

Rap Sheet: H. Rap Brown, Civil Rights Revolutionary- Cop Killer/FBI Target?

by

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H. Rap Brown (Jamil Al-Amin) talks with the media from the doorway of the Cuban Mission to the United Nations in New York, NY on January 10, 1968. He took sanctuary inside the mission for nearly six hours after a policeman sought to arrest him. (AP photo)

A Voice for the Voiceless

His voice had power. His booming delivery was infused with rousing socio-political rhetoric. With a rhythmic cadence, tone, and inflection, his voice kept a beat. It emboldened a generation of black youth, and frightened the white establishment. His voice organized black voters in rural southern towns. It later pushed drug dealers and prostitutes out of his Atlanta community. As he aged, the provocative rhetoric gave way to a mellow, measured and direct recital of religious discipline. He traded his iconic black beret and black sunglasses for a knitted *kufi* and wire-rimmed glasses. Despite his garb, at a lean 6'5", he always cut an imposing figure – a revolutionary unafraid to speak truth to power.



As H. Rap Brown, Al-Amin, seen here in May of 1967, was the face of youthful black resistance to injustice. Courtesy of Kerima Al-Amin

But now, that voice has been muted; muzzled underneath the wailing screams of the mentally ill as they bang on the walls of their prison cells – walls on to which they spread their feces. Men who mutilate their bodies with and swallow razors, shards of glass, sharpened chicken bones and writing utensils howl and weep at all hours of the day and night. It is within these hellish confines that a Civil Rights icon sits shackled in an underground cell. Silenced.

Let me declare before the families of these men, before the state, and any who would dare to know the truth, that I neither shot nor killed anyone. I am innocent...

For over 10 years now, Imam Jamil Abdullah Al-Amin has been under perpetual solitary confinement, for usually 23 hours a day with almost no human contact. Al-Amin, once known as H. Rap Brown during his involvement in the Civil Rights Movement, is now referred to as 99974-555 - his inmate register number at the federally run Administrative Maximum Facility (ADX) Penitentiary in Florence, Colorado. He is serving a life sentence for a crime many people believe he never committed.

Al-Amin was convicted of murdering a deputy sheriff and wounding another during a gun fight in March of 2000 and was sentenced to life in prison two years later. Then, on July 30 into August 1 of 2007, Al-Amin was secretly transferred overnight to the super-maximum security ADX prison, without the knowledge of his family or legal counsel. It is there where he now resides, 1,400 miles away from home, shackled in that underground cell. Although housed in a federal facility, Al-Amin is imprisoned on state charges and is still being paid for by Georgia state tax payers.

Al-Amin has always maintained his innocence. In a statement released after his arrest, he wrote: Let me declare before the families of these men, before the state, and any who would dare to know the truth, that I neither shot nor killed anyone. I am innocent...I am one with the grief of this mother and father at the loss of their son. I am joined at the heart with this widow and her children at the loss of a husband and a father. I drink from the same bitter cup of sorrow as the siblings at the loss of a beloved brother. I am powerless to do anything to ease your pain and suffering except pray that Allah comforts you in your hour of need and grants you peace for the remainder of your days.

Later, prior to his trial, a gag order was imposed on Al-Amin, preventing him from professing his innocence outside of the trial. Even now, a request sent to the ADX prison to interview Al-Amin has gone unanswered.

To give a voice back to the man who once vociferously spoke for the voiceless, over 200 supporters of Al-Amin gathered under the dome of the Georgia State Capital building in Atlanta for a national day of action on March 19, 2012. The rally, which featured many speakers including former U.S. Attorney General Ramsey Clark and Imam Zaid Shakir, was coordinated to demand that Al-Amin be released from federal detainment and transferred back to the Georgia State Prison in Reidsville, Georgia.

“We’re certain the F.B.I. has a role in (his transfer to the federal prison)” said Heather Gray, host of the Just Peace radio program on WRFG in Atlanta and an organizer of the rally. The F.B.I.’s presence in the conviction of Al-Amin has been visible since the beginning, where “the F.B.I. met with the judge in her chambers during the trial,” said Gray. Gray, who also serves on the board of directors for WRFG and Pacifica National Radio, has been involved in the Civil Rights Movement and started publicizing Al-Amin’s case at the request of his late brother, Ed Brown. Brown and Gray worked together during the anti-apartheid movement and then again soon after Al-Amin was arrested over a decade ago. “[His transfer] seems to be a punitive thing, not based on anything he’s done in prison,” said Gray.

Indeed, Al-Amin has been the focus of federal surveillance since the 1960’s. In an August, 1967, letter to all F.B.I. offices focusing the infamous Counter-Intelligence Program (COINTELPRO) against “Black Nationalist Hate Groups,” J. Edgar Hoover specifically called out H. Rap Brown and three other men – Stokely Carmichael, Elijah Muhammad, and Maxwell Stanford – as targets of the program. The surveillance continued throughout the 1990’s, as the F.B.I. placed informants in Al-Amin’s Atlanta community to try and connect him with criminal activity. Despite developing a 44,000-page file on Al-Amin, the F.B.I. was unable to pin a single charge on him – until his murder conviction and subsequent move to the federal ADX prison.

Throughout his incarceration in solitary confinement, which according to Mauri' Salaakhan, a human rights activist and Director of The Peace and Justice Foundation in Washington, D.C., "violates Al-Amin's constitutional rights of (being subjected) to cruel and unusual punishment," Al-Amin maintains his innocence and mental clarity. "Despite the brutal conditions, he's holding up well. He's a man of deep faith. He has a strong constitution," said Salaakhan, who has been closely following the case since he released a booklet in 2002, "The Case of Imam Jamil Abdullah Al-Amin: Is it a Government Conspiracy?" The brutal conditions Salaakhan mentions are now the subject of a June 2012 class-action lawsuit brought against the ADX prison for its inhumane treatment of mentally ill inmates.

The organizers of and speakers at the rally aim to petition the state of Georgia to stop spending state tax-payer dollars to incarcerate Al-Amin in the federal ADX prison in Colorado. According to Bethany Whetzel, assistant counsel for the Georgia Department of Corrections, the current per diem rate to house Al-Amin at the federal ADX prison is \$80.04 – over \$140,000 to date. The office of Georgia Governor Nathan Deal refused to comment on the situation. "It's a two-prong approach" Salaakhan said. The first step is to bring Al-Amin back to Georgia; the second step is to petition the state courts for a retrial in order to free him.

The second step has been tasked, among others, to C. Allen Garrett Jr., a partner at the law firm of Kilpatrick Townsend & Stockton (KT&S). Garrett, based in Atlanta, has been working on Al-Amin's case pro-bono since 2007. The law firm originally was assigned Al-Amin's case when he brought a suit against the warden of the Georgia State Prison, Hugh Smith, and other prison officials for illegally opening mail from his legal counsel, which is protected by attorney-client privileges.

As he researched the case, Garrett, and lead counsel and senior partner at KT&S, A. Stephens Clay, discovered retaliatory actions on the part of prison officials against Al-Amin. Moreover, they came across the work of G. Terry Jackson and Linda Sheffield, Al-Amin's attorneys from his state appeal case in 2007. Jackson, who passed away in March of 2012, and Sheffield found major flaws with the initial trial in 2002 and revealed important evidence that was never presented. Jackson's and Sheffield's discovery uncovered what Garrett refers to as the "ineffective assistance of counsel" on the part of Al-Amin's original defense team, thus leading Garrett to file various petitions with the state of Georgia for a retrial based on ignored evidence. Al-Amin's petition for a retrial sits with the U.S. District Court for the Northern District of Georgia, which issued an order on July 3, 2012, directing the respondents (Georgia state Attorney General, Samuel Olens; ADX Warden, Blake Davis; and Georgia Department of Corrections Commissioner, Brian Owens) to address why Al-Amin's challenge should not be granted. On August 17, the respondents replied by dismissing Al-Amin's claims and urged the court to deny a retrial.

