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Guantanamo on the Mississippi

by **Jordan Flaherty**

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Sometimes the injustices here in New Orleans leave me numb.

But the continuing debacle of our criminal justice system inspires in me a sense of indignation I thought was lost to cynicism long ago.

Ursula Price, a staff investigator for the indigent defense organization A Fighting Chance, has met with several thousand hurricane survivors who were imprisoned at the time of the hurricane, and her stories chill me. "I grew up in small town Mississippi," she tells me. "We had the Klan marching down our main street. But still, I've never seen anything like this."

Safe Streets, Strong Communities, a New Orleans-based criminal justice reform coalition that Price also works with, has just released a report based on more than a hundred recent interviews with prisoners who have been locked up since pre-Katrina and are currently spread across thirteen prisons and hundreds of miles. They found the average number of days people had been locked up without a trial was 385 days. One person had been locked up for 1,289 days. None of them have been convicted of any crime.

"I've been working in the system for the while, I do capital cases and I've seen the worst that the criminal justice system has to offer," Price told me. "But even I am shocked that there has been so much disregard for the value of these peoples lives, especially people who have not been proved to have done anything wrong." As lawyers, advocates, and former prisoners stressed to me in interviews over the last couple of weeks, arrest is not the same as conviction. According to a pre-Katrina report from the Metropolitan Crime Commission, 65% of those arrested in New Orleans are eventually released without ever having been charged with any crime.

Samuel Nicholas (his friends call him Nick) was imprisoned in

Orleans Parish Prison (OPP) on a misdemeanor charge, and was due to be released August 31. Instead, after a harrowing journey of several months, he was released February 1. Nick told me he still shudders when he thinks of those days in OPP.

"We heard boats leaving, and one of the guys said 'hey man, all the deputies gone,'" Nick relates. "We took it upon ourselves to try to survive. They left us in the gym for two days with nothing. Some of those guys stayed in a cell for or five days. People were hollering, 'get me out, I don't want to drown, I don't want to die,' we were locked in with no ventilation, no water, nothing to eat. Its just the grace of god that a lot of us survived."

Benny Flowers, a friend of Nick's from the same Central City neighborhood, was on a work release program, and locked in a different building in the sprawling OPP complex. In his building there were, by his count, about 30 incarcerated youth, some as young as 14 years old. "I don't know why they left the children like that. Locked up, no food, no water. Why would you do that? They couldn't swim; most of them were scared to get into the water. We were on work release, so we didn't have much time left. We weren't trying to escape, we weren't worried about ourselves, we were worried about the children. The guards abandoned us, so we had to do it for ourselves. We made sure everyone was secured and taken care of. The deputies didn't do nothing. It was inmates taking care of inmates, old inmates taking care of young inmates. We had to do it for ourselves."

Benny Hitchens, another former inmate, was imprisoned for unpaid parking tickets. "They put us in a gym, about 200 of us, and they gave us three trash bags, two for defecation and one for urination. That was all we had for 200 people for two days."

State Department of Corrections officers eventually brought them, and thousands of other inmates, to Hunts Prison, in rural Louisiana, where evacuees were kept in a field, day and night, with no shelter and little or no food and water. "They didn't do us no kind of justice," Flowers told me. "We woke up early in the morning with the dew all over us, then in the afternoon we were burning up in the summer sun. There were about 5,000 of us in three yards."

Nick was taken from Hunts prison to Oakdale prison. "At Oakdale they had us on lockdown 23 hours, on Friday and Saturday it was 24 hours. We hadn't even been convicted yet. Why did we have to be treated bad? Twenty-three and one ain't nothing nice, especially when you ain't been convicted of a crime yet. But here in New Orleans you're guilty 'til you're proven innocent. Its just the opposite of how its supposed to be."

