

June 16, 2009

The Honorable Eric Holder  
United States Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

RE: Official Request to Investigate Unlawful Prosecution of Mobile, Alabama  
State Judge Herman Thomas

Dear Mr. Attorney General:

The Southern Christian Leadership Conference was founded in 1957 by Dr. Martin Luther King, Rev. C.K. Steele, Rev. Ralph David Abernathy, Rev. Joseph Lowery and others to redeem the soul of America. The organization was the heartbeat and soul of the Civil Rights Movement of the 1960's and continues to today as one of the few national organizations that use broad based nonviolent direct action to address issues of racism and equality. Our organization has over 75 chapters across the country and internationally, and we have a membership base of more than 10,000 people and reach more than a million people annually through our network and our quarterly publication the SCLC Magazine.

One of the core principles of our work is the advocacy of a fair and equitable criminal justice system. As African-Americans and minorities comprise the vast majority of our base, we are particularly interested in events or policies that ultimately decrease levels of fairness in the criminal justice system. Therefore, we would like to call to your attention a matter in Mobile, Alabama that demands your office's immediate attention, and thus we hereby formally request an investigation into the prosecution of Mobile Judge Herman Thomas by the Mobile County District Attorney's Office.

Herman Thomas is a licensed attorney in the State of Alabama who has served as State Judge since 1990, and most recently served as Circuit Court Judge in Mobile County, Alabama. During his tenure as a Circuit Court Judge he performed with a high level of efficiency and was known to the legal community as a fair and knowledgeable attorney. In fact, having becoming one of the state's youngest State Judges by the age of 29, his legal career may be summed as stellar. Therefore, it was only natural that he should aspire to become the Presiding Judge in his district, and as such on or about the year 2006 he made it known that he sought to be elevated to the position of Presiding Judge, and had the support among many of his fellow judges to attain that position. However, because of institutionalized racism, he was not afforded the opportunity to become

Presiding Judge, but rather the position was ultimately given to another judge.

However, after his attempt to become Presiding Judge failed, he apparently became a target of certain individuals who sought to not only end his legal career, but to destroy his personal and family life. Based on documents and statements that we have reviewed, a smear campaign was begun based on unfounded allegations that Judge Herman Thomas was running a criminal drug enterprise that used the services of young African-American males as drug dealers and that he owned several automobiles. The Mobile County District Attorney's Office opened an investigation in which Judge Thomas offered to cooperate with including providing the District Attorney with details of personal property that included a list of vehicles that Judge Thomas owned or had co-signed for. The investigation was closed and no charges were filed.

However, Judge Herman Thomas was then accused of improperly transferring cases to his docket. The allegations resulted in a complaint being filed with the Alabama Judicial Inquiry Commission. There was a review of nearly 400 cases, but the commission did not find any grounds for the charges and thus they were dismissed.

Next, Judge Thomas was accused by another circuit judge of extorting sexual favors from inmates. These charges were investigated by the Federal Bureau of Investigation and the Mobile County District Attorney's office with all of the alleged victims being interviewed.

Due to the overwhelming pressure and malicious targeting, Judge Thomas retired from the bench to protect his family and to try and return to a life of normalcy. At the time of his retirement in 2007, there were no local or federal indictments filed against Judge Thomas. Subsequently, the federal authorities declined to prosecute Judge Thomas and closed their case.

However, in March 2009, Mobile County District Attorney John M. Tyson, Jr. filed a 57 count secret grand jury indictment. The indictments claim that Judge Thomas used his position of public official, to wit Circuit Court Judge to obtain personal gain for himself by receiving sexual favors or human labor. Judge Thomas learned of the indictment and his attorney contacted the District Attorney's Office to make arrangements to surrender himself. Despite a lawful requirement that the indictments remain sealed, the documents were released to the Lagniappe, a local Mobile newspaper. Judge Thomas eventually was arrested at press conference where he was taken into custody with "unsigned" indictments.

Following his arrest Judge Thomas was banned from practicing before Judge Joseph S. Johnston on the grounds that Judge Thomas violated the provisions of Section 34-3-20(1) Code of Alabama (1975) in that he used his office to threaten criminal defendants with jail time, penitentiary time and probation revocations if they did not engage in sexual acts with him. At the time he was barred from the courtroom he has not been convicted nor was he sitting a judge. Judge Thomas filed a Petition for Emergency Writ of Mandamus with the Alabama Supreme Court that was denied.

In addition, the Alabama State Bar has suspended Judge Herman Thomas's law license under Rule 20 of the Alabama Rules of Disciplinary Procedures, that allows an interim suspension on the petition of the general counsel. At the conclusion of the suspension hearing it is reported that the general counsel of the State Bar of Alabama stated in an interview with a local CBS affiliate that Herman Thomas is a sexual predator. At the time of the suspension there was no conviction of Judge Thomas.

As you can see these are very complicated set of facts. In addition to these factual allegations based on direct evidence including court filings, there is also concern that certain private parties including one attorney in particular are engaged in an ongoing conspiracy to provide additional witnesses and claimants, several of whom are his personal clients. If individuals are being solicited to provide false testimony in order to strengthen the case against Herman Thomas, this is certainly unethical and unlawful behavior.

Therefore, we would urge your office to assign an investigator to this case in order that persons who can provide valuable information can come forward without fear and retaliation. It should be noted that all of the charges of the demand for sexual favors come from individuals who have come before Judge Thomas and therefore should be looked at with a high level of scrutiny.

I am enclosing a copy of a resolution from the Alabama Legislative Black Caucus that also calls for the United States Department of Justice to review the problem and petition of the unfair indictment of Blacks in Alabama generally and Mobile specifically.

Thank you for your consideration in this matter.

Sincerely,

Dexter M. Wimbish, Esq.  
General Counsel

cc: Dr. Byron Clay, SCLC President & CEO  
Dr. Raleigh Trammell, SCLC Chairman of the Board  
Judge Herman Thomas