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## ARTICLE

### ASSATA SHAKUR AND THE COUNTERINSURGENCY OF LAW: MARRONAGE AND REVOLUTIONARY STRUGGLE

PHILIP V. MCHARRIS<sup>1</sup>

*This article argues that the prosecution and imprisonment of Assata Shakur illuminate how U.S. law operates as a form of counterinsurgency against Black political struggle. Drawing on Shakur’s autobiography, open letters, interviews, and trial record, the article shows how the courtroom, pretrial detention, and evidentiary spectacle functioned not merely as legal procedures but as mechanisms that criminalized dissent and rendered Black survival prosecutable. The article engages legal scholarship by interrogating law’s role in organizing racial domination. Through Shakur’s experiences of surveillance, incarceration, fugitivity, and exile, the article traces forms of political life that emerge beyond the state’s police–court–prison nexus. It situates the plantation, prison, and nation-state as elements of a legal architecture of control and reads Shakur’s practice of marronage—her flight, refuge, and continued political work—as an alternative ordering of safety grounded in relation rather than punishment. Attending to Shakur’s writings, speeches, and political praxis, the article positions her not simply as a subject of legal repression but as a theorist of law, carceral power, and abolition.*

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<sup>1</sup> Assistant Professor. Frederick Douglass Institute & Department of Black Studies. University of Rochester.  
[philip.mcharris@rochester.edu](mailto:philip.mcharris@rochester.edu).

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### List of Key Abbreviations

- BLA — Black Liberation Army
- BPP — Black Panther Party
- COINTELPRO — Federal Bureau of Investigation Counterintelligence Program
- PIC — Prison Industrial Complex

### Introduction — “A 20<sup>th</sup> Century Escaped Slave”

When Assata Shakur declared, “My name is Assata Shakur, and I am a 20<sup>th</sup> century escaped slave,” she did more than announce her freedom—she theorized it.<sup>2</sup> In a 1998 open letter, Shakur redefined what freedom meant for those living within the afterlife of slavery.<sup>3</sup> In 1979, she fled a maximum-security prison in New Jersey with the assistance of comrades from the Black Liberation Army (BLA). Her flight from state captivity was not only an escape from confinement but also a refusal of the carceral order that sought to contain her. That escape inaugurated more than four decades of political exile, as Shakur sought—and was granted—asylum in Cuba in 1984, living beyond the reach of the U.S. state, amid sustained campaigns for her capture and extradition. Shakur refuses the state’s category of “fugitive,” instead reclaiming fugitivity as a practice forged by those who escaped slavery itself—a continuation of struggle rather than flight from justice. In this sense, fugitivity names more than escape; it describes a political orientation through which marronage, revolutionary struggle, and abolitionist practice converge in the refusal of carceral authority and the creation of life beyond the state.<sup>4</sup> Shakur died in Cuba on September 25, 2025, after more than 45 years beyond the reach of the state that sought to imprison her.

Throughout her autobiography and letters, Assata Shakur rejects the premise that policing, courts, and prisons produce safety. Her revolutionary framework clarifies what abolition requires: complete transformation of the social, political and economic systems that sustain carceral power. As Shakur describes it, the Prison Industrial Complex (PIC) names the convergence of state power and private economic interests which convert public resources into profit while using prisons to

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<sup>2</sup> Assata Shakur, *An Open Letter From Assata Shakur* (1998), <https://repositories.lib.utexas.edu/items/90288c1f-b3fb-4cc4-b6dc-e70327e6c887>.

<sup>3</sup> *Supra* note 2; see also Assata Shakur, *A Letter to the Pope*, ASSATASHAKUR.ORG (Mar. 1998), <http://www.assatashakur.org/pope.htm> (written in response to efforts by New Jersey State Police to enlist the Pope’s intervention in her extradition during his visit to Cuba).

<sup>4</sup> See Sam C Tenorio, *Assata’s escape as disincarceral practice*, 33 CULTURAL DYNAMICS, 65-81 (2021); CELESTE WINSTON, HOW TO LOSE THE HOUNDS: MAROON GEOGRAPHIES AND A WORLD BEYOND POLICING (Duke University Press, 2023); Celeste Winston, *Maroon Geographies*, 111 ANNALS OF THE AMERICAN ASSOCIATION OF GEOGRAPHERS, 2185–2199 (2021); Damien M. Sojoyner, *Another Life Is Possible: Black Fugitivity and Enclosed Places*, 32 CULTURAL ANTHROPOLOGY, 514–536 (2017); Leslie Gross-Wyrtzen and Alex A. Moulton, *Toward ‘Fugitivity as Method’: An Introduction to the Special Issue*, 22 ACME: AN INTERNATIONAL JOURNAL FOR CRITICAL GEOGRAPHIES, 1258–1272 (2023).

contain and super-exploit oppressed populations.<sup>5</sup> The abolition of the Prison Industrial Complex therefore refers not only to eradicating prisons as discrete institutions but also the broader constellation of policing, surveillance, and carceral infrastructures that organize social life.<sup>6</sup> Shakur's insistence that the PIC must be destroyed reflects abolitionist arguments that freedom requires restructuring the social order by dismantling the carceral and economic systems which sustain domination.<sup>7</sup>

Critical race scholarship, abolitionist theory, and historical studies of policing and punishment have long exposed the law's role in stabilizing and normalizing colonial-racial hierarchies and functioning as a mechanism of counterinsurgency.<sup>8</sup> Assata Shakur's life and political thought extend this tradition by treating revolutionary praxis itself as a form of abolitionist struggle. Her fugitivity, exile, and political work illuminate modes of resistance that exceed the institutional frameworks through which law typically recognizes dissent. Shakur's own writings reflect this expansive understanding. She warned that the PIC was not simply a network of punitive facilities but also a social formation that erodes the very conditions necessary for collective life. Pointing to the need to cultivate thriving communities while resisting the Prison Industrial Complex, Shakur wrote:

The Prison-Industrial complex is not a distortion of modern global capitalism; it is part and parcel of that system. It is not enough to fight against the Prison-Industrial complex; we must fight against the ideology that promotes it. Human beings are social beings and have a basic need to live in nurturing communities, instead of hostile ones. The people on this planet have an infinite potential to contribute to this planet and it is a crime to prevent us from doing so.<sup>9</sup>

Shakur clarifies the connection between the PIC and global capitalism. In the letter, Shakur also pointed to the racialized dimensions of the PIC, stating "Those who are targeted as the victims of

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<sup>5</sup> Assata Shakur, *Letter from Assata on the Prison Industrial Complex*, ASSATASHAKUR.ORG (Sep. 25, 1998), <http://www.assatashakur.org/prisoncomplex.htm>.

<sup>6</sup> Angela Y. Davis and Dylan Rodriguez, *The challenge of prison abolition: A conversation*, 27 *Social Justice*, 212-218 (2000); Allegra M. McLeod, *Prison abolition and grounded justice*, 62 *UCLA L. REV.* 1156 (2015); F.H. KNOPP, *INSTEAD OF PRISONS: A HANDBOOK FOR ABOLITIONISTS* (Prison Research Education Action Project, 1976); *WHAT IS THE PIC? WHAT IS ABOLITION?*, CRITICAL RESISTANCE, <https://criticalresistance.org/mission-vision/not-so-common-language/>; ANGELA Y. DAVIS, ERICA R. MEINERS, GINA DENT, BETH E. RICHIE, *ABOLITION. FEMINISM. NOW* (Haymarket, 2022); A.Y. DAVIS, *ABOLITION: POLITICS, PRACTICES, PROMISES* (Haymarket Books, 2024); MARIAME KABA AND ANDREA J. RITCHIE, *NO MORE POLICE: A CASE FOR ABOLITION* (The New Press, 2022).

<sup>7</sup> *Supra* note 5; see also JOY JAMES, *THE NEW ABOLITIONISTS: (NEO) SLAVE NARRATIVES AND CONTEMPORARY PRISON WRITINGS* (State University of New York Press, 2005); RUTH WILSON GILMORE, *ABOLITION GEOGRAPHY: ESSAYS TOWARDS LIBERATION* (Verso, 2022); ANGELA Y. DAVIS, *ARE PRISONS OBSOLETE?* (Seven Stories Press, 2003); MARIAME KABA, *WE DO THIS 'TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE* (Haymarket Books, 2021).

<sup>8</sup> Derrick A. Bell, *Who's Afraid of Critical Race Theory*, 893 *U. ILL. L. REV.* 893 (1995); DOROTHY E. ROBERTS, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY* (1997); *Supra* note 7, *ARE PRISONS OBSOLETE?*; Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 *UCLA L. REV.* (2015); Amna A. Akbar, *An Abolitionist Horizon for Police Reform*, 108 *CAL. L. REV.* (2020); STUART SCHRADER, *BADGES WITHOUT BORDERS: HOW GLOBAL COUNTERINSURGENCY TRANSFORMED AMERICAN POLICING* (2019); Elizabeth Hinton & DeAnza Cook, *The Mass Criminalization of Black Americans*, 4 *Ann. Rev. Criminology* 261 (2021); Nikhil Pal Singh, *RACE AND AMERICA'S LONG WAR* (Univ of California Press, 2019).

<sup>9</sup> *Supra* note 5.

the Prison-Industrial Complex are mainly people of color. They are Native Americans, Africans, Asians, and Latinos...”<sup>10</sup>

The letter closes with a revolutionary abolitionist call:

The Prison-Industrial complex not only destroys individuals; it destroys families and communities. If we do not destroy it, it will destroy us. I urge you to do everything you can to break these chains. Free All Political Prisoners! Free Mumia Abu Jamal!”<sup>11</sup>

For Shakur, abolition was inseparable from revolutionary transformation, requiring not simply the reform of oppressive institutions but their elimination. Even in exile, she refused the notion that freedom could be individual. Having herself endured incarceration as a political prisoner, Shakur continued to call for the liberation of those still held captive by the state, insisting that the struggle must remain collective.