Now, within a federal facility reserved for the most dangerous criminals who pose a national and international security threat, Al-Amin must quietly await a court to once again rule on his fate. That fate, which is linked to an inconsequential traffic stop in 1999, was put into motion during his role as a Civil Rights leader, when he first garnered the watchful eye of the federal authorities.

A Targeted Man



The man behind the prison number – the fiery civil-rights revolutionary and later, after his conversion to Islam in 1971, the preeminent spiritual leader of an Atlanta Muslim community, credited with ridding the town of drug dealers and violence – has been closely watched by the federal authorities since the late 1960’s. In 1964, at the age of 20, Al-Amin, then H. Rap Brown, left Southern University in Baton Rouge, Louisiana, moved to Washington, D.C. where his older brother Ed Brown was attending Howard University, and joined the Nonviolent Action Group (NAG).

As a member and chairperson at NAG, Al-Amin organized voting drives in rural, predominantly African-American towns like White Hall, Alabama. By 1966, Al-Amin had joined the Student Nonviolent Coordinating Committee (S.N.C.C.) and was its field director in Greene County, Alabama.

“I met Rap around 1966 at the S.N.C.C. office in Atlanta,” recalls Faye Bellamy, who joined S.N.C.C. in December of 1964. “I thought he was very dynamic, very intelligent. And nice. He didn’t have a hard time getting along with people.”

From 1992 to 1997, the F.B.I. and Atlanta police investigated Al-Amin 'in connection with everything from domestic terrorism to gunrunning to 14 homicides'...

One particular interaction with Al-Amin still resonates with her 45 years later. “Rap used to be followed by the police in Atlanta everywhere he went. They weren’t undercover; it was clear that they were following him,” says Bellamy. On one sweltering hot day, a group of S.N.C.C. members congregated in an apartment near the campus of Morehouse College in Atlanta, remembers Bellamy.

“In walked Rap and he brought the police officers into the apartment,” which riled the emotions of the S.N.C.C. members. “He said, ‘Look it’s hot, we ain’t gonna have people sitting in the heat - give ‘em some water.’ [The officers] came in, were greeted, greeted us, were invited to sit down, and it was calm,” recalls Bellamy. “[Al-Amin] wasn’t biased against the police. People in S.N.C.C. were of the mindset that there were working people and they should be respected. It wasn’t the category of the job it was the category of the human; [Al-Amin] may not agree, but he was always considerate.”

Through his experience, though, Al-Amin realized a non-violent approach would not solve the violence perpetrated on the minority populations. So was the belief of then S.N.C.C.-Chair, Stokely Carmichael. Carmichael, who famously brought fellow S.N.C.C. colleague Willie Ricks’ phrase “black power” to popularity in the American lexicon, landed on the federal authorities’ radar with increasingly aggressive speeches. After Carmichael finished his one-year term as Chair of S.N.C.C. and focused his attention on going abroad, Al-Amin was selected to replace him.

He took over right where Carmichael left off. Instead of toning down the aggressive rhetoric, Al-Amin turned it up. On July 24, 1967, in Cambridge, Maryland, Al-Amin spoke to a crowd to whom he exalted: “If Cambridge doesn’t come around, Cambridge got to be burned down,” remembered Cambridge resident, Lemuel Chester according to an NPR story on the incident. In his political autobiography “*Die Nigger Die!*,” Al-Amin recalls that after giving his speech, he and a few others walked a young woman home who was afraid to go by herself. About halfway down the street, a group of cops hiding behind a bush opened fire on Al-Amin and those around him, he wrote. Al-Amin was scraped by a shotgun pellet in the head, but he and the others managed to get away. Once word spread that the cops opened fire on Al-Amin, others took to the street to express their outrage. Not too long later, a dilapidated elementary school for black children was set ablaze. Despite the attack on Al-Amin, he was charged with arson and inciting a riot for simply speaking at the event. Then-Maryland Governor, and soon-to-be Vice President, Spiro T. Agnew surveyed the damage after the Cambridge incident. Referring to Al-Amin, Agnew stated: “I hope they pick him up soon, put him away and throw away the key.”

After a series of rebellions and uprisings throughout the summer of 1967, the worst of which occurred in Detroit between July 23 and July 27, where 43 people were killed and the National Guard was brought in to quell the unrest, the federal authorities, particularly J. Edgar Hoover of the F.B.I., rushed to contain the emerging threat to the establishment. By the end of that summer, the F.B.I. aimed its infamous Counter-Intelligence Program (COINTELPRO) to focus on “Black Nationalist Hate Groups” in order to “expose, disrupt, misdirect, discredit, or otherwise neutralize” them, as explicitly stated in a memo written by Hoover on August 25, 1967 and sent to all F.B.I. offices. According to F.B.I. records, one of the names repeatedly targeted by the COINTELPRO was H. Rap Brown.

Al-Amin's position as the face of the youthful, black revolution was so engrained with the authorities that upon receiving testimony from Hoover who cited the Cambridge incident during a congressional hearing investigating the rebellions, Congress passed the "*H. Rap Brown Law*," which made it a federal offense to cross state lines with the intent to incite a riot.

While awaiting trial for the Cambridge case, Al-Amin was under house-arrest in New York City. During this time, in 1969, now just 26, he published his manifesto "*Die Nigger Die!*," which laid out his revolutionary argument. By March, 1970, Al-Amin was finally called to court to face the arson and riot charges. On March 9, a mere mile away from the court house in which Al-Amin was to be tried, two S.N.C.C. members, Ralph Featherstone and Willie "Che" Payne, were killed when a bomb demolished their car. Maryland police claimed the two men were bringing a bomb to the court house when it accidentally went off. S.N.C.C. members and other supporters believed the two men were assassinated; killed by a car bomb placed on their vehicle. Even the police admit that Featherstone and Payne were driving *back* to Washington at the time of the explosion, thus casting doubt on the original claim of them planning on bombing the court house. The target of the assassination, it was further believed, was Al-Amin, who was thought to have been in the car. The next night, another bomb went off. This time, a 30-foot hole was left in the side of the court house.

The danger was palpable for Al-Amin. As a result, he did not show to his court hearing. A new court date was set and again, Al-Amin did not show. He disappeared and subsequently was added to the F.B.I.'s ten most-wanted list. Later, according to an article written by Bob Woodward in the *Montgomery Sentinel*, a weekly D.C. suburban paper at the time, it was revealed by the prosecuting attorney, William B. Yates, that the arson charge was fabricated specifically to guarantee that Al-Amin would be added to the F.B.I.'s ten most-wanted list if he skipped the trial. During this time, Al-Amin went "underground" and was reported to have made his way to Africa.

He didn't officially resurface until October 16, 1971. On that night, Al-Amin was shot and beaten by New York City police officers on top of a Manhattan rooftop as he fled the scene of a robbery. Al-Amin and two others were later charged and convicted of robbing the patrons of the Red Carpet Lounge. However, a story by Thomas A. Johnson published in the *New York Times* on January 23, 1972, reported that the local community believed that "if" Al-Amin and the two other men committed the crime, "it was 'to convince' certain customers suspected of dealing in heroin and cocaine 'that they should stop.'" Regardless of the actual motive, Al-Amin spent five years in prison, during which he converted to Islam.

By 1976, Al-Amin was released from prison and traveled to the city of Mecca in Saudi Arabia, for the annual Hajj (Hajj is one of the five pillars of Islamic belief and mandatory for all Muslims who are physically able to undertake the religious pilgrimage). When he returned, he settled in Atlanta's West End community where, over time, he established the Community Mosque of Atlanta and operated a small grocery store.

