

NEW AFRIKAN/BLACK POLITICAL PRISONERS AND PRISONERS OF WAR:

CONDITIONS OF CONFINEMENT

by Jill Soffiyah Elijah, Esq.

In our review of the conditions of confinement for New Afrikan/Black* political prisoners and prisoners of war it is important to remember the reasons that the United States government wants them confined. The U.S. will not tolerate the exercise of the right to self-determination by Black people. All of these freedom fighters have committed their lives to fighting for the liberation of Black people. U.S. intolerance of this political position held by Black people is historical. There have been many Black political prisoners throughout the history of the United States, all of whom have been jailed as a part of the government's attempt to silence resistance.

One of the most notable early political prisoners and someone who may not immediately come to mind in this context is Marcus Garvey. As his movement, the United Negro Improvement Association (U.N.I.A.), spread throughout the country and his call for self-determination was heeded by more and more Black people, the government's plan to destroy him was implemented. He was jailed on charges of mail fraud and deported.

We find that during the past three decades there has been a steady increase in the number of people imprisoned because of their political views and actions. Many of the New Afrikan political prisoners and prisoners of war came from the Black

* Throughout this paper, the terms New Afrikan and Black will be used interchangeably.

Panther Party and/or the Black Liberation Army (BLA). The F.B.I.'s notorious COINTELPRO effort to destroy the Black liberation movement is primarily responsible for the imprisonment of numerous former Panthers and BLA members.

We also find that as the prison population became more politicized, the level of repression to which it was subjected was heightened. Prison rebellions increased and many prisoners who were targeted as organizers or leaders within the prisons were subjected to beatings and lengthy periods of total isolation. Such is the case of the Reidsville Brothers, who in 1978, participated in a rebellion by Black prisoners at Reidsville Prison and demanded an end to guard brutality, degrading living conditions and racist attacks from white inmates. The prison officials retaliated with beatings and solitary confinement.

Stark in its illustration of this heightened repression is the Attica Prison Rebellion, which occurred in 1971. In response to demands from prisoners who had taken over Attica seeking more humane treatment, the then governor of New York State, Nelson Rockefeller, ordered that state troopers retake the prison by force. This order was given despite on-going negotiations for a peaceful resolution of the Attica situation. In essence, Gov. Rockefeller ordered the mass murder of 33 people; 24 prisoners and 9 guards. Rockefeller's barbarism was rewarded when he was selected to serve as vice-president to Gerald Ford.

So we see that the attitude of the U.S. government towards prisoners' concerns is one of intolerance and indifference. And, with respect to political prisoners, the imposition of egregious conditions is part of a systematic effort to destroy any visible signs of resistance. The intent of the government in imposing these conditions is two-fold; destroy the will of the political prisoner and send a strong message to supporters and followers that their resistance will be met in kind.

The United States government continues to deny to the world that there are political prisoners within its borders. It maintains this position at whatever cost necessary. Recall the almost immediate removal from office of the then U.S. Ambassador to the United Nations, Andrew Young, when he publicly acknowledged the existence of political prisoners within the U.S.

Back in the 1970's, brother Jalil Bottom, one of the New York Three, recognized the significance of raising the issue of political prisoners held within the U.S. in the international arena. Thus, in 1976, he launched the National Prisoners Campaign to Petition the United Nations. This effort was widely supported by political and progressive prisoners resulting in a petition being submitted and discussed in Geneva, Switzerland. This work formed the impetus for Lennox Hinds and the National Conference of Black Lawyers to invite the U.N. International Commission of Jurists to tour numerous U.S. prisons and interview political prisoners. Their findings raised serious questions about the treatment and reasons for confinement of the many political prisoners they interviewed.

In the following text, I will discuss various prison conditions and the manner in which they are applied to political prisoners. A conservative estimate is that there are over 100 Black political prisoners and prisoners of war in the U.S. I will not attempt to discuss the specific conditions to which each of them is subjected. Rather, as I discuss the various aspects of prison conditions, I will cite specific examples by naming some of the political prisoners who have been subjected to the particular condition being discussed.

Type of Sentence

As a general rule, political prisoners have been given the harshest sentences possible. Journalist, Mumia Abu-Jamal, a former Panther and staunch supporter of the MOVE members who were bombed by Philadelphia police, is on death row in Pennsylvania for defending himself and his brother from a vicious beating by local Philadelphia police.

After years of court battles, Gary Tyler finally had his death sentence commuted to life imprisonment.

Johnny Imani Harris, who was originally serving 5 consecutive life sentences at the infamous Atmore Prison at the time a rebellion broke out, was subsequently sentenced in 1974, to death because of his participation in a rebellion during which a prison guard died.