Assata Shakur’s political reflections can be read within the Imprisoned Black Radical Tradition, a lineage of political thought forged within and against sites of captivity.<sup>12</sup> This tradition includes figures such as Malcolm X, George Jackson, Angela Davis, Martin Sostre, the participants in the Attica rebellion, and numerous members of the Black Panther Party (BPP) and Black Liberation Army (BLA) who faced political prosecution.<sup>13</sup> Shakur understood incarceration as a political instrument used to neutralize Black liberation movements. Her writings echo the insights of imprisoned intellectuals who theorized the prison not as an aberration, but as a central technology of racial-capitalist governance. This genealogy is not merely historical; it continues through formations such as the Jericho Movement, which advocates for the release of political prisoners in the U.S. and sustains the political legacy of these struggles.<sup>14</sup> As Joy James has argued, contemporary abolitionist discourse is at times abstracted from its roots in the thought and struggle of those incarcerated, even as imprisoned revolutionaries such as Shakur have been foundational to the development of abolitionist theory and praxis.<sup>15</sup>

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<sup>10</sup> *Supra* note 5.

<sup>11</sup> *Supra* note 5.

<sup>12</sup> Stephen Wilson & Garrett Felber, *The Makings of a Forum: “Imprisoned Black Radical Tradition,”* BLACK PERSPECTIVES (August 24, 2020), <https://www.aaihs.org/the-makings-of-a-forum-imprisoned-black-radical-tradition/>.

<sup>13</sup> Stephen Wilson, Toussaint Losier, Casey Goonan et. al., *The Complexities of the ‘Imprisoned Black Radical Tradition’*, BLACK PERSPECTIVES (Aug. 25, 2020), <https://www.aaihs.org/the-complexities-of-the-imprisoned-black-radical-tradition/>; Stephen Wilson & Garrett Felber, *The Makings of a Forum: ‘Imprisoned Black Radical Tradition’*, BLACK PERSPECTIVES (Aug. 24, 2020), <https://www.aaihs.org/the-makings-of-a-forum-imprisoned-black-radical-tradition/>; Stephen Wilson, Dylan Rodríguez, Joy James et. al., *The Roots of the ‘Imprisoned Black Radical Tradition’*, BLACK PERSPECTIVES (Aug. 24, 2020), <https://www.aaihs.org/the-roots-of-the-imprisoned-black-radical-tradition/>; Joy James, Dylan Rodríguez, Orisanmi Burton et. al., *Circulations of Knowledge and the ‘Imprisoned Black Radical Tradition’*, BLACK PERSPECTIVES (Aug. 26, 2020), <https://www.aaihs.org/circulations-of-knowledge-and-the-imprisoned-black-radical-tradition/>; DYLAN RODRÍGUEZ, *FORCED PASSAGES: IMPRISONED RADICAL INTELLECTUALS AND THE US PRISON REGIME* (U of Minnesota Press, 2006).

<sup>14</sup> The Jericho Movement is a national organization founded in 1998 advocating for the recognition and release of political prisoners in the U.S. The movement grew out of a call by imprisoned activist Jalil Muntaqim for a national march on the White House during Spring Break 1998. See *The Jericho Movement, About*, <https://thejerichomovement.com>.

<sup>15</sup> *Supra* note 7, THE NEW ABOLITIONISTS:(NEO) SLAVE NARRATIVES AND CONTEMPORARY PRISON WRITINGS.

This article asks what Shakur's life and thought teach us about fugitivity and abolition as living, border-crossing practices. In tracing her journey from imprisonment to Cuba, we see how freedom was, for Shakur and her comrades, an ongoing practice—a refusal to surrender to the carceral state and a commitment to remake the world outside of it. What follows examines (I) marronage and fugitivity as political practice; (II) Shakur's political formation through self-defense and revolutionary struggle; (III) the criminalization and prosecution through which law functioned as counterinsurgency; (IV) escape and exile as forms of fugitive marronage; (V) refusal as an abolitionist epistemology; (VI) exile as a project of world-making; and (VII) the implications of these practices for a lived politics of freedom.

## I. Marronage and the Practice of Fugitivity

Assata's life charts a geography of freedom struggle that stretches from the prison cell to the Caribbean, from New Jersey to Havana. Her exile was neither retreat nor refuge; it was a reconstitution of freedom beyond the reach of the U.S. state. In her words, "Cuba is a country of hope."<sup>16</sup> As she wrote in her 1998 open letter, "Free All Political Prisoners. I Send You Love and Revolutionary Greetings from Cuba, One of the Largest, Most Resistant and Most Courageous Palenques (Maroon Camps) That Has Ever Existed on the Face of This Planet."<sup>17</sup>

Marronage refers to the practices of escape and the creation of autonomous spaces by enslaved people who fled captivity.<sup>18</sup> When Shakur asserted herself as a "20<sup>th</sup> century escaped slave," her prison break and exile in Cuba can be understood as a modern form of marronage—an act of political flight that enacted a transnational marronage beyond the reach of the U.S. carceral state. As Shakur stated in Gloria Rolando's 1997 documentary "Eyes of the Rainbow":

I come from a tradition of women—maroons, cimarrons—who didn't just try to escape from oppression but were totally mind, body, spirit committed to resisting and committed to winning. Whether it was Nanny in Jamaica who fought against the enslavers—whether it was Harriet Tubman who helped to free more than 700 slaves, I think I come from a very strong history and I simply want to live on this planet and to continue that tradition and to try in my little way to make my ancestors proud.<sup>19</sup>

In the same documentary, Shakur reflects on the sensory experience of arriving in Cuba—the sea, vegetation, and lush landscape—and on the deep respect for nature instilled in her during childhood. Freedom here appears not only as escape from captivity but as a restored relationship to land, environment, and collective life, echoing the ecological dimensions of earlier maroon communities that sought refuge beyond the reach of colonial power.<sup>20</sup> This act of flight—of contemporary marronage—renders visible the enduring terrain of abolition: a refusal of capture

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<sup>16</sup> ASSATA SHAKUR, *ASSATA: AN AUTOBIOGRAPHY* 268 (Lawrence Hill Books, 2020).

<sup>17</sup> *Supra* note 2.

<sup>18</sup> RICHARD PRICE, *MAROON SOCIETIES: REBEL SLAVE COMMUNITIES IN THE AMERICAS* (JHU Press, 1996); *supra* note 4, *Maroon Geographies*, at 2185-2199.

<sup>19</sup> GLORIA ROLANDO, *EYES OF THE RAINBOW* (1997).

<sup>20</sup> Malcolm Ferdinand, *Behind the Colonial Silence of Wilderness: 'In Marronage Lies the Search of a World'*, 14 *ENVIRONMENTAL HUMANITIES* 182-201 (2022).; Justin Hosbey & J.T. Roane, *A Totally Different Form of Living: On the Legacies of Displacement and Marronage as Black Ecologies*, 27 *S. CULTURES* 68-73 (2021).

that doubles as an insistence on creation.<sup>21</sup> It is within this space between flight and world-making that Shakur's life and writing illuminate abolition as both theory and praxis.

Assata Shakur's movement from captivity to exile exemplifies abolition as refusal—a continuous struggle to live otherwise within and against the structures of policing, imprisonment, and punishment. Shakur was a theorist and practitioner of fugitive abolitionist politics. Her invocation of enslavement and flight situates the prison as a modern plantation, where the work of freedom remains unfinished. The decision to flee and to build elsewhere links Shakur to a broader tradition of Black radical exile.<sup>22</sup> These parallel geographies of flight illustrate that exile was not escape from struggle but its continuation on new terrain—a form of marronage that refused both state violence and liberal inclusion.

## II. Self-Defense, Revolutionary Struggle, and Political Formation

### A. *Self-Defense as a Condition of Life*

“As far as i was concerned, the police in the Black communities were nothing but a foreign, occupying army, beating, torturing, and murdering people at whim and without restraint. I despise violence, but i despise it even more when it's one-sided and used to oppress and repress poor people.”<sup>23</sup>

Assata Shakur's political formation was inseparable from the Black Panther Party (BPP) and the Black Liberation Army (BLA)—organizations that redefined the meaning of self-defense amid escalating state violence. When Shakur joined the Panthers in 1970, she had already been organizing as a student at the Borough of Manhattan Community College (BMCC) and the City College of New York (CCNY) with collectives such as the Golden Drums Society, a Black student organization. She had also become a citizen of the Republic of New Afrika, drawn to its vision of Black self-determination. These encounters with Black political culture and organizing shaped her trajectory. Amid escalating repression in the late 1960s and early 1970s, the U.S. governed Black communities through police violence, political repression, and economic dispossession.<sup>24</sup> In cities like Oakland, Chicago, and New York, police functioned as occupying forces; the Panthers' call for self-defense was not a metaphor but a necessary condition for survival.

Huey P. Newton's Executive Mandate Number One, issued in opposition to California's Mulford Act of 1967, declared that the people had the right to defend themselves against any aggressor, framing armed self-defense as both necessary and moral.<sup>25</sup> Newton's position was not an isolated

<sup>21</sup> Dominick D. Rolle, *Marronage and Re-Creation in Assata*, 61 *CLA J.* 155-170 (2018); see also Joe Kaplan, *The Exile of Assata Shakur: Marronage and American Borders* (2016) (thesis, University of Puget Sound).

<sup>22</sup> Jaclynn Ashly, *The Black Panthers Who Never Came Home*, *JACOBIN MAGAZINE*, Oct. 15, 2025.

<sup>23</sup> *Supra* note 16, at 235-36.

<sup>24</sup> The Black Panther Party for Self-Defense, *What We Want Now! What We Believe*, *THE BLACK PANTHER*, May 15, 1967, at 3.; JOSHUA BLOOM & WALDO E. MARTIN, *BLACK AGAINST EMPIRE: THE HISTORY AND POLITICS OF THE BLACK PANTHER PARTY* (Univ. of California Press, 2016).

