



They've Determined It's Better We Die:

THE CRIME OF PROPOSING PUBLIC SAFETY CONCERNS

WARRANT EXPOSING LOUISIANA'S VAST POPULATION OF INCARCERATED AFRICAN AMERICANS
TO AVOIDABLE RISKS OF COVID-19 INFECTION.

A position statement of
Louisiana United International, Inc.
and its coalition partners



April 27, 2020
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Position Statement Summary:

I. For decades, Louisiana swelled its detention facilities, jails, and prisons with African Americans as part of a so-called War on Drugs and the state’s sanctioning of less than unanimous jury convictions for criminal defendants. The latter practice was determined unconstitutional on April 20, 2020 by the U.S. Supreme Court in the landmark case of *Ramos v. Louisiana*, 590 U. S. ____ (2020). Overshadowing that great victory is the COVID-19 pandemic of 2019-2020 which has no clear end in sight..... 3

II. As of April 9, 2020, balancing “public safety and the concerns of potential spread” among the state’s incarcerated residents was a bigger concern for Louisiana’s executive branch than “controlled, substantial evacuation” of its detainees, inmates, and prisoners as was proposed on March 31, 2020 by Louisiana United International, Inc. 4

III. As of April 10, 2020, Louisiana Attorney General Jeff Landry was publicly vowing to resist efforts by Governor Edwards to release substantial numbers of the state’s incarcerated population, warning a potential “crime wave” and spread of COVID-19 could result. 5

IV. Louisiana and government officials across America are operating as if what might happen if incarcerated people were released warrants exposing them to avoidable risks of COVID-19 infection. Surely the principle of proportionality, as conceived by the UNHRCmte, requires that prospects of death unique to being incarcerated during a pandemic account only for risks proportional to past or otherwise confirmed acts prompting, and circumstances of that detention. 6

V. Nothing could be more arbitrary, or deviate from fundamental principles of fair trial, including the presumption of innocence, than detaining/warehousing people in overcrowded, government owned and/or funded facilities amidst a deadly pandemic based on estimates, projections, and/or any such speculation about crimes they may commit as opposed to the proportionality of past or otherwise confirmed acts prompting, and circumstances of that detention. Unless the truth of that proposition is self-effectuating, more people confined in and staffing America’s detention centers, jails, and prisons will die from COVID-19 exposure secondary to undue delay in evacuating those facilities. It not only lacks nimbleness . . . America’s administration of justice is neither reliably fair nor impartial enough to minimize otherwise avoidable, coronavirus-related deaths..... 8

VI. African Americans are in the untenable position of needing the same criminal justice system content to imprison one of every three African American males, to treat those of us subject to its jurisdiction “with humanity and with respect for the inherent dignity of the human person” as well as supply “a remedy that is effective” should we be incarcerated during the COVID-19 pandemic. 10

VII. African Americans as well as all justice loving people should come to grips with the fact that a good portion of America’s approximately 2.3 million incarcerated people are African

American, caught up in a criminal justice system particularly hostile to us/them, and now languishing in “death camps” courtesy of the Coronavirus. Already, we/they are uncomfortably close to a prospect of statewide genocide in regard to Louisiana’s African American detainees, inmates, and prisoners..... 12

I. For decades, Louisiana swelled its detention facilities, jails, and prisons with African Americans as part of a so-called War on Drugs and the state’s sanctioning of less than unanimous jury convictions for criminal defendants. The latter practice was determined unconstitutional on April 20, 2020 by the U.S. Supreme Court in the landmark case of *Ramos v. Louisiana*, 590 U. S. ____ (2020). Overshadowing that great victory is the COVID-19 pandemic of 2019-2020 which has no clear end in sight.