“The store was the center of the community. We gave and still give the *adhan* (Muslim call to prayer) five times a day from there,” says Nadim Ali, the current Imam (Muslim religious leader) of Al-Amin’s West End Atlanta community. “He helped move people into the area to develop a neighborhood,” says Ali. During the early 1980’s, the neighborhood was riddled with crime and drugs. Al-Amin was committed to cleaning up the area, remembers Ali, who worked alongside him. There was a park near the mosque that was closed at night, but still attracted drug dealers and users, Ali recalls. “A physical presence was important. We did community patrols all night during the height of the crack epidemic. We’d show up to the park to keep people moving. Tell them to leave, take tag numbers of cars.” Their presence became so prominent that “drug dealers [would] call the police on us,” laughs Ali.

“We’d intervene on cases of domestic violence; if neighbors were getting out of hand, we’d tell them it was not acceptable,” says Ali. “We didn’t let people disrespect us. Once the rep was out there, it was known that we took care of our neighborhood.” Ali remembers that people were attracted to Al-Amin due to his talents in speaking with others. “We’d talk with the people. And people liked being around [Al-Amin]. You’d see him speak to college professors, homeless people, international figures – he could speak to people on many levels. He has a very wise, fatherly image. He always taught to not train and educate yourself away from your people. He never pushed people away,” says Ali. “He is a man with a global outlook, but a communal presence.”

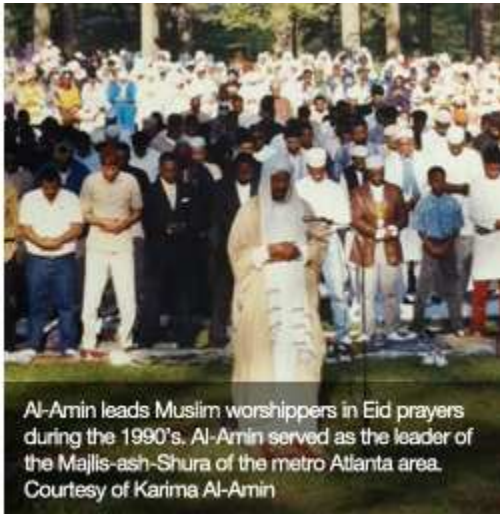
Throughout the 1980’s, Al-Amin’s focus was local, as he led his community in the expulsion of drugs, prostitutes, and violence from the surrounding neighborhoods. In the 1990’s, his focus grew nationally and then internationally. Al-Amin rose to prominence on the national Muslim scene, as he became a founding member of the Islamic Shura Council of North America – an umbrella institution that coordinated efforts among the four largest Muslim organizations in the country. He helped organize the Bosnia Task Force, leading a march on Washington, D.C. in May of 1993, to bring attention to the plight of suffering Bosnian Muslims, and he began to speak in defense of the Palestinian plight for freedom and justice. Soon enough, the federal authorities set their sights on him again. In an April, 2000, article, the Atlanta Journal Constitution reported that from 1992 to 1997, the F.B.I. and Atlanta police investigated Al-Amin “in connection with everything from domestic terrorism to gunrunning to 14 homicides in Atlanta’s West End.” The F.B.I. even placed paid informants within Al-Amin’s community in order to gather as much intelligence on him as possible.

During this time, Al-Amin was arrested by a joint task force of the A.T.F. (the Bureau of Alcohol, Tobacco, Firearms and Explosives), F.B.I. and local police officers and charged with shooting 22-year-old William Miles in the leg as he walked across the street toward Al-Amin’s store on July 26, 1995. Michael R. Hauptman, Al-Amin’s attorney at the time, stated that the charges represented a “25-year-old vendetta” from various police agencies against Al-Amin.

Hauptman's assertion appeared more accurate when, less than a month later, Miles recanted, saying the police pressured him to identify Al-Amin despite Miles not actually seeing who wounded him. The charges were soon dropped and Al-Amin was freed. In 1997, the F.B.I. handed over all of the information it collected on Al-Amin to the U.S. Attorney's Office. None of the data gathered during the F.B.I.'s investigation into Al-Amin ever tied him to any criminal activity or wrongdoing. As a result, the U.S. Attorney's Office declined to press charges against Al-Amin, thereby closing the F.B.I.'s case on the Imam.

Yet, not even four years later, the law would tangle with Al-Amin's life once more. This time, the charges would lead to a sentence of life in prison.

The Traffic Stop



Al-Amin leads Muslim worshippers in Eid prayers during the 1990's. Al-Amin served as the leader of the Majlis-ash-Shura of the metro Atlanta area. Courtesy of Karima Al-Amin

While driving in Marietta, Georgia, on May 31, 1999, Al-Amin was pulled over by Cobb County Police Officer Johnny Mack around 5:30pm. Mack noticed that Al-Amin's car had a drive-out tag, which legally allowed new car owners to drive a vehicle for 30 days without officially registering it. In a court hearing, Mack explained that stopping cars with drive-out tags was part of his "basic patrol," even when there was no evidence of wrongdoing. According to Mack's testimony, he ran a check on the vehicle identification number and the car was listed as stolen. At this point, Al-Amin was removed from his vehicle and searched. During the pat-down, Mack found a bill of sale for the vehicle and a police badge in Al-Amin's wallet. The

bill of sale showed Al-Amin as the rightful owner of the vehicle and the honorary badge was issued to Al-Amin from the mayor of White Hall, Alabama, John Jackson. Al-Amin never presented the badge and, following the arrest, the mayor of White Hall sent a letter to officials in Georgia verifying the authenticity of the honorary badge. Still, Al-Amin was charged with driving a stolen car, driving with expired insurance and impersonating a police officer.

Al-Amin consulted with a lawyer about the traffic violation. The lawyer, without Al-Amin's approval, contacted the Cobb County Solicitor about the case, and when Al-Amin found out, he chose not to hire the lawyer. Later, Al-Amin was offered a plea-deal; if he pled guilty, he would be sentenced to only three months in jail. Knowing he was innocent of all charges, he rejected the deal.

In moments, a gun fight erupted. Both officers were felled by a single assailant's bullets...

Al-Amin's traffic court case was then scheduled for a calendar call on Friday, January 28, 2000, which would allow the lawyer to meet with the judge to prevent possible case scheduling conflicts. However, the courthouse was closed that day due to a major storm that hit the area. Georgia was under a rare winter storm watch, as severe snow and ice covered the Atlanta area for the second weekend in a row. Al-Amin, who did not have legal representation, neither had his calendar call nor was told when to return. In correspondence through his current attorney Allen Garrett, Al-Amin presumes the court still listed the lawyer whom he consulted with, but never hired, as his legal counsel. Thus, Al-Amin believes all communication about a reschedule was sent to that lawyer and not him, as he has no recollection of receiving any materials relating to a rescheduled calendar call or a later issuance of a warrant for arrest. The storm, along with bureaucratic minutiae, provided the setup for the final, fateful charge.

On Thursday, March 16, 2000, Al-Amin, along with the rest of the Muslim community in Atlanta of which he was the spiritual leader, was celebrating Eid ul-Adha, the most important holiday of the Muslim calendar. Shortly after 10pm of that night, two Fulton County Deputy Sheriffs, Ricky Kinchen and Aldranon English, arrived in the vicinity of a community store operated by Al-Amin. The deputy sheriffs were serving Al-Amin with an arrest warrant for not showing up to his traffic court case. Kinchen and English pulled their patrol car nose-to-nose with a parked black Mercedes, thought to be Al-Amin's. When they saw a black male (both Deputies were also black males) near the Mercedes, they exited their car with guns drawn. In moments, a gun fight erupted. Both officers were felled by a single assailant's bullets. Kinchen was shot multiple times in the groin and stomach, and later died in the hospital; English was wounded and spent the next few days in the Intensive Care Unit. Prior to Kinchen's death, both men proclaimed that the assailant, who escaped the scene, was also wounded in the gun fight, as they "had to have" shot him. A federal manhunt ensued with over 100 agents pursuing Al-Amin.