<sup>25</sup> HUEY P. NEWTON, *Executive Mandate Number One*, in *TO DIE FOR THE PEOPLE: THE WRITINGS OF HUEY P. NEWTON*, 7-8 (1972).

or purely reactive stance, but part of a much longer tradition of Black insurgent self-determination. From the rebellions of the enslaved—such as Nat Turner’s uprising and the Haitian Revolution—to the thought and work of Malcolm X, these struggles have repeatedly asserted the right of the dispossessed to seize their own freedom and defend their lives against systems organized around their domination. Newton’s mandate reflects an enduring tradition in which the oppressed have armed themselves, seized territory, and reclaimed their futures—not only to survive, but to create the conditions for collective thriving. This orientation also resonates with strands of Black radical thought that emphasize autonomy, anti-statism, rebellion, and horizontal forms of social organization as both political and epistemic practices.<sup>26</sup>

Huey P. Newton’s concept of revolutionary intercommunalism, developed in the early 1970s within the BPP, offers one framework for understanding the global dimensions of Black liberation struggle.<sup>27</sup> Newton argued that U.S. imperial expansion had transformed the world from a system of sovereign nations into a network of communities subordinated to a single imperial center. In this view, liberation struggles could no longer be understood as discrete national revolutions but as interconnected struggles against a global imperial order. While Assata Shakur would later distance herself from the Party’s leadership and ideological direction, this framework nonetheless helps situate her eventual relocation to Cuba within a broader geography of Black radical solidarity with the Global South. Her flight resonates with a broader pattern of international exile among Panthers and other Black revolutionaries who sought sanctuary abroad, including Pete and Charlotte O’Neal in Tanzania,<sup>28</sup> Eldridge and Kathleen Cleaver in Algeria,<sup>29</sup> and Nehanda Abiodun,<sup>30</sup> who spent decades in exile in Cuba, as well as Lorenzo Kom’boa Ervin,<sup>31</sup> who attempted passage through Cuba.

When asked what drew her to the BPP, Shakur reflected upon its revolutionary ethic:

By the time I joined the Black Panther Party I had already begun to see that it was not a question of reform... I had come to the conclusion that on every level, the U.S. government was an oppressive government run by and for rich people, and that there was no way that was going to change because the whole system was based on

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<sup>26</sup> Justin A. Lang, *Sustain the Riot: From “Defund the Police” to Revolutionary Abolitionism after the George Floyd Uprisings*, THE INSTITUTE FOR ANARCHIST STUDIES (2022), <https://anarchiststudies.org/sustain-the-riot-from-defund-the-police-to-revolutionary-abolitionism-by-justin-a-lang/>; WILLIAM C. ANDERSON, *THE NATION ON NO MAP: BLACK ANARCHISM AND ABOLITION* (AK Press, 2021); *Supra* note 7, *THE NEW ABOLITIONISTS: (NEO) SLAVE NARRATIVES AND CONTEMPORARY PRISON WRITINGS*.

<sup>27</sup> Besenia Rodriguez, ‘*Long Live Third World Unity! Long Live Internationalism*’: Huey P. Newton’s *Revolutionary Intercommunalism*, 8 *Souls*, 119-141 (2006).

<sup>28</sup> Pete and Charlotte O’Neal were members of the BPP who went into exile in Tanzania after Pete was charged in a 1969 firearms case; they later established the United African Alliance Community Center in the village of Imbaseni, near Arusha, Tanzania, where they have lived for decades.

<sup>29</sup> Eldridge Cleaver, the BPP’s Minister of Information, fled the U.S. in 1968 while facing criminal charges and established the Party’s International Section in Algiers, where he lived in exile with fellow Panther leader Kathleen Cleaver, who served as the Party’s Communications Secretary.

<sup>30</sup> Nehanda Abiodun was a Black nationalist activist associated with the Republic of New Afrika who lived in political exile in Cuba for decades after going underground while facing charges connected to the 1981 Brink’s robbery case.

<sup>31</sup> Lorenzo Kom’boa Ervin hijacked a plane to Cuba in 1969 seeking political asylum; after being extradited to the U.S. and imprisoned, he later became a prominent Black anarchist writer and organizer.

oppression. That's how I felt. So I was not interested in joining an organization that was interested in reforms, that was struggling for reforms. I wanted to join an organization...that believed that the whole thing had to be changed...that a complete change, which is a revolution, had to occur. You could not be free under a system based on racism, oppression, capitalism, and imperialism. Nobody in the world can reform a system like that. It's never been done in history, and I don't think it ever will be...To me, that was the most important reason why I joined the Black Panther Party.<sup>32</sup>

As Shakur writes, “Black revolutionaries do not drop from the moon. We are created by our conditions. Shaped by our oppression. We are being manufactured in droves in the ghetto streets, places like attica, san quentin, bedford hills, leavenworth, and sing sing.”<sup>33</sup> In this context, revolutionary politics emerge not as isolated resistance but as a collective response to systemic violence. Revolutionary organizing and self-defense foreground abolition as refusal—a refusal to concede to the state's claimed monopoly on violence. For Shakur, revolution was not a project of reform but of total transformation, in which the abolition of oppressive institutions emerged as a central horizon and practice of struggle. Shakur discusses her beliefs in socialism—and challenging all systems of oppression—in her autobiography, writing “Black self-determination is a basic right, and if we do not have the right to determine our destinies, then who does?”<sup>34</sup> She went on to write, “To me, the revolutionary struggle of Black people had to be against racism, capitalism, imperialism, and sexism and for real freedom under a socialist government.”<sup>35</sup> Shakur's insistence on revolution challenges a recurring tendency in contemporary abolitionist discourse that, as Joy James notes, can separate abolition from the imprisoned and revolutionary traditions that produced it.<sup>36</sup>

The Panthers' Ten-Point Program linked the demand for an end to police brutality with calls for housing, education, and full employment, situating self-defense within a broader vision of collective care and redistribution. As stated in the platform: “To those poor souls who don't know Black history, the beliefs and desires of the Black Panther party for self-defense may seem unreasonable. To Black people, the ten points covered are absolutely essential to survival...when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.”<sup>37</sup> The platform's vision extended beyond its moment. Alondra Nelson has directly linked the recent Movement for Black Lives to the legacy of the Black Panther Party.<sup>38</sup>

For Shakur, this framework provided the groundwork for a political life committed to liberation.

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<sup>32</sup> Interview by Gil Noble with Assata Shakur, WABC-TV (1987).

<sup>33</sup> *Supra* note 16, at 52.

<sup>34</sup> *Supra* note 16, at 192.

<sup>35</sup> *Supra* note 16, at 197.

<sup>36</sup> Joy James, *Airbrushing Revolution for the Sake of Abolition*, BLACK PERSPECTIVES (July 20, 2020), available at [https://transformharm.org/ab\\_resource/airbrushing-revolution-for-the-sake-of-abolition/](https://transformharm.org/ab_resource/airbrushing-revolution-for-the-sake-of-abolition/); see also JOY JAMES, IN PURSUIT OF REVOLUTIONARY LOVE (SCB Distributors, 2023).

<sup>37</sup> *Supra* note 24, *What We Want Now! What We Believe*.

<sup>38</sup> Alondra Nelson, *The Longue Durée of Black Lives Matter*, 106 AMERICAN JOURNAL OF PUBLIC HEALTH, 1734-1737 (2016).

Echoing Malcolm X, Shakur insisted that Black liberation required struggle “by any means necessary.”<sup>39</sup> Her transition from the Panthers to the BLA reflected the intensification of state repression during the FBI’s Counterintelligence Program (COINTELPRO) — a covert federal program that surveilled, infiltrated, and destabilized political organizations deemed subversive, including Black radical organizations, through harassment, disinformation, and targeted violence.<sup>40</sup> By 1973, the year of Shakur’s capture, numerous Panthers had been killed, imprisoned, and forced into exile. The state’s counterinsurgency blurred the boundaries between domestic policing and warfare, confirming that the geographies of many Black communities were already carceral spaces. In the foreword of *Assata: An Autobiography*, Angela Davis writes:

When Richard Nixon raised the slogan of ‘law and order’ in the 1970s, it was used in part to discredit the black liberation movement and to justify the deployment of the police, courts, and prisons against key figures in this and other radical movements of that era... In this ideological context, political prisoners like Assata Shakur, Mumia Abu Jamal, and Leonard Peltier are represented in popular political discourse as criminals who deserve either to be executed or to spend the rest of their lives behind bars.<sup>41</sup>

Such conditions made refusal—in its most literal sense—both a strategy of survival and a theory of liberation. It was precisely Shakur’s insistence on revolutionary organizing toward life beyond capitalism and the oppressive state that rendered Shakur a target of government repression well before her arrest. Following the raids on Panther offices and the prosecution of the New York Panther 21 leadership from 1969-1971, and amid her departure from the Black Panther Party, Shakur went underground—entering an organized and intentional mode of political life shaped by survival, coordination, and collective refusal—as the state intensified its campaign to neutralize Black radical movements through COINTELPRO.<sup>42</sup> She recalled in her 1987 interview with Gil Noble that after learning she was being sought for “harboring a fugitive,” she “decided to disappear,” fearing not only arrest but torture.<sup>43</sup> Referencing the brutal beating of Joan Bird, one of the co-defendants in the Panther 21 trial, Shakur explained that she had “no guarantee they [the state] wouldn’t do the same thing to me.”<sup>44</sup>

As the government’s desperation to capture her grew, a campaign of media vilification unfolded: headlines portrayed her as a violent extremist to condemn her, and as she argued, would set the stage to justify state violence against her.<sup>45</sup> She was accused of crimes that stretched the bounds of plausibility—including armed robbery, bank hold-ups, and shootouts—charges that were repeatedly dismissed, acquitted, or never formally filed. The spectacle of criminalization, amplified through front-page coverage, sought to convict her in the court of public opinion long before any trial. Through this convergence of surveillance, propaganda, and carceral targeting, the state rendered Shakur both hyper-visible and fugitive.