According to Prison Policy Initiative, “Louisiana has an incarceration rate of 1,052 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than many wealthy democracies”.¹ Although Blacks or African Americans are 32.23% of Louisiana’s population² and constituted about that percentage of Louisiana residents in 2016,³ African Americans were more than half of the state’s prison population in 2016, which is when The Sentencing Project last reported those demographics.⁴ In fact, as of 2017, African Americans comprised 67% of Louisiana’s prison population.⁵ Helping swell those ranks for decades was America’s so-called War on Drugs and Louisiana’s sanctioning of less than unanimous jury convictions for criminal defendants. The latter practice was determined unconstitutional on April 20, 2020 by the U.S. Supreme Court in the landmark case of *Ramos v. Louisiana*, 590 U. S. ____ (2020). Louisiana United International, Inc. (LUI) was the first and, for a while, the only social justice advocate calling out that state action as racist and a perpetuation of Jim Crow laws.

LUI is a grassroots civil, constitutional, and human rights organization.⁶ While it was eventually pushed from the forefront of related reform efforts, LUI evoked the public outcry precipitating a 2018 change of Louisiana’s Constitution to require unanimous jury verdicts to convict criminal defendants of serious crimes. And when the amendment was not made retroactive, LUI initiated its “Unanimous Is Not Enough Campaign”, demanding retroactive relief

¹ See, <https://www.prisonpolicy.org/profiles/LA.html>

² See, <https://worldpopulationreview.com/states/louisiana-population/>

³ See, <https://www.census.gov/quickfacts/LA>

⁴ See, Nellis, Ashley Ph.D. The Sentencing Project. (June 2016). “The Color of Justice: Racial and Ethnic Disparity in State Prisons”, accessible as of April 23, 2020 @ <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

⁵ See, The Vera Institute Fact Sheet, “Incarceration Trends in Louisiana”, accessible as of April 23, 2020 @ <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-louisiana.pdf>

⁶ Learn more by visiting <https://www.launitedi.org/> and <https://www.facebook.com/LUIaFORCE4Justice>

for all affected inmates and prisoners.⁷ So, the *Ramos* decision substantially vindicates LUI and its constituents, especially those directly impacted by Louisiana’s criminal justice system. Of course, overshadowing that great victory for Louisiana inmates and prisoners convicted pre-2018 by less than a unanimous jury is the COVID-19 pandemic of 2019-2020 which has no clear end in sight.

II. As of April 9, 2020, balancing “public safety and the concerns of potential spread” among the state’s incarcerated residents was a bigger concern for Louisiana’s executive branch than “controlled, substantial evacuation” of its detainees, inmates, and prisoners as was proposed on March 31, 2020 by Louisiana United International, Inc.

With regard to COVID-19, on the signature of its co-founder and CEO, Belinda Parker-Brown, LUI explained to Louisiana Governor John Bel Edwards by letter of March 31, 2020:

...

‘When in the judgment of the governor, it is deemed necessary during a disaster or state of emergency, he may order a forced evacuation order for one or more parishes or parts thereof if a forced evacuation is not issued by the parish president.’ *La. R.S. § 29:730.3(B).* The transformation of Louisiana’s detention facilities into virtual death chambers certainly seems to qualify as a disaster or state of emergency warranting a controlled, substantial evacuation of those facilities. LUI is uniquely qualified to assist with that task. Our administrators are accustomed to working with the families of Louisiana inmates and can help them arrange for self-isolation of those evacuated as hereby proposed. In fact, working with the loved ones of people incarcerated by the State of Louisiana, LUI has screened hundreds of cases with compelling evidence of actual innocence, and are prepared to recommend immediate release of corresponding inmates as a prelude to commutation of their sentences, reprieves, and pardons as you deem appropriate. Article IV, section 5 of Louisiana’s Constitution empowers you to ‘grant reprieves to persons convicted of offenses against the state and, upon favorable recommendation of the Board of Pardons, . . . commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.’⁸

...