From reports that Price received, some prisoners had it worse than Oakdale. "Many prisoners were sent to Jena prison, which had been previously shut down due to the abusiveness of the staff there. I

have no idea why they thought it was acceptable to reopen it with the same staff. People were beaten, an entire room of men was forced to strip and jump up and down and make sexual gestures towards one another. I cannot describe to you the terror that the young men we spoke to conveyed to us."

According to the report from Safe Streets Strong Communities, the incarcerated people they interviewed described their attorney's as "passive," "not interested," and "absent." Interviewers were told that "attorneys acted as functionaries for the court rather than advocates for the poor people they represented ... the customs of the criminal court excused -- and often encouraged -- poor policing and wrongful arrests. The Orleans Indigent Defender Program acted as a cog in this system rather than a check on its dysfunction."

Pre-Katrina, the New Orleans public defender system was already dangerously overloaded, with 42 attorneys and six investigators. Today, New Orleans has 6 public defenders, and one investigator. And these defenders are not necessarily full-time, nor committed to their clients. One of those attorneys is known to spend his days in court working on crossword puzzles instead of talking to his clients. All of these attorneys are allowed to take an unlimited number of additional cases for pay. In most cases, these attorneys have been reported to do a much more vigorous job on behalf of their paid clients.

"We have a system that was broken before Katrina," Price tells me, "that was then torn apart, and is waiting to be rebuilt. Four thousand people are still in prison, waiting for this to be repaired. There's a young man, I speak to his mother every day, who has been in the hole since the storm, and is being abused daily. This boy is 19 years old, and not very big, and he has no lawyer. His mother doesn't know what to do, and without her son having council, I don't know what to tell her."

Pre-hurricane, according to the Safe Streets report, some detainees were brought to a magistrate court shortly after being arrested, "where a public defender was appointed 'solely for the purposes of this hearing.' The assigned attorney did not do even the most cursory interview about the arrestee's ties to the community, charges, or any other information relevant to setting a bond. Other interviewees were brought to a room where they faced a judge on a video screen. These individuals uniformly reported there was no defense lawyer present."

The report continues, "after appointment, (defense attorneys) by and large did not visit the crime scene, did not interview witnesses, did not check out alibis, did not procure expert assistance, did not review evidence, did not know the facts of the case, did not do any legal research, and did not otherwise prepare for trial ... with few exceptions, attorneys with the Orleans Indigent Defender program never met with their clients to discuss their case. Appointed council

did not take calls from the jail, did not respond to letters or other written correspondence, and generally did not take calls or make appointments with family members ... (defenders) frequently did not know the names of their clients."

"This ain't just started, its been going on," Nick tells me. "I want to talk about it, but at the same time it hurts to talk about it. Someone's gotta start talking about it. It's not the judge, its not the lawyers, it's the criminal justice system. Everybody who goes to jail isn't guilty. You got guys who were drunk in public, treated like they committed murder."

I asked Price what has to happen to fix this system. "First, we establish who was left behind, collect their stories and substantiate them. Next, we're going to organize among the inmates and former inmates to change the system. The inmates are going to have a voice in what happens in our criminal justice system. If you ask anyone living in New Orleans, the police, the justice system, may be the single most influential element in poor communities. It's what beaks up families, it's what keeps people poor."

How can people from around the US help? "Education, health care, mental health. All these issues that exist in the larger community, exist among the prisoners, and no one is serving them. We need psychiatrists, doctors, teachers, we need all kinds of help," Price says.

"One thing I can't forget is those children," Benny Flowers tells me. "Why would they leave those children behind? I'm trying to forget it, but I can't forget it"

Sitting across the table from Benny, Nick is resolute. "I'm making this interview so that things get better," he tells me. "The prison system, the judicial system, the police. We got to make a change, and we all got to come together as a community to make this change. I want to stop all this harassment and brutality."

Jordan Flaherty is a resident of New Orleans, an organizer with New Orleans Network and an editor of [Left Turn Magazine](#). His previous articles from New Orleans are [archived here](#)

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