

# *Wesley Robert Wells* and the

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**D**uring its short existence (1946–1955), the Civil Rights Congress (CRC) focused much of its attention on the racist practice of the American criminal justice system. As Gerald Horne demonstrates, the CRC's work in publicizing death penalty cases like those of Willie McGee, Rosa Lee Ingram, the Trenton 6, and the Martinsville 7 followed the grassroots tradition of protest established by the International Labor Defense (ILD) on behalf of the Scottsboro Boys in the 1930s. To be sure, this continuity reflected the work of William L. Patterson, the African-American Communist attorney who directed both organizations. Patterson's signal contribution, namely, the use of mass popular pressure to supplement a legal strategy, clearly would be felt long after the demise of the ILD and the CRC, however. A case first taken up by the CRC, and later revived by the Black Panthers in the late 1960s, vividly illustrates the enduring potential of mass protest as the most effective means of combating racism in the criminal justice system. As seen in the fol-

lowing narration, neither courtroom activism nor executive goodwill would have saved Wesley Robert Wells from the California gas chamber, or from a fate sometimes even more "cruel and unusual" than the death penalty.

Nineteen-year-old Wesley Robert Wells arrived at San Quentin in 1928 from Los Angeles, charged with possession of stolen property. Initially sentenced for one to five years, Wells accrued a number of disciplinary infractions, causing him to be transferred to Folsom prison; there he was charged with manslaughter after killing another prisoner in a gang fight, and he was forced to remain at Folsom until 1941. Since his stretch preceded the reform years of World War II, Wells left prison with no visible work skills and a criminal record. After a few months spent unemployed living with his sister in Los Angeles, Wells was arrested for trying to steal a car battery and resentenced to Folsom. A 1944 confrontation with another prisoner brought Wells back to San Quentin, this time for five



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years to life. Reportedly subjected to persistent physical abuse and racial epithets from guards and other prisoners, Wells again proved to be a combative prisoner. In the aftermath of a 1947 disciplinary hearing, Wells threw an ashtray at a prison guard who taunted him, not seriously injuring the officer. In August 1947, Wells was sent to death row for violation of Section 4500 of the California Penal Code, which specified that a life-terminer guilty of assault could be executed.<sup>1</sup>

At the suggestion of San Francisco African-American lawyer Cecil Poole, who eventually served as Governor Pat Brown's clemency secretary, white radical attorney Charles Garry took up Wells's case in late 1948. Future chief counsel of the Black Panthers, Garry at the time was affiliated with both the National Lawyers Guild and the Civil Rights Congress. With strong support from the CRC, Garry developed an initially successful legal strategy in defense of Wells. In essence, Garry disputed whether Wells's

sentence actually qualified as life, which was key to the Section 4500 definition. As a result of his personal contact with Wells, Garry also filed a 1950 suit charging Governor Earl Warren and the California Department of Corrections with discrimination against black prisoners at Folsom and San Quentin. With black prisoners forced among other things to "eat separately," the suit argued that segregation inhibited "proper rehabilitation." Garry's twin legal strategies thus fulfilled an important antecedent to the arguments made by radical activists in the late 1960s. The indeterminate sentence, the Wells lawsuit suggested, was unduly manipulated by prison officials against a prisoner they did not like; racism, moreover, made rehabilitation a system flawed in practice. Effective only in gaining stays of execution, this legal campaign nonetheless anticipated the criticisms made by radical prison activists of the late 1960s. In his 1978 memoir *Streetfighter in the Courtroom*, Garry thus called Wells the "first Black Panther."<sup>2</sup>

Although the U.S. Supreme Court refused Wells's appeal in late 1953 (rendering the legal campaign ultimately unsuccessful), the CRC had already launched an extensive publicity effort on his behalf, making Wells's another in a series of death penalty cases taken up by the organization. Whether protesting the death penalty for rape in cases such as those of Willie McGee and the Martinsville 7 or contesting the disproportionate severity of the death sentence given to Rosa Lee Ingram, the Trenton 6, or Wells, the CRC tried to stir an international outcry to simultaneously bring justice to the particular prisoner and call attention to the wider issue of racist inequality in the United States. In so doing, William Patterson believed, the CRC would gain organizational strength and the larger Communist cause would acquire added legitimacy. With strong support from organized labor in California, the CRC orchestrated a publicity campaign that by March 1954 produced 50,000 signatures on petitions for Wells. If the campaign was less notable than some other CRC struggles, the eventual commutation of Wells's sentence by Governor Goodwin Knight proved to be one of the group's most visible successes. Important here is the manner in which the CRC, left labor, and the prisoner himself waged the Wells defense.<sup>3</sup>

In an August 1952 letter, Wells thanked CRC executive secretary Ida Rothstein for the organization's work on his case. "Friendless" and "penniless" upon his arrival to death row in 1947, Wells hoped only to reach his fortieth birthday (in 1949), a milestone no one in his family had yet accomplished. "Then, on January 2, 1950, when I had less than thirty days to live, I received a letter from the Civil Rights Congress, pledging its assistance in the fight to save my life." In its first press releases on the case, the CRC submitted a number of reasons why Wells should not be executed, most of which centered on

his being "a Negro." Other key points made by the CRC included the noncapital nature of Wells's offense, the technical dispute over whether his was a life sentence, and the question of his "mental health." "Wells is not a hardened, vicious criminal as Governor Warren implies," declared CRC West Coast director Aubrey Grossman in late January 1950; instead, "he is a mentally sick man . . . [and] everyone knows that if Wells were a white man, with some friends in high places, things would be quite different." Initially prominent, the emphasis on Wells's mental condition faded over the next few years, whereas the emphasis on racial discrimination endured.<sup>4</sup>

After obtaining a stay of execution for Wells in 1950, the CRC proclaimed its success in slowing the pace of "legal lynchings," such as "those of the Martinsville Seven in Virginia, Willie McGee in Mississippi and Wesley Wells here in California." In granting the stay, moreover, federal Judge Louis Goodman supported Garry's contentions regarding the arbitrary use of the indeterminate sentence against Wells. "By deliberate and designed inactivity," Goodman observed, "the Adult Authority [parole board] of California kept the prisoner in an indefinite and indeterminate status for the purpose of making it possible to impose the death penalty on him in the event he committed an offense under Section 4500." Designed to "destroy" someone regarded as an "undesirable citizen," such "overzealousness" violated Wells's right to due process under the Fourteenth Amendment, stated Goodman. The CRC, in turn, considered this treatment as representative of a larger pattern of "prison Jim Crow" endured by Wells during his more than twenty years of confinement. In September 1950, though, the California Supreme Court overturned the stay, causing Garry to appeal to the U.S. Supreme Court. In the meantime, the CRC stepped up its publicity

campaign. "Like the Scottsboro Boys and Willie McGee," a CRC fact sheet maintained, "Wesley Wells is a victim of a government policy that enforces second class citizenship on the Negro people. . . . We must not allow a California version of Mississippi injustice."<sup>5</sup>