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<sup>39</sup> *Supra* note 16, at 52.

<sup>40</sup> JOY JAMES, *IMPRISONED INTELLECTUALS: AMERICA’S POLITICAL PRISONERS WRITE ON LIFE, LIBERATION, AND REBELLION* (Rowman & Littlefield, 2003).

<sup>41</sup> ANGELA Y. DAVIS, *Foreword*, in ASSATA SHAKUR, *ASSATA: AN AUTOBIOGRAPHY* (2020).

<sup>42</sup> Dhoruba al-Mujahid Bin-Wahad, *The New York Panther 21 Trial: Fighting ‘Democratic Fascism’*, 15 *JOURNAL OF PRISONERS ON PRISONS*, 107-123 (2007).

<sup>43</sup> *Supra* note 32.

<sup>44</sup> *Supra* note 32.

<sup>45</sup> *Supra* note 16, at 168-69, 222.

*B. Gender, Internal Critique, and Organizational Culture*

Despite the commitments and political education the BPP provided, Shakur maintained her own critiques of the organization's methods and styles of organizing. As she stated in 1987 in an interview with American television reporter and interviewer Gil Noble:

Well, actually I had worked with the Black Panther Party before I joined it, and I had some problems with the style of work. I had problems with the type of rhetoric—with a kind of macho thing that I didn't relate to. The Black Panther Party style was like that kind of thing, you know? And I really liked another kind of style.

I like a respectful, quiet way of relating to our people, of explaining things. And I didn't like that [macho] style. I felt that sometimes it conspired against the things we were doing. That arrogant, macho kind of style was not good for day-to-day organizing in the Black community.

But at the same time, some events happened that made me really feel that, number one, the Party—or any party—was only as strong as the people in it. And I felt that, even though I had different problems with different things, essentially I agreed with the Ten-point program and platform.<sup>46</sup>

Shakur's reflections on the "macho" style of the BPP reveal not a disavowal of revolutionary struggle but a critical attentiveness to the relational and affective dimensions of organizing. Her critique aligns with Black feminist analyses that emphasize the need to transform not only oppressive institutions but also the modes of relating that sustain collective political life.<sup>47</sup> Shakur's insistence on respect, care, and accountability within movement spaces thus marks a political ethic attentive to how revolutionary struggle is practiced in everyday organizing. As Joy James demonstrates, dominant narratives of the Black liberation movement often masculinized revolutionary rebellion, reducing Black women militants to symbolic or supporting roles while obscuring their political agency, leadership, and intellectual contributions.<sup>48</sup> Her critique of macho political style also foreshadowed her broader disillusionment with the Party's increasingly hierarchical and fractured internal culture.

Huey P. Newton's articulation of revolutionary intercommunalism sought to theorize a world reshaped by U.S. imperial power, where traditional national borders had given way to a global network of oppressed communities. Yet as Assata Shakur later recalled, the theory circulated within an organization increasingly strained by internal conflict, repression, and uncertainty about political direction.<sup>49</sup> She describes widespread confusion around Newton's speeches on intercommunalism and a political culture in which criticism and self-criticism—long considered

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<sup>46</sup> *Supra* note 32.

<sup>47</sup> See PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* (Routledge, 2000); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, U. CHI. LEGAL F. 139 (1989).

<sup>48</sup> Joy James, *Framing the Panther: Assata Shakur and Black Female Agency*, in *WANT TO START A REVOLUTION? RADICAL WOMEN IN THE BLACK FREEDOM STRUGGLE* (Jeanne Theoharis and Komozi Woodard ed., 2009).

<sup>49</sup> *Supra* note 16, at 225-26.

essential to revolutionary practice—were increasingly discouraged. At the same time, the Party was experiencing mounting internal fractures, including expulsions of respected members, such as Geronimo Pratt, and escalating tensions between the New York cadre and West Coast leadership. These divisions unfolded under the shadow of the FBI's COINTELPRO operations, which actively sought to destabilize the organization through misinformation and internal conflict. For Shakur, the problem was not simply theoretical disagreement but the widening gap between revolutionary ideals and organizational conditions through which they were being pursued.

### *C. Repression, COINTELPRO, and the Turn Underground*

Within this atmosphere of mistrust, factionalism, and repression, Shakur eventually concluded that she could no longer remain within the Party. When Shakur learned that her photograph had been circulated in newspapers and that police were searching for her, she turned initially to a trusted friend whose home became a temporary site of refuge. Her friend insisted that “this ain’t your thing, this is our thing,” rejecting Shakur’s attempt to shoulder the risk alone and affirming the shared responsibility that sustained networks of protection and solidarity.<sup>50</sup> At the same time, fugitivity required a repertoire of everyday tactics—memorizing phone numbers rather than writing them down, avoiding traceable contact, and moving carefully through the world while under constant surveillance. Even the act of disguise carried political meaning. In preparing to leave her friend’s house, Shakur deliberately fashioned herself into a figure meant to disappear within the racialized landscape of urban labor, choosing clothing that would allow her to pass as a working-class Black woman on her way to work.<sup>51</sup> What appears as improvisation was in fact a form of fugitive knowledge: an embodied understanding of how race, class, and gender structured visibility and invisibility in the city. Through these practices, survival itself became a form of political intelligence, revealing the everyday infrastructures that made possible Black radical resistance beyond the formal structures of organizations and reach of the state.

As Shakur moved further into clandestine life, she became connected to the loose networks that came to be recognized as the Black Liberation Army (BLA). As Shakur discusses in her autobiography, the BLA operated through decentralized collectives and underground formations that emerged in response to the intense repression directed at Black radical movements in the late 1960s and early 1970s. Many militants were already imprisoned, under indictment, or forced into hiding, making centralized coordination both dangerous and impractical. In this context, clandestine organizing developed through decentralized networks of organizers who shared political commitments but largely operated autonomously. Shakur’s reflections emphasize that the question facing these militants was not simply whether to engage in armed struggle but how such struggle could be meaningfully connected to broader political mobilization. Armed action alone, she argued, could not produce revolutionary transformation; it had to form part of a larger strategy aimed at educating, organizing, and winning the support of the masses. The underground therefore represented not merely a tactical shift but a reconfiguration of political struggle under conditions in which state repression had made open organizing increasingly impossible.

As she explains,

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<sup>50</sup> *Supra* note 16, at 238.

<sup>51</sup> *Supra* note 16, at 238.

Some of the groups thought they could just pick up arms and struggle and that, somehow, people would see what they were doing and begin to struggle themselves... But the most important factor is that armed struggle, by itself, can never bring about a revolution. Revolutionary war is a people's war. And no people's war can be won without the support of the masses of people. Armed struggle can never be successful by itself; it must be part of an overall strategy for winning, and the strategy must be political as well as military.<sup>52</sup>

Reflecting on the strategy of clandestine underground struggle, she argued that its primary task was not simply armed confrontation but the longer project of organizing and building political capacity within Black communities. As she explained, "And although i felt that the major task of the underground should be organizing and building, i didn't feel that armed acts of resistance should be ruled out...Not any old kind of actions, but actions that Black people would clearly understand and support and actions that were well publicized in the Black community."<sup>53</sup> In this sense, the underground was not conceived as a substitute for mass struggle but as one component of a larger political strategy aimed at mobilizing and sustaining popular support. Shakur rejected both reformism and militaristic adventurism. While she recognized the necessity of armed self-defense in the face of state violence, she insisted that militant action could not substitute for political organizing. Revolutionary struggle, in her view, required strategy, political education, and the active support of the people.

Shakur's commitment to revolutionary struggle must be read not as a rejection of life but as its most profound affirmation. As Assata pens in her poem, *Affirmation*:

*I believe in living.*

*I believe in birth.*

*I believe in the sweat of love*

*and in the fire of truth.*

*And I believe that a lost ship,*

*steered by tired, seasick sailors,*

*can still be guided home*

*to port.*<sup>54</sup>

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<sup>52</sup> *Supra* note 16, at 242.

<sup>53</sup> *Supra* note 16, at 243.

<sup>54</sup> *Supra* note 16, at 1.

To defend one's community against premature death, to insist on the right to exist unpoliced, was to enact a revolutionary ethic. The Panthers' praxis of self-determination, mutual aid, and community safety prefigured later abolitionist calls to dismantle systems of punishment and build the conditions for collective life. Shakur's insistence that life must be defended carried her across multiple formations of Black radical struggle—from the BPP to clandestine networks associated with the BLA—linking the fight against racial domination in the U.S. to broader movements against imperial power across the globe.

### III. Criminalization, Prosecution, and Carceral Power

A sustained campaign of repression subjected Shakur to constant surveillance and criminalization, revealing how law functioned as a counterinsurgent apparatus against Black radical struggle. Shakur's life makes visible how fugitive marronage requires building new geographies of sociality—a vision that would later crystallize through her practices of flight, refusal, and reconstruction. Shakur adopted the name "Assata Olugbala Shakur", rejecting "Joanne Chesimard" as a slave name; the state nonetheless continued to use her former name. Reflecting the scale of the state's pursuit, New Jersey State Police Colonel Clinton L. Pagano later remarked, "Joanne Chesimard was one of the most sought-after fugitives in this nation. Every policeman in New York or Los Angeles was in one way or another looking for Joanne Chesimard."<sup>55</sup>

Shakur lived under a regime of constant surveillance and harassment that rendered ordinary movement a site of imminent danger. On May 2, 1973, that pressure came to a head on the New Jersey Turnpike, when State Troopers stopped a car carrying Assata Shakur, Zayd Malik Shakur—a member of the BLA who was killed during the confrontation, and Sundiata Acoli, a longtime Black Panther and BLA activist who would spend nearly five decades imprisoned in connection with the incident. What began as a traffic stop ended in gunfire: Trooper Werner Foerster and Zayd were killed, Assata was critically wounded—shot through the arm and back—and Acoli fled but was captured 36 hours later after a massive manhunt.<sup>56</sup> In *Assata: An Autobiography*, she recalls the scene in visceral detail: "I felt myself being dragged by the feet across the pavement. My chest was on fire. My blouse was purple with blood. I was convinced that my arm had been shot off and was hanging inside my shirt by a few strips of flesh."<sup>57</sup> Her account makes clear that she was struck while her hands were raised, rendering it physically impossible for her to have fired a weapon.<sup>58</sup> After Acoli was captured and imprisoned, he was convicted of first-degree murder in connection with the Turnpike shooting and served nearly fifty years before being granted parole in 2022 at the age of 85.

