

## **YOU CAN ALMOST HOLD IT IN YOUR HAND: SUNDIATA ACOLI'S LONG WALK TO FREEDOM**

### **I. INTRODUCTION**

At the opening of the 1990s, Black leader Sundiata Acoli has spent 17 years as a political prisoner in US prisons. For eight months he endured 24 hours a day in a specially created cell in a New Jersey prison which was smaller than the space requirements for a German shepherd dog according to the Society for Prevention of Cruelty to Animals.

Sundiata was arrested and tried with Assata Shakur, who was subsequently freed from prison. In her autobiography, written from her new home in Cuba, Assata describes Sundiata's character:

*There is something about Sundiata that exudes calm. From every part of his being you can sense the presence of revolutionary spirit and fervor. And his love for Black people is so intense that you can almost touch it and hold it in your hand.*

Sundiata Acoli identifies himself as a New Afrikan Prisoner of War. The testimony below, prepared for an International Tribunal to be held in 1990, describes his imprisonment.

### **II. PRE-ARREST COUNTERINSURGENCY**

When I was a member of the Black Panther Party in Harlem, New York, our office telephone was tapped and the office was under 24-hour visual surveillance from an apartment occupied by police located directly across the street. All phone calls from that office were monitored. The police frequently took photos whenever I entered or exited the office, and recorded license plates of cars I drove. My home telephone was also tapped.

On April 2, 1969, I was arrested to stand trial in the Panther 21 case. Twentyone of us were accused of conspiring to carry out a ridiculous plot to blow up a number of New

York department stores and the New York Botanical Gardens. Although the legal process took two years and the trial lasted eight months--the longest criminal prosecution in New York history--the jurors took only 56 minutes to acquit all the defendants of every charge. Police agents appearing at the Panther 21 trial had also attended some group political education classes held at my apartment.

FBI agents visited my apartment and tried to recruit me as an agent. When that failed, they visited my job where i worked as a computer consultant and tried to persuade my supervisor and the president of the corporation to fire me. After i was arrested in the Panther 21 trial, the mother of my youngest daughter began to regularly get thinly-disguised obscene telephone calls from the police. This lasted for two years until i was acquitted and released from jail, when the calls stopped.

After my release, the surveillance/counterinsurgency stepped up tremendously. My apartment was burglarized several times, yet nothing was taken from it. Landlords would suddenly request that i move even though my rent was paid up. Frequently plain clothes police would openly trail my car from the moment i exited my apartment in the morning until i eluded them. At other times I made them desist by stopping on a busy street in Harlem and loudly pointing out to the people on the street that i was being trailed by a car of white men. One night when i came home, gun shots rang out into the air from a nearby car which then sped away. My mail was opened and tampered with.

Although an ad hoc organization of my fellow workers named "Computer People for Peace" had raised and posted bail for me during the Panther 21 trial, and although several other defendants had been released on bail, the judge refused to let me out on bail. i had to do the entire two years on trial in jail until released on acquittal. After I was finally released and was driven underground by continued police surveillance and harrassment, plain clothes policement visited all my previous addresses and friends inquiring about my whereabouts.

### III. CONDITIONS OF MY ARREST

After the New Jersey Turnpike shootout (ambush) on May 2, 1973, police launched a two-day massive search of the surrounding area. When I was arrested, police immediately cut my pants off me so that i only wore shorts. Whooping and hollering, a gang of New Jersey state troopers dragged me through the woods, through water puddles, and hit me over the head with the barrel of their shot gun. They only cooled out somewhat when they noticed that all the commotion had caused a crowd to gather at the edge of the road, observing their actions.

#### IV. NATURE OF THE INDICTMENT

I was indicted for murder of one state trooper, and i was also indicted for the murder of my comrade Zayd Shakur. In fact the second state trooper had testified at trial and before a Grand Jury that he had killed Zayd. i was indicted with *multiple* counts of the same assault on this trooper. Additionally, although i had no gun on me, i was indicted with *armed* robbery of the trooper and illegal possession of weapons.

