

Victim of 1974 frame-up in Louisiana

Renewed calls for the freedom of Gary Tyler

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During the past month, a renewed interest has developed in the case of Gary Tyler, a black man from Louisiana who was arrested as a teenager in 1974 and convicted for a murder he did not commit. Tyler, who is now 48 years old, has spent his entire adult life behind bars in Angola State Penitentiary, the victim of a racially and politically motivated frame-up.

Tyler's arrest and conviction took place in an atmosphere of racial antagonisms whipped up by the Ku Klux Klan and Democratic and Republican politicians in response to court-ordered school desegregation. Tyler was accused of killing a white youth who was part of a crowd attacking a school bus in which Tyler and other black students were riding about 25 miles west of New Orleans.

The charges against Tyler were totally concocted. The alleged murder weapon—which was not found during initial police searches of the bus—turned out to have been a stolen pistol from a police firing range, which later “disappeared.” Witnesses who gave statements against Tyler recanted them, saying they had been threatened by police.

Tyler was convicted by an all-white jury and sentenced to death. One of the youngest people on death row in America at the time, Tyler's life was only spared when the US Supreme Court struck down Louisiana's death penalty statutes. His sentence was commuted to life imprisonment without parole, probation, or suspension of sentence for 20 years.

There is absolutely no legal basis for keeping him in prison. On two separate occasions a federal appeals court ruled that Gary's trial was fundamentally unfair. The Louisiana Board of Pardons recommended pardons for Tyler on three separate occasions—in 1989, 1991 and 1995—but governors have refused to take action.

After years in which the media maintained a virtual silence, the recent coverage of Gary Tyler's case is a welcome development. On February 12, Amnesty International (AI), who first listed Tyler as a political prisoner in 1994, issued a new public statement entitled, “Serious miscarriage of justice in Louisiana must be rectified,” calling on Democratic Governor Kathleen Blanco to immediately pardon Tyler and order a full investigation into his case. (See <http://web.amnesty.org/library/Index/ENGAMR510262007>)

The statement by AI followed the publication of three articles by *New York Times* columnist Bob Herbert on the case in the paper's February 1, 5 and 8 issues. On March 1, “Democracy Now” moderator Amy Goodman carried a special program on Gary Tyler that aired on National Public Radio. Present on the program were Bob Herbert, Gary's sister Bobbie McCray, and his mother Juanita Tyler, who at 74 has never stopped fighting for her son's freedom.

On “Democracy Now,” Bob Herbert said he spoke with a representative of Louisiana's current governor, Democrat Kathleen Blanco, who made it clear the state would take no initiative on behalf of Tyler. The spokesperson suggested his lawyers make another request for a pardon, which, the governor's representative claimed, would be “duly considered.” This refusal to act only reveals that many of the same reactionary forces that were responsible for the frame-up still carry

enormous weight in Louisiana politics.

The Workers League—the predecessor of the Socialist Equality Party—and its youth movement the Young Socialists first took up the campaign for Gary's freedom in 1976 when the then 17-year-old youth was facing the electric chair. Our reporters traveled to Louisiana and conducted a full investigation into the circumstances of Gary's arrest and conviction, which pointed overwhelmingly to a carefully prepared frame-up by the state. The party insisted that this was not simply a case of “Southern justice” and racism but an attack on the whole working class.

A major campaign was organized in the US and internationally among young people, workers and in the trade union movement demanding Gary's freedom. The Workers League and Young Socialists distributed tens of thousands of copies of a pamphlet entitled *The Frameup of Gary Tyler* and collected close to 100,000 signatures on petitions calling for Gary's release. After holding several marches throughout the country to popularize his case, a march was held in Harlem, New York on December 4, 1976, which was attended by several hundred youth and trade unionists and addressed by Terry Tyler, Gary's brother.

The events of Gary Tyler's case were set in the turbulent period of the integration of public schools in Louisiana that had been resisted by racist politicians in the Democratic and Republican parties. On October 7, 1974 Gary, then 16 years old, was on a school bus with other black students following court orders to integrate Destrehan High School in St. Rose Parish outside of New Orleans.

Racial tensions had been running high with several fights taking place between black and white students. Right-wing forces, such as the Ku Klux Klan, and one of its leaders, David Duke, were using the issue of busing to whip up racial tensions in the area. As a result of the tensions the principal closed the school early and ordered all students to go home.

Gary, a sophomore, had been suspended by the principal that morning even though he said he was not involved in any fighting. He was sent home but was picked up as he hitched-hiked home by a deputy sheriff who took him back to the school. There, he caught the bus along with other black students going to their area of town.

A mob of 200 white protesters were threatening the black students as they boarded the buses. As Bus 91 pulled away it was pelted with rocks and bottles by those in the crowd. The sheriffs and deputies on duty at the scene stood by and refused to aid the students on the bus. Someone screamed they saw someone in the crowd with a gun and everyone hit the floor. A white youth in the crowd was shot and later died.

The police ordered all of the students off the bus and began a search of the vehicle. They searched the bus twice but did not find a weapon. During this time the police began to harass Gary's cousin, Ike Randall, who had a chain on his neck with a bullet attached to it. Gary spoke up for him, telling the police it wasn't right to harass Ike and that he had a chain just like it. The police grabbed Gary and charged him with “disturbing the peace.”

Afterwards another “search” was conducted and police claimed they

found the murder weapon. Tyler was then charged with the shooting death of 13-year-old Timothy Weber.