Oscar "Gamba" Johnson, also an Atmore inmate convicted of participating in the rebellion, is serving a 148 year sentence.

Geronimo ji Jaga Pratt, was sentenced to life and despite his exemplary prison record, and has been denied parole 9 times.

Sekou Odinga, was sentenced to life plus 40 years with a recommendation of no parole.

Assata Shakur and Sundiata Acoli were sentenced to life plus 30 years. Fortunately, in 1979, Assata was liberated from prison and she is now living in exile in Cuba. This was the only way to put an end to the horrendous conditions under which she had been confined.

Each of the nine MOVE defendants was sentenced to 100 years.

Bashir Hameed and Abdul Majid, are both sentenced to 25 years to life.

Seth Hayes and Teddy (Jah) Heath are also serving 25 years to life sentences.

Baba Odinga is serving a 25 year to life sentence.

Donald Taylor, a former member of De Mau Mau which was a clandestine self-defense formation within the U.S. Marine Corps in Vietnam formed to defend against racist attacks from white troops, was sentenced to 150 to 200 years without parole.

The New York Three (Herman Bell, Jalil Bottom and Albert Nuh Washington) were each sentenced to 25 years to life.

Mutulu Shakur was sentenced to 60 years.

Kuwesi Balagoon was sentenced to 25 years to life.

Jihad Abdul-Mumit, a former Panther and BLA member, was sentenced to 14 years for a parole violation which did not involve a new arrest.

Prior to his recent release due to prosecutorial misconduct, Dhoruba Bin-Wahad, was serving a life sentence.

Number of Years Served

All of these political prisoners and prisoners of war were arrested as they entered the prime of their lives. Some, like Jalil Bottom, who was only 20 at the time of his arrest, were just entering adulthood. They have spent lengthy periods of time behind bars and those who are eligible have been denied parole. Jalil has been incarcerated for 19 years. Geronimo ji Jaga Pratt has been held for 20 years. Dhoruba Bin-Wahad served 19 years before his release. Seth Hayes and Nuh Washington have already served 19 years and Herman Bell has served 18 years. Sundiata Acoli, who is a mathematician and computer analyst, will complete his 17th anniversary behind bars next week.

Solitary Confinement and Administrative Detention

In the early 60's, a meeting of social scientists and prison wardens was convened by the then director of the Federal Bureau of Prisons, James V. Bennett. The main speaker was Dr. Edward Schein, a social scientist. He presented his theories on brainwashing and the application of such techniques to achieve behavior modification within the prison population. Amongst the twenty-four techniques suggested by Dr. Schein were the following:

1. physically remove the prisoner to an area sufficiently isolated in order to break or seriously weaken close emotional ties;
2. segregate all natural leaders;
3. prohibit group activities that do not fit brainwashing objectives;
4. systematic withholding of mail;
5. create a feeling amongst the isolated group of

prisoners that they have been abandoned by and totally isolated from the community;

6. undermine all emotional supports;

7. preclude access to literature which does not aid in the brainwashing process.

James Bennett urged the participants in the meeting to experiment with Dr. Schein's theories within their respective institutions.

Approximately a decade later, the "experiments" that grew out of that meeting in 1961 began cropping up all around the country. The glaring similarities between Dr. Schein's techniques and the treatment received by the vast majority of Black political prisoners serve to enforce the belief that there is a thinly disguised attempt on the part of the U.S. government to psychologically destroy political prisoners.

Marion Penitentiary in Illinois is the highest level security prison in the country. This is where the first control unit was established. Its main focus is sensory deprivation and solitary confinement. A disproportionately high number of political prisoners have been sent to Marion. Many of them have had lengthy stays in the control unit there. The control unit consists of small soundproof box-type cells. Since 1983, the entire prison has been on lock-down status. This means that all prisoners are locked in their cells 23 hours a day. They are only let out of the cells for one hour to shower and take recreation on the tier. Twice a week, for two hours at a time, outdoor recreation in a small fence-enclosed area is permitted at the whim of the guards.

The cells at Marion consist of a stone bed and a toilet/wash bowl. No contact visits are allowed with social visitors. All legal visits are monitored by video camera and guards. All meals are taken in the cell. No phone access to lawyers is permitted unless the prisoner can prove that his lawyer wants him to call. Only two ten minute calls per month are permitted to family and friends. Marion is the epitome of the implementation of Dr. Schein's theories on isolation and segregation.

