

Civil Rights Complaint of Victim and Exoneree John Thompson Against Former Orleans Parish Assistant District Attorney Jim Williams and the Orleans Parish District Attorney’s Office for Gross Violations of Civil Rights and Request for Investigation Into the Orleans Parish District Attorney’s Failure to Address or Remedy the Rogue Misconduct of Williams and Other Prosecutors in the Orleans Parish District Attorney’s Office

EXECUTIVE SUMMARY

Death row exoneree John Thompson is petitioning the United States Department of Justice to commence an investigation into the pattern and practice of constitutional violations that the Orleans Parish District Attorney’s Office—and in particular, prosecutor James (“Jim”) Williams—has perpetrated against him and against countless other criminal defendants in Orleans and Jefferson Parishes.

John Thompson was sentenced to death for first-degree murder in Orleans Parish in 1985. After numerous appeals were denied, and all options were exhausted, his execution was ultimately scheduled for May 1999. Because of the fortuitous discovery, mere weeks before Mr. Thompson was scheduled to be executed, of exculpatory evidence that Mr. Williams and the Orleans Parish District Attorney’s Office had never made available to Mr. Thompson’s defense team, Thompson’s sentence, and then his conviction, were vacated. He was acquitted and released in 2003, after spending 18 years in prison for two crimes he did not commit.¹ These nearly two decades of wrongful imprisonment on Louisiana’s death row are due directly to the unconstitutional misconduct of the Orleans Parish District Attorney’s Office and prosecutor Jim Williams.

The Orleans Parish District Attorney’s Office employed Jim Williams between August 1980 and August 1990. During his tenure in office, Mr. Williams procured five wrongful death sentences in addition to Mr. Thompson’s and numerous other convictions. Williams once admitted to a reporter: “It got to the point where there was no thrill for me unless there was a chance for the death penalty.”² In 1995, *ESQUIRE* magazine published an article about the death penalty that featured a photograph of Jim Williams standing behind a model electric chair displayed prominently on his desk. “Seated” in the chair were photos of five African-American men against whom the District Attorney’s Office had secured death sentences. Ultimately—after spending years on Louisiana’s death row—each of the individuals for whom Mr. Williams secured a death sentence had their sentence and/or conviction invalidated due to constitutional violations. The petition details the ways in which Mr. Williams hid exculpatory evidence, misstated evidence, bullied witnesses, put words into the mouth of a witness, intimated facts he knew were false, invoked racial stereotypes, and made decisions based upon race—all in the pursuit of victory and without any apparent concern for the constitutional rights or even the innocence of those he convicted. The actions of the District Attorney’s Office and of Mr.

¹ *State v. Thompson*, 825 So.2d 552 (La. App. 4th Cir. 2002).

² Harry Weinstein, *Jury to come under Justices’ scrutiny*, L.A. TIMES (Dec. 3, 2007), available at <http://articles.latimes.com/2007/dec/03/nation/na-jury3>.

Williams in Mr. Thompson's case were not aberrations, but were rather business as usual according to Mr. Williams's own admission.³ It is therefore nearly certain that there exist ongoing violations of the rights of others who remain in prison for non-capital crimes based upon Mr. Williams's and the District Attorney's Office's misconduct. The federal government simply cannot—and should not—turn a blind eye to this prosecutor's consistent violation of the constitutional rights of individuals otherwise functionally powerless to protect themselves through the standard criminal process afforded them by their local and state governments. Because he was never held accountable, and his admitted misdeeds never comprehensively reviewed, Jim Williams's conduct as a prosecutor continues to provide an exemplar for prosecutors in that office and across the state. This has resulted in a consistent lineage of violations that continue through this date. Accordingly, the Department of Justice should commence an investigation into the pattern and practice of constitutional violations perpetrated by Mr. Williams and by the Orleans Parish District Attorney's Office pursuant to its authority under 42 U.S.C. § 14141.

Other investigations into Mr. Williams's conduct have been promising, but ultimately unsatisfactory. Mr. Thompson was awarded \$14 million in damages in a civil rights lawsuit based on a jury's finding that his constitutional rights had been violated in his criminal prosecution. The judgment was upheld by the Fifth Circuit Court of Appeals, but was struck down by the United States Supreme Court in a 5-4 decision. As Justice Ginsburg observed in her dissent:

[T]he trial record in the § 1983 action reveals, the conceded, long-concealed prosecutorial transgressions were neither isolated nor atypical. From the top down, the evidence showed, members of the District Attorney's Office, including the District Attorney himself, misperceived Brady's compass and therefore inadequately attended to their disclosure obligations.⁴

Moreover, the Orleans Parish District Attorney's Office selected a special prosecutor to determine whether Mr. Williams engaged in criminal activity to secure and defend against the overturning of Mr. Thompson's wrongful death sentence. The special prosecutor made clear that he was poised to indict Mr. Williams and three other prosecutors, and had presented evidence to the grand jury that he believed was sufficient to warrant an indictment. Just prior to the indictment, however, the special prosecutor was instructed by then-District Attorney Harry Connick to dismiss the grand jury and forego indictment. The special prosecutor subsequently resigned. Neither Orleans Parish nor the state of Louisiana has ever demonstrated any interest in comprehensively reviewing the abuses of prosecutorial power and resulting wrongful harms to life, liberty and happiness that resulted from the actions of known consistent violators of the federal constitution working under the power and discretion delegated to the Orleans Parish

³ Deposition of James Williams, Vol. 1 at 37, *Thompson v. Connick*, Civil Action 03-2045, Section J, (E.D. La. 3/24/2005).

⁴*Connick v. Thompson*, 563 U.S. 51, 79 (2011).

District Attorney's office of Harry Connick. A Department of Justice Civil Rights investigation is necessary to determine if there are additional wrongs to be righted for those who could not—and still cannot—properly defend themselves against the acknowledged system of injustice that Connick led and supported, and where the culture he fostered abides to this day. Nothing less will vindicate the rights of Mr. Thompson and the volumes of other victims who continue to suffer as a result of Mr. Williams's brazen misconduct.