Despite the evidence that Assata Shakur seemingly was not responsible for the shooting of the officer, prosecutors charged Shakur with murder and a range of other offenses.<sup>59</sup> In the years that

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<sup>55</sup> *Supra* note 32.

<sup>56</sup> Joseph F. Sullivan, *Gunfight Suspect Caught in Jersey*, N.Y. TIMES (May 4, 1973), <https://www.nytimes.com/1973/05/04/archives/gunfight-suspectcaught-in-jersey-broad-manhunt-following-turnpike.html>.

<sup>57</sup> *Supra* note 16, at 3.

<sup>58</sup> EVELYN A. WILLIAMS, *INADMISSIBLE EVIDENCE: THE STORY OF THE AFRICAN-AMERICAN TRIAL LAWYER WHO DEFENDED THE BLACK LIBERATION ARMY* (Lawrence Hill Books, 1993).

<sup>59</sup> Joseph F. Sullivan, *Mrs. Chesimard, on Stand, Denies Having Weapon in Turnpike Shooting*, N.Y. TIMES (Mar. 16, 1977), <https://www.nytimes.com/1977/03/16/archives/mrs-chesimard-on-stand-denies-having-weapon-in->

followed, she was indicted in multiple separate cases—bank robberies, kidnappings, and assaults—most of which ended in dismissal or acquittal.<sup>60</sup> The Turnpike case, however, moved forward in Middlesex County, New Jersey, amid extraordinary security, pervasive media hostility, and the climate of COINTELPRO’s campaign against Black freedom struggles. From pretrial through sentencing, Shakur was treated as an enemy combatant rather than a defendant entitled to due process. As Shakur described it, “Every day there were three shifts of police. When they changed shifts, the two troopers would salute the sergeant. Some saluted an army salute, but others saluted like the Nazis did in Germany. They held their hands in front of them and clicked their heels.”<sup>61</sup>

The legal proceedings themselves were deeply politicized in the media. As Shakur wrote, “People are tried and convicted in the newspapers and on television before they ever see a courtroom.”<sup>62</sup> Jury selection confirmed her fear that she would not be judged by peers. She recalled, “The panel was selected from the voting rolls, and, since candidates running for office seldom represent the interests of Black and poor people, Blacks and the poor don’t vote. But failing to vote means they don’t sit on juries.”<sup>63</sup> When questioned, one prospective juror admitted, “I would think—yeah, I would think that she was guilty, yeah.”<sup>64</sup> Still, the court allowed him to proceed as if impartial. Shakur lamented, “Whenever a juror said something that revealed out-and-out prejudice,” Shakur writes, “the judge would try to clean it up.”<sup>65</sup> The process revealed that what the state called fairness was itself a technology of racial management.

#### A. *Autonomy, Rebellion, and Reproductive Violence*

Following her arrest, Shakur was held and prosecuted across multiple jurisdictions. After the Turnpike incident, she was moved from New Jersey custody to Rikers Island in New York City, where she was held in solitary confinement for 21 months. While detained pending her murder trial, Shakur was also prosecuted in a separate Bronx bank robbery case alongside Kamau Sadiki, a member of the BLA who was later arrested and convicted in the early 2000s in connection with a 1971 police killing and is widely regarded by supporters as a political prisoner.<sup>66</sup> After Shakur and Sadiki repeatedly challenged the authority of the court, they were expelled from the courtroom and subjected to punitive confinement and isolation during the proceedings.<sup>67</sup> It was under these conditions of confinement and constraint that Shakur formed a relationship with Sadiki and became pregnant. Reflecting on this period in her autobiography, she wrote that although she had long

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[turnpike-shooting.html](#); Richard J.H. Johnston, *Security Is Tight for Chesimard Trial*, N.Y. TIMES (Oct. 9, 1973), <https://www.nytimes.com/1973/10/09/archives/security-is-tight-for-chesimard-trial-literature-distributed-2d.html>; Walter H. Waggoner, *Joanne Chesimard Convicted in Killing Of Jersey Trooper*, N.Y. TIMES (Mar. 26, 1977), <https://www.nytimes.com/1977/03/26/archives/joanne-chesimard-convicted-in-killing-of-jersey-trooper-mrs.html>.

<sup>60</sup> *Supra* note 58.

<sup>61</sup> *Supra* note 16, at 10.

<sup>62</sup> *Supra* note 16, at 168.

<sup>63</sup> *Supra* note 16, at 118.

<sup>64</sup> *Supra* note 16, at 250.

<sup>65</sup> *Supra* note 16, at 68.

<sup>66</sup> *Hilton Freddie (Kamau Sadiki), THE JERICHO MOVEMENT*, <https://www.thejerichomovement.com/profile/hilton-freddie-kamau-sadiki>.

<sup>67</sup> Marcia Chambers, *Mrs. Chesimard, in Summation, Terms Holdup Case Contrived*, N.Y. TIMES (Dec. 27, 1973), <https://www.nytimes.com/1973/12/27/archives/mrs-chesimard-in-summation-terms-holdup-case-contrived.html>; *In re Evelyn Williams*, 500 F.2d 403 (2d Cir. 1974).

resolved never to bear a child, she came to embrace the possibility as an affirmation of collective survival: “I’m going to live and i’m going to love Kamau, and, if a child comes from that union, I’m going to rejoice. Because our children are our futures, and I believe in the future and in the strength and rightness of our struggle.”<sup>68</sup>

During her incarceration, Shakur confronted a form of carceral violence aimed directly at undermining her reproductive autonomy. On September 11, 1974, while still awaiting trial, she gave birth to her daughter, Kakuya, under conditions of intense institutional control. Throughout her pregnancy and hospitalization, Shakur recounted being subjected to shackling, constant surveillance, and the presence of armed guards, while also being frequently denied access to trusted loved ones and the doctor with whom she felt most comfortable.<sup>69</sup> She recalled demanding a stethoscope to check her baby’s heartbeat and resisting the authority of medical and prison officials who sought to override her decisions, documenting the lengths she went to assert control over her body and her child’s well-being.<sup>70</sup> Her insistence on being allowed to see her chosen doctor, alongside a press conference and demonstration outside the hospital, coincided with officials permitting that doctor to deliver the baby, though she remained unsure what prompted the decision. Following the birth, she was separated from her newborn and forced to navigate bureaucratic obstacles simply to see and breastfeed her child.

As Shakur reflects in *Assata: An Autobiography*, these experiences exposed how imprisonment sought not only to confine her political life and bodily movement but also to erode her authority over reproduction and care. These carceral conditions did not represent aberrations of the modern prison but rather a continuation of a longer legal tradition in which Black women’s reproductive lives were subjected to regimes of regulation, extraction, and punishment.<sup>71</sup> Shakur’s childbirth under guard thus illuminates the afterlife of slavery in the governance of Black motherhood and bodily autonomy.<sup>72</sup> For Shakur, giving birth under carceral restraint clarified a commitment to life rooted in both refusal and care—the struggle not only against captivity but also for the defense of dignity, survival, and collective futurity.

In her 1978 essay “Women in Prison: How It Is With Us,” published in *The Black Scholar*, Shakur offers a close account of daily life inside the women’s facility at Rikers Island.<sup>73</sup> As she writes:

There are no criminals here at Riker’s Island Correctional Institution for Women, (New York), only victims. Most of the women (over 95%) are black and Puerto Rican. Many were abused children. Most have been abused by men and all have been abused by “the

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<sup>68</sup> *Supra* note 16, at 93.

<sup>69</sup> *Supra* note 16, at 141-46.

<sup>70</sup> *Supra* note 16, at 143.

<sup>71</sup> JENNIFER L. MORGAN, *LABORING WOMEN: REPRODUCTION AND GENDER IN NEW WORLD SLAVERY* (University of Pennsylvania Press, 2004); *see also Missouri v. Celia*, Mo. (1855); *see also Nelson v. Corr. Med. Servs.*, 583 F.3d 522 (8th Cir. 2009) (finding Eighth Amendment violation where a Black woman was forced to go through the final stages of labor with both legs shackled to her hospital bed); *see also Gaiennie v. Freret*, 14 La. Ann. 488 (1859).

<sup>72</sup> *Supra* note 8, *KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY*.

