

Wednesday, January 8, 2003
DAY EIGHTY-SIX
Federal Prison Camp
Oakdale, LA

NOTES FROM FEDERAL PRISON

My appeal to the United States Supreme Court was filed last week. A “petition for writ of certiorari” is the official title of the document. It means, under the rules of the Supreme Court, that the judges have discretion as to whether or not to hear my case. It is not guaranteed.

In my appeal, my lawyers reviewed a number of key mistakes made by the lower courts, including why I should have been allowed to see the handwritten notes taken by the FBI agent during my interview. Once I finally received these handwritten notes after the trial, it was easy to see how I was set up. The handwritten notes are dramatically different from the typewritten version the agent prepared several days later. And the agent’s testimony at my trial was directly contradicted by his own handwritten notes. There has never been a reported court case in the history of this country where a defendant was denied the handwritten notes in a false statement case. Mine is the first. How unjust that I have been singled out to be so unfairly prosecuted.

And what about the other defendant in my case, Ron Weems? He was given the handwritten notes of his interview with the same FBI agent. Ron’s lawyer effectively used the notes to show how the agent contradicted himself, and Ron was found not guilty...he had the handwritten notes. Where is the equal treatment here? How can the prosecutors justify giving one person the notes, yet hide them from me? How unjust!

My appeal also points out how I could not even confront my accuser about what I supposedly said at the interview, and what he wrote down in his notes. The Sixth Amendment to the U.S. Constitution gives an accused the right to confront the witnesses about the content of his handwritten notes. We could not cross-examine him about the basic things he wrote down about my interview. Whatever he wrote down could not be challenged. Any reasonable person will conclude, after reading my appeal, that a constitutional violation of my basic rights occurred.

There is page after page of comparisons showing how the FBI agent’s notes in every charge against me contradicted his testimony at the trial.

And finally, my appeal raises the important question of the use of an anonymous jury in my case. Anonymous juries are rarely used in this country, and almost always when organized crime is involved, or the accused poses some kind of danger to the jury. To my knowledge, I am the only public official in the history of America who was tried by an anonymous jury.

My problem is getting the Supreme Court's attention. They don't have to hear my case-like I said, it discretionary. The Court accepts less than one hundred cases in a year out of the several thousand appeals filed. I'm convinced that if they will just consider my case, the facts and the injustice that happened to me will cry out for a reversal of my conviction.

All I can do now is wait and hope. I should have a decision by early summer.

(Note: Jim Brown's brief filed in the United States Supreme Court can be found in full on the website. Go to the Legal Briefs section.)

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A few more thoughts on the New Year.

My refuge in this small prison facility is the library. The room (18' by 20' in size) houses a small collection of legal books, an assortment of paperback novels, several desks and two basic electric typewriters. Since I work during the meal hours, I am generally alone in the midmornings and afternoons to read and write. At night, the library becomes a gathering point for book browsers, letter writers, and the prison poets. I've donated a number of books I have finished reading and am often asked for suggestions. There is a lot of interest by the inmates in mysteries and action books. Not much use for the writings of Faulkner, Joyce, Eudora Welty, or Willis Morris.

In the evening, bull sessions on any and every subject occur in the library. Last week, several inmates raised questions about why the New Year begins with January 1st. Why then? Did some important event happen? January has no agricultural or astronomical significance. Wouldn't the logical time to start a new year be the beginning of spring? Isn't that the season of birth, of planting new crops, and of blossoming? What is so special about January 1st? They make a good point. So I did a little research. When you are in prison, you have time to think about things like this.

Actually, the ancient New Year did begin in spring. In fact, the celebration of the New Year is the oldest of all holidays, beginning some 4000 years ago in Babylon. The New Year then began with the first New Moon (actually the first visibly crescent) after the Vernal Equinox (first day of spring).

When the Romans came on the scene, various emperors kept tampering with the calendar so that it became out of synchronization with the sun. Julius Caesar tried to straighten everything out in 46 B.C. by creating the Julian calendar. January 1st became the first day of the year.

But in order to synchronize the calendar with the sun, Caesar had to let the previous year drag on for 445 days.

The Catholic Church opposed celebrating the New Year, condemning the festivities as paganism. But the church finally lightened up, and January 1st has been celebrated a holiday by Western countries for the past 400 years. So now you know.

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BOOKNOTES

I received several letters and e-mails from readers of my recent Christmas column inquiring as to why I asked each of my four children to read Elie Wiesel's 'Night'.

The book is an anguishing and wrenching effort by the author to find meaning in the horror of the Holocaust. I wanted my children to understand that even in strong Christian countries like Germany in the 1930's, aberrations of belief can take place that can turn into a searing genocidal tragedy.

Wiesel, the Nobel Peace laureate who has written more than forty books, struggles with the intolerable question of how these monstrous events could occur. In his memoirs, he writes:

What in the world was the good Lord doing while His people were being massacred and incinerated? And what about my faith? I would be within my rights to give it up. I could invoke six million reasons to justify my decision. But I don't. I never gave up my faith in God. Yes, my faith was wounded and still is today. In *Night*, my earliest testimony, I tell of the boy's death by hanging, and conclude that it is God Himself that the killer is determined to murder. I say this from within my faith, for had I lost it I would not rail against heaven. It is because I still believe in God that I argue with Him. As Job said: "Even if he kills me, I shall continue to place my hope in him."

The short book (98 pages) is the terrifying account of the Nazi death camp horror seen by the author as a young Jewish boy. He survives, but only after witnessing the death of his family, and the death of his innocence.

Wiesel and his father were imprisoned in Birkenau, Auschwitz, and Buckenwald. Soon after the initial arrival, their group was lined up to walk by a German officer who pointed either right or left as each prisoner passed. This was the first selection process as the majority of the new, less fit arrivals were gassed within a few hours.

The book describes how the brutality of the camp life, the starvation, the beatings, the severe cold and lack of sleep conspired to break the spirit of the prisoners. Many

inmates lost the will to carry on, while others fought to keep their will to live. Wiesel attributes this determination to a person's ability in choosing either to give up or to preserve a vestige of spiritual freedom.

Wiesel's plea, found in all of his writings, is that we must not forget. "For the dead and living, we must bear witness."

I just wonder what lessons the world has learned from the Holocaust? The Bible tells us "Do not be indifferent to the bloodshed inflicted on your fellow man" Camus wrote that not to take a stand is in itself to take a stand. Yet in each succeeding decade, more slaughter continues.

Stalin is said to have killed between twenty and thirty million of his own people. In China, Mao may have even killed more. In Cambodia, the Khmer Rouge murdered several million in this small country. About half a million Tutsi were killed by the Hutu in Rwanda. And the slaughter has continued in Latin America, Yugoslavia, other parts of Africa, the Arab-Israeli conflict... and, of course 9/11. The sanity of the human condition is still tenuous at best.

Nietzsche wrote that: "He who has a why to live can bear with almost any how." And that's really what Wiesel's body of writings are all about. It's true he is embittered (justifiably so) and continually reminds-demands that we remember the horror that took place. Yet, he still leaves the reader with hope, cautious hope, for humanity's future.

Elie Wiesel's *Night* is not just a recommendation. It should be required reading and shared among your family members.

(In Baton Rouge, there is a nice selection of Elie Wiesel's books at Cottonwood Bookstore by the Perkins Road underpass.)

A final thought for the week.

*Persecution cannot harm him
Who stands by Truth*

Kalil Gibran.

Peace and justice to you and your family,

Jim Brown