Sekou Odinga was immediately designated to Marion upon being sentenced to 40 years plus life. After spending 3 years at Marion in lock-down status, he was transferred to Leavenworth in general population. When a bogus investigation of escape charges commenced, he was snatched during the early morning hours and thrown in administrative segregation. Shortly thereafter, he was moved to a new special housing unit (SHU) built at Leavenworth on the model of Marion. Sekou remained in the SHU after the investigation cleared him of the escape allegations. After 9 months of being held in solitary confinement at Leavenworth, Sekou was returned to Marion. He spent a month in the control unit there, and then he was moved to D Block, which is 23 hour lock-down as previously described.

Sundiata Acoli spent 5 years in the Management Control Unit (MCU) of Trenton State Prison. He was the first prisoner sent there. At MCU, Sundiata was locked down 24 hours a day in a cell that was smaller than the space requirement for a German shepherd dog set by the Society for the Prevention of Cruelty to Animals. No contact visits were allowed. All meals were taken in the

cell. Strip searches were required every time he left the cell for any reason. Cavity searches were frequently imposed. In 1979, just months before the liberation of his co-defendant, Assata Shakur, he was secretly transferred during the middle of the night to federal custody at Marion. (He was a New Jersey state prisoner.) Sundiata remained at Marion for 8 ½ years before he was transferred to Leavenworth. Like Sekou, he was also placed in administrative segregation during an investigation of the same bogus escape charges. He spent 6 months in SHU before being returned to general population.

James "Blood" Miller spent over 6 years at Marion before his eventual release last year.

Geronimo ji Jaga Pratt spent 8 of his 20 years of incarceration in solitary confinement.

Hugo A Dahariki Pinell, one of the Soledad Brothers, spent 20 years in solitary confinement.

Prior to her liberation, Assata Shakur spent over 20 months in solitary confinement, often housed in men's facilities.

Oscar (Gamba) Johnson, Gary Tyler and Johnny Imani Harris have all spent over 5 years in solitary confinement.

Chui Ferguson-El spent 8 years in federal custody in general population without any disciplinary infractions. Last year, upon his transfer to Pennsylvania, he was immediately thrown in the whole. In response to this attorney's inquiry, the state prison officials stated that he would spend the balance of his sentence in the hole because "he had previously been shown to be a threat to security while in federal custody at Lewisburg Penitentiary."

In late 1988, Bashir Hameed, a member of the BLA and a well respected Muslim leader amongst the prisoners, was placed in solitary confinement at Shawangunk Prison in New York State because of his leadership and organizing abilities.

In early April of 1990, Abdul Majid, a member of the BLA, was put in solitary confinement (the box) because of "his status in the Muslim hierarchy." The official "charge" made against Abdul was for demonstrating. It was alleged that he urged a cook not to prepare food for the Ramadan evening meals. Despite the fact that the cook testified at his hearing that no such conversation had taken place, Abdul was condemned to a year in the box at Great Meadows Correctional Facility in Comstock, New York. The box consists of a 6 X 8 cell where Abdul is locked in for 23 hours a day. Recreation is twice a week alone in a fenced cage that is 6 X 9 feet. Showers are only allowed twice a week unless a social visit is to occur. Visits are only allowed once a week.

New York State has recently passed legislation which implemented more lenient guidelines for the use of administrative segregation.

In the '70s, a group formed in Pennsylvania State Prison known as the Black Liberation Front. They sought religious freedom and protection from human rights violations. They were labeled as terrorists by the prison administration and singled out for punishment. Joseph "Joe Joe" Bowens was held in a control unit for 5 years. Russell "Harun" Shouts, a BLA member, was held

in solitary confinement for 3 years and Clifford "Lumumba" Futch was held in a control unit for 14 years.

Distance from Family and Supporters

In keeping with the suggestion of Dr. Schein that behavior modification can be achieved by separating a prisoner so as to weaken or break emotional ties, most of the New Afrikan political prisoners and prisoners of war have been confined far away from their families and supporters. For instance, Geronimo had been incarcerated in northern California at San Quentin for many years. He had a whole base of support including his defense committee located in the Bay Area of California. Last year, in retaliation for his offer to testify on behalf of Filberto Ojeda Rios who was on trial in Puerto Rico, Geronimo was transferred to Tehachapi Prison which is located in southern California.

Nuh Washington is confined at Wende Correctional Facility in Alden, New York. This facility is located in the far northwestern corner of the state. Nuh's lawyers and primary base of support are in New York City.

Mutulu Shakur is confined at Lompoc Penitentiary in Lompoc, California. His family, friends, lawyers and support committee are all located in New York. Despite these factors, he was immediately designated to Lompoc by the Bureau of Prisons.

