September 4, 1990

Dear

I want to thank you for the support you have given my campaign for release on parole. This letter will bring you up-to-date on my situation and my plans for the future.

As you know, I have already served more than my minimal parole guidelines; in fact, if calculated correctly, I have already served more than the normal maximum guidelines. Early in the summer of 1990, I applied to the U.S. Parole Commission to reopen my case because the recurrence of my lymphatic cancer constituted a "new circumstance." Hundreds of you -- including four congressmen, the Presiding Bishop of the Episcopal Church, the dean of a major law school, and the head of the American Public Health Association -- supported that request.

On July 17, 1990, the Parole Commission issued a one-sentence denial. A spokesperson for the Parole Commission told a reporter that I constitute a "danger to the community."

On July 25th, in response to a legal request that I made to my sentencing judge in Philadelphia to reduce my sentence, the U.S. Attorney's office filed a formal opposition. In it they don't deny that I have already served more time than most prisoners convicted of the same charges; they don't deny that my continued imprisonment makes it less likely that I will survive this cancer. The one thing they do say is that the only way that they will withdraw their objection to my release is if I testify against other people.

The U.S. Justice Department has tried for almost ten years to make me an informer. Personal harassment and the threat of imprisonment through the use of grand juries have been traditional tactics used by the FBI to both intimidate individual activists and to gather information about progressive movements. I have always believed this must be resisted. In 1982, I spent most of the year in prison for refusing to testify in front of the grand jury about the Black Liberation Movement. Later that year, I was indicted as part of a federal conspiracy charge and the FBI offered to have the charges dropped if I would testify against others. Again, I refused. In 1987, when I was convicted of charges that normally carry a period of 40 - 52 months in prison, the U.S. Attorney's office asked the judge to give me a life sentence unless I were willing to testify. Now, in 1990, they are attempting to use my literal life-and-death battle with cancer to pressure me to give up my personal and political principles. I will not do that.

To further clarify their intentions and perhaps to increase pressure on me, the Bureau of Prisons notified my attorney in late August that I will be returned to U.S.P. Marion after the treatment for my cancer (the BOP, like the Parole Commission, U.S. Attorney's office, and FBI, is part of the Justice Department). Marion, as you may know, is the highest security and most repressive prison in the U.S. It has one unlicensed physician who admits that he has never followed a case of Hodgkin's Disease. In addition, all prisoners at Marion are sent to Springfield Medical Center, which does not have a board qualified oncologist (cancer specialist), for any serious medical problems. So, if I am unfortunate enough to have a further recurrence of the cancer while at Marion, I am essentially guaranteed to be under the care of an unqualified physician.

Supporters are currently filing a complaint with Amnesty International that this behavior on the part of the U.S. government is a clear human rights violation and may well constitute a form of psychological torture.

I hope that I will be in a position in October to apply to the Parole Commission once more. Your support will be even more vital at that time since it is probably my final opportunity to have my case reviewed. If you have not yet written to the Parole Commission, or if you can think of any community or professional group or politician that you can approach, it would be important to do so now. Please make sure that a copy of any letter is sent to me or my attorney Ron Kuby, 13 Gay Street, New York, NY 10014.

Thank you.

Sincerely,

Alan Berkman