

The brutality of capitalist justice

Louisiana Supreme Court denies review of Fair Wayne Bryant's life sentence for allegedly stealing a pair of hedge clippers

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Fair Wayne Bryant, now 60 years old, has spent the last 23 years at Angola State Penitentiary in Louisiana on one count of attempted simple burglary. This penitentiary is one of the largest, and most notoriously brutal, state institutions in the US.

In 2018, Bryant's attorney Peggy Sullivan appealed his sentence before the Second Circuit Court of Louisiana, stating that her client "contends that his life sentence is unconstitutionally harsh and excessive."

The state appellate court, after a hearing held in November 2019, maintained that the sentence was in accordance with the habitual offender law and no longer subject to review. That decision was then appealed to the seven-member Louisiana Supreme Court.

On August 5, with one dissenting vote, the other 6 Supreme Court justices declined to review the appeal upholding the decision of the State Appellate court that Bryant remain in jail for the rest of his life.

Bryant's crime was attempting to steal a pair of hedge clippers.

Although Louisiana's State Supreme Court refused to hear the case, Bryant will have one more chance at possible parole. An earlier ruling by the lower appeals court in 2018 stated that Bryant had been illegally denied parole eligibility. Bryant filed an appeal on July 21 and the Louisiana Committee on Parole will decide whether or not to hold a hearing. Even then, the final decision would be made by the board.

Upon reading about this case, one is reminded of Victor Hugo's classic novel *Les Misérables*, which tells the story of Jean Valjean, a French peasant sentenced to

19 years in jail for having stolen a loaf of bread. But as Bryant was sentenced not to 19 years but to life in prison, here America compares unfavorably even to Hugo's depiction of France under the Bourbon Restoration, when the French monarchy was re-established after the defeat of Napoleon.

This grueling and horrific experience for one count of alleged petty theft demonstrates the true face of justice in capitalist America. One finds one set of rules for the poor and oppressed and another set of rules for those who control the wealth and run the political and state institutions, including the police and courts and their representatives in the Democratic and Republican parties.

Less than two weeks before Bryant lost his appeal, the grotesquely misnamed "SAFE TO WORK" Act was introduced into Congress, which provide companies with legal immunity if their workers become seriously ill or die from the coronavirus after becoming infected at work.

Louisiana has the highest incarceration rate in the United States. According to a recent report from the ACLU, 1 out of every 86 residents in the state is in prison. A disproportionate number of inmates are black or another minority. The state's prisoners suffer brutal treatment. The Angola Three, Herman Wallace, Albert Woodfox and Robert Hillary King, each spent 40 years in solitary confinement at Angola, the longest ever such period in prison history.

In her dissenting statement, Chief Justice Bernette Johnson wrote: "The sentence imposed is excessive and disproportionate to the offense the defendant

committed. Mr. Bryant was sentenced, as a habitual offender, to life in prison for unsuccessfully attempting to make off with somebody else's hedge clippers." Johnson noted. In her dissent, she went on to review the conditions that this prisoner and thousands of others face in a state suffering from one of the highest poverty rates in the country.

"Mr. Bryant's sentence is sanctioned under the habitual offender law because of his four prior convictions. His first conviction was attempted armed robbery in 1979, for which he was sentenced to 10 years at hard labor. He has had no more violent convictions. He was subsequently convicted of possession of stolen things in 1987; attempted forgery of a check worth \$150 in 1989; and simple burglary of an inhabited dwelling on 19 March 1992. Each of these crimes was an effort to steal something. Such petty theft is frequently driven by the ravages of poverty or addiction, and often both."

The Bryant case is the product of decades of bipartisan "law-and-order" campaigns. It was Democratic presidential nominee Joe Biden who authored and promoted the "tough on crime" legislation passed 25 years ago, which was signed into law by then President Bill Clinton. This law was the one of the key factors in the explosion of mass incarceration beginning in the period of the 1990s. The bill led to longer prison sentences, a growth of the number of prison cells and a more aggressive policy of policing. Approximately 1,000 people are killed each year by US police.

Laws enacted in the state of Louisiana followed those of the federal government, including the habitual offender statute, which condemned thousands of young people to life imprisonment for minor offenses at one of the harshest prison facilities in the US.

In addition, large numbers of the country's prison population are innocent. To date over 375 people have been exonerated through the Innocence Project based on DNA evidence and legal appeals.

On April 29, 2016, political prisoner Gary Tyler was freed at the age of 57 years old after spending his entire adult life at Angola for a crime he never committed. He was framed up at the age of 16 for the shooting death of Timothy Weber, a 13-year-old white student. The killing occurred in a racially charged atmosphere whipped up by elements such as David Duke, then

emerging as a leading figure in the Louisiana and national Ku Klux Klan.

The Workers League (forerunner of the Socialist Equality Party) played a major role in campaigning for Gary Tyler's freedom and carried out a determined national and international struggle to mobilize the working class in his defense.



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