A CRC delegation brought Wells's case before California Governor Earl Warren in October 1950. San Francisco CRC director Ida Rothstein chaired a group of forty-five supporters from both southern and northern California representing a cross-section of organizations; included among the ten with whom Warren met were members of the San Francisco Interdenominational Ministerial Alliance and the International Longshoremen's and Warehousemen's Union (ILWU) and the CRC's Rothstein, Marguerite Robinson, and Decca Truehaft. According to a CRC report, Rothstein led off by telling Warren the two reasons for the meeting: to save Wells's life and obtain his release from prison, and to demand the end of segregation at Folsom and

San Quentin. In the CRC's account, Warren wanted to focus only on the former, and he repeatedly stressed his view of Wells as "a dangerous, bad man," "a menace [who] cannot be out." Calling it a "Communist Organization," Warren said the CRC did not "care about Wells or Negroes" but used cases like this one "in order to sabotage our institutions and government." Warren's red-baiting continued after the meeting, when he told a news conference that "this Civil Rights Congress is Communist inspired and made its parade to Sacramento solely for a political purpose, to involve me in the racial discrimination question." As for

prison Jim Crow, though, Warren mostly sidestepped the issue, saying only that segregation was not official policy and attempts to end de facto racial separation had resulted in "bloodshed." Though he had become increasingly liberal on civil rights, Warren was up for reelection in November 1950, and he made his rejection of clemency for Wells part of a larger anti-Communist campaign.<sup>6</sup>

"Quentin Guards Break Up Killers' Sit-Down Strike," blared a *San Francisco Chronicle* lead headline on November 1, 1950. Calling the strike an "incipient riot," the paper described how thirteen of the sixteen death row inmates had refused to return to their cell block after the exercise period. The protest lasted less than an hour, and the strikers' demands were nothing more than new fountain pens, window screens (to keep birds out of their cells), lights on all night, longer exercise periods, and better food. The *Chronicle* said the "main instigator of the revolt was Wesley

Robert Wells, 41-year-old Los Angeles convict sentenced to death for assaulting an official at Folsom Prison." Citing Warden Clinton T. Duffy, the story suggested Wells had "intimidated the other men and has them under his control." There were the three other "ringleaders," though, one of whom was Caryl Chessman.

Along with Wells, Chessman and the two others were sent to solitary confinement for twenty-nine days. In the wake of the incident CRC fliers focused on the treatment of Wells, saying he had been beaten while in solitary and had been deprived of an attorney at the disciplinary hearing. For a brief moment,

**"Wesley Wells is a victim of a government policy that enforces second class citizenship on the Negro people. . . . We must not allow a California version of Mississippi injustice."**

then, the two notable cases overlapped, and Wells urged Garry to attend Chessman's December hearing for a writ of habeas corpus stemming from the response of prison officials to the "riot."

Whether as legal adviser or public relations strategist, Wells was indeed an active participant in all phases of the campaign against his execution. Initially, Wells sought to define himself as a product of a racist prison system. In a letter to CRC director Ida Rothstein on the eve of the meeting with Warren, Wells took issue with the governor's views of him: "I really do not believe that I am the incorrigible, the anti-social, the mad killer that Governor Warren" portrayed. Wells later used the term "mad dog" in characterizing the official line. Still, "I make no pretension to having been a model prisoner during the many years I've spent in prison." What made him "mean," "hard," or "even savage," though, was the "brutal treatment I've received at the hands of both inmates and my prison keepers." Labeling California prisons as a "system that considered the Negro [worth] less than dirt," Wells further described several examples of racist mistreatment by prison officials. The CRC, in turn, published a pamphlet titled "My Name Is Wesley Robert Wells" in February 1951. In his foreword, Buddy Green of the Communist *Daily People's World* called Wells a "strong, militant, unbreakable spirit . . . [whom] prison authorities are now trying to put to death because they could not subdue his great courage and determination to fight against prison jimcrow." Wells's account addressed in detail all of the past charges against him and concluded by deeming the November "riot" a "designed act by the Warden calculated to embarrass and discredit my friends," by which he meant primarily the CRC.<sup>8</sup>

Wells continued to elucidate the issues raised by his case throughout his correspon-

dence with attorneys, CRC officials, and other supporters, causing the CRC to publish a sampling in 1953. Titled *Letters from the Death House*, the booklet tracked Wells's intellectual progression from commentator on his own case to analyst of McCarthyite repression of labor, civil rights activists, and others deemed to be Communist sympathizers. In his preface, screenwriter John Howard Lawson, who had experienced the witch-hunts firsthand, called Wells "a hero of our time, not because there is anything spectacular or unusual or 'fictional' in his courage, but because it so common, so rooted in the life and trials of his People, the vast and simple courage of those who hold the future in their hands." Wells indeed seemed to acquire a heroic status among many of his supporters. As CRC leader Patterson told Ida Rothstein on the eve of a 1953 trip to California, "I should like nothing more than to have the opportunity of clasping Wells' hand, Please try to make this possible." After meeting Wells, Patterson described the experience in a letter distributed to editors around the country. "I shall never forget" the two hours spent with Wells, said Patterson; "he symbolizes for me the depthless spiritual strength of the Negro people." Contrary to the cynicism regarding the CRC's motives voiced by California public officials, Wells clearly inspired enduring passion for his cause.<sup>9</sup>