The hunt lasted for four days. On Monday, March 20, 2000, Al-Amin was captured in White Hall, Alabama. The full facts of what happened during the arrest of Al-Amin are still unclear, as federal agents and witnesses to the event recounted conflicting details. According to federal agents, after going door-to-door looking for Al-Amin, they spotted a black Cadillac that may have been linked to the shooting in Atlanta.

The car was stopped and although Al-Amin was not inside, the other occupants were arrested. Later, agents noticed a man wearing white enter a wooded area. Prior to entering the woods, the man fired upon the federal authorities, the agents claimed. The agents returned fire. The man ran off and the local sheriff's department sent dogs into the woods to find the perpetrator. After an exhaustive search of the woods, no one was found. A short time later, though, a local police officer noticed Al-Amin walking by railroad tracks. Al-Amin was wrestled to the ground, handcuffed and beaten.

However, witnesses to the event who later testified in Al-Amin's trial, said the federal agents were never fired upon and that the man who entered the woods was dressed differently than Al-Amin and did not match his physical description. The F.B.I. claim that Al-Amin shot at federal agents was later dropped.

F.B.I. Special Agent Ronald Campbell, according to his own account in a sworn affidavit, was angry that he fell behind in the chase and upon seeing the handcuffed Al-Amin, began to kick him and spit on him. Another agent had to restrain Campbell by pulling on his armored vest collar, urging him to calm down. The 56-year-old Al-Amin was being treated as a cop-killer; later a local White Hall police officer said that Al-Amin may not have survived if officers from his department weren't there. After being jailed in Montgomery for over a month, refusing extradition to Georgia, Al-Amin was finally shepherded back to Cobb County, where he would await trial for killing Kinchen and wounding English.

The Trail

Jury selection was scheduled to begin on September 11, 2001. Understandably, the presiding judge, Stephanie Manis, granted a request by the defense to delay the trial. Four months later, on January 7, 2002, the jury began to hear the prosecution's case. The prosecution, led by Robert McBurney, shared its evidence: the surviving Deputy, Aldranon English provided eyewitness testimony saying Al-Amin was his shooter; Al-Amin, who was wearing a bullet-proof vest during his capture, was reported to have fired shots at law enforcement during his arrest in White Hall; an automatic pistol, assault rifle, three spent shell casings, and two .223-caliber magazine casings (which were the same caliber found at the crime scene) were found in the woods of White Hall where Al-Amin was captured; and there was no reason provided for why Al-Amin was in White Hall nor where he was during the shooting of the deputies. The final point, the defense later argued, was an attempt to use the fact that Al-Amin didn't testify as implicit proof against him. Later, during the sentencing, the prosecution called numerous relatives of Kinchen to the stand to share their emotional loss with the jury. Their testimony highlighted the human element in the death of Kinchen.

McBurney, who in April of 2012 was sworn in as a judge in the Superior Court of Fulton County, believes Al-Amin had an impartial hearing. “The Imam received a fair trial - a jury of his peers, four lawyers, a fair judge,” says McBurney. “Mr. Al-Amin had four phenomenal attorneys working on his behalf. Three of the most respected practitioners of criminal law in the metro Atlanta area (Jack Martin, Bruce Harvey, and Tony Axam). And a Muslim lawyer from New York (Michael Warren). It was not a situation where he didn't receive a proper defense. The evidence was the problem.”

When paramedics reached the scene of the shooting, English, suffering from multiple gunshot wounds, was lying in a fetal position pleading for his life.

The defense team disagrees with McBurney's recollection. Led by Martin, the defense had issues with the court from the beginning of the trial. Bruce Harvey remembers being “hamstrung by the rulings of the court. The ability to properly *voir dire* the jurors and jury selection was a particular problem,” says Harvey. “[Judge] Manis really wanted to control the court room. She was afraid to lose control and really constrained free rein of the trial” Harvey recalls. Judge Manis, who briefly discussed her vague recollection of the case, declined to comment as she feels it is inappropriate for a sitting judge to speak publicly about past cases.

Nonetheless, the defense moved forward by calling into question English's testimony stating that he refused to be interviewed by defense attorneys who had to rely on the account he gave to state prosecutors. When paramedics reached the scene of the shooting, English, suffering from multiple gunshot wounds - injuries that reminded arriving paramedic Kristin McGregor Jones of “Vietnam war wounds that I've seen in the movies” - was lying in a fetal position pleading for his life. The pepper spray canister on English's belt was hit by the assailant's bullet, thereby temporarily blinding him. Yet, he was able to identify Al-Amin in a photo lineup hours after being shot and rushed into emergency surgery. When English made his identification, he was under the effects of four milligrams of morphine, and this according to the defense, along with his inconsistent descriptions of the shooter and the state in which he was found at the scene, called into question the validity of English's claim.

English, who is now a Lieutenant with the Fulton County Sherriff's Office, is still seemingly affected by the events of that night 12 years ago. When reached by phone, English's voice immediately changed at the mention of Al-Amin's name, as he sternly refused to speak about the case.

Furthermore, physical evidence did not match the descriptions given by English, and in some instances was destroyed or removed. Such was the case with Kinchen's and English's patrol car; the bullet holes from the gun fight were repaired and the car returned to active service before defense experts could examine it.

Finally, the defense argued that despite both deputies claiming they hit the assailant, 9-1-1 calls reporting a bleeding man on the street shortly after the shooting, and blood stains in the area of the shooter on the street, Al-Amin had no injuries or damage to his bullet-proof vest. Nor were any of his fingerprints on any of the guns and shells found at the murder scene in Atlanta or the site of the arrest in White Hall.

The defense then called various witnesses to testify to Al-Amin's good character and charitable community work over a lifetime of activism. Afterward, the defense abruptly rested their case. It was such a surprise that Judge Manis remarked she "didn't expect the defense to rest today." Prior to the hasty end, Al-Amin claims to have repeatedly asked his counsel to be allowed to testify, in order to clear his name by directly presenting his side of the story. Al-Amin had a constitutional right to testify that could not be waived by the defense counsel without his consent. Yet, his counsel decided that he should not take the stand. The jury never heard Al-Amin describe where he was that night, nor did the defense explain his whereabouts.

On March 13, 2002, the jury of nine blacks, two whites, and one Hispanic deliberated for less than five hours. The verdict: guilty. The jury decided against the death penalty; Al-Amin was to spend the rest of his life in prison. Later in an affidavit, juror Terry Walker, Jr. stated: A major part of the decision we made as a juror [sic] to find Jamil Al-Amin guilty was based on Jamil Al-Amin [sic] choice not to testify. We as jurors wanted to hear from Jamil Al-Amin. . . . We discussed Jamil Al-Amin [sic] choice not testifying [sic] in the deliberating room. Jamil Al-Amin not testifying played a major role in our decision to find Mr. Al-Amin guilty. . . . I don't recall all the names of the particular juror [sic] but the majority felt Mr. Al-Amin should have said something. [T]hings we as jurors felt should have be [sic] done main thing Mr. Al-Amin should have made a statement or at least come on the witness stand say out of his own mouth that he was not guilty if that statement could have been made it could have swayed votes in the other direction.

Al-Amin's lead defense counsel, Jack Martin, had no recollection if he or any other defense attorney approached Al-Amin to discuss his right to, and interest in, testifying. Martin later stated that Al-Amin accepted the defense's recommendation to not testify. Yet, according to the trial transcript, the only evidence of Al-Amin discussing his right to testify was after the abrupt decision to rest the case. Even the prosecution was confused. Waiting until the jury had been excused, the prosecution asked if "the defendant is aware of his right to testify and has waived that." Martin did not return multiple calls asking for comments on this story.

On the same day as the announcement of the guilty verdict, a cruel twist was revealed; a trial court found that Al-Amin's underlying traffic stop was illegal. In a court order filed on March 13, 2002, Judge Manis ruled that the stop violated Al-Amin's Fourth Amendment right of protection from unreasonable search and seizure. "In this case," Judge Manis wrote, "there was no evidence that (Al-Amin) violated any traffic laws, nor was there evidence that the drive-out tag itself was somehow suspicious."