#### V. FRAME-UP

After the Panther 21 acquittal, i was forced to plead guilty to an earlier frame-up subway booth robbery charge in return for a sentence of "probation." I did this to avoid the risk of a trial and a prison sentence, and so that I could be released from jail following the Panther 21 acquittal.

#### VI. POLITICAL INTERNMENT

After i had raised my bail money during the Panther 21 trial, the judge would not accept it, and rescinded my bail. Thus I was interned for the entire two years on trail until acquittal.

#### VII. PRE-TRIAL TREATMENT

Following my arrest on the New Jersey Turnpike shootout (ambush) i was given no

bail and have been imprisoned ever since (17 years).

During my pre-trial detention for the Turnpike arrest, i was denied all medical care although i requested it on my first court appearance; i was kept in isolation the entire time; i was permitted no visits from family, friends or anyone except my attorney; and i was not permitted to receive or read any newspapers while there.

#### VIII. HUMAN RIGHTS VIOLATIONS IMMEDIATELY AFTER ARREST

A light was kept on in my cell 24 hours per day, i was fed very sparse meals, and frequently New Jersey state troopers were permitted to come back into the solitary confinement area in front of my cell and stare coldly at me for long periods of time.

#### IX. TRIAL ANTICS

Prejudicial sensationalized publicity was continuous from the time of my arrest up to and throughout the trial and even afterwards when i had been convicted and sent to prison. All of the newspapers and other media used the state police and the prosecutor's office as their main or sole source of information, although some small local newspapers did send me letters urging that i send them my side of the story. Since li was from out of state i'd never before heard of the local papers, and the county jail would not permit me to receive any newspapers. The whole thing seemed like a set-up to further sensationalize the issue, so I declined to respond.t

Access to the court was permitted to the public only if they submitted to searches, showed ID and then endured constant video-monitoring of the courtroom. Barriers were placed both at the courtroom entrance and at the entrance to the court house itself. The courtroom was saturated with marshals, state troopers and family and friends of troopers.

The judge would not permit my five-year-old daughter to attend the trial although he did permit his eleven-year-old son to attend each court session. Young children of troopers' families were also permitted to attend.

Jury selection was moved to Morris County, 97% white and one of the richest

counties in the US. The forewoman of the jury shared a summer home with the Morris County prosecutor and the judge would not remove her although we had used all of our peremptory challenges. (We only had five peremptory challenges total.) The judge would permit no inquiries to the jury concerning politics since he claimed it was not a political trial. The prosecutor peremptorily removed the first Black potential juror and i boycotted the remainder of the jury selection to protest his racism.

During the middle of the trial the prosecutor ejected a young white juror (who didn't seem very impressed with his courtroom antics) because he said her eyes were too red. She explained to the judge that her eyes were red from swimming in the hotel pool that morning, but the judge ejected her from the jury anyway. A New Jersey Chief of Police was rushed to the stand as a last minute surprise witness and was accepted as an expert on wounds. He then testified that the *photo* of a wound on my hand was the results of a jammed pistol mangling my hand when the photo clearly showed a circular bullet wound with powder burns around it. The lone civilian witness, a college student, took the stand and claimed he witnessed the events while driving by in his car. He was later rewarded with a teaching job at a New Jersey university. The medical examiner, ballistics expert and chemist who testified as experts for witnesses for the state, were all employees of the State of New Jersey, which was prosecuting me. All were blatantly biased and falsified evidence.

The judge's father was a chief of police, so he should have excused himself from presiding over a highly publicized/prejudicial trial involving the death of a state trooper. A deputy sheriff signed an affidavit swearing that the county sheriff eavesdropped on jury deliberations daily and reported to prosecutors.

## X. SENTENCING

At sentencing the judge stated that i was an avowed revolutionary and sentenced me to life plus 30 years consecutive.