To turn the spark from the Wells campaign into lasting benefit for the CRC, Patterson wanted the organization to take a cue from the "Negro church." The church, Patterson explained in a letter to Rothstein, "involve[s] all of its members. It establishes all kinds of committees." Such active participation could be the CRC's most effective recruiting tool, Patterson thought. Newcomers, he wrote, "will find in this involvement the first opportunity to express themselves as human beings." In a pair of September 1953 letters to Patterson, Rothstein described the many dif-

ferent spheres of organizing on Wells's behalf. Local 6 of the ILWU planned to circulate 20,000 copies of a leaflet about the case; the Fillmore (San Francisco) branch of the CRC had gathered more than 600 signatures from local black churches; CRC "brigades" continued distributing new handouts at churches and elsewhere; the local Labor School was preparing a skit based on Wells's writings; letter-writing campaigns were under way; and organizational meetings brought together union committees with the various CRC chapters. CRC literature of the period compared the Wells "injustice" to those of Sacco and Vanzetti, Willie McGee, the Martinsville 7, and the Rosenbergs. As requested by Rothstein, Patterson made arrangements to get the CRC's Rosenberg Committee mailing list to recruit likely supporters. In short, Wells's case provided a catalyst for precisely the type of participatory campaign Patterson envisioned.<sup>10</sup>

A grassroots effort was solidly under way throughout late 1953 and 1954, and the roster of participating labor organizations proved quite extensive. Opposed to the anti-Communist leadership of the American Federation of Labor (AFL) and Congress of Industrial Organizations (CIO) in California, left-wing unions like the ILWU, the San Francisco Building and Construction Trades Council, and local branches of the United Automobile Workers (UAW) (including workers at the large General Motors plant in Los Angeles) enlisted their support.

In promoting a September 1953 CRC conference, the Trade Union Committee for Wesley Robert Wells circulated a letter the prisoner had written to the Oil Workers International Union in southern California. "Like the late Tom Mooney, whom I had the honor of knowing quite well during my early years in prison," Wells wrote, "I am to be executed, liquidated, for the 'crime' of believing in and fighting" for what he believed in,

in this case "racial equality." In early 1954, the Wells Defense Committee distributed an editorial from *Organized Labor*, the newspaper of the Building Trades Council. The piece focused on Wells's prison experience, offering no special explanation of why labor should be involved; that "those in positions of responsibility within the labor movement" needed to "speak out" indeed seemed a given. At a March 1954 conference, representatives of the Los Angeles Federation of Teachers, the fur workers, and other left unions joined the growing chorus in support of Wells. Whether spreading literature and petitions inside the workplace or reaching out to the public on the outside, the various labor committees formed an integral part of the campaign.<sup>11</sup>

The African-American press likewise proved to be a constant source of pro-Wells opinion. Instrumental in personally recruiting some key supporters, Charlotta Bass ensured that the *California Eagle* would give full coverage to the case from 1950 onward; more mainstream competitors like the *Los Angeles Herald* and the *Los Angeles Tribune* climbed on board in late 1953, the latter admitting "We Were Wrong" about its initial reluctance to support Wells. Across the country black editors and columnists publicized the case, and a variety of defense committees often reprinted their columns. *Pittsburgh Courier* columnist J. A. Rogers, for example, kept readers posted about the controversy, at one point recording a donation made by Wells and eleven other death row inmates on behalf of the National Association for the Advancement of Colored People (NAACP). Charlotta Bass's efforts extended beyond publishing sympathetic news stories and editorials in her newspaper, however. In early 1954, the Wesley Wells Defense Committee of Southern California, chaired by Bass, assembled a weekly newsletter called the *Wesley Wells Defender*. Usually four or five pages, the

newsletter included updates, announcements for upcoming events, and stories such as one about the March 1954 formation of a youth division of the defense committee. An attentive, often active participant, the African-American press constituted a cornerstone of the Wells protests.<sup>12</sup>

A wide range of religious organizations also had joined the campaign by early 1954. Initial participants such as the San Francisco Baptist-led Interdenominational Alliance were now joined by an expanding number of Protestant and Jewish groups. As recorded in a February 1954 booklet published by the northern California-based Religious Committee for the Defense of Wesley Robert Wells, the Wells campaign enlisted the help of Baptist, Methodist, and Presbyterian ministers, as well as several Jewish leaders, from both ends of the state. After a March meeting, an organization of southern California Presbyterian churches sent Governor Knight a resolution stating, "As no capital crime is involved, the sentence of death is not morally justified." Such qualified opposition to the death penalty contrasted with the views of the Quaker American Friends Service Committee (AFSC), which also voiced support for Wells. A March 1954 edition of the *California Eagle* cited letters to Knight from two AFSC members, one calling Wells's sentence "cruel and unusual," the other noting, "We find it difficult to believe . . . in California where the penal system has made so many advances, that a man can be executed for throwing a cuspidor [ashtray] at a prison guard." Though playing a much smaller role than groups like the Interdenominational Alliance in publicizing Wells's case, the AFSC would soon be at the forefront of the Chessman campaign.<sup>13</sup>

As a result of the work by the CRC, left unions, the black press, and various religious groups, a groundswell of opinion emerged in support of Wells, and by March 1954 the campaign would claim the support of signifi-

cant numbers of middle-class professionals. Over 300 physicians, including the president of the California Medical Association, signed a letter sent to Knight in February 1954. In their statement the physicians particularly referred to the views of prison psychiatrists who had expressed sympathy for Wells. In statements excerpted in a number of CRC pamphlets, Folsom psychiatrist Burt Howard said the Wells he interviewed after the cuspidor incident was "not a 'wild animal' . . . but a real man, more sinned against than sinning." Seeing Wells as a person able to "courageously resist 'Jim Crow'" outside and especially inside prison, Howard stressed to Governor Knight that "racial hatred and legalistic red tape have robbed him of the consideration due a human being." Similarly, Marcel Frym, a University of Southern California criminologist and member of Attorney General Pat Brown's Advisory Committee for Crime Prevention, foregrounded the racial discrimination Wells had endured in prison. Wells's "own individual psychopathology," Frym informed Knight, was due to "the not completely unjustified thought of being persecuted because of his race." Such participation by professionals in the case became substantial enough for the *Los Angeles Daily News* to argue that "certainly such a wide diversity of groups and persons—criminologists, lawyers, church leaders and laymen—would not have been brought together" if "sufficient grounds" did not exist for Wells's clemency. As evidenced by the views of the *Democratic Daily News*, the participation of professionals granted legitimacy to the campaign, allowing the mainstream press to minimize the work of left labor and the CRC.<sup>14</sup>

As the April 1954 execution date approached, the increased pace of protests began to make an impact. Syndicated columnist Walter Winchell, who had first endorsed clemency for Wells in 1950, encouraged readers to write to Knight; the governor, in turn, assured