The “suspicionless stop...clearly violates the Fourth Amendment,” continued Manis. “Officer Mack needed an objective, particularized and articulable reason why he thought the tag was outside the thirty (30) day grace period. As there was no such reason produced at the hearing, the stop was illegal.” It turned out that Deputy Sheriffs Kinchen and English were serving a warrant for an illegal traffic stop that should never have even occurred.

Beyond Al-Amin’s testimony, the jury was never presented with the clearest evidence to substantiate Al-Amin’s innocence. In fact, the defense opted to not include this exculpatory evidence in their argument. The suppressed evidence was Otis Jackson’s confession to the crime for which Al-Amin was convicted.

The Confession

Otis Jackson's, aka James Santos', written confession from July 11, 2000 for the crime of which Al-Amin was convicted.



Otis Jackson, aka James Santos, confessed to the crime Al-Amin is currently incarcerated for on three separate occasions. (Photo courtesy of the Florida Department of Corrections)

Otis Jackson is a self-proclaimed leader of the Almighty Vice Lord Nation (AVLN). Founded in the late 1950s, the AVLN is one of the oldest street gangs in Chicago. According to Jackson, the group under his leadership was focused on rebuilding communities by pushing out drug dealers and violence. Ironically enough, he became a head of the AVLN during his incarceration in Nevada for battery with a deadly weapon. On September 23, 1997, Jackson was walking his dog when another man approached him claiming the dog was actually his. After a brief argument, Jackson was followed by the man back to his apartment. Jackson entered his apartment and later emerged with a gun. He took aim and shot the man in

the upper torso. After serving 16 months in a Nevada prison, Jackson (also known as James Santos, Malik Muhammad, and Silis Selasse) was paroled on January 31, 2000, and immediately headed to Atlanta. Born in Nigeria in 1974, Jackson grew up in Georgia and left Nevada to be with his mother, who lived in Southwest Atlanta.

Since he was on parole, Jackson was on house arrest and wore an ankle bracelet that monitored his location at all times. In addition to the bracelet, random calls were made to his mother’s house where he lived to confirm his residence. His supervising parole officer, Sarah Bacon, helped him get a job at a local restaurant called Mick’s.

Believing Jackson didn't have access to transportation, Bacon permitted him a 10-hour window during which he was allowed to make the hour and a half trek to Mick's from his mother's place, work his shift and then walk back. What Jackson didn't tell Bacon is that he had access to an early 1990's model black Cadillac that was owned by his cousin. The night Deputies Kinchen and English were shot, Jackson drove his Cadillac to work.

In a never-before published sworn deposition, Jackson recalls the events of the night of Thursday, March 16, 2000, in vivid detail. It was a cool night as Jackson remembers. He wore a knee-high black Islamic robe with black pants, a black *kufi* – Muslim head covering - underneath a tan hat, and a tan leather jacket. His silver sunglasses with yellow tint sat above his full beard and mustache. He arrived at Mick's around 7PM, when he realized his schedule had changed. He was no longer the food expediter in the kitchen; his title was now dishwasher/cook, which meant he would wash dishes and then help close the kitchen at night. Since his title changed, he wasn't required to work that Thursday night. It immediately dawned on him that he had a 10-hour window to do whatever he wanted. As a parolee under house arrest, the opportunity to have truly free time was rare if even existent. Jackson decided to fill his new found freedom like most people fill their free time – he ran a few errands.

His first stop was the West End Mall where he got a bite to eat, did some shopping and then headed toward the West End community mosque, led by Al-Amin. He knew it was a regular building off of Oak Street, but wasn't sure which one exactly. He parked his black Cadillac in an open field and walked down toward a house that turned out to be the mosque. He passed a black Mercedes before he got to the mosque, where he met a man named Lamar "Mustapha" Tanner. They talked for a while during which Jackson explained to Tanner that he was looking for Al-Amin to talk about how the AVLN could help Al-Amin's community. Tanner told Jackson to check the grocery store, since Al-Amin could usually be found there. Tanner then gave Jackson his phone number and hurried away to go pick up his wife. Jackson proceeded to the grocery store. He wanted to discuss with Al-Amin how his AVLN organization could help further clean the streets of drug dealers in the West End community.

The cops were closing in...Jackson made a quick decision. He...pulled out his gun and began to fire.

By the time Jackson made his way to Al-Amin's store, it was already late. He was afraid the store would be closed since he didn't see anyone else on the street. His fear was affirmed; the store wasn't open. Hoping that maybe the owner would be in the back closing up, he knocked on the door a few more times. No answer. As he turned to leave, Jackson saw a patrol car pull up. By the time Jackson walked by the black Mercedes, the patrol car was parked in front of it, nose-to-nose. The driver of the patrol car got out and asked Jackson to put his hands up.

Immediately, this scenario flashed through Jackson's head: Here he was, violating his parole by not being at work, with a 9mm handgun in his waist. Jackson was afraid the cops would think he was breaking into the store.

That meant they would probably frisk him and find the gun. The gun would be a direct violation of his parole; he'd be sent back to prison in Nevada. Jackson ignored the order to put his hands up and instead began to explain that he was not trying to break into the store. He stated that he wasn't trying to steal the Mercedes either; his car was parked down the street. Both officers were out of the car with guns drawn and demanding Jackson put his hands up. The cops were closing in and there was little space between them. Jackson made a quick decision. He backed up against the Mercedes, pulled out his gun and began to fire.

He fired off two shots. The officers, while retreating, returned fire. Jackson wasn't hit and bolted toward his car, where in the trunk he had an arsenal of other weapons. As Jackson explains, "the organization I was about to form, the Almighty Vice Lord Nation, we're anti-oppression, and we fight, you know, drug dealers and what not, so...we need artillery." He quickly opened the trunk – the lock was broken and held together with shoe string – and grabbed a lightweight, semiautomatic carbine Ruger Mini-14 with an extended clip housing 40 .223 caliber rounds. Jackson then headed back toward the cops; one was moving for cover behind the Mercedes, the other was on the police radio screaming for backup.

Jackson approached the officer he thought was the most aggressive, who was using the Mercedes for cover and resumed firing his rifle. The officer returned fire, hitting Jackson in the upper left arm twice. Jackson, now angered and fearful for his life, shot back, downing the officer. Jackson stood over him and shot him in the groin up to four times. The fallen officer, Deputy Kinchen, in a last attempt to plead with his killer, described his family, mother, and children to Jackson, hoping for mercy. But Jackson admits that by this time, "my mind was gone, so I really wasn't paying attention." Jackson fired again at the officer on the ground. Dripping his own blood on the concrete where he stood, Jackson then turned his attention to Deputy English who was running toward the open field. Jackson believed English was flagging down another officer; he couldn't let him get away.

Jackson hit English four times. One shot hit him in the leg; he soon fell, screaming, thereby confirming Jackson's shot. After English went down, Jackson, in a state of shock, walked down past the mosque. Nursing his bleeding wounds, he tried to stop three passing cars on the road; no one dared pull over. He then walked back down the street and knocked on three different doors for assistance. Only one even turned the light on, but no one opened the door for Jackson. He then made his way back to his car and drove to his mother's home.

As he walked in the door, the phone rang. His mother was asleep, so Jackson hurriedly answered it in the other room. It was a representative from the Sentinel Company that provided the monitoring service for Jackson's ankle bracelet. The man on the phone asked where Jackson was; he responded that he was at work. The Sentinel representative explained that his unaccounted for absence would have to be marked down as a violation. Jackson agreed and quickly ended the conversation.

Although one bullet exited through the back of his arm, the other was still lodged in his upper left arm. Jackson called a couple of female friends, who were registered nurses. The women, who were informed by Jackson that he was robbed in the middle of the night, arrived at his house and worked for three hours to remove the bullet from his arm. Jackson then called Mustapha Tanner, whom he just met earlier in the evening, and asked him to come by his house.

