

FREEDOM FOR SHAKA SHAKUR! RE-BUILD!

My name is Shaka Shakur. i am a 28 year old New Afrikan Political Prisoner and member of the New Afrikan Independence Movement (NAIM) fighting for the liberation of the Republic of New Afrika, in the Southeast part of the united states.

At the age of 16 i was arrested and charged with the erroneous charge of "attempted robbery". i was railroaded/convicted and illegally sentenced to 30 years. Despite the fact that i was charged with the wrong crime and illegally sentenced to 30 years (when by law i should have received no more than 8 years), i have served 12 and a half years of this sentence.

While in prison i embarked upon a journey of self-education and politicization. i became a politically conscious and a politically active prisoner. A prisoner who understands the socio-economical relationship and role of my imprisonment. A politically conscious prisoner who understands the overall political ramifications of the u.s. domestic genocidal policy of



mass incarceration of New Afrikan (Black) people in particular and all oppressed working class people in general.

With the transformation of my character and sense of political awareness, for approximately the last 10 years i have made a conscious effort to educate, politicize, and organize my fellow prisoners. i have implemented numerous programs at my own sacrifice and persecution, to help ensure that those of Us who are released return back to the community as assets instead of predators.

i have been active in working with both inside and outside civil and human rights organizations, political organizations and some progressive attorneys. i have worked with some of these political organizations in not only trying to alleviate some of the third world conditions we exist in inside these prisons, but also to expose such blatant contradictions to the public world, of a hypocritical system that proclaims to be a democracy.

As a result of such actions and efforts i have been targeted for brutalization, harassment and torture both mentally and physically. As a result of exercising what suppose to be a human right, i have been discriminated against and politically persecuted by those who suppose to be sworn to uphold the "law".

The Indiana Judicial System has refused to abide by its own colonial judicial laws, by not reversing an illegal conviction. In at least 10 other cases, with issues identical to mine, the court has ruled for a new trial. However, in my case, the courts have refused to apply the same principles of law. They have chosen instead, for political reasons, to discriminate and allow an illegal conviction to stand. The State of Indiana has instead chosen to deny me a new trial as dictated by their own law. Why? Because i have chosen to pledge my allegiance to a set of principles and politics that the enemies of freedom fear.

Because i have chosen to dedicate my life to the upliftment of humanity to the betterment of my community. i am forced to remain illegally held in a dungeon. i am forced to be held inside an "administrative segregation" unit under close supervision and monitoring, under restrictive movement. In spite of the fact that i have not had a serious rule violation in over two years. i am fighting for a new trial. Help me force Indiana to abide by its own laws and discontinue its political persecution. i have did my time and paid my dues.

Some background information on my case

In November 1982, three teenagers and I were in the process of burglarizing the home of a gun collector. This planned burglary attempt was being launched after many hours of drinking, getting high and taking several valium pills. In the process of the attempted burglary it was discovered that someone was home. As a result of the owner being home, an exchange of gunfire ensued. In the exchange of gunfire between the occupants of the

home and myself, the owner of the residence was wounded.

Since this place was in an all white area, the police chose to charge Us with the strongest possible charge they could. In their overzealous attempt to retaliate, they charged me/Us with the wrong charge and convicted me/Us of such.

Not denying the political and social backwardness of the act itself, the fact remains, i have served almost 13 years in prison on an erroneous charge. In actuality, i have served 13 years for a crime that never happened!!

Attempted Robbery for which i was convicted of never happened!!

The gist of the incident, was four teenagers had planned a burglary, We had gotten drunk before going to try and do the burglary. Prior to going to the home, a call was made to see if anyone was home, and we received no answer. As we later approached the home and knocked on the door to make sure no one was home, the owner answered the door and observed the weapon. Not knowing that the victim had observed the weapon and that we were being scrutinized by another member of the household, a person who did not live there. The victim tried to stall for time while asking for a weapon and in the ensuing chaos and panic, my weapon was fired twice, striking the victim. We moved to retreat in fear and panic, shots were fired at us from inside the home by the heretofore unknown second party. We fled the area and a month later were arrested and charged with attempted robbery.

During the course of the trial the victim testified that i did not try and rob him. He testified that at no point did i try to take money or property from him. He stated that he was only asked a question and then shots were fired. By law this does not constitute robbery.

During the trial i introduced evidence that i was intoxicated and under the influence of drugs during the perpetration of the crime. By law, this evidence should have been weighed by the jury during their deliberation. Instead, the judge specifically instructed the jury to disregard all evidence regarding intoxication, that it did not apply to a crime of attempted robbery. So in my case the jury was instructed to outright disregard a critical part of the evidence thereby, in part, neutralizing the defense trial strategy.