Winchell that he was taking all opinions into account. A delegation of state assemblymembers, led by black representatives Augustus Hawkins and Byron Rumford, brought Wells's case before Governor Knight. Meanwhile, the *San Francisco Chronicle*, which earlier had portrayed Wells as the "ringleader" of an "incipient riot," became an important convert. In a March 21 editorial, the paper nodded agreement with Judge Goodman's interpretation of the misuse of the indeterminate sentence against Wells. Duly calling Wells a "bad man, unentitled to consideration on any sentimental score," and taking a slap at "the Communists, ever eager for a 'martyr' to exploit for their own evil purposes," the *Chronicle* nonetheless opposed the execution on the grounds of "simple justice." Democratic candidate for governor Richard Graves also went on record in favor of clemency in mid-March, leaving Knight to weigh the political benefit of executing Wells. Throughout March the CRC delivered a petition signed by 45,000 people, the executive board of the heavily Communist United Electrical Workers (UE) declared its support, and Knight acknowledged receiving "thousands and thousands of communications" in a single weekend. On March 31, after the California Supreme Court concurred with his recommendation, Knight handed down official word: Wells was a "bad criminal," but the judicial questions of "evidence and fact" provided sufficient grounds for commutation of Wells's sentence from death to life in prison without possibility of parole.<sup>15</sup>

Sparked by the CRC, the popular campaign to save Wells had scored a visible success. In a March 10, 1954, letter, Patterson had predicted to new San Francisco CRC leader Frances Schermerhorn, "We will win . . . not [because of] the entering of Winchell or any other individual but [due to] the continuation of our activities along the lines which have been so correctly and aggressively pursued." That same month the *Calif-*

*ornia Eagle* described a key component of the protests: "Ministers, doctors, painters, newsmen, longshoremen—thousands of people are writing to Governor Knight for Wesley Wells' life." A diverse grassroots set of participants had indeed organized against an execution they argued to be disproportionate to the crime and symbolic of the larger racist practice of the prison system. As Dorothy Healey recalled three years later, Communists certainly participated—the Communist Party's Wesley Wells Campaign Committee "initiated the broadest Civil-rights movement in our history," she told delegates at a statewide convention. It would be inaccurate to call all those who protested Communists or even party sympathizers, however. In a 1960 memoir Charlotta Bass observed, "Perhaps the greatest concentration of people from all walks of life in the state of California—labor, the Negro people, civil libertarians, churches, women's clubs, youth organizations—joined in a great defense committee." To save Wells from the gas chamber, the CRC, coupled with left labor, submitted a set of arguments that mobilized Communists, mainstream Democrats, and eventually liberal Republicans alike.<sup>16</sup>

In response to Knight's action, Wells celebrated what he called a "temporary victory." Saying he was ready to "take my rightful place in society," Wells told the *San Francisco Chronicle*, "I hope and am assured that my friends will continue to work for my freedom." Wells further wrote an angry letter to Director of Corrections Richard McGee, taking exception with the latter's hostile comments to the press after the clemency decision. Rather than consider him a "problem," Wells challenged, McGee and prison officials should give him the chance "to make good, and eventually earn my release." Following this cue, the postclemency issue of the *Wesley Wells Defender* carried a sketch of a white woman and a black man holding a banner



reading "You Saved His Life, Now Win His Freedom!" Though congratulations were in order for the "fine work of bringing together people from all walks of life of every political creed and religious belief," the article averred, "The job is not finished. . . . Wells must be free." On the day Wells would have been executed, the *Los Angeles Tribune* published an editorial calling for a continued effort to win at least the possibility of parole. Across the country, meanwhile, Mrs. L. King, chair of the West Harlem Wells Defense Committee, wrote an encouraging letter to Wells. "While rejoicing with you and all those who made a victory possible, we fully realize the job is only partly done," she assured him. In a flier about the case, the West Harlem committee thanked "the *Amsterdam News*, the churches, ministers, labor organizations, as well as doctors, lawyers, and ordinary citizens who contributed to saving Wells' life." The grassroots effort needed to continue, though, and the committee concluded, "Our slogan must be No Let-up Until Wells is Completely Free!"<sup>17</sup>

CRC leader William Patterson similarly saw "the follow up in the Wells case [as] a matter of extreme political and organizational importance." The fight for "complete freedom," he wrote Frances Schermerhorn on April 3, required maintaining a "united front," the organization of which was "magnificent" in the Wells campaign. Patterson indeed hoped the activism generated by Wells could be transferred to the broader political struggle against McCarthyism, a point driven home at a CRC birthday dinner held on what would have been execution day for Wells (April 9). As reported in the *Daily Worker*, those gathered at the New York event first heard a recorded message from Wells, then listened to a number of speakers, including Patterson, denounce McCarthyism. Soon thereafter, the CRC's Muriel Symington penned letters to I. F. Stone's *Weekly* and

Carey McWilliams's *The Nation*, asking each to use his respective magazine to speak out for Wells's release and against the "racist mistreatment" of all black prisoners. Out west the black press would continue to lead a media campaign throughout April, yet Patterson's goal of linking the case to larger issues, whether McCarthyism or the "struggle of the Negro people," would not be tangibly realized. Patterson himself would soon fall victim to the witch-hunts, and the CRC no longer existed by the end of 1955.<sup>18</sup>

After gaining clemency in 1954, Wesley Wells would live another two decades in prison, his name periodically resurfacing in the news. In 1960, for example, he reminded *California Eagle* readers about the case, explaining how he continued to languish in prison for a minor assault. Because of the increasingly charged law-and-order climate of the mid-1960s, however, Wells later cautiously refrained from sending Governor Pat Brown a thirty-seven-page statement asking for help in obtaining the possibility of parole. In the extended letter, Wells noted that his attorney Leo Branton had mentioned the case to Nat King Cole, who "volunteered to invite Gov. Brown over for dinner some evening and present the appeal to him informally." Whether the letter ever reached Brown or whether the governor ever met with Cole about the case is unclear, but Wells's pleas would not go unheard forever.<sup>19</sup>

On July 1, 1974, Wesley Robert Wells walked out the gates of the California Medical Facility at Vacaville. Free after forty-six years of incarceration, cheers from inside the prison accompanied Wells, now sixty-three, as he met journalists and friends. Asked by the press for his immediate reaction, he responded, "Man, don't my expression tell you how it feels?" Assuring reporters he was the "same man walking in that I am walking out," Wells nonetheless added, "I'm older