Tanner arrived before 10am. Jackson explained what had happened the previous night and said he needed to get rid of the guns and the car. Jackson's car trunk contained enough artillery for a mini-militia: three Ruger Mini-14 rifles, an M16 assault rifle, a .45 handgun, three 9mm handguns and a couple of shotguns. Once Tanner left, Jackson called his parole officer Sarah Bacon and let her know that he "had been involved in a situation," but left out the details.

In the following days, Jackson was asked to report to the Sentinel Company. He checked in with the monitoring company and his parole officer, and was then given a ride back home. As they pulled onto his street, Jackson noticed many unmarked police cars. After entering his driveway, multiple police officers emerged. The police searched Jackson's house and found rounds of Mini-14, .223, 9mm, and M16 ammunition. Jackson's bloody clothes and boots from the shootout with the deputies the night before were left untouched in his closet.

On March 28, 2000, Jackson's parole was revoked and he was sent back to prison to serve the remainder of his sentence in Nevada. Upon his detainment in Florida and later transfer to Nevada, Jackson confessed the crime to anyone who would listen. Jackson claims that when he reached the Clark County Jail in Las Vegas, Nevada, he made numerous phone calls to the F.B.I., after which an agent arrived to discuss the incident with him. Jackson recalls telling his story to "Special Agent Mahoney." Special Agent Devon Mahoney recalls documenting the confession, but not much beyond that. Mahoney remembers getting a call from a superior to "talk to someone" in a Las Vegas jail and then to "document it and file it up the chain of command." The confession was documented and filed on June 29, 2000. After speaking with Mahoney, Jackson was placed in solitary confinement. While in solitary, a white sign was hung outside his cell reading "cop killer." As a result, Jackson stated, correction officers would forget to feed him and he wasn't allowed to shower. His personal effects were taken away. Shortly after, Jackson recanted his confession. He was then transferred to a maximum security prison where he served out the rest of his 14-month sentence.

Evidence Ignored

Another written confession by Otis Jackson, aka James Santos, from August 2009.

Prior to Al-Amin's trial, Jackson's confession was brought to the attention of his defense team. However, they decided against presenting Jackson's confession. "It was clear in everybody's view, the statements made by Mr. Jackson were lacking credibility and he had mental issues," recalls Bruce Harvey, one of Al-Amin's original defense attorneys. Jackson wasn't a credible witness. He was a criminal in prison, had already recanted his confession, and his mental stability was in question. Furthermore, the prosecution told lead attorney Jack Martin that data from Jackson's ankle bracelet showed he was at his home at the time of the shooting. Martin believed the prosecution and didn't follow up to verify the ankle bracelet data.

Thomas Ward, founder of the company that provided the ankle monitoring data and expert on house arrest monitoring systems, later testified at an evidentiary hearing after Al-Amin was convicted, that data from Jackson's ankle bracelet showed he was not at his residence during the time of the crime – the exact opposite of what the prosecution claimed. Ward revealed that the monitoring service tried to make contact with Jackson's ankle bracelet at 7:36PM on March 16, 2000, and 12:04AM on March 17, but received a "circuits busy" response, indicating no contact with the target. The shooting happened shortly after 10PM. It wasn't until 4:27AM on March 17, that the monitoring service was able to successfully check-in with Jackson's ankle bracelet. Furthermore, a witness of the shooting on the night of March 16, testified at the trial that the shooter was short and stocky. Jackson is listed as 5'8", 170 lbs. Al-Amin is 6'5" and wiry thin. With all the available evidence...A strong case emerges with a new conclusion: Imam Jamil Al-Amin is serving a life sentence for a crime committed by Otis Jackson.

In light of Ward's testimony and Jackson's confession, the evidentiary gaps highlighted by the prosecution in the original trial can be logically explained. Jackson described many details that were consistent with the actual event including the location of the officers, the parked cars, and the weapons used during the shootout. When Jackson's house was searched after his parole violation, the same caliber of ammunition used in the shooting was found. The black Cadillac and other weapons that were found in White Hall during Al-Amin's capture on March 20, 2000, were most likely brought there by Mustapha Tanner, who was hiding the evidence for Jackson. In fact, a man matching Tanner's description was present in White Hall at the time of Al-Amin's arrest according to federal surveillance evidence.

As Kinchen and English both proclaimed, they "had to have" hit the assailant who fired at them, yet Al-Amin had no wounds when captured. Not only did Jackson have a wound when he was arrested for his parole violation, he still has scars on his arms from when he was hit. Moreover, witnesses and 9-1-1 calls reported seeing a bloodied man walking the streets in the area of the shooting.

The blood found at the crime scene was tested, but it did not match Kinchen or English. It did not match Al-Amin either. The test results, which are still highly contested because there was no clear chain of custody to verify the validity of the sample and testing process, came back positive for animal blood.

Despite his confession being ignored after his parole violation in 2000, Jackson confessed to the shootings on two more occasions. During a sworn habeas deposition, Jackson relayed the details of the crime to G. Terry Jackson, a lawyer representing Al-Amin on July 17, 2009. Then, in May of 2010, the F.B.I. investigated threatening letters sent to then-Florida Governor Charlie Crist and District Attorney Paul Howard, written by James Santos (Santos is one of Jackson's aliases). In the letters, Jackson warned of physical violence to be perpetrated against Crist and Howard if they didn't release Al-Amin and another man, Diego Montoya (Diego Montoya, said Jackson, is "near and dear" to his organization, the Almighty Vice Lord Nation). When the F.B.I. interviewed Jackson on June 29, 2010, he explained that he wanted Al-Amin released because he committed the crime for which Al-Amin is imprisoned. Jackson is currently serving a sentence at the Reception and Medical Center, a Florida-state prison, for multiple offenses including grand theft auto, robbery with a deadly weapon, threatening to use a firearm, and credit card fraud. He was originally scheduled to be released on May 30, 2016, but after pleading guilty to intent to extort by written communication for his threatening letters, Jackson received an additional twelve and a half years to his sentence.

However, Jackson's confessions and possible mental instability led to one major inconsistency in his story. During the first confession in June of 2000, to F.B.I. Agent Mahoney, Jackson mentioned that Al-Amin was at the scene and tried to prevent Jackson from shooting. Yet, in the more detailed confession given in July, 2009, Jackson stated that Al-Amin was never at the scene. "We have never disputed that Otis is mentally ill," says Allen Garrett. "Being mentally ill, however, does not mean one is incapable of homicide. The fact that Otis may have been inconsistent in his description of the events, perhaps slanting events to make himself or Jamil appear nobler, does not explain his knowledge of details of the crime that only the shooter or someone with encyclopedic knowledge of the record would have," says Garrett.

"Shoddy records made by biased government officials are worth much less than sworn testimony in a deposition before an official reporter," says Garrett, insisting that Jackson's second confession has greater credibility. It's inconsistent, Garrett believes, for Jackson to "apparently [be] sane enough to make a credible threat [to Crist and Howard], but not sufficiently lucid to make a detailed confession."

Al-Amin later recounted his whereabouts on the evening of the shooting in a habeas hearing – a side of the story he was prevented from testifying to at his own trial by his own defense team. On March 16, Al-Amin had dinner with his family at a local Red Lobster and then returned to his neighborhood store and mosque to check the mail.

While walking in the open field between the store and mosque, Al-Amin heard pistol shots followed by “more rounds of fire.” Running for cover, Al-Amin made his way through the neighborhood until he arrived next to his store. The gun fight had ended and Al-Amin ran to his black Mercedes. As he drove away, the back window fell out of the car. It was then Al-Amin recalled confronting several young men earlier in the day that he believed were dealing drugs in his neighborhood. Al-Amin immediately thought he was the intended target of the shooting as retaliation from the youth. He went into “a safety kind of mode,” called his wife Karima, and drove directly to White Hall where he “knew I would be safe.” A day later, Al-Amin heard that Deputies Kinchen and English were shot and that he was the focus of a nationwide manhunt. He didn’t want to turn himself in until he received the proper legal advice for what he should do. Three days later he was captured by federal authorities.