The court also gave another erroneous instruction to the jury that distorted the law regarding what exactly constitutes attempted robbery. The court failed to instruct the jury on the fact that i had to be found "acting with the specific intent" to commit "robbery", in order to be found guilty and not just engaging in illegal conduct. The judge did not do this. He gave the impression to the jury that if the state could prove i engaged in illegal conduct, then i could be found guilty of the charge of attempted robbery.

The New Afrikan Independence Movement/Republic of New Afrika

Land, independence and self-government have been objectives sought by Black people ever since we were kidnapped from Afrika and brought to this

country as slaves. Many ran away and established communities in the woods, mountains and swamps; armed themselves and created bases on which they could operate and to which other slaves might flee. Others organized rebellions, aimed at freeing slaves and liberating territory from which to build an independent state. To the Black people who were forced to come to this land, Black nationalism was not taken lightly. Although brutally crushed, our ancestors continued to revolt. Although sold down the river, they continued to escape. Independence and self-determination were what they wanted. These Blacks were, in effect, laying bricks on a foundation that was later to become known as the Republic of New Afrika. ¹

The process that gave rise to what became defined as the New Afrikan Nation started on the Afrikan continent and carried over to North Amerika. Primarily the New Afrikan Nation was born as a result of its own internal motion and internal contradictions. Afrikan tribes were combining into, were fused into, Nations, prior to being transported to Amerika.

You may have had one nation comprised out of many tribes and though each tribe had their own distinct tribal identities and culture, they recognized their collective identity based on their particular collective and historical development. For example, the naming of themselves as Angolans, Nigerians, Ghanaians, etc. These are National distinctions and National identities. Despite the fact that within their borders they have different tribal origins and relations, their national identity and national consciousness is that of one collective definition.

² Primarily a New Afrikan is an Afrikan born in North Amerika. New Afrikans hold many different theories, some are socialist, some are capitalist, some are nationalist, some are Pan-Afrikanist and so on. The Republic of New Afrika (RNA) is the name given to the Black nation in Amerika by 500 nationalist leaders at the Black Government Conference held in Detroit, Michigan and convened by the M.X. Society on March 29-31, 1968. The RNA consists of a population of millions of people with millions of ideas. ²

Marcus Garvey once exclaimed, "Where is the black man's government? Where is his president, his army, his navy, his men of big affairs?" On March 31, 1968 the seed of Garvey's prophetic vision came to fruition as a force of over 500 black nationalists met at the convention in Detroit and issued a **DECLARATION OF INDEPENDENCE** for a black nation on the North Amerikan continent, name that nation the **REPUBLIC OF NEW AFRIKA** identified five states in the deep south as the subjugated National Territory created basic law and a provisional government with elected officials under a mandate to **FREE THE LAND!** ³

THE PROVISIONAL GOVERNMENT TEACHES THAT ALL BLACKS DESCENDANTS OF SLAVES IN NORTH AMERIKA, ARE CITIZENS OF THE REPUBLIC OF NEW AFRIKA BY BIRTH, FOR WE HAD BEEN SNATCHED FROM EVERY REGION IN AFRIKA AND MOLDED BY THIS COMMON HISTORY OF OPPRESSION AND STRUGGLE INTO,

NEW AFRIKAN NATION IN THE WORLD. We were geographically separated from the continent of Afrika, but just as Afrikan as any nation there. Blacks may choose to give up their New Afrikan citizenship, or they may choose to have dual RNA/USA citizenship, or they may opt for exclusive RNA citizenship. New Afrikan citizenship is a right of birth, and the right to choose in this matter lies at the heart of the New Afrikan Independence Movement.

Thus, when the Provisional Government of the Republic of New Afrika (PGRNA) was established, it set about the task of informing black people of their rights under international law to self-determination, land and reparations. Since its existence, the Provisional Government has sharpened the theoretical basis for New Afrikan Political Science, organized national elections for officials in the Provisional Government, demanded reparations from the U.S. government, defended itself against enemy attacks, sought to establish diplomatic relations with other governments and struggled for the right of New Afrikan Prisoners of War. Freedom, self-government and self-determination - the objectives sought by blacks since our arrival on these shores - had now reached a higher stage. ⁴

It is important to note that the PGRNA was established by New Afrikans who hold a number of different political, economic and social theories. What those who founded the PGRNA collectively recognized was that an Afrikan (Black) nation in Amerika does exist. They named it New Afrika, created the Provisional Government for it and gave the PG the dual mission of educating the New Afrikan masses with regard to our true National Identity and struggling for independence in the states of Mississippi, Alabama, Georgia, South Carolina and Louisiana. These states are a part of the historical Blackbelt birthplace, and North Amerikan farmland of the New Afrikan nation. This area is called the New Afrikan National Territory.

