



Dr. Mutulu Shakur - #83205-012 - Age 69
Incarcerated 34 years - currently at FMC-Lexington
Denied Parole 8 times
Expected mandatory release 5/26/24
Diagnosed with advanced bone marrow cancer

Support Compassionate Release for Dr. Mutulu Shakur

We are writing to urge you to support the compassionate release application currently pending in federal court and with the US Parole Commission, on behalf of Dr. Mutulu Shakur.

Dr. Shakur has received a diagnosis of life-threatening advanced bone marrow cancer. He was formerly diagnosed with type 2 diabetes, hypertension, hyperlipidemia, and glaucoma. In 2013, he suffered from a stroke which required several months for recovery. For over a year he experienced pain in his ribs and pelvic area, which finally led to x-rays that suggested a possible cancer. He is suffering from extensive painful bone lesions, caused by the growth of the bone marrow cancer in parts of his spine, ribs and pelvis. The cancer has also destroyed a large area of bone around his right 7th rib, replacing bone with cancer cells, creating a propensity to break. Dr. Shakur is 69 years old, and aging in prison after 33 years of incarceration. He needs treatment and recovery in humane conditions immediately. We fear for his survival and his life.

For several months after his diagnosis, Dr. Shakur was held in undisclosed facilities, incommunicado from his family and attorneys, under conditions injurious to recovery or health. Dr. Shakur was handcuffed, shackled at ankles and waist, with the addition of a "black box" which immobilized his hands. He lived under these conditions, constantly shackled to a bed or draped in chains, while receiving infusion and chemotherapy treatments, while eating, sleeping, in the shower – constantly surrounded by a phalanx of guards.

Who is Dr. Mutulu Shakur?

Dr. Shakur is recognized as a leading member of the movement for human rights for African Americans. He has spent over three decades behind bars because of his political beliefs and the actions motivated by those beliefs. He is also recognized as a Doctor of Acupuncture who pioneered the use of acupuncture for drug addiction. Acupuncturists all over the United States and Canada are still utilizing his work to this day.

Mutulu's convictions come out of a complex and turbulent moment in American history, when civil unrest fractured our country into pieces. They arise from his commitment to the social justice movement for Black liberation, originating in the 1960's. He was targeted and victimized by the now-infamous Counter Intelligence Program (COINTELPRO) as early as

1968. He was convicted of for RICO conspiracy and connection to the 1981 Brinks Robbery, and the earlier prison escape of Assata Shakur. Dr. Shakur has taken full responsibility for his life and his actions.

Jeral Wayne Williams, now known as Mutulu Shakur, was born August 8, 1950 in Baltimore, Maryland, the only son of a single mother blinded from glaucoma. Growing up in the black community in Queens, he was confronted with gang violence and clashes between police and members of his community and was profoundly moved and disturbed by the epidemic of drug addiction, grinding poverty and unemployment among the youth.

At the age of 16, he joined the Republic of New Afrika and the New Afrikan Independence movement, a social and political movement that advocated for the establishment of a black state within the U.S. where African American people could live outside of institutional discrimination and address poverty, social unrest, crime and drugs. These groups advocated that their goals should be achieved through plebiscites and elections, through the exercise of self-determination.

When he was 20 years old, he volunteered at Lincoln Hospital in the Bronx in New York. He eventually helped build the detox program at Lincoln Hospital. He traveled to Canada and China to study acupuncture and returned to Harlem where he and colleagues started the Black Acupuncture Advisory Association of North America (BAAANA). He was instrumental in developing protocols for acupuncture treatment of drug addiction, and is internationally renowned for pioneering the use of acupuncture to treat symptoms of drug and alcohol withdrawal.

Unknown to him at the time, the FBI considered his lawful activities sufficient to target him through its Counter Intelligence Program (COINTELPRO). United States District Judge Haight, Jr., the trial judge in his case, observed –

"Documents obtained by Shakur and associates under the Freedom of Information Act demonstrate that for a considerable time Shakur and the Republic of New Afrika, with which Shakur was at all pertinent times closely associated, have been the subject of illegal surveillance, harassment, and disinformation by the FBI as part of that lamented, unconstitutional project known as COINTELPRO."

In Judge Haight's view, "Petitioner while exercising constitutional liberties was illegally pursued by federal law enforcement officers ... [T]he rights of Petitioner ... were violated by the COINTELPRO program."¹

Whether the illegal surveillance, illegal harassment and illegal disinformation that Petitioner was targeted for played a role in his becoming part of the conspiracy in this case has never been assessed.²

Indictment, Conviction, and Sentencing

¹ *United States v. Shakur*, 1990 U.S. Dist. LEXIS 16219, 1990 WL 200646 (S.D.N.Y. Nov. 28, 1990)

² A serious assessment would require a major FOIA request to and search by the FBI and analysis of records produced, something Petitioner has not undertaken to date.