<sup>73</sup> Assata Shakur, *Women in prison: How we are*, 9 *THE BLACK SCHOLAR*, 8-15 (1978).

system.”...The major crimes that women here are charged with are prostitution, pick-pocketing, shop lifting, robbery and drugs.<sup>74</sup>

Combatting narratives around those imprisoned, Shakur insists that the prison is filled with survivors of poverty, violence, racism, and systemic neglect. The institution itself, she argues, reproduces these conditions: medical care is inadequate and legal knowledge is scarce, with most women moving through the courts with little understanding of the proceedings that determine their futures. Inside the prison, isolation, self-hatred, and an escapist drug culture dominate everyday life, while political education and collective organization are largely absent. For Shakur, this absence is not accidental but reflects the broader conditions of violence, racism, and capitalist exploitation that structure the lives of the women before they ever enter prison. She concludes by turning to the memory of earlier generations of Black women—figures of strength, skill, and communal responsibility—and argues for the necessity of building a Black women’s movement grounded in those traditions. As she writes:

...it is imperative to our struggle that we build a strong black women’s movement. It is imperative that we, as black women, talk about the experiences that shaped us; that we assess our strengths and weaknesses and define our own history... The poison and pollution of capitalist cities is choking us. We need the strong medicine of our foremothers to make us well again... Under the guidance of Harriet Tubman and Fannie Lou Hamer and all of our foremothers, let us rebuild a sense of community. Let us rebuild the culture of giving and carry on the tradition of fierce determination to move on closer to freedom.<sup>75</sup>

Liberation, in this context, depends not only on opposing the prison but also on rebuilding the communal practices, historical consciousness, and collective responsibility that sustained Black life in earlier generations. Shakur’s experiences inside the prison and in the courtroom shaped her understanding of the legal system as an instrument of political repression rather than a neutral arbiter of justice. The conditions Shakur described in detention were inseparable from the judicial processes that sent women to prison in the first place, revealing a system structured by racial bias, institutional authority, and unchallengeable police power. Critical race theorists have similarly long observed that law’s claim to neutrality often masks its role in stabilizing racial, class, and gender hierarchies.<sup>76</sup>

In addition to jury bias, Shakur confronted the pseudo-science of police expertise. “...there is no place a defendant in a criminal trial can go to find ‘experts’ in sciences commonly known as ‘police sciences,’” she noted, “The police can virtually write up a report saying anything they want, and there is no way of refuting it.”<sup>77</sup> For Shakur, the accumulation of such procedures—the racial composition of the jury, the political atmosphere of the courtroom, the unchallengeable authority of police testimony—constituted a modern spectacle of carceral power and criminalization.<sup>78</sup> As

<sup>74</sup> *Supra* note 73, *Women in prison: How we are*.

<sup>75</sup> *Supra* note 73, *Women in prison: How we are*.

<sup>76</sup> PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (Harvard University Press, 1991); Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex*, UNIVERSITY OF CHICAGO LEGAL FORUM 139–167 (1989).

<sup>77</sup> *Supra* note 16, at 245.

<sup>78</sup> *See supra* note 7, *ARE PRISONS OBSOLETE?*; RUTH WILSON GILMORE, *GOLDEN GULAG: PRISONS, SURPLUS, CRISIS, AND OPPOSITION IN GLOBALIZING CALIFORNIA* (University of California Press, 2007); GEORGE JACKSON,

she went on to write, “It was plain to me that we couldn’t look to the courts for freedom and justice any more than we could expect to gain our liberation by participating in the u.s. political system.”<sup>79</sup> Shakur’s conclusion echoes a longer tradition of critical police and prison writings—from the imprisoned Black radical tradition to contemporary abolitionist legal scholarship—that understands courts and carceral institutions not as malfunctioning sites of justice, but as structural mechanisms of racial governance. In this view, the courtroom does not malfunction when it criminalizes Black resistance; rather it performs the racial ordering it was historically constituted to secure. As Omavi Shukur argues in his analysis of antiresisting laws, the criminalization of resistance to arrest operates as a contemporary extension of slavery’s capture regime, demanding submission even in the face of unlawful force.<sup>80</sup>

Legal historians have traced this pattern of criminalizing resistance back to earlier moments in which courts refused to recognize Black women’s claims to bodily defense, including the 1855 trial of Celia, an enslaved woman denied the right to claim self-defense against her rapist enslaver.<sup>81</sup> In Celia’s case, the denial was not procedural oversight but doctrinal structure: enslaved women could not legally defend themselves against enslavers because the law recognized them as property rather than persons. In both instances, legal doctrine rendered Black women’s vulnerability intelligible only as criminality when they resisted. This, in many ways, parallels the evidentiary doctrine of flight, in which fleeing capture out of fear of police abuse is often deemed consciousness of guilt admissible in court.<sup>82</sup>

Convicted on March 25, 1977, and sentenced to life plus thirty-three years, Shakur similarly understood the verdict—and subsequent transfers—not as legal conclusions but as politically repressive doctrinal tools.<sup>83</sup> Her case thus serves as more than personal history; it exemplifies how the state wielded the law as a counterinsurgency mechanism. By criminalizing the political, it sought to make radical struggle itself a crime. Shakur’s later escape from prison and her asylum in Cuba must therefore be read not as evasion of justice but as refusal of injustice—an extension of the long Black tradition of marronage into the modern carceral era.

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SOLEDAD BROTHER: THE PRISON LETTERS OF GEORGE JACKSON (Lawrence Hill Books, 1994); GEORGE JACKSON, BLOOD IN MY EYE (Black Classic Press, 1990); JOY A. JAMES, NEW BONES ABOLITION: CAPTIVE MATERNAL AGENCY AND THE (AFTER)LIFE OF ERICA GARNER (Common Notions Press, 2023); *supra* note 13, FORCED PASSAGES: IMPRISONED RADICAL INTELLECTUALS AND THE U.S. PRISON REGIME; *see also Chesimard v. Kuhlthau*, 370 F. Supp. 473 (D.N.J. 1974); *see also* Walter H. Waggoner, *Jury in Chesimard Murder Trial Listens to State Police Radio Tapes*, N.Y. TIMES (Feb. 17, 1977), <https://www.nytimes.com/1977/02/17/archives/jury-in-chesimard-murder-trail-listens-to-state-police-radio-tapes.html>; *see also State of N.J. v. Chesimard*, 555 F. 2d 63 (3d Cir. 1977).

<sup>79</sup> *Supra* note 16, at 243.

<sup>80</sup> Omavi Shukur, *Punishing Involuntary Resistance*, 113 GEORGETOWN LAW JOURNAL 1 (2024); Omavi Shukur, *The Criminalization of Black Resistance to Capture and Policing*, 103 BOSTON UNIVERSITY L. REV. 1 (2023).

<sup>81</sup> MELTON A. MCLAURIN, CELIA, A SLAVE (University of Georgia Press, 1991); Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707–1791 (1993).

<sup>82</sup> Jasmine B. Gonzales Rose, *Toward a Critical Race Theory of Evidence*, 101 MINN. L. REV. 2243, 2253 (2017); Evelyn Yadira Galvan, *Removing the Evidence Blindfold: Why the Michigan Rules of Cross-Racial Identification, Other-Acts Evidence, and Flight Should Be Race-Conscious*, 102 U. DET. MERCY L. REV. 209, 210 (2025).

<sup>83</sup> *See Chesimard v. Mulcahy*, 570 F.2d 1184, 1188 (1978) (affirming denial of preliminary injunction against Shakur’s continued incarceration in all-male state prison); *see also Statement from Assata Shakur* (November 5, 1979), [https://freedomarchives.org/Documents/Finder/DOC513\\_scans/Assata\\_Shakur/513.StatementfromAssata.Nov.5.1979.pdf](https://freedomarchives.org/Documents/Finder/DOC513_scans/Assata_Shakur/513.StatementfromAssata.Nov.5.1979.pdf).

Shakur was moved through different institutions as cases proceeded, including a later transfer on April 8, 1978, to Alderson Federal Prison Camp in West Virginia. Shakur described these transfers in her autobiography as occurring under an “interstate compact agreement,”<sup>84</sup> likely referring to legal agreements such as the Interstate Agreement on Detainers that allowed jurisdictions to move prisoners across state and federal systems. In her account, such arrangements enabled authorities to send political prisoners far from their families, supporters, and legal networks, increasing their isolation.

At Alderson, she recalls that she was the only Black woman in the maximum-security unit filled with white women, including members of the Aryan Sisterhood and Manson family, whom she describes wearing swastikas and giving Hitler salutes.<sup>85</sup> Shakur described the experience as the exact opposite of the racial demographics she had seen in other prisons, as she was placed in a nearly all-white unit—a placement she described in her autobiography as deliberate racial isolation. Yet beyond the maximum-security unit, she later recounts encountering many Black women, particularly from Washington, D.C., who were serving harsh sentences for minor offenses, revealing stark inequalities within the prison population itself. She ultimately met Puerto Rican nationalist Lolita Lebron while incarcerated at Alderson, which proved impactful. When the Alderson unit later closed, Shakur was returned to Clinton Correctional Facility for Women in New Jersey on February 20, 1979.<sup>86</sup> Shakur recounts that upon her return to New Jersey and confinement in the maximum security section at Clinton Correctional Facility for Women, prison officials curtailed work, school, and programming opportunities for the women in the unit, effectively imposing collective punishment in response to her presence.<sup>87</sup>

Shakur’s writings resonate with radical imprisoned intellectuals such as George Jackson, who she described as “a brilliant revolutionary theorist and writer.”<sup>88</sup> Jackson in *Soledad Brother* wrote:

The apologists recognize that these places are controlled by absolute terror, but they justify the pig’s excesses with the argument that we exist outside the practice of any civilized codes of conduct. Since we are convicts rather than men, a bullet through the heat, summary execution for fistfighting or stepping across a line is not extreme or unsound at all. An official is allowed full range in violent means because a convict can be handled no other way.<sup>89</sup>

Shakur’s experiences at Alderson and Clinton unfolded within this broader carceral order—one in which racialized prisoners were treated as outside the protections of law and therefore subjected to extraordinary measures of control and punishment. Like George Jackson, she understood the prison not as a site of rehabilitation but as an institution governed by coercion, retaliation, and routine suspension of basic human dignity. The murder of Jonathan Jackson—George Jackson’s seventeen-year-old brother, to whom *Soledad Brother* is dedicated—further deepened Shakur’s

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<sup>84</sup> *Supra* note 16, at 253.

<sup>85</sup> The Manson Family was a 1960s cult-like group responsible for a series of racially charged murders. Aryan Nations is a white supremacist organization promoting neo-Nazi ideology. Their presence in women’s federal prisons during the 1970s reflected broader racial and ideological divisions within carceral institutions.