## XI. INCARCERATION

Immediately after sentencing i was transferred to Trenton State Prison (TSP), New Jersey, which was built before the Civil War in 1835, and had been condemned for years as uninhabitable. Shortly after my arrival the warden visited San Quentin Prison in California to study their max wing called MCU (Management Control Unit) or "O" Wing. He returned to Trenton and copied their exact setup, including the name MCU, and instituted it at Trenton State Prison. Overnight they rounded up 250 prisoners and put us in this instantly erected MCU. i was the first prisoner they rounded up, on the grounds of the "nature of the offense"--meaning the original charges and conviction that sent me to prison. Within a month they had released all other prisoners back into population except about 50 of us who were more "politically oriented" than the others.

i remained in MCU almost five years locked down 24 hours per day in a cell smaller than the Society for the Prevention of Cruelty to Animals space requirement for a German shepherd dog. I was only allowed 10 minute showers and two hours twice a week for recreation. The warden permitted MCU prisoners no contact visits, only booth visits via a phone. The recreation yard was an alley between two buildings about half the size of a basketball court, directly under a shotgun tower. Recreation equipment consisted of one parallel bar, one chin-up bar, one basketball hoop and one basketball. All meals were taken in the cell through a hole in the door. We were allowed one ten minute telephone call per month.

A strip (i.e. naked) search of our body was required each time we exited or returned to MCU for any reason. Any prisoner resisting the degrading anal search during a strip search, or any other "impromptu" degrading order (as the rules changed constantly and instantly with each new rule being more degrading than the previous) was immediately attacked by guards and forced to submit, then charged with assault on the guard which carried an additional seven years sentence upon conviction. i and numerous other prisoners in MCU were attacked numerous times by guards for not complying (or not complying fast enough) with every new and more degrading order issued by the guards,

in particular the anal search. The situation got so bad, and so many prisoners were attacked (and charged with assault carrying a seven year sentence) that a federal judge stepped in. He ruled that the guards could perform the same search with a hand-held metal detector, then rescinded all the false assault charges that had been filed against us MCU prisoners.

Foiled in their attempt to give us more time through false assault charges, prison officials instituted a different process to accomplish the same thing. They began to give me and other MCU prisoners a rash of disciplinary charges on the slightest pretext, then taking us before their kangaroo Disciplinary Committee. This Committee would punish us by sending us to the hole and taking two months to one year's earned "good time" from us for each conviction, in effect increasing our prison sentences by this amount.

Their favorite method for doing this was to create a situation guaranteed to incite prisoners, such as unmercifully beating a prisoner, serving cold food laced with a foul-smelling foreign substance, withholding toilet paper and other necessary items for weeks, arbitrarily cutting off all water to the cells for days, impromptu cancellations or suspensions of outside recreation, withholding showers for days, and so on. The incited prisoners would eventually launch a mass protest to the provocation by throwing paper and trash on the tier. The guards would then approach selected cells and order the occupant to come out and clean the trash off the tier, regardless of whether this individual had thrown paper or not. Any prisoner complying with such an order under those circumstances would be considered as a scab among his peers. When the prisoner inevitably refused, he was given a charge for "Refusing a Direct Order," taken before the Disciplinary Committee, found guilty, and sentenced to "the hole." In addition his original sentence would be extended 60 to 365 additional days by the loss of "good time."

Another impromptu rule instituted was that MCU prisoners must wear a bright orange jump suit (with only shorts permitted underneath) each time they left MCU for visits, hospital, dentist, etc. Yet only three jump suits were allotted for use by the 50-60 prisoners in the unit. Whenever more than three prisoners went out on any given day,

then the remaining prisoners were forced to wear a dirty used jump suit. We boycotted against wearing the dirty jump suits and for seven months no MCU prisoner went on a visit or anywhere else requiring the wearing of the jump suit. In the eighth month the prison finally bought sufficient jump suits so that we didn't have to choose between refusing visits with the family, friends, or attorneys, or wearing a dirty jump suit.