7 Learn more by visiting <https://www.launitedi.org/unanimous-is-not-enough> and <https://www.facebook.com/UnanimousIsNOTenough>

8 An electronic copy of the entire letter, which was emailed to Governor Edwards’ office on March 31, 2020 and subsequently mailed to him by U.S. certified mail, is accessible as of April 23, 2020 @ [https://www.dropbox.com/s/48ftx1h0nidnilj/elec-signed Letter%20to%20Gov%20Edwards%20re%20COVID-19 March-31-2020.pdf?dl=0](https://www.dropbox.com/s/48ftx1h0nidnilj/elec-signed%20Letter%20to%20Gov%20Edwards%20re%20COVID-19%20March-31-2020.pdf?dl=0)

Naturally, controls on the LUI proposed evacuations would include such things as medically supervised quarantines, assignments to halfway houses, home confinement requirements, electronic monitoring, and bonds.

On April 9, 2020, after Parker-Brown prodded Governor Edwards' office for a response, his Assistant Executive Counsel & Criminal Justice Policy Advisor emailed Parker-Brown, noting the governor's office was ". . . working on a resolution that takes consideration of both public safety and the concerns of potential spread throughout the facilities." That same day the Louisiana Department of Public Safety & Corrections issued its "Summary of COVID-19 Response".⁹ The three-page summary indicates, among other things, that "DOC continues to process inmates pursuant to ordinary release dates as inmates reach their goodtime release date (GTPS) or full term release date. (housed in prisons and jails)."¹⁰

III. As of April 10, 2020, Louisiana Attorney General Jeff Landry was publicly vowing to resist efforts by Governor Edwards to release substantial numbers of the state's incarcerated population, warning a potential "crime wave" and spread of COVID-19 could result.

By April 10, 2020, "(a)fter dozens of Louisiana state prisoners . . . tested positive for the novel coronavirus, state officials (were reportedly) starting to consider releasing some inmates — particularly nonviolent offenders, those with release dates coming up and those with serious underlying medical conditions — before (COVID-19 started) claiming their lives."¹¹ By then,

(o)ther states ha(d) already started letting some prisoners out. Kentucky's governor . . . freed almost 1,000 inmates, Ohio's governor (was) seeking to release nearly 200, and Pennsylvania's governor plan(ed) to grant a temporary reprieve to 1,800 inmates.

Louisiana's incarceration rate is much higher than all those states — and its coronavirus death rate (was) too. The number of confirmed cases among Louisiana inmates and corrections staff (was continuing) to rise inside prison facilities, where social distancing and proper sanitization measures are often impossible.

'They're stuck in there like dogs,' said Becky Clark, whose husband is serving time for drug charges.¹²

9 Accessible as of April 23, 2020 @ <https://doc.louisiana.gov/wp-content/uploads/2020/04/DOC-Summary-of-COVID-19-Response-for-WEBSITE.pdf>

10 *Id.* at p 2.

11 Skene, Lea and Sledge, Matt. (April 10, 2020). "To limit coronavirus spread in prisons, Louisiana considers releasing some inmates". *The Advocate*, accessible as of April 23, 2020 @ https://www.theadvocate.com/baton_rouge/news/coronavirus/article_01a2d716-7b5c-11ea-98e5-9780828fccb6.html

12 *Id.*

Nonetheless, “Louisiana Attorney General Jeff Landry, a frequent foe of Edwards on criminal justice reform, . . . warned of potential ‘crime wave’ and raised concerns that prisoners might spread COVID-19.”¹³

In Texas, Dallas County Sheriff Marian Brown “asked U.S. District Judge Ada Brown to dismiss (a lawsuit) filed by nine inmates claiming the jail’s conditions amid the coronavirus pandemic put them at risk.”¹⁴ “Brown stressed that public safety is among the top priorities in handling decisions about who gets released from the jail.”¹⁵ She and other like-minded state as well as federal executive branch officials, including Louisiana’s Attorney General Landry, seem unphased by the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution as well as its Separation of Power provisions and America’s International Covenant on Civil and Political Rights (ICCPR), ratified (*with reservations, understandings, and declarations a/k/a RUDs*) and accordingly made part of U.S. federal law in 1992.

IV. Louisiana and government officials across America are operating as if what might happen if incarcerated people were released warrants exposing them to avoidable risks of COVID-19 infection. Surely the principle of proportionality, as conceived by the UNHRCmte, requires that prospects of death unique to being incarcerated during a pandemic account only for risks proportional to past or otherwise confirmed acts prompting, and circumstances of that detention.

