



Bertrand DeBlanc's Pursuit of Justice

Handout A: Narrative

BACKGROUND

On November 8, 1944, the brutal murder of Andrew Thomas stunned the small Cajun town of St. Martinville, Louisiana. Thomas was the friendly and well-respected pharmacist whose drugstore was a popular gathering point for the whole community, and investigation of the crime began immediately. Unfortunately, virtually all of the physical evidence in the case was lost when it was sent for analysis to the FBI crime lab in Washington, D.C. There were few leads in the investigation for the next nine months.

Then, in Port Arthur, Texas, officers arrested Willie Francis—who had Thomas's wallet in his pocket. Police had stopped the African American sixteen-year-old on suspicion of drug-dealing but found no evidence of that or any other offense. However, the wallet led to further questions, establishing that Andrew Thomas had hired Francis from time to time to do odd jobs around his house and the drugstore. The frightened teenager, who spoke with a profound stutter, maintained that he and Mr. Thomas liked each other and got along well. Eventually, Willie signed an awkwardly worded confession that he had killed Thomas, but said the reason "was a secret between me and him." Willie Francis was transferred back to Louisiana, where he was held in prison in New Iberia, just a few miles away from his family's home in St. Martinville.

Too poor to hire his own lawyer, Francis signed another confession. His two-day trial took place in St. Martinville, where two well-qualified local attorneys appointed by the court represented him. An all-white, all-male jury served during Francis' case. His attorneys presented no evidence, offered no cross-examination of the prosecution's witnesses, and never objected to any testimony presented against Francis. The district attorney's scenario was that Francis had waited at Thomas's home to ambush and rob him, though the prosecution presented no eyewitnesses to the murder, no murder weapon, no bullets collected from the crime scene, and no fingerprint evidence.

Nevertheless, the jury took only 15 minutes to find Francis guilty and sentence him to death by electrocution. Francis returned to the New Iberia prison for the next six months, never to see or hear from his attorneys again. He did not know that he had the right to appeal, nor that deadlines for challenging the verdict were passing. The court issued a death warrant ordering St. Martinville Sheriff Leonard Resweber to oversee the electrocution of Willie Francis on May 3, 1946.

NARRATIVE

Louisiana's portable electric chair, "Gruesome Gertie," weighed three-hundred-pounds and was stored at Louisiana State Penitentiary. When it was needed for an execution, prison staff and trustees loaded it onto a truck outfitted with a huge generator and drove it to the parish jail,

NARRATIVE

where they then transferred the chair to the local execution room and ensured that it was in working order.

The truck ominously rumbled down the quiet streets of St. Martinville on May 3, where a hushed crowd began to gather. Many residents of the small town doubted that Willie even knew how to shoot a handgun. They also questioned if the pleasant and quiet young man had the motive to kill his employer. There had been much gossip in the community that perhaps the murderer was one of several men whose wives the bachelor pharmacist had been known to visit. However, a duly impaneled local jury (which included two relatives by marriage of the murdered pharmacist) had heard the evidence and decided Willie Francis was guilty. Moreover, he had signed two different written confessions. Justice would be served, and the teenager would die for his crime.

While Frederick Francis, Willie's father, paced outside, deputies strapped his youngest child into Gruesome Gertie as the executioner, Captain Ephie Foster, started the deafening generator. Someone pulled a leather hood over Willie's head, and Foster pulled the switch to send a fatal charge coursing through the slim young man. Willie groaned and strained against the straps, as his body involuntarily jumped and convulsed. Witnesses were horrified to see that, after the generator suddenly stopped, Willie was gasping for breath. Foster said, "Well, we'll give him another one," and pulled the switch again. As electricity coursed through Willie's body this time, convulsions started again, and Willie screamed, "Take it off! Take it off! Let me breathe!" Foster said, "You're not supposed to breathe!" Willie screamed, "I am n-n-not dying!" Finally, Sheriff Resweber ordered Foster to turn off the generator and told the deputies to begin releasing all the straps that held Willie in the chair.

Willie thought he was dead and was amazed that he felt people's hands all over him, "the same as when you're alive." It would be hard to say who was more astonished—Willie or the witnesses of the failed execution. As he trembled with fright and still gasped for breath, officers led him to a cot and allowed him to lie down. Word quickly traveled through the community that Willie had survived the electric chair, and parishioners gathered in churches thanked God for the divine intervention. Resweber called Governor Jimmie Davis, and they decided to have the chair inspected and repaired, scheduling Willie's second execution for six days later on May 9. In the meantime, officials returned Willie to his prison cell.

The sheriff did not give Frederick Francis an opportunity to speak to his son, but he hurried home to tell his wife and Willie's twelve older siblings the remarkable news—instead of planning a funeral, they could rejoice that Willie was still alive! But Frederick knew that the state of Louisiana would try again to execute his boy, and he did not trust the government to provide any better legal representation this time than they had the first time. The Francis family, like most African-Americans in their part of the country, worked in subsistence farming to eke out a living and faced hardship, prejudice, and discrimination—much like that encountered by their forbearers a hundred years earlier.