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and wiser and more self-controlled.” Met by his attorneys Charles Garry and Leo Branton, Wells was then driven back to San Francisco in a silver Rolls Royce rented by the Delancey Street Foundation, a self-help program for ex-convicts. For the next eighteen months, before suffering a fatal heart attack, the former prisoner made Delancey Street his new home. With assistance from Assemblyman Willie Brown, the foundation had helped obtain Wells’s parole. Outside the gates of Vacaville, though, Wells explained the source of his freedom: “The power of the people got me out, and I am deeply grateful,” he said.<sup>20</sup>

The Black Panthers could not take full credit for winning Wells’s release, but along with the party’s chief counsel Charles Garry, the Oakland chapter had indeed sustained an ongoing publicity campaign on the prisoner’s behalf. Wells had first written to the *Black Panther* in 1969, voicing praise for Garry while simultaneously providing the details of his own case. “Even more cruel and inhuman” than the death penalty, Wells said, was his sentence of life in prison without possibility of parole. In July 1974, the Panthers held a welcome home reception for Wells at the Son of Man Temple in Oakland, and that summer the *Black Panther* featured a three-part interview in which the formerly condemned inmate recalled nearly a half century of prison experience. Such a lengthy stretch,

Garry noted, basically came for stealing a suit and a car battery, which were then followed by Wells’s conflicts with other prisoners and guards. “The story of the indeterminate sentence is the story of Bob Wells,” Garry observed in 1974. Led by the Civil Rights Congress and radical attorneys like Garry, the left of the early 1950s initiated a powerful critique of the racist practice of the criminal justice system. The indeterminate sentence, they maintained, was being manipulated by prison officials against prisoners they did not like. For prisoners and activists linked to the Black Panther Party in the late 1960s, these arguments clearly assumed added urgency. Yet on two separate occasions—in 1954 and 1974—Wesley Robert Wells helped lead the successful grassroots mobilizations waged by the CRC and later the Black Panther Party on his behalf, ultimately freeing him from the “Jim Crow” he had endured for nearly a half century in California’s prisons.<sup>21</sup>

### Notes

Theodore Hamm’s book on Caryl Chessman and the politics of the death penalty in postwar California is forthcoming from the University of California Press. He thanks Danny Walkowitz, Josh Sides, and Manning Marable for their advice on the Wells case.

1. For an overview of the case and the definitive history of the CRC, see Gerald Horne, *Communist Front? The Civil Rights Congress, 1946-1955* (East Rutherford, NJ: Fairleigh Dickinson University Press, 1988), pp. 323-330; and Charles Garry and Art Goldberg, *Streetfighter in the Courtroom: The People's Advocate*, Foreword by Jessica Mitford (New York: Dutton, 1977), pp. 25-36. Between 1930 and 1967, eight prisoners were executed in California for violations of Section 4500, including three for nonlethal assault.

2. Garry, *Streetfighter in the Courtroom*, pp. 25-36; the Black Panther quote is on p. 25.

3. On links to CRC involvement in other cases, see Horne, *Communist Front?* and the CRC promotional booklet *Civil Rights Congress Tells Their Story* (Los Angeles, 1951[?]), Civil Rights Congress Collection, Southern California Library for Social Studies and Research (hereafter CRC-SCSS). On Patterson's career, see Horne, *Communist Front?*; James Goodman, *Stories of Scottsboro* (New York: Pantheon, 1994), pp. 103-105; and William L. Patterson, *The Man Who Cried Genocide* (New York: International Publishers, 1971). All of the cases in which the CRC was active—including Wells's—were mentioned in the CRC's 1951 "We Charge Genocide" petition brought before the United Nations by Paul Robeson; see Patterson, *The Man Who Cried Genocide*, pp. 169-184, text of petition on pp. 225-232, Wells mentioned on p. 231.

4. Wells to Ida Rothstein (August 19, 1952), Civil Rights Congress Collection, Schomburg Center (hereafter CRC-SC); CRC Press Release (January 15, 1950), CRC-SC.

5. CRC Circular (August 31, 1950), CRC-SC; Goodman cited in CRC "Fact Sheet—Wesley Robert Wells" (October 1950), CRC-SCSS; Goodman fully quoted, and legal history of case explained, in Royce Brier, "This World Today: The People vs. Wesley Robert Wells," *San Francisco Chronicle*, March 19, 1954, p. 14.

6. "Report on Delegation to Governor Warren" (October 16, 1950), CRC-SC; *Sacramento Bee*, October 17, 1950; *San Francisco Chronicle*, October 17, 1950. In the 1950 gubernatorial campaign, Warren needed to appease the Republican right wing, which as best evidenced in Nixon's campaign against Helen Geohegan Douglas, made Communism the defining issue; Warren would easily defeat James Roosevelt (FDR's son) in the November election. See Burton R. Brazil, "The 1950 Elections in California," *Western Political Quarterly* (March 1951), pp. 67-71.

7. "Quentin Guards Break-Up Killers' Sit-Down Strike," *San Francisco Chronicle*, November 1, 1950; Wells to Garry (December 3, 1950), CRC-SC. In his death penalty memoirs, *88 Men and 2 Women* (New York: Doubleday, 1962), Warden Clinton T. Duffy refers to a "vicious fight" between Wells and Chessman. Indicative of Wells's reputation among prison insiders,

Duffy's only mention of Wells was as a "tough, consistent troublemaker" (p. 188).

8. Wells to Ida Rothstein (October 14, 1950), CRC-SC; excerpted in CRC, "My Name Is Wesley Robert Wells" (San Francisco, 1951), pp. 26-27; Green quoted on pp. 5-6; Wells quoted on p. 29.

9. John Howard Lawson, Preface to Wesley Robert Wells, *Letters from the Death House* (Los Angeles: Civil Rights Congress, 1951), pages not numbered; Patterson to Rothstein (September 10, 1953), CRC-SC; Patterson to Editors (November 12, 1953), CRC-SC.