Article 4 of the ICCPR provides in relevant part:

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

¹³ *Id.*

¹⁴ Jaramillo, Cassandra and McGaughy, Lauren. (April 17, 2020). “Dallas County Sheriff Marian Brown argues inmate lawsuit should be tossed, governor agrees”. *The Dallas Morning News*, accessible as of April 23, 2020 @ <https://www.dallasnews.com/news/courts/2020/04/17/dallas-county-sheriff-brown-argues-inmate-lawsuit-should-be-tossed-governor-agrees/>

¹⁵ *Id.*

2. No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision.

...

In 2001, the U.N. Human Rights Committee (UNHRCmte) adopted a General Comment, elaborating on the rights and obligations of nations party to the ICCPR during declared states of emergency.¹⁶ The Comment provides that “(a) fundamental requirement for any measures derogating from the Covenant, as set forth in article 4, paragraph 1, is that such measures are **limited to the extent strictly required** by the exigencies of the situation.”¹⁷ Further, according to the UNHRCmte, “the obligation to limit any derogations to those strictly required by the exigencies of the situation reflects **the principle of proportionality** which is common to derogation and limitation powers.”¹⁸

The UNHRCmte notes that “Article 4, paragraph 2, of the Covenant explicitly prescribes that **no derogation** from (these relevant) articles may be made: article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman or degrading punishment, or of medical or scientific experimentation without consent), . . . article 11 (prohibition of imprisonment because of inability to fulfil a contractual obligation), article 15 (the principle of legality in the field of criminal law, i.e. the requirement of both criminal liability and punishment being limited to clear and precise provisions in the law that was in place and applicable at the time the act or omission took place, except in cases where a later law imposes a lighter penalty) . . .”¹⁹ Yet, Louisiana and government officials across America are operating as if public safety concerns warrant imposing **avoidable** prospects of, if not actual death from COVID-19 infection on most of our country’s detainees, inmates, and prisoners. *In Louisiana, these are overwhelmingly African American people!*

The United States, including each of its sovereign states and territories, and all other nations party to the ICCPR “may **in no circumstances** invoke article 4 of the Covenant as justification for acting in violation of humanitarian law or peremptory norms of international law, for instance by taking hostages, by imposing collective punishments, through arbitrary deprivations of liberty or by deviating from fundamental principles of fair trial, including the presumption of innocence.”²⁰ Nothing could be more arbitrary, or deviate from fundamental principles of fair trial, including the presumption of innocence, than detaining/warehousing people in overcrowded, government owned and/or funded facilities amidst a deadly pandemic based on estimates, projections, and/or any such speculation about crimes they **may** commit given “a controlled, substantial evacuation of those facilities” as LUI proposed to Louisiana Governor Edwards.²¹ Surely the principle of proportionality, as conceived by the UNHRCmte, requires that

16 See, UN Human Rights Committee (HRC), *CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency*, 31 August 2001, CCPR/C/21/Rev.1/Add.11, accessible as of April 23, 2020 @ <https://www.refworld.org/docid/453883fd1f.html>

17 *Id.* at p 2, ¶4. (emphasis added).

18 *Id.* at pp 2-3, ¶4.

19 *Id.* at p 3, ¶7. (emphasis added).

20 *Id.* at p 5, ¶11. (emphasis added).

21 See, footnote 8, *Supra*.

prospects of death unique to being incarcerated during a pandemic account only for risks proportional to **past or otherwise confirmed** acts prompting, and circumstances of that detention. Beyond those considerations,²² public safety concerns **do not** warrant derogation from the ICCPR and/or any other provision of international law, particularly the rules of international humanitarian law.

V. Nothing could be more arbitrary, or deviate from fundamental principles of fair trial, including the presumption of innocence, than detaining/warehousing people in overcrowded, government owned and/or funded facilities amidst a deadly pandemic based on estimates, projections, and/or any such speculation about crimes they may commit as opposed to the proportionality of past or otherwise confirmed acts prompting, and circumstances of that detention. Unless the truth of that proposition is self-effectuating, more people confined in and staffing America’s detention centers, jails, and prisons will die from COVID-19 exposure secondary to undue delay in evacuating those facilities. It not only lacks nimbleness . . . America’s administration of justice is neither reliably fair nor impartial enough to minimize otherwise avoidable, coronavirus-related deaths.