The struggle to free this land is called the New Afrikan Independence Movement. All those in it recognize the existence of the nation and partake in the struggle to free it. ⁵

The contradictions of a kolonial relationship

Why are so many New Afrikan men/women going to prison? Why is the violence and crime rate so high in the New Afrikan community? It is not a coincidence. We as a people do not determine any foreign or domestic policy as it relates to our community. We do not own any firearms or munitions factories. We do not produce tools that our unconscious brothers and sisters use to kill one another with.

When you have a people oppressed and subjugated who have no sense of real identity other than the identity that someone else has created for them, then they are unfortunately, a lost people. A people prone to internalizing their oppression and victimization and visiting such oppression and victimization on those whom look like you/them, who are similarly situated and are in their immediate environment. When you have been taught to hate yourself

What Manner of Human Being

What manner of humanity would allow for the continued destruction of humanity?

Of his or her community? Local and International?

What manner of humanity would allow fear to dominate and dictate his or her actions and consciousness?

What manner of humanity would allow cowardice to force them to turn a blind eye to the death affirming oppression, conditions and destruction they are surrounded by?

What manner of human being being hypocritically cries for the kids they see dying on the evening news, but yet, do not lift a hand to help the crying and dying crack baby just down the hallway?

Next door? Just up the street?

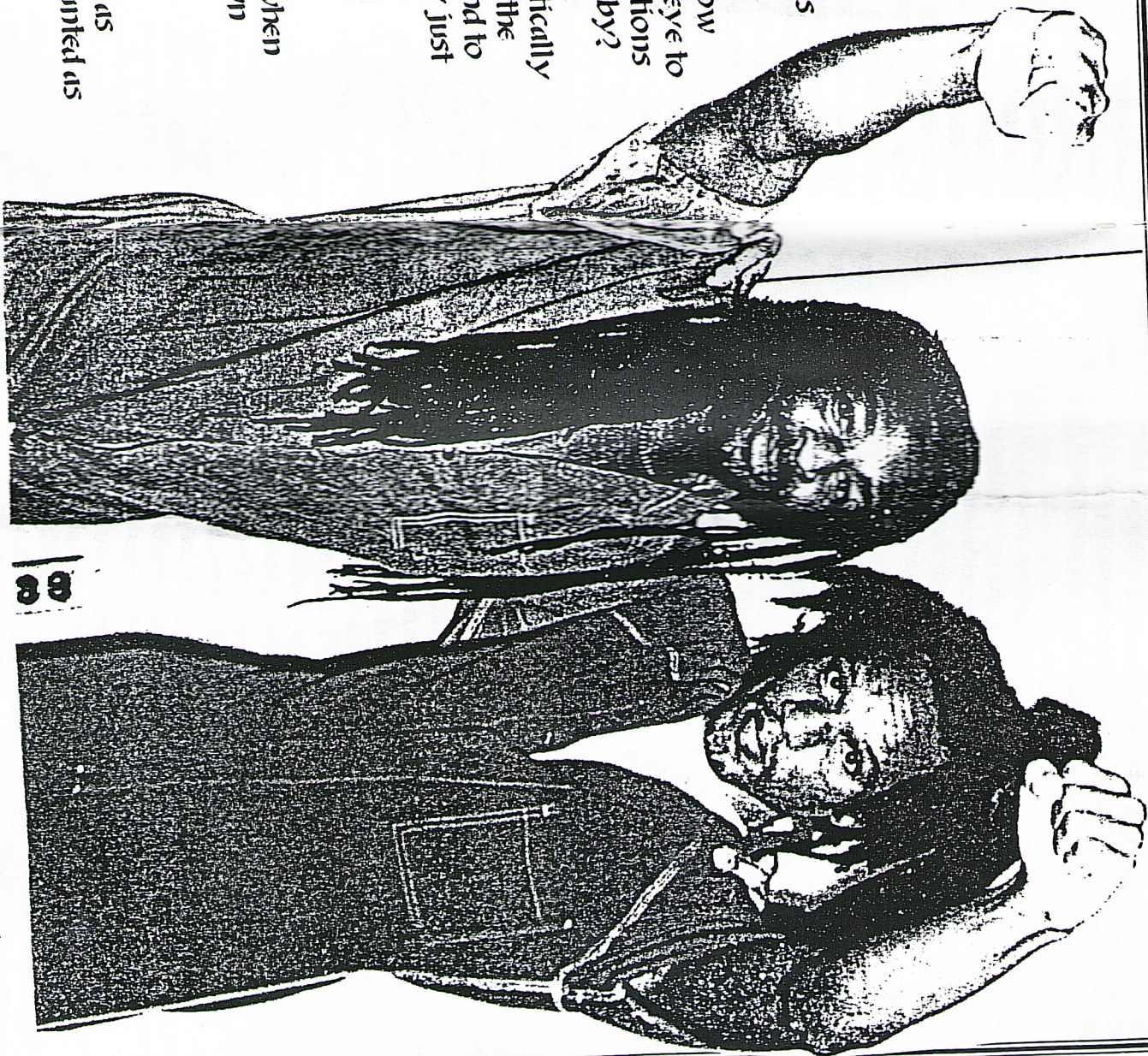
Yeah, i wonder sometimes, what kind of human being are you when you have loss touch with your own sense of humanity.