In retrospect, Al-Amin's defense team made questionable decisions on what to present and withhold from the jury. The defense lawyers did not put Al-Amin on the stand to explain his side of the story or provide an alibi for where he was the night of the shooting. They didn't question the data retrieved from Otis Jackson's ankle bracelet, and refused to submit Jackson's confession to the jury. Even Bruce Harvey, a lawyer on Al-Amin’s defense team, didn't feel the case was handled ideally. "I always have regrets in trials which were unsuccessful. No lawyer in the world would say he doesn't second guess a case in which a client is convicted with a life term," says Harvey. What Harvey deems as regrets is described by Al-Amin’s current lawyer, Allen Garrett, as "ineffective assistance of counsel" - or a deficient performance from Al-Amin’s original defense team.

Thus, with all the available evidence, most of which was never presented at the trial, enough reasonable doubt exists to question the conviction. A strong case emerges with a new conclusion: Imam Jamil Al-Amin is serving a life sentence for a crime committed by Otis Jackson.

The Transfer



On March 21, 2002, Al-Amin arrived at the Georgia State Prison in Reidsville to serve his life sentence. He was immediately placed in “administrative segregation,” or what outside of prison is more commonly known as solitary confinement. Despite being separated 24-hours a day from the rest of the inmate population, word of his presence traveled fast. Other Muslim inmates within the prison, and inmates from other prisons throughout Georgia, sought Al-Amin’s advice, corresponding with him via the prison mail system.

All incoming mail sent to prisoners is subject to a thorough review, except for legal mail, which is any correspondence between a prisoner and his/her legal counsel. Yet, this did not prevent the prison authorities from reviewing mail sent to Al-Amin from his wife, Attorney Karima Al-Amin. Between June and August of 2003, privileged mail sent to Al-Amin was opened and read by prison authorities in violation of Georgia Department of Corrections’ procedures and his constitutional rights. The mail was marked with his attorney’s name, address, and capacity as legal counsel along with the phrase “Legal Mail.” Prison officials never denied that Al-Amin’s correspondence with his attorney had been opened outside of his presence or that it was marked as legal mail.

Al-Amin filed his grievances with The Department of Corrections' Office of Professional Standards (OPS). On November 25, 2003, the OPS agreed with Al-Amin's assertion that his legal mail had been opened in violation of prison policies and directed the prison officials to avoid future violations. However, according to Allen Garrett, the violations continued. Additionally, acts of apparent retaliation began to emerge.

The solidarity movement could unify radical extremists, resulting in a power base within the inmate population...

Al-Amin's visitations and phone privileges were limited when not discontinued altogether. His ability to practice his religion was impeded. Al-Amin filed multiple grievances with the prison administration concerning his inability to practice the most basic dictates of his religion. His attempts to pray five times a day, perform the necessary ablution for prayer, attend communal prayers on Friday, and to access permissible, *halal*, food – even during the month of Ramadan when he fasted - were all severely hindered. Again, Al-Amin followed the process for filing administrative grievances with the prison to report the mistreatment. One grievance concerned Al-Amin's request to meet with an Islamic chaplain. Then-Warden Hugh Smith, denied the grievance, responding that there was already a prison chaplain on staff and available for religious advice. Al-Amin appealed the denial due to the fact that the staff chaplain was Christian. His appeal was denied. The process of filing a grievance, receiving a denial, filing an appeal and receiving another denial continued for Al-Amin's multiple religious claims.

During this time, Al-Amin's status within the Georgia prison system continued to grow. An inmate at Reidsville, Yusha Abdul-Quddos, sought to organize all Muslim prisoners under one leader, through a contractual *bayat* – or allegiance. Through correspondence, Abdul-Quddos asked Al-Amin to, "facilitate and encourage communication between Muslim inmates and the Reidsville Prison administration." At the time, Al-Amin accepted the honor, because, as he explained later:

To me, the goal of the *Bayat* was to foster compliance with Islamic law and to help Muslim inmates achieve the same religious privileges afforded to inmates of other religions. Although the *Bayat* was Mr. Abdul-Quddos's idea, I hoped that the *Bayat* would enhance communication with the GDC (Georgia Department of Corrections), by having a single voice explain the requirements for practicing Islam freely and explaining impediments to that practice.

The prison authorities saw things differently. An intelligence unit within the prison soon investigated the burgeoning movement and released three reports on their findings. The second report, dated March 27, 2006, stated that Quddos' *bayat*, "operates under the guise of being a peaceful movement to unite Muslim's (sic) under one uniform teaching curriculum," but in reality was an attempt to, "give a stronger voice to the Muslim inmate population."

The report concluded by saying the threat level was “medium” because the movement, “has not been fully organized and can be dealt with now during it’s (sic) infancy stage.” The intelligence unit interviewed Al-Amin about his role in the *bayat*. According to the report, Al-Amin stated that he accepted the allegiance of fellow Muslim inmates in order to “develop a unified body and make a collective appeal” to address many concerns with “the Georgia Prison system with regards to the Muslim population.”

In a third report dated April 7, 2006; the intelligence unit interviewed all inmates involved with creating the *bayat* movement. The inmates all agreed that Al-Amin “did not originate the movement” and that they approached him, “because of his credibility as a leader prior to incarceration.” This report continued to assert that a threat still existed because, “the effort is to centralize leadership under the control of one inmate.”

Although the prison authorities agreed that Al-Amin never, “ordered other inmates at any prison to commit violence against prison officials,” and that the *bayat* did not directly or indirectly incite violence or unrest, they still requested he discontinue his association. Al-Amin acquiesced and distanced himself from the *bayat*.

Two months later, though, on June 12, 2006, the F.B.I. prepared a report based on the information gathered from the prison intelligence unit, titled “The Attempt to Radicalize the Georgia Department of Corrections’ Inmate Muslim Population.” The purpose of the F.B.I. report was to “provide insight into the motivation of a radical extremist exploiting an inmate population for personal gain and power.” The report opened with a hierarchical chart, connecting multiple Muslims from other prisons to Al-Amin, who sits atop the map. Anticipating a larger threat, the report continued by stating:

The solidarity movement could unify radical extremists, resulting in a power base within the inmate population which could promote organized recruitment drives for radical Islamist and collective disruptive or subversive behavior.

The report went on to explain the, “assertion that one of the missions of the movement is to promote and defend the interests of incarcerated Muslims,” was one of many, “security and radicalization concerns.” However, the F.B.I. report did not list any evidence linking Al-Amin to any radical or extremist Muslim organizations, actions or even statements. When reached to help clarify the F.B.I.’s position on Al-Amin, Special Agent Stephen Emmett, Media Coordinator for the F.B.I. field office in Atlanta, refused to discuss the case. Instead, he pointed to a list of various other unrelated cases of Muslims in prison throughout the country whom the F.B.I. has deemed suspicious.

Despite the lack of any evidence of Al-Amin's involvement in extremism, less than five months after the F.B.I. report, Tina Piper, assistant counsel to James E. Donald, who was then the Commissioner of the Georgia Department of Corrections, wrote the Designation and Sentence Computation Center at the U.S. Armed Forces Reserve Complex in Grand Prairie, Texas, to request having Al-Amin "complete his state sentence in federal custody." The only reason given for the federal transfer request was that Al-Amin "has been selected by other inmates to serve as a leader of the inmate Muslim population in the state of Georgia." In early 2007, the transfer request was granted.