During one epidemic of trumped-up charges, I was not let out of my cell for six continuous months, 24 hours a day, except for 10 minute showers. Prison officials had increased my prison sentence an additional two and a half years on trumped-up charges. Many other MCU prisoners had their sentences increased by similar methods, but years later had their good time restored through state appeal procedures. To prevent the eventual restoration of my lost good time, I was secretly transferred into the federal prison system during the middle of the night, where i would be without access to New Jersey appeal procedures (these would have restored my parole eligibility to its original date of 1994, instead of the present extended 1996 date). An entrance physical exam disclosed that i had been heavily exposed to tuberculosis while at Trenton State Prison.

i was then transferred to Marion Penitentiary, II, solely because of my political background. It was located over a thousand miles from my home, and is supposedly reserved for prisoners who commit violent acts while in prison. Most prisoners at Marion were locked down for 22-23 hours per day, subjected to many degrading practices such as anal finger probes and being shackled spreadeagle to their bed blocks. Drinking water at Marion Penitentiary was drawn from a federally-designated emergency toxic waste dump clean-up site, and many prisoners suffered unexplained skin rashes and benign tumors.

At Marion i was immediately put on controlled visit status (restricted to non-contact visits where prisoners spoke over the telephone while sitting in a small booth) as punishment for being the co-defendant of Assata Shakur who had just escaped from Clinton New Jersey Women's Prison. I remained on control visit status during my entire

eight years at Marion , and was usually the only prisoner classified as such.

i was permitted visits with immediate family and attorneys only, with no friends or associates permitted. Because of the great distance and costs, these visits were possible only every one to three years. Prison officials constantly berated my children and threatened to cut off their visiting privilege for playing (i.e. not sitting still in the visiting booth). They once declared a baby blanket a non-permitted item, and took it out from under my daughter's infant sister who was sleeping on the floor, causing the children and mother to cry. Only 24 total hours of visiting were permitted each month. Once my mother travelled 2000 miles to visit, unaware that i had already used 16 visiting hours that month. Prison officials rudely cut off her visit after only 8 hours, causing my mother to cry.

Lawyers were frequently denied visits with me even though they had traveled 500 to 1000 miles to visit. (Lawyers turned away were Chokwe Lumumba and William Kunstler.) Attorney Robert Boyle made a similar thousand-mile trip from New York City and was restricted to meeting with me for only one hour. Local prison rights lawyers James Roberts, Martha Easter-Wells, Jacqueline Abel and Janet Mitchell were banned from visiting me and all other Marion prisoners for over two years on fraudulent charges, until overturned by the appellate court. The prison lodged fraudulent charges against attorney Nkechi Taifa, (then a legal aide) banning her from visiting me. Legal aide Anne Else traveled 550 miles to visit. The FBI and Marion staff eavesdropped on our meeting until they were inadvertently discovered in the act by another prisoners, Leonard Peltier. The FBI then interrupted my visit and called Anne Else to the front office, where they attempted to interrogate, terrorize and intimidate her into not filing a lawsuit against them.

Upon entrance to Marion i had to sign a release giving officials permission to read and inspect all my incoming/outgoing mail, otherwise i would not have been permitted to receive mail. Contents of my incoming and outgoing mail were frequently xeroxed and files kept and the contents were sometimes publically aired. In one instance, for

example, I wrote a personal letter to a St. Louis Prisoners Rights organization, informing them of the horrendous conditions at Marion. Prison officials gave a copy of the letter to a federal prosecutor who cited from it in open court and in statements to the news media.

Scott Anderson, editor of the Milwaukee Courier Newspaper, traveled over 500 miles to interview me. He was allowed one hour to conduct a tape-recorded interview over a phone in the visiting booth. At the end of the hour he discovered that Marion officials cut off the sound to the tape recorders' telephone soon after the interview began. The officials refused to let him redo the interview. At Marion i was not permitted to telephone my lawyer unless i could prove it was less than five days before he was to appear in court on my behalf, otherwise all communications to my lawyer had to be written.