Take a stand, be counted.

Make a difference and be counted as somebody as opposed to just being counted as a dead or dying something.

Shaka Shakur

May Five, Nineteen Ninety Five



Shaka Shakur and Ajamu Nasser, October 1994
The State of Indiana assassinated Ajamu two months later

and you have not discovered your true self, when you have been taught to find rapture in self-destructive actions... then you can only consciously or unconsciously seek to destroy yourself, your environment and those within it.

— There are social forces at work in Our lives beyond Our immediate and individual control. However this is not the case collectively, if We are organized. Organized We can move mountains!

These social forces are controlled by a system and a people who have sought the economic exploitation and ultimate destruction of Us as an African people.

— If We are to combat the genocidal conditions and neo-kolonial policies We are subjected to as a New African Nation - We have to Re-Build. We have to struggle to Re-Build Our communities by developing the necessary institutions that breathe life into Our people and collective psyche. That breathe life into Our community and Our children. We have to create institutions and programs that give Our youth in particular a sense of who they are and what Our struggle is all about.

Where are Our cultural and youth centers that teach Our children an African centered ethic? Where are Our right of passage programs that instill a moral base and value system in Our kids that teach them how to make the transition from boy/girlhood to man/womanhood? That teach one to respect one another's essence as opposed to seeking to destroy it and pray upon it, as much of Us do today.

We do not have military academies, Yales, Westpoints, etc. that teach New African youth to be loyal and liberatory to the nation. From day one a north amerikan (white) child is taught the alleged victories and greatness of his/her people. From the time of comprehension a north amerikan child is taught he is superior and that he/she came from a great people. He/she looks around and sees the monuments, statues, plaques, etc. that give credit to or promote such a great identity, however artificially created.

In contrast, a New African child (mostly) are taught to be inferior. Miseducated with their point of history being the enslavement of their ancestry and the freeing of them by Lincoln - a falsity.

When We look at the reality in Our community (which has usually been economically devastated, leaving in its wake poverty, despair and a drug economy) We witness all of the by products of a kolonial relationship e.g. drugs, police brutality, rampant kkkcrime, warlordism ("gang" violence), etc. The conditions in Our community are not unlike the conditions We see in third world countries. Whereas in Beirut, Lebanon and Somalia you have Christian militias, Shiite Moslem militias, Clans, etc. and the kids want to grow up and become a part of these militias and clans, Our kids grow up wanting to become members of the Crips, Bloods, Gangster Disciples, Vice Lords, etc. Whereas We see states like the U.S. crushing and dominating weaker nations, whereas We see nations like Iraq and Iran fighting for

control over strategical and mineral rich territory, Our youth in the form of street organizations (military formations) and as street combatants are seizing control over whole neighborhoods. They seize control over and dominate strategical areas, particularly where the demand for and profits from drugs are high. They take control over areas that are advantageous militarily, areas where the benefits of and returns from an underground economy are lucrative. Where markets can be monopolized. Instead of a hostile takeover by IBM, We have a hostile takeover by the Bloods or Disciples. However, the same parasitical relationship and devastation is left in the wake of both types of hostile takeovers.