<sup>86</sup> Robert Hanley, *Miss Chesimard Flees Jersey Prison, Helped by 3 Armed ‘Visitors’ Miss Chesimard Escapes in Jersey*, NEW YORK TIMES (November 3, 1979).

<sup>87</sup> *Supra* note 32.

<sup>88</sup> *Supra* note 16, at 206.

<sup>89</sup> *Supra* note 78, SOLEDAD BROTHER: THE PRISON LETTERS OF GEORGE JACKSON, at 24.

commitment to Black radical struggle. Shakur recounts in her autobiography that she learned of Jonathan Jackson's killing while in California, where she was visiting and learning from a range of political formations, including the Brown Berets, the Red Guard, the Indigenous occupation of Alcatraz by Indians of All Tribes, and the BPP.<sup>90</sup> Shakur recounts that the murder of Jonathan Jackson, and her experiences in California with various revolutionary organizations, were pivotal political moments in her journey.

The legal environment surrounding Shakur's prosecution further illustrates the constrained terrain of political defense during this period. According to Shakur's account, the court denied nearly every major motion filed by the defense, including requests for a change of venue, access to the police record of Trooper James Harper, and the introduction of evidence that she had been victimized by the government's COINTELPRO attack on the Black liberation movement.<sup>91</sup> The court also rejected Shakur's request to represent herself and act as co-counsel, a role she had exercised in an earlier case. These rulings occurred despite evidence suggesting that the jury pool had been heavily shaped by media coverage. As recounted in Shakur's autobiography, a study conducted by the National Jury Project found that a large majority of Middlesex County residents had encountered extensive reporting about her and that many had already formed opinions regarding her guilt prior to trial.<sup>92</sup> Yet the court maintained that an impartial jury could still be seated. According to Shakur, Judge Theodore Appleby's *voir dire* process avoided directly asking prospective jurors whether they believed she was guilty and instead focused on whether they could set aside any prior opinions formed through media coverage.

At the same time, the defense team faced significant structural obstacles in preparing the case. According to Shakur, her attorneys struggled to secure resources, expert witnesses, and investigators capable of challenging the state's forensic claims.<sup>93</sup> Although Judge Appleby eventually ordered that the state provide funds for expert testimony, many potential experts reportedly declined involvement in a case so politically charged.<sup>94</sup> The defense team itself encountered challenges: several lawyers worked without compensation, internal conflicts emerged, and the court repeatedly threatened defense counsel with contempt during proceedings. The atmosphere surrounding the defense became even more fraught following the sudden death of attorney Stanley Cohen, who had recently told Shakur that he believed he had developed a strategy for the case.<sup>95</sup> As Shakur recounts, Cohen's death was publicly attributed to natural causes, though the circumstances remained suspicious to Shakur and others involved in the defense. In the aftermath, much of the defense material related to her case reportedly went missing. Some documents were later recovered from Cohen's widow, but a substantial portion of the legal files could not initially be located. According to Shakur, the New York City police later claimed they had taken a number of the papers from Cohen's home as evidence. Whether these events were connected or coincidental remains unresolved, but together they contributed to an atmosphere in which the legal process itself appeared deeply adversarial and unstable.

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<sup>90</sup> *Supra* note 16, at 196-207.

<sup>91</sup> *Supra* note 16, at 249.

<sup>92</sup> *Supra* note 16, at 249.

<sup>93</sup> *Supra* note 16, at 245.

<sup>94</sup> *Supra* note 16, at 245.

<sup>95</sup> *Supra* note 16, at 247.

At the same time, Shakur's legal defense was sustained by a broad network of political support that extended beyond the courtroom. As she recounts in her autobiography, students, activists, artists, and intellectuals contributed time and resources to support the defense effort.<sup>96</sup> Volunteers indexed and organized trial transcripts, assisted with research on prospective jurors, and staffed defense committees that produced informational bulletins, organized speaking engagements, and coordinated fundraising efforts. Demonstrations were held outside the courthouse, petitions circulated, and supporters provided logistical assistance ranging from typing to managing communications. Prominent cultural and political figures—including Harry Belafonte, Ossie Davis, Ruby Dee, June Jordan, Audre Lorde, Sonia Sanchez, Angela Davis, and Amiri Baraka—participated in benefits, readings, and public events designed to raise awareness about the case.<sup>97</sup> As Shakur notes, these efforts reflected a broader movement to politicize the trial and mobilize public attention around what many supporters viewed as the prosecution of a Black revolutionary. Yet these attempts to build public support were themselves met with hostility. Shakur recounts that when Angela Davis traveled to New Jersey to speak on her behalf, prosecutors subjected Davis and her associates to harassment, and the judge barred Davis from visiting Shakur in jail.<sup>98</sup> These efforts reveal that Shakur's case was never confined to the courtroom alone but unfolded within a broader political struggle over the meaning of justice, political repression, and Black liberation.

### *B. Shakur's Reclamation of Freedom*

After a visit from her daughter and mother—an encounter that left her overwhelmed with grief and urgency<sup>99</sup>—and fearing for her life amid escalating hostility from prison authorities, Shakur later recalled, “I decided—yeah, it was time. It was time to escape.”<sup>100</sup> On November 2, 1979, in an act of refusal of carceral logic and state power, she did just that. The escape was carried out by members of the Black Liberation Army (BLA), an underground revolutionary formation that emerged from splits within the BPP, with assistance from members of the May 19th Communist Organization, a clandestine anti-imperialist group that supported Black and Third World liberation struggles. Several members of these networks—including Mutulu Shakur, Sekou Odinga, Silvia Baraldini, and Marilyn Buck—were later charged with assisting in the escape, while Ronald Boyd Hill was also held on charges connected to the escape. Far from a solitary flight, Shakur's escape relied on broader networks of revolutionary solidarity that operated beyond the bounds of legality in pursuit of political survival.

The superintendent of New Jersey State Police, Colonel Clinton L. Pagano, described it as a “rescue...because people came in from the outside, assaulted that facility, and took her out.”<sup>101</sup> In the interview, Pagano, offering a speculative reconstruction rather than confirmed fact, then suggested that she went from there to East Orange, New Jersey, to Pittsburgh, Pennsylvania, “and / or went out of the country and came back to Pittsburgh, I'm not sure.”<sup>102</sup> He mentions a cooperating witness who says he helped her get on an airplane at JFK, which was supposedly bound

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<sup>96</sup> *Supra* note 16, at 246.

<sup>97</sup> *Supra* note 16, at 246.

<sup>98</sup> *Supra* note 16, at 246.

<sup>99</sup> *Supra* note 16, at 257-258.

<sup>100</sup> *Supra* note 32.

<sup>101</sup> *Supra* note 32.

<sup>102</sup> *Supra* note 32.

for the Mediterranean. Shakur simply said, “I escaped. It was a clean escape. No one was hurt. I planned it as well as I could plan it—and that’s all I have to say about it.”<sup>103</sup>

The New Jersey State Police account works to strip Shakur of political agency by framing her escape as a “rescue”—an event driven wholly by external actors and force. Shakur, by contrast, insists on naming the act as an escape, asserting that she initiated and directed the conditions of her own freedom. This divergence is a matter of political narration. While the state’s account is imbued with a counterinsurgent logic that denies Black self-determination, what remains clear is that Shakur was in the driver’s seat of her plan for freedom, even as that plan depended on comrades who enacted collective power to make it possible. Liberation here appears neither as individual heroism nor as state disruption alone, but as the convergence of intentional refusal and communal action.

After her escape, Shakur described her decision to seek refuge not as flight from revolutionary struggle but as a continuation of it. “I wanted to find somewhere where I would have a chance to be with my daughter,” she explained.<sup>104</sup> “Where I would have a chance to normalize my life. Where I would have a chance to grow, to work, to contribute in some way to what’s happening on this planet and to try to keep struggling on some level. To keep active.”<sup>105</sup> After the 1979 escape, Shakur lived underground for several years before resurfacing in Cuba, where she was granted political asylum in 1984. When she arrived, she told Gil Noble, “I came and I said, ‘Well, here I am. Now y’all got to make a decision...there was no way to call, ‘hi can I come down?’ That was impossible.”<sup>106</sup> She recalled the moment with both humor and gravity, aware that her exile was both an end and a beginning—a chance to live beyond the reach of U.S. state violence but never beyond the work of struggle itself.

That persistence of radical struggle, even in exile, helps explain the state’s enduring fixation with her. In Shakur’s 1998 letter to the Pope, she asked a question that cuts to the core of that fixation: “Why, I wonder, do I warrant such attention? What do I represent that is such a threat?”<sup>107</sup> Even decades after her escape, Shakur remained a target of U.S. state repression. In 2005, the FBI labeled her a domestic *terrorist* and placed a \$1 million reward for information leading to her capture. By 2013, she became the first woman ever added to the FBI’s “Most Wanted Terrorists” list, with her bounty doubled to \$2 million—her image broadcast on billboards across New Jersey.<sup>108</sup> As Patrice D. Douglass argues, the pursuit and representation of Shakur reveal more than the state’s hostility to a single individual; they expose how antiblackness destabilizes the presumed coherence of gender itself, rendering Blackness a site of projection, capture, and

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<sup>103</sup> *Supra* note 32.

<sup>104</sup> *Supra* note 32.

<sup>105</sup> *Supra* note 32.

<sup>106</sup> *Supra* note 32.

<sup>107</sup> *Supra* note 3, *A Letter to the Pope*.