For the U.S., **speculative** public safety concerns do not warrant derogation from the ICCPR (subject to our RUDs) and/or other provisions of our federal law including the Fifth, Sixth, Eighth, and Fourteenth Amendments of the U.S. Constitution as well as its Separation of Power provisions. Unless the truth of that proposition is self-effectuating, more people confined in and staffing America’s detention centers, jails, and prisons will die from COVID-19 exposure secondary to undue delay in evacuating those facilities. A writer accounts for that inevitability in this way:

...

The coronavirus reveals characteristics of the judicial system that will prove lethal. The virus is lightning fast, while the judicial system is glacially slow. The virus is nimble and opportunistic; the system is ponderous, inflexible in its rules, slow to reverse its mistakes, and quick to attach large punishments to small crimes. Experts say that America will now see the price of mass incarceration, and that it will be catastrophically high, both for people in prisons and for the communities around them.

22 Considerations such as the relevant crimes(s); related claims, if any, of actual innocence and other affirmative defenses asserted at trial and/or post-conviction; the convicted person’s age at the time of his or her offense; his or her current age; sentence length; finality of the conviction and sentence determination; time served; behavioral record while incarcerated; and the convicted person’s medical/physical condition.

...

There are within the bounds of law so many and varied ways to slow down the release of an inmate believed to be wrongly convicted. A prosecutor can oppose and then appeal every defeat—in state trial court, appellate court, and the state’s highest court. If a federal district court orders relief, she can shift the appeal to the federal appeals court, and ultimately to the U.S. Supreme Court. The state can also delay administratively, by, say, promising to launch an independent review, as in Jimenez’s case. Or a judge can simply neglect to rule on an innocence claim. All these approaches can take years, which may be infuriating in normal times but which is terrifying in the age of COVID-19.

...²³

It not only lacks nimbleness . . . America’s administration of justice is neither reliably fair nor impartial enough to preempt (at reasonable/tolerable levels) coronavirus-related derogations of rights according to Opt IN USA, a grassroots campaign contending judicial oversight falls short of ICCPR requirements in America.²⁴

As positive COVID-19 tests and corresponding deaths mount among U.S. detainees, inmates, prisoners, and their facility administrators, America’s judiciary is reticent to help stem the tide by overriding related executive branch decisions. According to Joshua Matz, a D.C. lawyer and former law clerk to U.S. Supreme Court Justice Anthony M. Kennedy:

(d)espite the success of Fifth Amendment arguments in many ICE (Immigration and Customs Enforcement) cases, they have thus far gotten less traction in challenges brought by pretrial detainees against their jailers. A federal judge in Chicago has ordered improved protocols at the Cook County Jail, a federal judge in Washington, D.C., has ordered extensive reforms at D.C. jails, and a federal judge in Brooklyn has accelerated a suit aimed at the Metropolitan Detention Center, but other federal judges have proven reticent about granting emergency relief to those awaiting trial. In their opinions, these judges have expressed anxiety about releasing accused criminals without a highly individualized assessment of their flight risk and dangerousness.²⁵

Writing for the same publication from which the foregoing quote of Matz was retrieved, another author noted:

23 Hagerty, Barbara Bradley. (March 31, 2020). “Innocent Prisoners Are Going to Die of the Coronavirus”. *The Atlantic*, accessible as of April 23, 2020 @ <https://www.theatlantic.com/ideas/archive/2020/03/americas-innocent-prisoners-are-going-die-there/609133/>

24 To learn more about Opt IN USA, visit <https://www.thethirddegree.net/opt-in-usa> and <https://www.facebook.com/Opt.IN.USA>