Usually an children We begin to accept this as the only form of reality for Us and instead of deciding to struggle against this reality, We accept Our fate. We usually do one of three things. We either scramble to escape from it by carving out Our little krick in this oppressive reality, or We resign Our selves to a level of despair, or We take on the air of individualism - "I got to get mine", "only the strong survive." Hence, We begin to develop a parasitical relationship with the community and the people within it. We begin to feed off of Our own misery in an ~~environment where the real~~ ~~culprits responsible for such conditions remain outside the community like puppet masters pulling strings.~~

Our youth don't go to Yale, Harvard or Westpoint. Our youth come to the Indiana State Prisons, The Indiana Reformatories, Statevilles, Soledads, Atticans, etc. These are Our institutions of higher learning. These are Our colleges, universities, and military academies. These kkkamps are where We must gain Our BA's, MA's and doctorates. Behind these walls is where We must study history, economics, philosophy, religion, etc. Prisoners who have sought to utilize these kkkamps as institutions to transform Our kolonial kriminal mentalities into revolutionary mentalities, into mentalities that would have Us return back to Our communities and society as servants. We must be supported by you.

We need support from you. By so many of Us coming to prison, the community should put forth a conscious effort to support those who wish to return to Re-Build our communities. Prison is a reality for thousands of New African Men, Womyn and children. We are Fathers, Mothers, Sisters, Brothers, Daughters and Sons. There are thousands upon thousands of Us. When you call for the dehumanization of Us, when you call for the death and torturous treatment of Us, out of you legitimate anger - how angry can you be at those who return back to you full of rage, hate and anger? Who return back to you as damaged men and womyn? Who consequently terrorize your/ Our community. If We do not take responsibility for supporting one another, helping to heal one another, who will?

Support those of Us who commit to fighting for a new reality. Struggling to bring into existence a reality that promotes and nurtures life as opposed to affirming death. We need you like you need us. Instead of seeking Our

destruction - one should seek to provide Us with the necessary tools that assist us in furthering Our constructive and productive development. No one is unscathed by this experience and many of you who read this shall one day have the misfortune of experiencing this reality that I have lived for almost 13 years. Many of you or someone you know or love shall one day come to prison - whether he or she is guilty or not. For Us, prison is a right of passage, and for Us there is no justice, only grief and struggle.

IN THE SPIRIT OF COMMITMENT AND STRUGGLE - SHAKA SHAKUR

- 1 Historical Foundation of the New African Independence Movement, pg. 54, VITA WA WATU #9.
- 2 Chokee Lumumba, Roots of the New African Independence Movement, pg. 3.
- 3 The Founding of the Provisional Government, pg. 54 VITA WA WATU, #9.
- 4 Ibid, pg. 55.
- 5 Chokee Lumumba, Roots of the NAAM, pg. 4.

Excerpts from Judge Rucker's dissenting opinion in Shaka's last appeal.

**IN THE COURT OF APPEALS OF INDIANA FIFTH DISTRICT
vs. STATE OF INDIANA, Appellee-Plaintiff.**

Judge RUCKER dissenting
I dissent. I disagree with the majority's conclusion that the jury was properly instructed on the element of specific intent. I also disagree with the majority's conclusion that Douglas was not entitled to an instruction on the defense of intoxication.

...The specific jury instruction at issue in Smith was as follows: "You are instructed that the essential elements of the crime of attempted Murder which the State of Indiana must prove beyond a reasonable doubt are the following: 1. That the [Defendant] knowingly, 2. Engaged in conduct that constituted a substantial step toward the commission of Murder." Nowhere in the instruction was there a statement toward the effect that if the defendant were to be found guilty of attempted murder, then there must first be a finding that when he engaged in the proscribed conduct, he intended to kill the victim. The court observed: "thus, we are left with instructions which would lead the jury to believe that the Defendant could be convicted of attempted murder if he knowingly engaged in conduct which constituted a substantial step toward the commission of murder.... An instruction which correctly sets forth the elements of attempted murder requires an explanation that the act must have been done with the specific intent to kill." The offending instruction in that case is essentially the same as the one before us.

Underscoring the significance of informing the jury on the intent element in crimes of attempt, our supreme court has held: "By definition, there can be no attempt to perform an act unless there is a simultaneous intent to accomplish such act. Simply stated, in order to commit a crime, one must intend to commit that crime while taking a substantial step toward the commission of the crime." *Spradlin v. State* (1991).