10. Patterson to Rothstein (February 5, 1951), CRC-SC; Rothstein to Patterson (September 1 and 16, 1953), CRC-SC.

11. For a list of participating unions, see Religious Committee for the Defense of Wesley Robert Wells, "Appeals to the Governor of California to Save the Life of Wesley Robert Wells" (San Leandro, CA, 1954), pp. 25, 29, CRC-SCSS; Wells to Oil Workers International Union (August 20, 1953), CRC-SC; *Organized Labor* excerpted in Religious Committee, "Appeals to the Governor," p. 23; March conference described in *Daily People's World*, March 9, 1954, p. 3. For more on the anti-Communist purge by California's AFL-CIO leadership, see Gerald Horne, *Fire This Time: The Watts Uprising and the 1960s* (Charlottesville: University of Virginia Press, 1995), pp. 3-9; on the ties between the CRC, organized labor, and the southern California black community, see Josh Sides, "'You Understand My Condition': The Civil Rights Congress in the Los Angeles African American Community, 1946-1952," *Pacific Historical Review* (1998), pp. 233-257; for a survey of the Communist affiliations of many of the participating unions—the ILWU, UE, fur workers, etc.—see Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Boston: Little, Brown, 1998), pp. 26-31. A further example of grassroots participation was the fact sheet put together by Willard Harper, a civics teacher at Jordan High School in South Central Los Angeles; see "Does Striking a Guard Warrant Death?" CRC-SCSS; Harper also explained the case in a letter published in *The Nation* (February 27, 1954), p. 188.

12. On the politics of the black press, see Horne, *Fire This Time*, pp. 6-7; views of the black press collected in Religious Committee, "Appeals to the Governor," p. 21; Rogers's *Pittsburgh Courier* articles (e.g., October 3 and November 7, 1953) circulated by the State Defense Committee for Wesley Robert Wells, CRC-SCSS; Wesley Wells Defense Committee of Southern California, *Wesley Wells Defender* (e.g., March 5 and 12, 1954), CRC-SCSS.

13. Religious Committee, "Appeals to Governor," pp. 9-15, 29; Presbyterian resolution cited in *Daily People's World*, March 12, 1954, p. 8; AFSC members quoted in *California Eagle*, March 1954, CRC-SCSS.

14. Text and signatories of letter from physicians cited in Religious Committee, "Appeals to the Governor," pp. 16-17; Howard and Frym excerpted on pp. 8,

## Wesley Robert Wells and the Civil Rights Congress Campaign

24; *Los Angeles Daily News* (ally of Democrats) cited in *Wesley Wells Defender* (March 12, 1954), CRC-SCSS. Another influential official supporter was Superior Court Judge A. A. Scott, who had sentenced Wells to prison for his 1942 theft; "I have been in touch with him on many occasions and noted a great change in his outlook. . . . Some of his letters are real masterpieces," Scott wrote to *California Eagle* editor Robert Ellis. Letter reprinted in Religious Committee, "Appeals to the Governor," p. 22.

15. Winchell's 1950 support cited in Religious Committee, "Appeals to the Governor," p. 24; Knight quoted in Winchell's *New York Daily Mirror* column, March 16, 1954; meeting of Hawkins (Los Angeles) and Rumford (Berkeley) with Knight cited in *Wesley Wells Defender* (March 12, 1954), CRC-SCSS; "Justice Issue in Wells Case," *San Francisco Chronicle*, March 21, 1954; Graves, Knight, unions, et al. cited in *Wesley Wells Defender* (March 5, 12, and 19, 1954), CRC-SCSS; full text of Knight's commutation in Execution File No. 24155, California State Archives. In a recent biography of Winchell, Neal Gabler offhandedly notes, "Thanks largely to Walter's intervention, Wells's sentence was eventually commuted" (Neal Gabler, *Winchell: Gossip, Power and the Culture of Celebrity* [New York: Knopf, 1994], p. 409).

16. Patterson to Schermerhorn (March 10, 1954), CRC-SC; *California Eagle*, March 1954, CRC-SCSS; Dorothy Healey, "Report to Southern California District Convention," HUAC Hearings, 86th Congress, IB (Washington, DC: Government Printing Office, 1960), p. 64; Charlotta Bass, *Forty Years: Memoirs from the Pages of a Newspaper* (Los Angeles: C. A. Bass, 1960), p. 180 (quoted in Home, *Communist Front?* p. 325).

17. Wells quoted in *San Francisco Chronicle*, March 27, 1954; Wells to McGee (dated March 21, 1954, but includes quotes from the next week's newspapers), CRC-SC; "Free Wells Move Now in Order," *Los Angeles Tribune*, April 9, 1954, reprinted by CRC, CRC-SCSS; *Wesley Wells Defender* (April 7, 1954), CRC-SCSS; West Harlem Wells Defense Committee, "American Love of Justice Cheats Gas Chamber!" (April 1954), CRC-SC; L. King to Wells (April 8, 1954), CRC-SC. Af-

ter the clemency decision, Corrections Director McGee told the press, "We can't have any sympathy for Wells as an individual" and "some of the inmates have said . . . 'the only way to be sure to live a long time is to get Wells before he gets them first'"; quoted in Wells to McGee (March 21, 1954).

18. Patterson to Schermerhorn (April 3, 1954), CRC-SC; *Daily Worker*, April 13, 1954, p. 5; Symington to Stone and McWilliams (April 11, 1954), CRC-SC; Patterson to Schermerhorn (April 27, 1954), CRC-SC. In mid-May 1954, a *Nation* editorial assessed the outcome of the case. "Left-wing elements called the Governor's attention to the case," editor Carey McWilliams wrote, but the bandwagon joined by various mainstream officials, members of the press, and others ultimately prevented "a cruel and senseless execution." In his view, the "real 'extremists' in situations of this kind" were those who refused to join for fear of abetting the Communists. Curiously, McWilliams offered no opinion regarding the sentence of life without parole given to Wells. See "The Quality of Mercy," *The Nation* (May 15, 1954), pp. 413-414.

