

TO: Henry Brown
Nat'l Task Force

Proposal/plan for work regarding Henry Shasha Brown

I really believe that the time is now to go on the offensive (I do not claim any vanguardism in this notion!). This proposal is put forward to initiate concrete discussion regarding the correct strategy to reach 2 goals: a) have Shasha transferred to a facility closer to New York, and b) to aid in getting him out of jail.

1. Continual pressure on the Bureau of Prisons to transfer S out of Marion and to a facility closer to New York (e.g. Lewisburg). The determination as to where a Federal prisoner is housed is based on a point system (you need 30 points to be at Marion—the most maximum facility in the Federal system). S has 32 points (20 for the bank robbery, 7 for the New York escape & 5 for the detainer that N.Y. has on the escape). He is being penalized twice on the escape case.

I've written the bureau of prisons to find out what their guidelines are for determining where someone is housed. I will continue to put pressure on them. Maybe we can also initiate a letter writing campaign. The question arises as to whether, if all else fails, we should bring a suit against the Bureau of Prisons. Such a suit would have to be brought in Wash., D.C. (or Southern Illinois).

2. FOIA suit. We have gotten limited files from the FBI, even less from the Secret Service

and none from any other agency. I think that it is unlikely that we will get other files without bringing suit. Again, this suit would have to be brought in Washington, D.C. (or Southern Illinois). I would see it as a precursor to another suit since I do not think that it would be strategic to spend endless time trying to get files without any other context. Another question is who would be the defendants - just the FBI or other agencies as well.

3. The third wing of this proposal is the most complicated, complex and undefined.

The facts are that Shasha was convicted on a Federal bank robbery charge and received a sentence of 20 years (running wild from the Missouri conviction) and a New York escape charge with a sentence of 4 years (running wild from the Federal sentence). The convictions and unquestionably the outrageous sentences received are a result of the acquittal for the Foster/Laurie murders. For instance, from reading the FBI files, it seems apparent that they were unsure of S's relationship to the bank robbery for quite awhile and their fingerprint checks came up empty at first.

How were the Federal judge and escape judge affected by the cop killer tag.

Gerry Lefcourt is willing to speak to the Foster/Laurie judge and prosecutor to see if they would write affidavits saying they really thought that you were innocent of Foster/Laurie.

Ideally, they could also add what conversa-

tions/communications, etc. they had with the U.S. Attorney, Mischler (Federal judge), judge in New York escape case, etc. The main question is what would we want those affidavits for. I think that we should wait to speak to them until we know what our goals are and in what context we want it. Otherwise, we might blow an opportunity.

The question is how do we go about attacking the outstanding convictions/sentences. Direct appeals seem useless (I know the Court of Appeals affirmed the bank robbery conviction) because the sentences themselves are "legal". Also, judges and prosecutors (acting in their "judicial capacities" are immune from suit.

Perhaps a §1983 type suit against the FBI, New York City Police Department, who else. One major problem is venue (where to bring the suit). We would certainly not want to bring the case in Southern Illinois. Ideally, we would want to bring it in the Southern District of New York (the place of business of NYPD. - I would need to research the venue question further). Clearly, Dhoruba's case would be the most similar.

All the issues regarding this kind of suit needs to be flushed out. It is clearly a major undertaking. One major good possibility is that we can make a fight to bring S to NY (MCC). People should respond to these proposals with additions, disagreements, etc.

Again, I think that it is time to move. There are some real questions - i.e. resources - money and personpower (ha!) to conduct all this litigation. That needs to be factored in to our thinking, both pro and con.

Let me know.