Without the knowledge of his family or legal counsel, Al-Amin was picked up by federal authorities on July 30, 2007, for transfer to the ADX prison facility in Colorado. The seven-vehicle motorcade left from Reidsville for the Hartsfield-Atlanta International Airport. Al-Amin was chained inside the vehicle from 10am to 4pm without reprieve in the 92 degree heat of that Friday afternoon. Al-Amin, who was transferred without his blood pressure medication, reported chest pains to his guards. After realizing he wasn't able to stand, Al-Amin was rushed to the Atlanta Medical Center where he remained overnight. After being transported back and forth between the medical center and the Atlanta Federal Prison, Al-Amin was then flown to Oklahoma City, Oklahoma, where he remained for three days without medical treatment or access to blood pressure medication. Finally he arrived at the ADX prison facility in Florence, Colorado.

In an official press release on August 2, 2007, the Georgia Department of Corrections announced Al-Amin's transfer to federal custody. It stated "that someone of Mr. Al-Amin's high profile presents unique issues beyond the state prison system's normal inmate." The "unique issues" referred to in the press release were never further clarified.

"The (Georgia State Prison) authorities consider Al-Amin a threat to the institution," said Mauri' Salaakhan, a human rights activist and Director of The Peace and Justice Foundation in Washington, D.C. Salaakhan has been closely following the case since he released a booklet in 2002, "The Case of Imam Jamil Abdullah Al-Amin: Is it a Government Conspiracy?" Referring to the impact Al-Amin had on fellow prisoners in Reidsville, Salaakhan believes, "his only threat was influence."

Confined



It is now in an underground cell of the most secure prisons in the world that the 68-year-old Al-Amin spends 23 hours a day by himself.

Despite the isolation, “he’s holding up okay,” says his wife of 44 years, Karima Al-Amin. “As long as no one stops him from making *salat* (prayer), he’s fine.” His motto is “it’s still five a day” referring to the five daily prayers Muslims are required to perform. The few encounters they share as a family, which includes 33-year-old son Ali and 24-year-old son Kairi, are cherished. “The visits are really good and refreshing for us. He always is, and has been, very funny and very witty. He always entertains us,” says Karima. During the visits, Kairi and his father talk about basketball, a sport they both played growing up. Kairi, who graduated from law school this year, has been focusing on studying for the bar exam and was unable to comment for this story. Karima tries her best to keep up with her husband’s up-to-date knowledge of the outside world. “He reads a lot and keeps up with everything. He has access to magazines and television for news,” laughs Karima as she explains how she tries to read as much as she can prior to visiting.

Since the move to the federal prison in Colorado, though, the visits are severely limited. While Al-Amin was in the Georgia State Prison at Reidsville, the family was able to visit frequently. In 2006, Kairi even transferred to a university that was 45 minutes away from the prison so he could see his father more often. The family was allowed up to six hours of time with Al-Amin during the visits to the Reidsville prison. In only a year, it all changed. The family now sees Al-Amin four or five times a year. Distance, time, and costs, along with the weather, have made visits prohibitively difficult. Numerous flights have been canceled due to snow alone, Karima says.

The disciplinary model at ADX is often an instrument of terror and abuse...

“He’s a little agitated, as he feels the right buttons aren’t being pushed,” to bring greater attention and justice to his case explains Karima. Although Karima views her husband’s situation as a “grave injustice,” her voice still exudes a warmth and kindness. “Naturally it is always hard with any physical separation. But I’ve been with him since the 1960s, so I understand. Understanding how the government has reacted, punishing him for his role in the ‘60s, punishing him for becoming Muslim, punishing him for becoming an international figure, I understand the struggle.” For Karima, her husband’s case was “not a Georgia conviction, it was a U.S. conviction.”

Her law firm, which she opened in 1997, keeps her focused. “My law practice keeps me extremely busy. I help others and what I do helps me keep going.” As an attorney, Karima plays a coordinating role in her husband’s case, letting the law firm Kilpatrick Townsend & Stockton (KT&S) and their various pro-bono resources move it forward.

On July 28, 2011, a Georgia state trial court denied Al-Amin’s state *habeas corpus* petition based in part on the evidence of Jackson’s confession that was never presented at Al-Amin’s original trial. Al-Amin, represented by Allen Garrett and other attorneys at KT&S, applied to the Georgia Supreme Court for review of that decision. On May 7, 2012, the Georgia Supreme Court denied Al-Amin’s application for review, with then-Chief Justice Carol Hunstein dissenting. The next day, Garrett and other KT&S attorneys filed a federal *habeas* petition on behalf of Al-Amin in the U.S. District Court for the District of Colorado.

A week later, the District of Colorado transferred the federal *habeas* case to the U.S. District Court for the Northern District of Georgia, on the grounds that Georgia officials are ultimately responsible for Al-Amin’s placement in federal custody. On July 3, the U.S. District Court for the Northern District of Georgia issued an order directing the respondents (Georgia state Attorney General, Samuel Olens; ADX Warden, Blake Davis; and Georgia Department of Corrections Commissioner, Brian Owens) to address why Al-Amin’s challenge should not be granted. On August 17, the respondents replied by dismissing Al-Amin’s claims and urged the court to deny a retrial.

Al-Amin's attorneys are awaiting the court's decision. They will continue to press his federal *habeas* case in the Georgia federal district court, in the Eleventh Circuit Court of Appeals, and in the United States Supreme Court if necessary, in an effort to vindicate Al-Amin's constitutional rights and secure him a fair retrial.

In a further court action challenging Al-Amin's transfer to the ADX prison facility, Garrett presented the court with research revealing the brutally deteriorating effects of prolonged solitary confinement on an individual's mental and physical health. In a 2006 report published in the Washington University Journal of Law and Policy, Dr. Stuart Grassian, a psychiatrist and expert on solitary confinement, revealed that prolonged isolation of an inmate is "strikingly toxic to mental functioning" and causes "severe psychological pain" especially when perceived as "an arbitrary exercise of power and intimidation." Dr. Grassian further concludes "the laws and practices that have established and perpetuated this tragedy deeply offend any sense of common human decency."

"We treat all inmates in a fair and partial manner," says Mark Collins, spokesman for the ADX facility, who refused to speak directly to the case of Al-Amin. Although Collins did not have any specific examples for how the prison attempts to mitigate the devastating mental and physical effects on inmates in solitary confinement, he stated that the prison maintains accreditation with the American Correctional Association (ACA). "Conditions of confinement, lighting in cells, living space, and quality of life conditions are reviewed every three years. [ADX] has been certified with the ACA since opening in 1994," says Collins. Yet, the ACA's guidelines for standards and accreditation only require prison facilities to have clearly established, written policies regarding inmates' mental health. The ACA does not stipulate what needs to be included in such policies and procedures; it just verifies that a policy exists.

Such policies are clearly not enough. A June 2012 class-action lawsuit brought against the ADX prison, *Bacote v. Federal Bureau of Prisons*, states that "the disciplinary model at ADX is often an instrument of terror and abuse, deployed by staff members who sometimes provoke the very conduct they punish," in relation to mentally ill inmates. The lawsuit continues by describing the draconian tactics used: "...mentally ill prisoners, including those in the throes of a psychotic episode, frequently are subjected to barbaric treatment and physical torture more suited to the dungeons of medieval Europe than to a modern American prison. For example, mentally ill prisoners are routinely 'four pointed' - chained by the arms and legs to a concrete block -- often for extended periods. While chained, mentally ill prisoners often are left to urinate and defecate on themselves, and are denied basic nutrition."

It is within this brutal netherworld of punishment that Al-Amin resides, confined and silenced. As a result, it is with urgency that Al-Amin's family, legal team, and supporters continue to demand his release, first by moving him back to Georgia and then by appealing for a retrial to present the evidence of his innocence. For the Al-Amin family, their resolve is tempered with faith. "My submission is to God," says Karima in a calm and pleasant tone. "I roll with that. That's what makes it easy. I'm not in control of anything. I can try to do good and help him, but I know that I can only do what is written. I'm satisfied with that. I don't question; God has him there for a reason."