Punitive Transfers

In order to understand the punitive nature of a transfer, we must first appreciate the disruption in routine that a transfer causes. When a prisoner is transferred, he/she is placed in administrative segregation, usually for one month. During this

time they cannot work and whatever work status they had previously achieved is lost. No educational program can be pursued during this time and prior educational credits are not often transferable. Personal items are frequently "lost" and many weeks may pass before a new visitors list is established for the prisoner. During this waiting time, visitors are frequently frustrated by being refused visits even though they were previously approved on another facilities list. Additionally, friendships and contact with other inmates are destroyed.

Herman Ferguson has been moved all over New York State in the past two years. Punitive transfers have been extensively used against the New York Three. Nuh Washington has been transferred 10 different times in the past 17 ½ years. Jalil Bottom has been in six different New York State facilities in the past 12 years.

Before Geronimo ji Jaga Pratt was transferred to Tehachapi, it took a court order to keep him from being transferred to Folsom Prison where it was clear that he was going to be set up to be murdered.

Torture

Upon being arrested, most of the Black political prisoners and prisoners of war were beaten and tortured. Abdul Majid suffered several damaging blows to the head when he was beaten at the time of his arrest. Jamal Joseph, Kazi Toure (He was brutally beaten while handcuffed.), Chui Ferguson, Sundiata Acoli, Sam Brown (His neck was broken and medical attention withheld.), Assata Shakur (She was refused adequate medical attention for a gun shot wound.), Nuh Washington (He was also refused medical attention

for gun shot wounds to the face.) and Sekou Odinga were all subjected to brutality when arrested.

Sekou was captured after a shoot out with police. During the shoot out his companion, Mtayari Shabaka Sundiata, was murdered by the police while he was lying on the ground wounded and unarmed. Sekou was then arrested and tortured for many hours while the police attempted to interrogate him. He was beaten so bad that he was unrecognizable and his pancreas was almost destroyed. He was in the hospital due to this beating for 3 months. His eye sight was damaged. During the torture sessions, Sekou's head was repeatedly flushed in the toilet. His toenails and fingernails were ripped out and cigarettes were snuffed out all over his body.

Dhoruba Bin-Wahad was set-up for an armed attack from another inmate by guards. His lawyers had to seek an order of transfer from the court in order to avoid further incidents at that facility.

Psychological torture is also employed against Black political prisoners. James "Tarif" Haskins, a BLA member, has been subjected to tactics of mind manipulation and drugs from which he suffered hallucinations.

Forced Labor

The labor of prisoners is used to maintain the prisons. Refusal to work is one way to guarantee receipt of an incident report and disciplinary action. Sometimes, as a form of punishment, groups of prisoners are taken to the fields and forced to work under the threat of guns. Upon his arrest in

California. Mutulu Shakur was held at Florida State Prison in the East Unit. The East Unit was a replica of Marion. Here, prisoners were forced to work in the fields as punishment for various disciplinary infractions.

Health and Medical Care

In general, the health and medical care provided to prisoners is abhorrent. Bashir Hameed suffers from acute hypertension. His medication has to be increased regularly. His prison doctor has determined that continued confinement in the box create a substantial danger of a stroke. Despite his doctor's request that he be removed from the box, the Shawangunk administrators have refused to move him. Sometimes Bashir's blood pressure is so high that medication does not bring it back down.

Ahmed Evans was a Black nationalist leader from Cleveland, Ohio who was incarcerated in the infamous Southern Ohio Correctional Facility. Due to medical neglect, he died of cancer at the facility.

When Sundiata Acoli was transferred from the MCU at Trenton State Prison to Marion, his entrance physical exam revealed that he had been heavily exposed to tuberculosis while at MCU.

Kuwesi Balagoon, a member of the BLA who was serving 25 years to life for the attempted Brinks armored car expropriation in 1981, died in a New York State correctional facility due to gross medical negligence. Some have suggested that he was experimented on and still others believe that he was essentially murdered. Despite Kuwesi exhibiting all the tell tale signs of

AIDS, he was not transferred to a hospital for medical care until ten days before his death.

Visitation, Religious Freedom, Legal Access, Personal Hygiene

Extensive background checks are done on all visitors of political prisoners. This includes legal and social visitors. These visits are closely monitored by prison officials and sometimes denied for fabricated reasons.