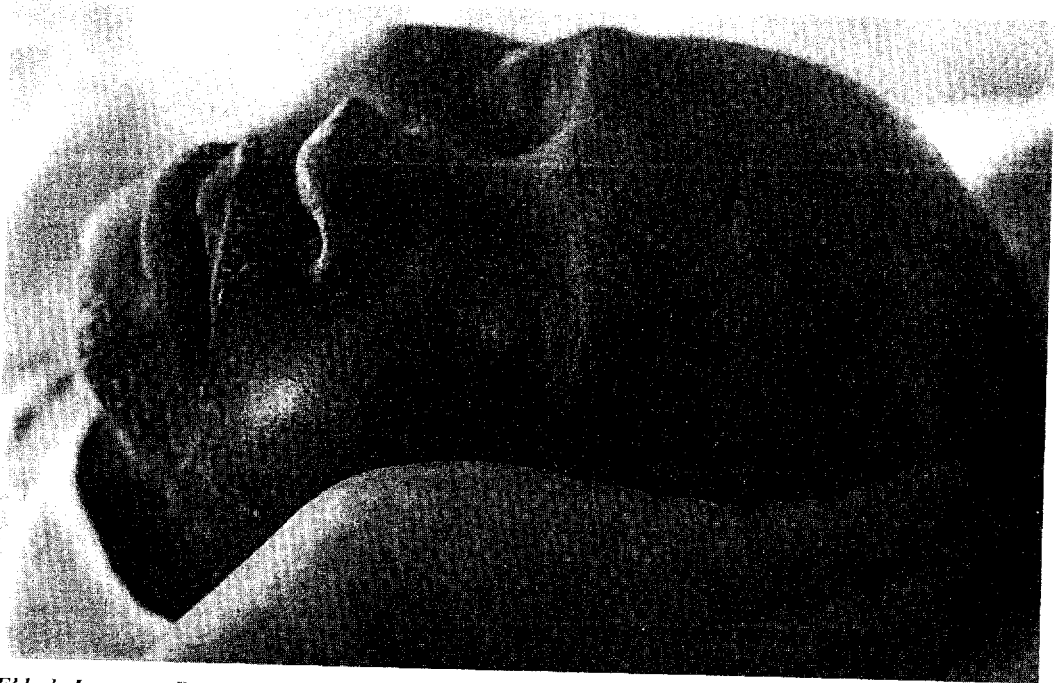
19. *Service Union Reporter*, March 1960, p. 207; *California Eagle*, April 28, 1960; Wells, Letter to the Editor, *California Eagle*, October 20, 1960; Wells to Brown (February 3, 1963), CRC-SSCS.

20. Wells's release summarized in Kevin Wallace, "Getting Out, in Style," *San Francisco Chronicle*, July 2, 1974; "Chauffeur Meets Con at Prison Door," *Sacramento Bee*, July 2, 1974; and "In Jail 46 Years, Man Wins Parole," *New York Times*, July 8, 1974. Wells particularly cited the help of then-Assemblyman Brown in "Wells Says 'Power of the People' Freed Him," *The Black Panther*, July 13, 1974, p. 5; Wells's "power to the people" explanation noted in all of the above except the *Sacramento Bee*.

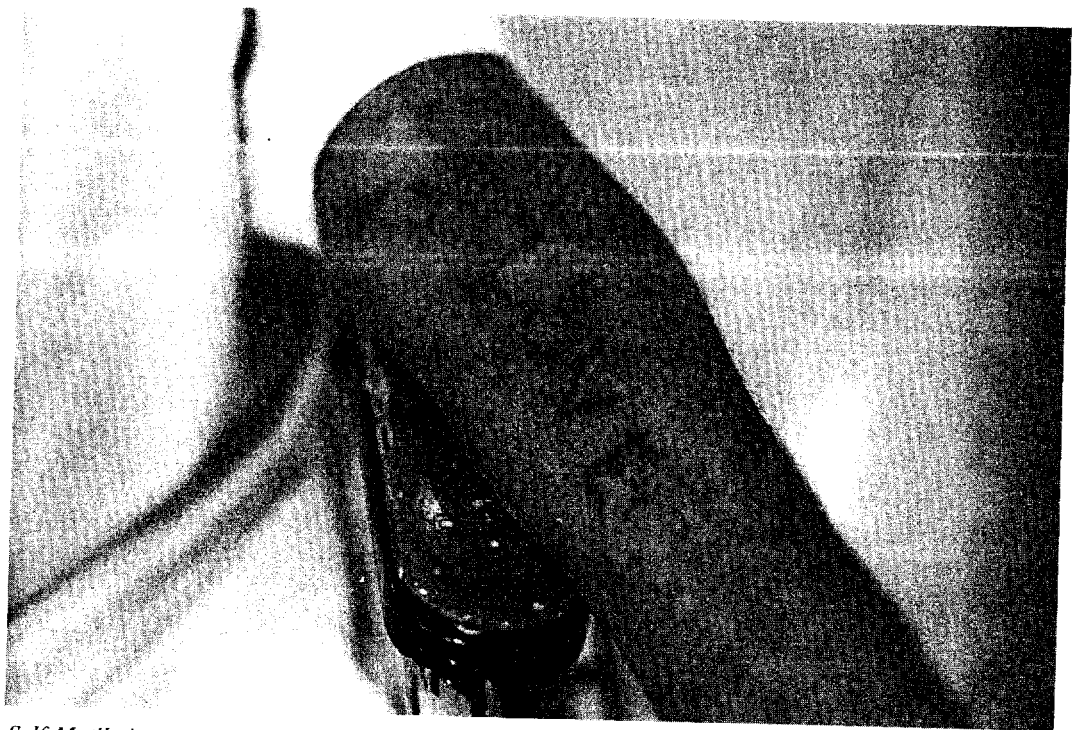
21. "About Charles Garry: Wesley Robert Wells," *The Black Panther*, June 21, 1969, pp. 2-3; "Welcome Home, Bob Wells," *The Black Panther*, August 3, 1974; three-part Wells interview in *The Black Panther*, July 27 and August 3 and 10, 1974; Garry, *Streetfighter in the Courtroom*, p. 35; Garry's 1974 quote in "Wells Says 'Power of the People' Freed Him," *The Black Panther*, July 13, 1974, pp. 5-6.