At Marion i was locked down in a stripped cell containing only a stone bed, combined toilet/wash bowl and permitted only a few personal items, I was only let out of the cell one hour per day for shower and inside (tier) recreation, and two hours twice a week for outside recreation in a small fence-enclosed area directly under a gun tower.

There was no work, no pay, strict segregation of each housing unit in all respects, no vocational nor academic educational classes, and no other type of prison program whatsoever. Guard brutality and murder, as well as prisoners' stabbings of each other, was rampant. Food is served in the cell through a hole in the door and after meals all non-consumable items, i.e. salt, pepper and sugar wrappers, cereal boxes etc. must be returned with the empty tray. Anyone losing any such item is subject to be brutally beaten and their cell and body cavities searched for the lost items.

All prisoners exiting or entering the unit for any reason are required to be strip searched, which includes bending over and submitting to an anus search. Any prisoner leaving the unit (for visit etc.) must don a jump suit, have his hands and legs shackled and be escorted by two or more guards, one holding the prisoner by his cuffed hands behind his back (and pushing the hobbled prisoner faster than he can shuffle along) and another guard armed with a three-foot club.

At any time a prisoner may become "suspect" (especially if he's on the guards' or administration's "wanted" list) and/or accused of concealing a foreign object in his body, followed by the demand that he submit to a finger probe of his anus. Anyone refusing is beaten, chained down and forcibly probed in the anus.

During one tumultuous period i and all prisoners were confined to our cell blocks for nine continuous months, 24 hours per day, as wolf packs of guards roamed the prison randomly beating prisoners at will. This attack has been documented in a report entitled "A Public Report about a Violent Mass Assault against Prisoners and Continuing Illegal and Punishment and Torture of the Prison Population at the US Penitentiary at Marion, Illinois: Every one of some 300-400 prisoners was shoved or dragged from his cell, naked or in underwear, and handcuffed behind his back. They were hit, pushed, manhandled and constantly threatened and cursed. The guards would yank the handcuffs, beat arms, legs, backs, stomachs, ribs and backsides with the long clubs, push the handcuffed men into steel-framed doorways and grilles, and slam doors in their faces, step on their toes, etc. ...Those who were more seriously beaten were attacked in cells, hallways and stairwells, where they were kicked, stomped and beaten with clubs and fists by anywhere from six to twenty officers, and almost always kicked and beaten again and again in the genitals. Many had their heads repeatedly banged against brick walls as they were walked along the corridors, or against steel bunks in the cells. The beatings were accompanied by incessant curses, threats, warnings, and racial opprobrium...the sexual fixation was dominant in the verbal as in the physical assaults" (Cunningham and Susler).

After eight years i was transferred to Leavenworth.

--Sundiata Acoli

Assata Shakur describes her co-defendant Sundiata in her book Assata:

*"There is something about Sundiata that exudes calm. From every part of his being you can sense the presence of revolutionary spirit and fervor. And his love for Black people is so intense that you can almost touch it and hold it in your hand. There's nothing put on about him. He is a real folksy kind of person. Every time i see him he looks like he belongs on a porch somewhere down South, breathing in the summer air and bouncing babies off his knee. The truth of the matter is that Sundiata is country. He would deny it to the bitter end, but he is sho nuff country."*

## XII. IDENTIFYING INFORMATION

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[REDACTED] The Sundiata Acoli Freedom Campaign, P.O. Box 5538, Manhattanville

MOVEMENT AFFILIATION: New Afrikan Independence Movement

DATE OF BIRTH: January 14, 1937

DESCRIPTION: New Afrikan Prisoner of War

The US government attempts to isolate political prisoners and prisoners of war—the goal is to cut them off from friends and supporters, and to prevent them from contributing to the ongoing development of their movements. You can help break through the isolation by writing Sundiata at the address above.

For more information about the International Tribunal on Political Prisoners and Prisoners of War, write to Freedom Now, 59 E Van Buren #1400, Chicago Il 60605.

Station, Harlem, N.Y. 10027