Legal and social visitors are usually harassed by prison officials in an effort to discourage them from visiting. Frequently family members, friends and lawyers travel many miles to visit a prisoner only to be told that they have not followed some procedure that either does not exist or has already been complied with to the letter. Social visiting time is reduced with no explanation. Legal visiting rooms often times are not supplied to lawyers and paralegals. Often times, without notice to the prisoner or the visitor, the visitor's name is removed from the prisoner's visiting list thereby preventing the visitor from gaining access to the prison until a new background check is done. Although the check can be completed in less than 24 hours, visitors and inmates are usually told that it will take 6 to 8 weeks to complete a background check.

Without explanation or rationale rules are imposed that infringe on the religious freedom of political prisoners. Particular targets of this sort of harassment are Muslims, MOVE members and prisoners who wear their hair in long locks. For instance, despite his religious practices, Chui Ferguson-El was placed in administrative segregation because of his refusal to

cut his hair. There has been frequent and wide spread interference in the attempt by Muslim prisoners to observe Ramadan in accordance with their religious beliefs. This type of harassment resulted in Abdul Majid being sent to the box for a year.

Frequently, prisoners who are held in solitary confinement are not afforded daily opportunities to shower. Showers are only permitted at the whim of the guards. Clothing is limited and clean clothing is even more limited.

It is very difficult for political prisoners to remain in regular contact with lawyers if they are in solitary confinement. Phone access to lawyers is extremely limited. Sekou Odinga must present a letter from his attorney stating that the attorney wants him to call the office in order to make the collect phone call. All phone calls are monitored. When an attorney calls the prison requesting that a political prisoner be allowed to call back to their office, the message is not given to the prisoner except in extremely rare instances. I have left numerous messages at Marion, Leavenworth, Lompoc, Wende and Lewisburg for calls from political prisoners. Those messages are never delivered or they are delivered days after the call was requested.

Censorship

Prisoners in federal custody are only allowed to correspond with their attorneys, immediate family and those individuals with whom they were friends prior to their incarceration. The obvious hardship this works on political prisoners serving lengthy sentences is that with each passing year, they grow further away from developing new friendships.

All social mail is read and for political prisoners, most if not all of it is photocopied. Although the prison authorities do not admit it, it is the belief of this author and many others that the legal mail of political prisoners is also read and photocopied.

Reading material is sanctioned according to the whim of the institution. Political materials come under heavy scrutiny. I understand that the Freedom Now literature is being banned from some institutions. At Wende Correctional Facility, Nuh Washington is not allowed to receive any books, hard cover or paperback, unless they come from the publisher or a book store. However, he can receive photocopies of books. There's no rationale for this rule.

Surveillance While Incarcerated

The growing trend in the incarceration of political prisoners is to place them in small monitoring units within or adjacent to a larger correctional facility. As a result, "mini-Marions" are cropping up around the country. MCUs and SHUs are the "popular" choice of prison officials when it comes to political prisoners and prisoners of war.

At Shawangunk a Close Supervision Unit has been opened that is separate and apart from the main facility. The CSU prisoners take their recreation separate from the rest of the prison population in a separate recreation space except for 2 times a week. All recreation for the entire prison is done after 6 p.m. They have a separate mess hall. There is a low guard to inmate ratio. Every single move made by an inmate is monitored and logged on a daily activity sheet. Each inmate must be in a program 8 hours a day.

The prisoners who are housed there are told that there is no way that they can be transferred out of there. Basically, the position of the New York State Department of Corrections is that once a prisoner is placed in the CSU, that is where they will serve the balance of their time. Since October 5, 1988, the prisoners in the CSU have staged a shut down of the unit and they have been locked in their cells. Some of the political prisoners in the CSU are Maliki Shakur Latine, Herman Bell, Al Musadig Yusef of the Williamsburg 4 and Bashir Hameed prior to his removal to the box where he has remained for the past 20 months.

Another form of surveillance used against political prisoners is the of an escort. In other words, the prisoner is not allowed to move anywhere in the prison without an escort. This is the method used for Nuh at Wende. He is not even allowed to come to legal visits without his escort pacing back and forth just outside of the legal visiting room.

Conclusion

Through this discussion, I have attempted to give you a comprehensive view of the conditions under which New Afrikan/Black political prisoners are incarcerated. Some of these conditions are not unique to Blacks or political prisoners. However, in light of the large number of Black political prisoners and prisoners of war, an analysis of the treatment they receive will aid in an understanding of the plight of all political prisoners and prisoners of war.

I want to thank all of the people who assisted me in writing this paper. Comments, suggestions, research and encouragement were supplied by many including political prisoners and prisoners of war, who I respect and love dearly, friends and lawyers who have worked with and for political prisoners for many years.