Early the next morning, Frederick tearfully approached the home of Bertrand DeBlanc, a local attorney who, like most others in the small town, had grown up there. DeBlanc's grandfather, Alcibiades DeBlanc, had founded the Knights of the White Camellia in Louisiana. This

NARRATIVE

organization had similar goals to the Ku Klux Klan but served a more upper-class membership. Bertrand DeBlanc, however, had recently returned from serving his country in France during World War II and did not share the racial prejudices of many in his community. He and Andrew Thomas had been neighbors, and DeBlanc called Thomas one of his “best friends.” DeBlanc did not know many details when a broken-hearted Frederick sought him out, but he knew it would violate all the principles of justice for Willie to face electrocution a second time. The young Cajun lawyer, who had political aspirations in his hometown, wrote to a friend:

Although some criticism might be directed against me for having taken the case of Willie Francis, I have no apologies to make for taking the case. That is my profession—to defend people and see that they get all that the law allows them. I do not intend to be false to the oath I took as an attorney. Willie Francis’ father... asked me to take the case but he had no money to pay me. I have not received one penny from anyone in this case. But I figure it this way—every man is entitled to his day in Court whether he is rich or poor, black or white. It’s not what the Courts decide in this case that is of the greatest importance but the fact that a man is entitled to be heard. Otherwise, we might as well junk our system of law...

In a nutshell, the question is Can the State electrocute a man twice? My contention is that it cannot... It is a legal matter and not a personal one. It involves our constitutional right of freedom from cruel and unusual punishment. It involves our constitutional right of due process of law and double jeopardy. I have not urged and do not now urge that Willie Francis be set free—I merely seek to prevent his being electrocuted a second time and that course I will pursue to the end... I am proud of having taken this case, because my few critics will soon be dead and buried but the principles involved in this case of freedom from fear of cruel and unusual punishment and that of due process and double jeopardy will live as long as the American flag waves on this continent.

DeBlanc won a thirty-day stay of execution, giving him time to research the case in more detail. Upon reviewing the minutes of Willie’s trial, DeBlanc called the original lawyers’ inaction on his behalf “a farce and a travesty of justice.” DeBlanc told reporters, “I believe that every citizen should have all of his rights, whether he is white or Negro, and I do not believe that a man should be made to go to the electric chair twice.”

For the next year, DeBlanc declined other clients who would have paid him in order to devote himself to saving Willie Francis’s life. He made many trips between St. Martinville, New Orleans, Baton Rouge, and Washington, D.C. at his own expense. He knew he risked his future in the small town where he hoped to raise a family and earn a living.

One of DeBlanc’s first tasks was to appear before the Pardons Board on Willie’s behalf. He reminded the Board that Louisiana had never imposed a death sentence on a fifteen-year-old boy, and argued that twice suffering impending death at the hands of the state was cruel and unusual punishment under any definition. “The voice of humanity and justice cries out against such an outrage,” DeBlanc declared. The state of Louisiana maintained that the electric chair had been in working order, but a mechanical defect had prevented any current from reaching Willie. Since no injury occurred during the first attempt, it would not be cruel and unusual

NARRATIVE

to carry out the execution. The Pardons Board rejected DeBlanc's petition and set a new execution date. Meanwhile, DeBlanc appealed to the United States Supreme Court, citing the same legal concerns: cruel and unusual punishment, equal protection violations, and double jeopardy.

The High Court accepted DeBlanc's petition and ordered the execution "stayed pending further order of this Court." DeBlanc worked hard to prepare for oral argument, putting his hope mostly in the cruel and unusual punishment issue. In *Louisiana ex rel. Francis v. Resweber*, the Court issued its 5-4 decision upholding Louisiana's position on January 13, 1947. Louisiana set a new execution date of May 9, 1947, and DeBlanc immediately began work to earn a new hearing; as time went on, he had learned more appalling details about the miscarriages of justice involved in Willie's case. For example, a neighbor who was an eyewitness on the night of the murder was never called to testify. Additionally, the executioners had been out drinking together most of the night of May 2 and were observed to be not only drunk but still drinking on the morning of the execution. One witness told DeBlanc that they "were so drunk that it was impossible for them to have known what they were doing."

DeBlanc initially took the case believing that Willie Francis had killed Andrew Thomas. Nevertheless, he was determined to provide tireless, just, and fair representation to the teenager. The lawyer continued to be revolted at the failures of due process, coming to doubt that Willie was guilty at all. Even when he had lost in the nation's highest court, DeBlanc was determined to keep on fighting, shuttling between Louisiana and Washington, D.C. Finally, just a couple of hours before the second scheduled execution, DeBlanc arrived in Willie's prison cell breathless with new approaches he wanted to try. "I can still stop this thing," he said. Willie declined. "No, Mr. B-B-Bertrand. No, don't go back. I'm ready to die. I'm ready to go. I don't want you to do nothing."

Willie Frances knew what awaited him in the execution chamber. He strode purposefully to Gruesome Gertie and waited calmly for Louisiana's official executioner, Grady Jarratt, to carry out his task, which was completed successfully this time.

Bertrand DeBlanc took a stand for justice and committed to do the right thing at great personal cost. He was a country lawyer who set a powerful example of justice and integrity. After Willie's execution, DeBlanc served for eighteen years as district attorney in several different Louisiana parishes. Then, rather than moving on to a lucrative private practice, he headed the indigent defender's office in Lafayette. He continued to carry out his passion for justice for the poor.