# Photo Documentary of Angola Prison

by Philippe Cheng



*Elderly Inmate at Rest.*



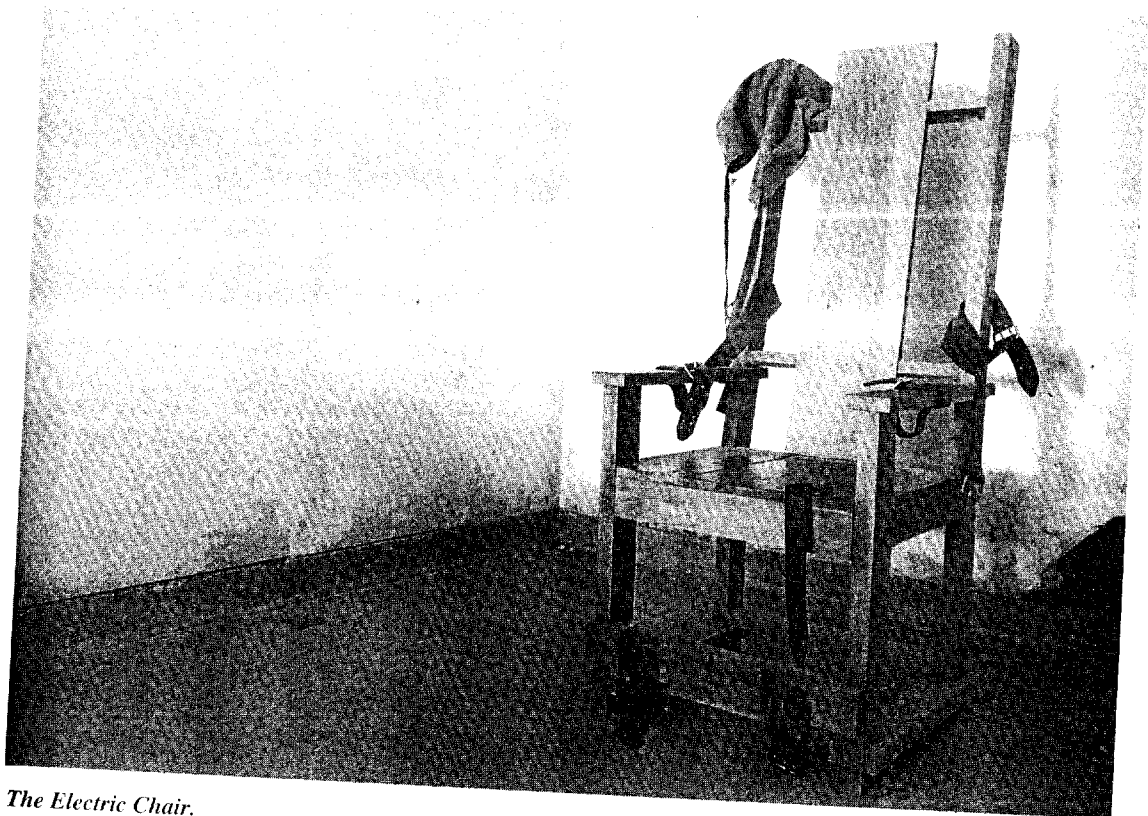
*Self-Mutilation.*



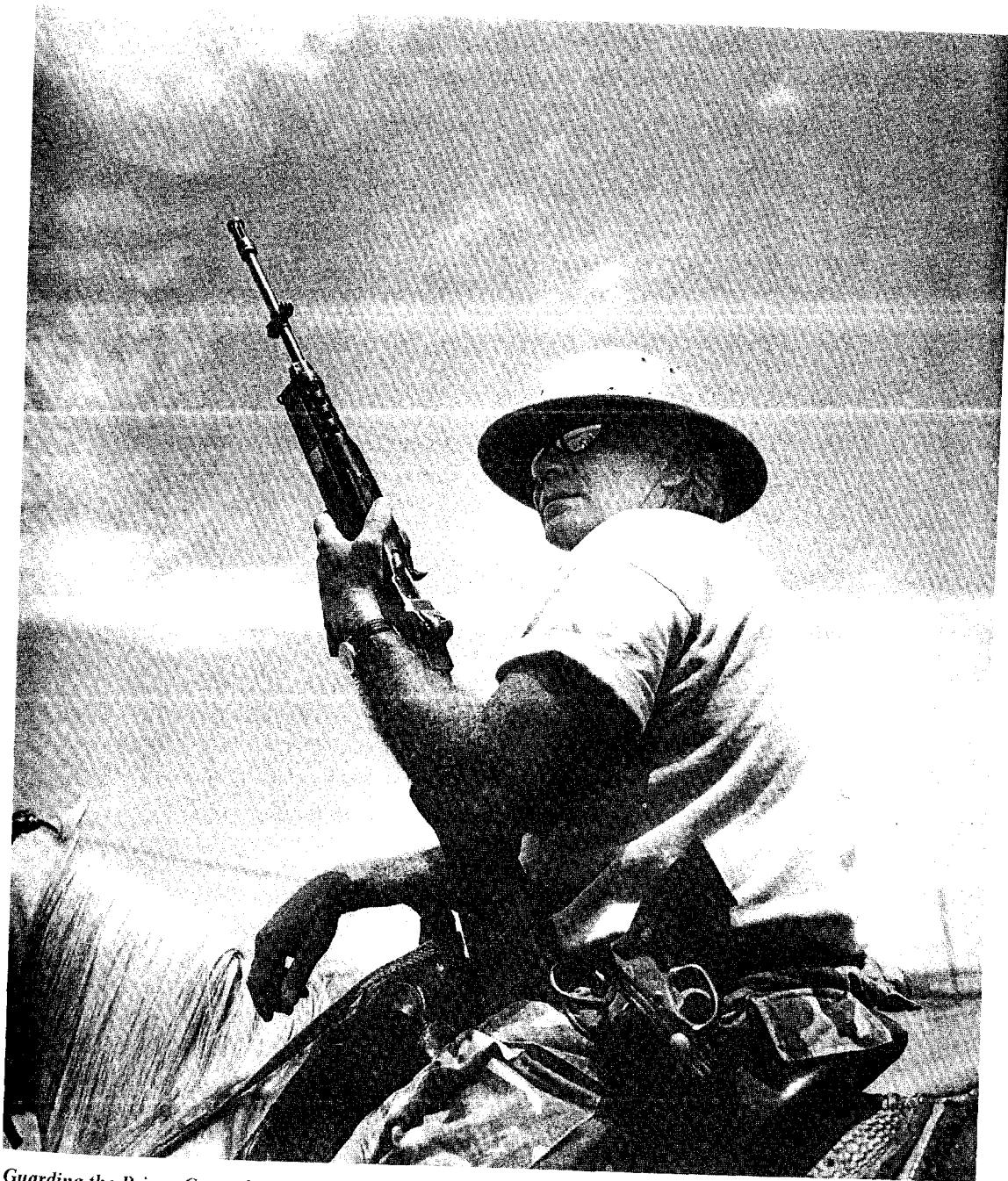
*Keeping the Faith.*



*Sick Inside the Infirmary.*



*The Electric Chair.*



*Guarding the Prison Grounds.*