The rationale justifying reversal in the forgoing cases is no less compelling here as well. The instructions are essentially the same and the result reached should be the same. The law is clear that it is a fundamental error to fail to instruct the jury on an essential element of the crime of attempted murder, namely, an intent to kill

victim. *Woodcock v. State* (1992). However, whether the case involves attempted robbery or attempted murder there nonetheless "can be no attempt to perform an act unless there is a simultaneous intent to accomplish such act." *Spradlin*. In this case the instructions do not impose upon the State the burden of proving an essential element of the crime, viz., an intent to take property from another person or from the presence of another person. Accordingly, I would reverse Douglas's conviction and remand this cause for a new trial.

The majority's treatment of the trial court's instruction on the intoxication defense is even more troubling. Citing *Weyls v. State* (1992), the majority takes the position that there was an inadequate evidentiary basis in this case to justify giving an instruction on the intoxication defense. However, reliance on Weyls is misplaced. In that case the defendant complained that the trial court erroneously refused to give a tendered instruction on the defense of intoxication. Relying on well-established case authority, this court observed that when reviewing a trial court refusal to give a tendered instruction, we consider 1) whether the instruction correctly states the law, 2) whether the evidence of record supports giving the instruction, and 3) whether the substance of the tendered instruction was covered by other instructions. We then hold the evidence of record did not support giving Weyls's tendered instruction and thus the trial court did not err in refusing to give it.

Unlike Weyls, this case does not involve the trial court's refusal to give an instruction. Rather, it involves the trial court giving an instruction based on a statute that has since been ruled void and without effect. Further, in giving the erroneous instruction, the trial court itself acknowledged "there was some evidence introduced during the trial indicating that the defendants may have been intoxicated at the time of the offense..." Obviously, there was evidence of record to support giving of an intoxication defense instruction. Otherwise, the trial court would not have found it necessary to dispel the impact of such evidence. The majority's position that there was an inadequate evidentiary basis in this case to justify giving an instruction on the defense of intoxication not only second guesses the trial court on this point, but more importantly invades the province of the jury.

...the erroneous instruction given by the trial court removed Douglas's intoxication defense from the jury's consideration. In my view the error here was fundamental. It constituted a clear, blatant, violation of basic and elementary principles, and the resulting harm was substantial. When error in the giving of a particular instruction "misleads the jury as to the law of the case" then reversal is justified. *Walker v. State* (1986). Thus, in addition to the reasons set forth in Section 1 above, I would also reverse Douglas's conviction on these additional grounds and remand this cause for a new trial.

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WHO ARE WE THAT CANT SEE?

WHO ARE WE THAT CANT SEE THE
DEATH AFFIRMING REALITY?

WHO ARE WE THAT CANT SEE, THAT REFUSES TO SEE,
THE WARS AND THE WAR MANEUVERS?
THE ATTACKS UPON US? UPON OUR MINDS,
UPON OUR SPIRIT AND OUR BODIES?

WHO ARE WE THAT ARE AFRAID TO ACCEPT THE HARSH REALITY THAT WAR
HAS BEEN DECLARED ON US AS A PEOPLE? AS AN OPPRESSED PEOPLE?

IS THE MISERY AND DYSFUNCTIONALISM
WE ARE PLAGUED BY A COINCIDENCE?

IS THE OVERWHELMING TENDENCY AND IMPULSE TO ESCAPE FROM AND HIDE
FROM REALITY THROUGH DRUGS OF ALL FORMS AND THE ADULT TOYS
SUPPLIED BY A BLOATED AND PARASITICAL SYSTEM A COINCIDENCE?

WHO ARE WE? WHO ARE YOU? DO YOU KNOW?
WHY DONT WE WANT TO SEE?

WHY DO WE NOT WANT TO SEE THE WARS OF GENOCIDE THAT ARE
RAGING IN AMERIKKA? THE WARS OF NATIONAL LIBERATION STRUGGLE?

WHY DONT WE WANT TO SEE THAT IF A PEOPLE ARE TO SURVIVE THEY
MUST FIRST KNOW WHO THEY ARE. THE MUST CONQUER FEAR AND
MAKE A CONSCIOUS DECISION TO FIGHT BACK.

WHATEVER YOUR NATIONALITY. WHATEVER YOUR GENDER.
OPEN YOUR EYES. DISCOVER YOUR INNERSELF AND WHO YOU ARE.
DECLARE WAR ON THAT WHICH WOULD DESTROY
THE HUMANITY AND HUMAN SPIRIT OF THE WORLD.

TAKE A STAND AND BE COUNTED AMONGST THE RIGHTEOUS

- SHAKA SHAKUR 5-1-95