25 Matz, Joshua. (April 20, 2020). “The Coronavirus Is Testing America’s Commitment to People’s Constitutional Rights”. *The Atlantic*, accessible as of April 23, 2020 @ <https://amp.theatlantic.com/amp/article/610216/>

(w)hile millions of Americans shelter in place, one group simply cannot escape the coronavirus: prisoners. Among them are hundreds of people who have plausible claims that they are innocent, whose cases were working their way through the courts — until the coronavirus ground regular court business to a halt.²⁶

Yet, Matz is tentative: “Where jailers violate the Constitution, courts can and should enter injunctions requiring improved safety protocols, regular public reporting, inspections by third-party experts, and, **if necessary**, progress toward releasing enough detainees to meet baseline constitutional standards.”²⁷

VI. African Americans are in the untenable position of needing the same criminal justice system content to imprison one of every three African American males, to treat those of us subject to its jurisdiction “with humanity and with respect for the inherent dignity of the human person” as well as supply “a remedy that is effective” should we be incarcerated during the COVID-19 pandemic.

In a 2013 Shadow Report to the UNHRCmte, The Sentencing Project explained:

The United States criminal justice system is the largest in the world. At yearend 2011, approximately 7 million individuals were under some form of correctional control in the United States, including 2.2 million incarcerated in federal, state, or local prisons and jails. The U.S. has the highest incarceration rate in the world, dwarfing the rate of nearly every other nation.

Such broad statistics mask the racial disparity that pervades the U.S. criminal justice system. Racial minorities are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences. African-American males are six times more likely to be incarcerated than white males and 2.5 times more likely than Hispanic males. If current trends continue, one of every three black American males born today can expect to go to prison in his lifetime, as can one of every six Latino males — compared to one of every seventeen white males. Racial and ethnic disparities among women are less substantial than among men but remain prevalent.²⁸

26 The quote is of Barbara Hagerty, pulled from her article cited at footnote 21, *supra*.

27 *See*, footnote 22, *supra*. (emphasis added).

28 The Sentencing Project. (August 2013). “Report of The Sentencing Project to the United Nations Human Rights Committee Regarding Racial Disparities in the United States Criminal Justice System”, accessible as of April 23, 2020 @ <https://www.sentencingproject.org/publications/shadow-report-to-the-united-nations-human-rights-committee-regarding-racial-disparities-in-the-united-states-criminal-justice-system/>

Such is the handy work of a system charged to, among other things, treat African Americans, as all people, “with humanity and with respect for the inherent dignity of the human person”²⁹ and supply them “a remedy that is effective.”³⁰ Although originally presented in another context, these words from Opt IN USA’s 2019 report on America’s ICCPR compliance come to mind: “*No wonder by January 2018, it became necessary to venture outside the U.S.A. as part of Opt IN USA, and propose to the United Nations Human Rights Council (UNHRCouncil) that average Americans lack effective, domestic avenues for redressing the alleged role of U.S. judges in literal persecution and psychological torture imposed on litigants, respondents, and criminal defendants over which the judges preside, through persistent abuse of underlying legal proceedings.*”³¹

Fortunately, calculated statistics, relevant social science research findings, and compilations of empirical data have advanced enough to confirm the institutionalized nature and far-reaching impact of judicial misconduct that advocates such as LUI and other signatories to this position statement combat. On October 10, 2018, the UNHRCouncil determined that our related contentions are **not** “manifestly ill-founded”.³² Those contentions also align with an alleged whitewash of subsequently confirmed, major corruption of Mississippi’s Department of Corrections, detailed by one of its former correction officers and administrators, Mr. Britton Mosley, Sr.³³ Detainee, inmate, and prisoner abuse beyond the comprehension of most Americans could have well been averted, **throughout America**, via a domino effect, if Mosley’s particularly well-documented, shocking insider account of such abuse, the underlying discrimination against African Americans, related whistleblower retaliation, and official coverups (including organized U.S. legal system abuse) from the 90s was heeded.³⁴