On April 21, 1982, Mutulu Shakur and ten others were indicted in the Southern District of New York. The indictment alleged that from December 1976 to October 1981, a group called simply "The Family" committed a succession of robberies of banks and armored trucks in the Northeast.³ Additionally, Dr. Shakur and others were charged with participating in the 1979 prison escape of Assata Shakur. The Family's final crime resulted in the shooting deaths of a Brinks guard and two police officers as some of the defendants attempted to flee the scene of the robbery. Four participants in the Brinks robbery were apprehended fleeing the scene, including at least one who admitted killing a Brink's guard. Several others were arrested later, not including Dr. Shakur. These defendants were tried together in 1983; none were convicted of the murders.⁴ No evidence at trial showed that Mutulu Shakur ever killed anyone or that he was even present at the scene.⁵ Co-defendant Tyrone Rison admitted killing a guard during a robbery and received a *six-year sentence* in return for testifying that Mutulu Shakur was one of the founders of the "family" and one of its core members.

Dr. Shakur was arrested on February 11, 1986. He was convicted with co-defendant Marilyn Buck after a jury trial in 1988. The jury found Mr. Shakur and Ms. Buck guilty of conspiracy to violate the Racketeer Influenced and Corrupt Organizations Act, participation in a racketeering enterprise, bank robbery, armed bank robbery, and bank robbery murder. At the sentencing, Judge Haight said, "many people have written to me on behalf of Petitioner... It is said that he is a skilled and compassionate healer who has done much good. I believe that to be true." Judge Haight added, "this case represents an American tragedy of broader dimensions than the Government is willing to acknowledge."

Time in Prison

Thirty-four years later, Mutulu's beliefs center around his desire for fundamental human rights, a desire for equitable laws and policies, and a world without racial, gender and class divisions—goals central to our nation's long struggle for civil and human rights. He has been a force for peace and for good during the many years of his incarceration, working against violence in the prisons and in the streets, through his influence with young people. He has developed hospice programs for incarcerated elders, and created educational curriculums for young men entering prison. He has become an advocate for the truth and reconciliation process, urged colleagues to study Truth and Reconciliation Commissions around the world, as well as advocating use here in the United States.

During the course of his incarceration, Mutulu's son, Tupac Shakur, was murdered. A few years ago, his wife Afeni Shakur died suddenly of heart failure. His other children need him

³ The first Brinks trial was held in 1983, before Judge Duffy and a jury. Six of the eleven defendants named in the indictment were tried: two of the defendants were convicted on RICO counts, two were found guilty as accessories after the fact, and two were acquitted on all charges.

⁴ *United States v. Shakur*, 565 F.Supp. 241 (S.D.N.Y. 1987), *rev'd on other grounds*, 817 F.2d 189 (2d Cir. 1987).

⁵ The Government alleged it had a taped statement of Petitioner admitting that he was present or involved in a robbery where a death occurred. However, after conducting an audibility hearing, Judge Haight ruled that the tapes were unintelligible and not admissible evidence.

now more than ever. Dr. Shakur has a release plan that will support him and allow him to achieve the appropriate medical care and social services that he will require.

All of his co-defendants have been released and are living and working as fully productive individuals. They are teachers, writers, service providers, counselors, and artists. His people and community, his children, and grandchildren want and need him back home. Release through the compassionate release process is the only viable option for Dr. Shakur, and the only option that may save his life.

Sentencing and Parole

Because Dr. Shakur's convictions occurred before the Sentencing Reform Act was enacted, he is one of only 236 people still subject to the jurisdiction of the U.S. Parole Commission (USPC). Dr. Shakur has been eligible for parole since 1996, yet the USPC has repeatedly violated his rights and denied him parole. Dr. Shakur had to file and win a habeas corpus petition just in order to appear before the parole board 6 years after his initial eligibility. Since then, he has been denied parole 8 times despite an exemplary record of service in prison. Of Dr. Shakur, the Associate Warden wrote,

"From my observation and that of my colleagues, it is widely held that ... [Shakur] has consistently dedicated himself to maintain character that is consistent with our goals of the safe and orderly operation of our facility, program involvement and he's demonstrated a personal initiative to enhance the overall environment to which he is engaged by maintaining a degree of respect across the various prisoner groups and my staff. Further, ... this pattern has been consistent throughout the duration of his placement here; as evidenced by his direct involvement in intervention of racial conflicts as it has been specifically reported to me."

During his 33 years in custody, Dr. Shakur has also maintained a record of exemplary behavior. His incident reports have been very few in number and non-violent; his last incident report was in 2013 alleging a violation of telephone use policy.

Because of abuse of discretion and statutory violations by the U.S. Parole Commission, we cannot rely on parole release for Dr. Shakur. Despite BOP staff recommendations for his release, every road to freedom for Dr. Shakur lies through the USPC because he is an "old law" prisoner. Even the First Step Act – designed to relieve the BOP of non-violent, elderly and medically-needy prisoners – refers all "old law" prisoners back the US Parole Commission. Yet the US Parole Commission has singled out Dr. Shakur for perpetual punishment because of the political nature of his actions.

Now Dr. Shakur's very survival depends on his release. He meets the conditions for compassionate release under BOP standards. He is 69 years old, has suffered a debilitating stroke, and now has been diagnosed with a life-threatening, rapidly-growing bone marrow cancer. He has already been incarcerated for 34 years, and is a recognized advocate for human and civil rights who poses no danger of committing future crimes against anyone. As evidenced by widespread support for his parole, he will be welcomed back into a community that will also provide for his financial and medical support.

To grant compassionate release for Dr. Shakur would be an important and far-reaching act of mercy. We are asking you to lend your public support to achieving Dr. Shakur's immediate release.