possibly muster pleading telepathically with the occupant of the car to stop. But the car passed me by with a whoosh. I turned and watched as the car continued down the road then suddenly it stopped some hundred yards down the road. As it began to back up I ran up to meet the car and when I opened the passenger door the driver, a soldier in uniform, asked me Where are you headed? To which I replied Anywhere but here but eventually Im going to California.

Well Im going to Austin.

Great, sounds good to me. I didnt know whether Austin was out of my way or not when I hopped in the car but I was just glad to leave town. Down the road a bit I noticed the sheriffs car heading back towards where he had earlier questioned me. Whew! I thought without speaking a word Youll have to find someone else to cut the cane tonight.

Yes Fannie I realized after I posted that that I mixed up the names. Thanks. I hope you understand the context of my message. The last part about the judge was to point out that not everyone was of a like mind. I too have family ties down south and understand the conditions you address.

Like so many others my fathers family migrated from Arkansas a hundred years ago precisely because of the poverty. But he returned in the 60s. It was to his house in Baton Rouge that I traveled down south. I posted this tidbit of info for the younger generation that find it hard to grasp how things were back then. In the film you can see the poverty and yes these unsavory characters and hear them speak. I think the film is a good educational tool. Most of the younger generation I believe will find it hard to believe people acted like this.

I remember hitching a ride from Baton Rouge to New Orleans with a business man in a suit. I noticed that he had a huge black eye and asked him what had happened. He answered I am not sure I stopped for a beer in Gonzales and sat down on a stool at the bar ordered my beer. The next thing I remember I was on the sidewalk with one hell of a headache. Realizing where he must have been I answered I hear

their ad all the time on the radio No hippies, beatniks, or mini skirts allowed. But damn you dont look like a hippie your hair is combed a bit over your ears so maybe that was enough.'

I could go on but you get the idea and I have some work to do.

I still wouldnt have wanted a jury trial down there.

The trip was a real cultural shock for me even though I seen the turmoil unfolding on the evening news.

Alan, think you met to say Hopper instead of Hopkins. I agree that the south has their way of life, most acquired those customs in order to survive the extreme poverty of welfare and unemployment, & under the umbrella of the good ole boys mentality. They themselves were hiding behind their on failures and hangups. We use say they were uptight.

The Fifth Circuit, which covers Louisiana, Texas, and Mississippi a region in which the states respective prison farms of Angola, Sugarland, and Parchman still remind us all of the Souths sad history.

In trying to recall my own 1969 trip down south after my release from Preston School of Industry in Northern California I rented one of my favorite movies Easy Rider. Ironically this film was made the same year as my first trip down south.

One of the most interesting tidbits of trivia of the movie was that many locals were hired as extras due its low budget.

The disturbing characters in the restaurant scene shot in Morganza, Louisiana were allowed to speak freely in their own words and here is an example based solely on Fonda and Hopkins appearance:

Deputy: Whatcha think we ought to do with em?

Cat Man: I dont damn know, but I dont think theyll make the parish line.

The point is Morganza is less than 18 miles from Saint Francisville where this mans trial was held and both towns are near Angola Prison. It is therefore highly likely that they were representative of the type of citizens found on this mans jury.

In addition the two men that shot Billy and Wyatt at the end of the movie were also locals from Krotz Springs near the spot of their attack.

After several months in the Parrish jail I left the south directly from that jail with fewer than two dollars to my name. The stories I had heard in that Parrish jail, of Angola and these other prison farms, motivated my decision along with the promise of my arresting officers that they would frame me if I got out on their charges.

Here is one nearby judge however that fought for justice.

<http://www.pbs.org/moyers/journal/10232009/watch3.html>

Excerpts from Bill Moyers tribute to William Wayne Justice the late Federal Judge for the Eastern District of Texas. (As close as it gets to LA)

He demanded a top-to-bottom overhaul of Texas prisons, some of the most brutal and corrupt in the nation. He even held the state in contempt of court when he thought it was dragging its feet cleaning up a system where thousands of inmates slept on the dirty floors of their cellblocks, and often went without medical care. The late Molly Ivins said of William Wayne Justice, He brought the United States Constitution to Texas.

Justice stings I once read. Well, this one certainly did. And his detractors stung back. With death threats and hate mail. Carpenters refused to repair his house, beauty parlors denied service to his wife. There were calls for his impeachment. After he desegregated the schools he was offered armed guards for protection. He turned them down and instead took lessons in self-defense.

You need to understand that many Texans believe in the law only when it sides with them. And they long for the good ol days of Judge Roy Bean, the saloonkeeper whose barroom court was known in frontier days as, The Law West of the Pecos. Beans instructions were simple: Hang em first, try em later.

Lethal injection is practically a religious ritual in Texas. In fact, before their sentencing verdict that will send a fellow to die in just a couple of weeks jurors in Nacogdoches County, Texas, consulted the Bible and found what they were looking for in the Book of Numbers, where it reads: The murderer shall surely be put to death, and this one: The revenger of blood himself shall slay the murderer.

They can be short on mercy in Texas, all the more reason to mourn the loss of justice, William Wayne Justice. Rest in peace, Your Honor.

ok i was trying to be nices keep things clean in chat and even not sound like a tarerist but this is where i put my foot doun take the kid gloves off and speek my mind ok i got to first say to the dam dick headed sick asses that call them selfs the fith court of apeals more like the five rapers of life to me i sorry ok i not sorry realy i mean as for this genal he can go !!!!!!! him self i mean what the hell the poor man had suffered 38 years of solitary no man no liveing thing should be forced to go thow that everyday i hope with all my hart that the usa will become the nashion it was that i be abal to love and feel proud to be part of it but all i see every day is a nashion of tarerists all i see is the leaders and courts of this nasion thowing shit on the flag and telling us this is us well i sorry i may lie hear but damit this nashion is if not one of the moest dumassed i ever seen i mean yes we got a good ight to speek and do as we wish we can say we got a good trail right dto but after that well grate job usa fith court of apeals you ones agin just shit on the bill of rights and used the genival rights as the stuff you wipe your asses with grate job did you know they died for those rights you seem to wipe your asses with did you

know you mite as well have just taken the US FLAG AND WIPED YOUR ASS WITH IT!!!!!! yes doing this to thign poor man you just did that well done i hope you know whatyour doing to him what your doing is taristic like those who dam well did 9/11 grads you up thare with osama now assholes may god have mersy on your souls for i find it hard to do so

P.O. Box 11374  
Washington, DC 20008

[info@solitarywatch.org](mailto:info@solitarywatch.org)

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