As Herbert recounted in one of his columns, “Matters moved amazingly fast after the shooting. Racial tension gave way to racial hysteria. A white boy had been killed and some black had to pay. Mr. Tyler, as good as any, was taken to a sheriff’s substation where he was beaten unmercifully and shouted commands that he confess. He would not.”

Herbert went on to explain that the gun supposedly used in the murder, “miraculously” appeared. “Investigators ‘found’ a .45-caliber pistol,” stated Herbert. “Never mind that there were no fingerprints on it and it turned out to have been stolen from a firing range used by the sheriff’s deputies.”

On the “Democracy Now” program, Amy Goodman played a previously tape-recorded interview of Gary Tyler where he recounts the police beating at the substation.

“Then that’s when they came and got me,” Gary said. “That’s when the officer went to writing the report on [inaudible] and myself. And when he asked me how old I was, I told him 16 years old. So he looked at me. He said, ‘You dumb mother-[expletive]! Why didn’t you tell me you was a juvenile?’ I said, ‘You didn’t ask me’...”

“That’s when they brought me in the back of the substation and they proceeded to beat on me, OK? So it lasted about a few hours.... If I tell him who fired the gun, you know, that would let me off the hook, you understand? Who did it? And if I did it, tell them that you did it, because—no, excuse me, tell them that I did it, because only thing that would happen to me, I would go to Scotland, you understand? And I would be out for a few years. I told him, ‘For something I didn’t do? No, uh-uh.’ So when he realized he couldn’t get anywhere with me in reference to that, he left.”

Gary’s mother, his cousin Ike, who was also in jail, and his brother all saw or heard the police beating Gary. Juanita said after hearing her son being beaten she told the police she wanted to see him. The policeman who picked up Gary, V.J. St. Pierre, said, “It will be six months before you see your son because my cousin’s brains have been blown out and some mother-[expletive] is going to pay for it.”

Gary was charged with first-degree murder, a capital crime, meaning he would be tried in an adult court rather than in juvenile court.

The trial, held in November 1975, was a farce. The presiding judge in the case was Judge Ruche Marino, a reported member of the White Citizens Council, a respectable version of the Ku Klux Klan.

The hand-picked jury was all-white even though 25 percent of the population in the area was black. Tyler’s lawyer, Jack Williams, who had never tried a major case, offered no serious defense. According to Herbert, Williams mainly complained to Tyler’s family that he was not being paid enough money. Williams spent a total of an hour with Gary before his trial; did not interview a single witness or present an expert witness, nor did he object to gross errors by the judge.

All of the main witnesses in the case, high school students threatened by the police, later recanted their testimonies after Gary was convicted. Natalie Blanks, the main witness and the only person to testify that she saw Gary shoot the gun, recanted her testimony in a 31-page affidavit in March 1976. She said the police had threatened to charge her as an accessory if she did not testify on their behalf.

Gary’s mother, Juanita, and other family members were not allowed in the court during the trial. Juanita was told she was going to be a witness and should wait outside the court room. “I was told I was supposed to be a witness,” Mrs. Tyler told the Workers League in 1976. “But I was never called and waited outside until I heard that both sides had rested their case. When the jury came back with a verdict, we were not there at all. We don’t know how long the jury was out. When they began the recess, that’s when the police began loading the hall with guns.”

“Then the lawyer, Jack Williams, walked out and said that Gary was

found guilty of first degree murder. I felt terrible. I just didn’t have an idea a judge could order Gary to die.” The trial lasted five days and was decided by the jury within three hours.

Later that year the US Supreme Court ruled that Louisiana’s death penalty statutes were unconstitutional. In January 1977, Louisiana’s Supreme Court annulled Gary’s death sentence and determined that his death sentence be commuted to life. In June 1980 the Fifth Court of Appeals determined that Gary was “convicted on the basis of an unconstitutional charge,” and that his trial was “fundamentally unfair.”

The court also found that Gary’s lawyer, John Williams, failed to object to the judge’s erroneous instructions at the time of trial. Marino instructed the jury they could presume Gary to be guilty even before they deliberated. The appeals court vacated Gary’s conviction and stated that his lawyer’s failure to act was so serious that it led to a miscarriage of justice.

The state appealed the decision and on April 27, 1981 the Fifth Court of Appeals reversed its earlier decision. In essence, the appeals court was saying Gary received an unfair trial, but they could not grant him a new trial due to the incompetence of Williams, who said he could not remember why he did not object to the judge’s biased rulings.

Gary’s lawyers then appealed the ruling to the US Supreme Court, which refused to hear the case.

The Louisiana Democratic Party, which has long dominated political life in the state, has strong ties to racist elements at every level and has played a key role in keeping Gary Tyler behind bars. On three separate occasions the state’s pardon board recommending a lessening of Tyler’s sentence, which would have allowed him by now to be released. Democratic Governor Roemer rejected the requests on two separate occasions in 1989 and 1991, claiming Gary received a fair trial. Governor Edwin V. Edwards—another Democrat who was later convicted on charges of corruption—never issued a ruling on the pardon board’s appeal.

Gary continued to express his defiance in the interview played on “Democracy Now.” “I don’t think it’s so much an issue of me proving my innocence now,” he said. “I feel enough has been done to exonerate me of that. It’s just that the system is not receptive to that. The system is not receptive to the mistake that they made in my case, just like they made in other cases throughout the country.... But as long as I continue to be here, it will never die.”

The *World Socialist Web Site* and the Socialist Equality Party renew the call for young people, workers and all those who defend democratic rights to demand the immediate release of Gary Tyler with full compensation paid to him from the state for the years stolen from his life.

Click here to submit a letter of protest to Louisiana’s Governor Kathleen Blanco.



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