

Angola 3—40 Years of Solitary, 40 Years of Cruel and Unusual Punishment

Dear Chairman Durbin and Ranking Member Graham:

My name is Robert Hillary King. I spent **29** years in solitary before I was freed in 2001 after proving my innocence. Since then I have worked tirelessly speaking and traveling around the world¹ to raise awareness about prison conditions in the US, and to bring attention to the remaining two members of the Angola 3—Herman Wallace and Albert Woodfox—who are still actively fighting to prove their innocence in federal court.² Both remain behind solitary bars in Louisiana today after **40** years.

Many people ask me to describe my nearly 3 decades in solitary. Here is an excerpt from my autobiography where I attempted to put these experiences into words:

*“Solitary confinement is terrifying, especially if you are innocent of the charges that put you there. It evokes a lot of emotion. It was a nightmare. My soul still cries from all I witnessed and endured. It mourns continuously. Through the course of my confinement I saw men so desperate that they ripped prison doors apart and both starved and mutilated themselves. It takes every scrap of humanity to stay focused and sane in that environment. The pain and suffering are everywhere, constantly with you. There’s no describing the day to day assault on your body and your mind and the feelings of hopelessness and despair.”*³

Over a decade ago Herman, Albert and I filed a landmark civil lawsuit challenging the inhumane and increasingly pervasive practice of long-term solitary confinement⁴. Magistrate Judge Dalby describes our 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.*”⁵ The case, expected to go to trial by 2013, will detail unconstitutionally cruel and unusual treatment and systematic due process violations at the hands of Louisiana officials.

To mark the 40th anniversary of Herman and Albert’s original placement in solitary, this April Amnesty International delivered a petition with 67,000 signatures from 125 countries to the Governor of Louisiana demanding that Herman Wallace and Albert Woodfox be removed from long term isolation.

“Prison records show that neither man has committed any serious disciplinary infraction for decades. Prison mental health records indicate that the men pose no threat to themselves or to others.

Woodfox and Wallace are confined to their 6.5 by 9 feet cells for 23 hours a day and allowed out only to exercise alone in a small outdoor cage, or to shower or walk along the cell unit corridor.

They have also been denied any meaningful review of the reasons for their isolation. The only reason given for maintaining the men under these conditions has been due to the “nature of the original reason for lockdown.”

*Amnesty International is firm in its belief that conditions for the men in CCR – 23 hour cellular confinement in stark, tiny cells; limited access to books, newspapers and TV; no opportunities for mental stimulation, work and education; occasional visits from friends and family and limited telephone calls - amounts to cruel, inhuman and degrading treatment.”*⁶

¹ I’ve spoken before hundreds of universities, the European Parliament, the ANC in South Africa, and even TEDx in California.

² In April 2011, Congressman Bobby Scott, John Conyers, and Cedric Richmond all hosted a Congressional Briefing on “*The Abuses of Solitary Confinement in the U.S. Criminal Justice System*” that included a screening of the full length feature documentary film about the A3 civil and criminal cases narrated by Samuel L. Jackson: <http://www.inthelandofthefreefilm.com/trailer.aspx>.

³ King, Robert Hillary. *From the Bottom of the Heap*. Oakland: PM Press, 2008. Robert’s moving autobiography has received critical acclaim and won The National Council on Crime and Delinquencies 2008 PASS (Prevention for a Safer Society) Award.

⁴ http://www.angola3.org/uploads/Angola_8th_A_Summary_Judgment_Decision.pdf

⁵ *Wilkerson et al v Stalder*, No. 00-304-C-M3, Magistrate Judge’s Report, Civil Action (February 1, 2005).

⁶ <http://www.amnestyusa.org/news/press-releases/marking-40-years-of-inhuman-solitary-confinement-for-angola-2-prisoners-amnesty-international-set-to> and <http://www.amnestyusa.org/news/press-releases/marking-40-years-of-inhuman-solitary-confinement-for-angola-2-prisoners-amnesty-international-set-to>

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They go on to detail the human rights violations involved in such extreme confinement:

“In a recent report, the UN Special Rapporteur on Torture condemned prolonged isolation as amounting to torture or inhuman and degrading treatment. He refers to the case of Albert Woodfox and Herman Wallace in his report.”⁷

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 or other ill-treatment. The relevant treaty monitoring bodies (the Human Rights Committee and the Committee Against Torture) have found that prolonged solitary confinement an 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 USA’s 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.

Their treatment also contravenes the UN Standard Minimum Rules for the Treatment of Prisoners. These and other relevant standards emphasize the importance of providing work and educational, recreational, religious and cultural activities for prisoners’ mental and physical wellbeing, as well as to prepare individuals for reintegration into society.”⁸

We respectfully submit this statement with the hopes that you can use your legislative powers to put an end to long term solitary confinement. Without uniform standards of the infractions serious enough to merit placement, a meaningful review process with outside oversight and a grievance process, opportunities for socialization and education, and a clear written timeline and detailed action plan for the inmate’s release, this form of punishment serves no punitive or reformatory purpose. In our view is the very definition of cruel and unusual punishment protected against by our founding fathers.

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 are grateful for your efforts to do just that today.

Sincerely,

“The Angola 3” - Robert King, Herman Wallace, and Albert Woodfox

⁷ <http://www.amnesty.org/en/appeals-for-action/wheres-the-evidence>

⁸ <http://www.amnesty.org/en/library/info/AMR51/041/2011/en>