29 Cf., UNHRCmte General Comment cited at footnote 16, ¶13.(a), p 5.

30 Cf., UNHRCmte General Comment cited at footnote 16, ¶14., p 6.

31 See, Opt IN USA. (December 28, 2019). “2020 Vision: *Shattering Delusions About the Demands of Human Rights Protection in America*”, accessible as of April 23, 2020 @ <https://www.dropbox.com/s/movwmwjqvgtx28/2020%20Vision%20Opt%20IN%20USA%202019%20Report.pdf?dl=0>

32 See, “UN Human Rights Council Poised to Address Prospect of Judicial Impunity in America”, Oct. 12, 2018 – *PRLog*, accessible as of April 23, 2020 @ <https://www.prlog.org/12734665-un-human-rights-council-poised-to-address-prospect-of-judicial-impunity-in-america.html>

33 See, Mosley, Britton Sr. (2015) *Fabricating Evidence Drug Set-up/Cover-up of a Correctional Whistleblower*. Mighty Monarch Publishing; and Mosley, Britton Sr. and Fancher, John “Jimmy”. (2016) *Fabricating Evidence II: Office of the Attorney General/Mississippi Department of Corrections Integrity Meltdown*. Mighty Monarch Publishing, <http://brittonmosleysr.com/>

34 *Id.*

VII. African Americans as well as all justice loving people should come to grips with the fact that a good portion of America’s approximately 2.3 million incarcerated people are African American, caught up in a criminal justice system particularly hostile to us/them, and now languishing in “death camps” courtesy of the Coronavirus. Already, we/they are uncomfortably close to a prospect of statewide genocide in regard to Louisiana’s African American detainees, inmates, and prisoners.

As of April 7, 2020, headlines of mainstreamed news outlets included “LOUISIANA’S CORONAVIRUS PLAN FOR PRISONS COULD CREATE DEATH CAMPS”.³⁵ Per the corresponding article:

AS THE CORONAVIRUS rips through jails and prisons across the country and pressure mounts on corrections departments to stave off disaster, federal, state, and local officials have begun to release some incarcerated people in an effort to reduce prison density and slow the spread of the virus. But in Louisiana, which has both the highest incarceration rate in the country and one of the worst virus outbreaks, officials are bucking the trend. Rather than release people, they plan to isolate those who test positive for the virus in two maximum-security state facilities — a plan that critics said amounts to creating death camps.³⁶

Self-published, COVID-19 related stats and summaries of both the federal and state prisons as well as local jails in Louisiana paint an arguably less dire picture.³⁷ In fact, the referenced picture is less dire than and quite different from that being drawn for LUI leaders by some of the organization’s constituents, including reliable sources inside some Louisiana detention facilities, jails, and prisons.³⁸ An impression consistent with those constituent reports can also be gleaned from ongoing mainstream media coverage.³⁹ As a result, what African Americans and all justice loving people should face is how grim the metaphorical picture could be once totally unfolded and clearly focused. Already, we are uncomfortably close to a depiction of statewide genocide in regard to Louisiana’s African American detainees, inmates, and prisoners.

35 Speri, Alice and Lacy, Akela. (April 7, 2020). “LOUISIANA’S CORONAVIRUS PLAN FOR PRISONS COULD CREATE DEATH CAMPS”. *The Intercept*, accessible as of April 23, 2020 @ <https://theintercept.com/2020/04/07/louisiana-coronavirus-prisons/>

36 *Id.*

37 See, <https://doc.louisiana.gov/doc-covid-19-testing/> and <https://www.bop.gov/coronavirus/>

38 <https://www.dropbox.com/s/niluttqpkguqa4c/Fact%20Sheet%20for%20Position%20Paper.pdf?dl=0>

39 Supposedly all is under control, but even a Louisiana warden and his medical director died from COVID-19 approximately one week before publication of this statement. See, Skene, Lea. (April 20, 2020). “Coronavirus hits Louisiana prisons: Medical director, head warden, first state inmate die”. *The Advocate*, accessible as of April 23, 2020 @ https://www.theadvocate.com/baton_rouge/news/coronavirus/article_697c5eb6-8354-11ea-a205-9726a420e972.html

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April 27, 2020

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