<sup>108</sup> Federal Bureau of Investigation, *Joanne Chesimard, Convicted Murderer and Fugitive Named to FBI Most Wanted Terrorists List with \$1 Million FBI Reward Offered for Information Leading to Her Capture and Return* (May 2, 2013), <https://archives.fbi.gov/archives/newark/press-releases/2013/joanne-chesimard-convicted-murderer-and-fugitive-named-to-fbi-most-wanted-terrorists-list-with-1-million-fbi-reward-offered-for-information-leading-to-her-capture-and-return>.

containment in the afterlife of slavery.<sup>109</sup> Successive U.S. administrations, including Donald Trump's in 2017, publicly demanded her extradition from Cuba.<sup>110</sup> Despite these efforts, Shakur continued to live in Cuba under political asylum—her survival itself a testament to the unfinished work of abolition and the persistence of freedom beyond the state's reach.

#### IV. Escape, Exile, and Fugitive Marronage

##### A. *Escape as Collective World-Making*

“Freedom. I couldn't believe that it had really happened, that the nightmare was over, that finally the dream had come true.”<sup>111</sup>

Assata Shakur's escape from the Clinton Correctional Facility for Women in 1979 was an act of political refusal—a radical assertion that captivity was never inevitable and that freedom required motion. To name herself *Assata*—derived from the Yoruba for “she who struggles”<sup>112</sup>—was already to claim a genealogy of resistance. In fugitivity, she did not abandon the struggle but reconstituted it, aligning her own movement with longer traditions of Black marronage.

Scholar Dominick Rolle's reading of Shakur's narrative identifies this continuity. He writes that Shakur “presents her harrowing escape from the clutches of incarceration as one who possesses the spirit of a slave revolt,” portraying herself as “a runaway slave—a maroon.”<sup>113</sup> In this framing, the prison is not a break from the plantation but its afterlife: a continuation of racialized captivity in a new form. Yet the significance of Shakur's escape lies not only in what she fled but in what she moved toward. Marronage was never merely a politics of withdrawal.<sup>114</sup> It was a collective project of re-creation—the building of alternative communities that refused the totalizing order of colonization and slavery.

Shakur's fugitivity thus extends maroon geographic practice into the late twentieth century.<sup>115</sup> Her movement from New Jersey to Cuba—what Joe Kaplan theorizes in their thesis on Assata as crossing beyond the landed borders of the U.S.—renders exile a terrain of struggle rather than absence.<sup>116</sup> By seeking refuge in Cuba, Shakur positioned her struggle beyond the limits of the U.S. Her escape can be understood through what Michelle Stephens theorizes as Black transnationalism — a symbolic geopolitics representing “black political struggle along an

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<sup>109</sup> Patrice D. Douglass, *Assata Is Here: (Dis)Locating Gender in Black Studies*, 22 SOULS 89, 89–103 (2020); see also Marquis Bey, *Black Fugitivity Un/Gendered*, 49 THE BLACK SCHOLAR 55–62 (2019).

<sup>110</sup> ‘A grotesque spectacle’: Cuba decries Trump's policy toward island, GUARDIAN (Jun. 19, 2017), <https://www.theguardian.com/world/2017/jun/19/cuba-donald-trump-policy>; TeleSur English, *Trump Targets Assata Shakur*, YOUTUBE (June 17, 2017), <https://www.youtube.com/watch?v=UzUQdbMtEYY>.

<sup>111</sup> *Supra* note 16, at 266.

<sup>112</sup> *Supra* note 16, at 186.

<sup>113</sup> Katherine McKittrick, *On plantations, prisons, and a black sense of place*, 12 SOCIAL & CULTURAL GEOGRAPHY 947–963 (2011); Katherine McKittrick, *Plantation futures*, 17 SMALL AXE 1–15 (2013).

<sup>114</sup> See NEIL ROBERTS, *FREEDOM AS MARRONAGE* (Univ. of Chicago Press, 2015).

<sup>115</sup> *Supra* note 4, *Maroon Geographies*, at 2185–2199.

<sup>116</sup> *Supra* note 21, *The Exile of Assata Shakur: Marronage and American Borders*.

internationalist rather than a nationalist axis.<sup>117</sup> As Shakur writes, “Any community seriously concerned with its own freedom has to be concerned about other people’s freedom as well. The victory of oppressed people anywhere in the world is a victory for Black people. Each time one of imperialism’s tentacles is cut off, we are closer to liberation.”<sup>118</sup> This aligns with philosophies of figures such as Malcolm X and the long legacy of proponents of Pan-Africanism.<sup>119</sup> Through her alignment with the Cuban Revolution, Shakur reaffirmed struggle in a global frame: freedom was not confined to the boundaries of the U.S. nation-state but understood as a transnational and collective project. This reframing also unsettles the Western association of exile with isolation.<sup>120</sup>

In Shakur’s hands, exile becomes freedom in motion. Read through a Black geographic lens, as scholar Katherine McKittrick outlines in *Demonic Grounds*, Shakur’s marronage can also be understood alongside longer histories of Black geographic struggle in the face of gendered anti-Black and colonial domination.<sup>121</sup> As Shakur wrote in her open letter, “Because of government persecution, I was left with no other choice than to flee from the political repression, racism, and violence that dominate the U.S. government’s policy towards people of color.”<sup>122</sup> The letter is not a plea for forgiveness but a declaration of continued struggle and a refusal to accept the state’s conviction as the last word.

However, exile did not guarantee refuge for all. While Cuba granted political asylum to Shakur and a small number of Black revolutionaries, others—like Lorenzo Kom’boa Ervin—met a different fate.<sup>123</sup> As Ervin later recounted, the Cuban government “questioned me...jailed us and started deporting us,” illustrating that exile under socialist regimes could hinge on political expediency rather than solidarity alone.<sup>124</sup> Ervin’s experience underscores that marronage, even under socialist regimes, was never guaranteed by state recognition. It had to be built through solidarity, resourcefulness, and persistence—the same qualities that sustained historic maroon communities. Thus, Shakur’s continued life in Cuba reflects not simply the generosity of the state but the endurance of a revolutionary ethic: the will to construct new forms of freedom wherever one lands.

Taken together, these histories of fugitivity and geographies of exile reveal marronage as a living abolitionist method—a praxis that transforms escape into creation. If the plantation and the prison represent the architecture of domination, the maroon camp and the exile community constitute its counter-geographies. Shakur’s life demonstrates that abolition is not a singular event but a

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<sup>117</sup> Michelle Stephens, *Re-imagining the Shape and Borders of Black Political Space*, 87 *RADICAL HISTORY REVIEW* 169-182 (2003).

<sup>118</sup> *Supra* note 16, at 267.

<sup>119</sup> Kehinde Andrews, *Beyond Pan-Africanism: Garveyism, Malcolm X and the end of the colonial nation state*, 38 *Third World Quarterly* 2501-2516 (2017); HAKIM ADI, *PAN-AFRICANISM: A HISTORY* (Bloomsbury Publishing, 2018).

<sup>120</sup> See *Trop v. Dulles*, 356 U.S. 86 (1958); see *Juston Shaw v. Robert Patton*, 823 F.3d 556 (10th Cir. 2016).

<sup>121</sup> KATHERINE MCKITTRICK, *DEMONIC GROUNDS: BLACK WOMEN AND THE CARTOGRAPHIES OF STRUGGLE* (U of Minnesota Press, 2006); see also KATHERINE MCKITTRICK, *DEAR SCIENCE AND OTHER STORIES* (Duke Univ. Press, 2020).

<sup>122</sup> *Supra* note 2, *Open Letter from Assata Shakur*.

<sup>123</sup> See Interview with Lorenzo Kom’boa Ervin, *Black Flag* (1995); Ruth Reitan, *Cuba, the black panther party and the US black movement in the 1960s: Issues of security*, 21 *NEW POLITICAL SCIENCE* 217-230 (1999).

<sup>124</sup> *Supra* note 123, Interview with Lorenzo Kom’boa Ervin, *Black Flag*.

continual practice of relation, care, and insurgent belonging—a way of making freedom amid and against captivity.<sup>125</sup>

## V. Refusal as Abolitionist Epistemology

### *A. Against the State's Claim to Justice*

Assata Shakur's writing does not merely recount resistance—it enacts it. Across *Assata: An Autobiography*, her letters, and interviews, including her 1999 Souls interview, “The Continuity of Struggle,”<sup>126</sup> Shakur transforms narration into an act of refusal. Her prose rejects the state's demand for confession, refuses the false premise of guilty vs. innocent, and reclaims the authority to name her own reality. Through this practice, she models an abolitionist way of knowing—an epistemology grounded in the right to remain unintelligible to oppressive power. In *Assata: An Autobiography*, Shakur depicts imprisonment as an epistemic battleground. Her recollections of solitary confinement, torture, and courtroom spectacle expose the carceral state not as a site of justice but as a system organized to manufacture guilt and repression. Rather than appealing to its recognition, she overturns its logic. By rejecting the script of remorse, Shakur disarms the state's epistemic claim to truth.

Saidiya Hartman reminds us that, “The archive of slavery rests upon a founding violence. This violence determines, regulates and organizes the kinds of statements that can be made about slavery and...it creates subjects and objects of power.”<sup>127</sup> The archive does not simply record domination; it produces the very categories—criminal, fugitive, slave—through which Black life is made legible to power. Shakur's autobiography and writings intervene precisely there. Where the state seeks evidence of criminality, she supplies evidence of survival. Her narrative form oscillates between poetry, recollection, and documentary detail; it refuses the linear progress story of liberal freedom. The result is a body of writing that withholds resolution and instead demands study—what Fred Moten and Stefano Harney describe as “fugitive planning and Black study,” a mode of thought that deconstructs the current world to build another.<sup>128</sup> Her letters and interviews extend this epistemic refusal into a collective register. In her 1998 letter to the pope, Shakur speaks not as a petitioner but as a theorist of systemic violence. The letter reverses the direction of judgment, placing the U.S.—not the “fugitive”—on trial. Its tone is unrepentant, analytical, and collective, linking her own flight to the “...more than 100 political prisoners in the U.S. They are African Americans, Puerto Ricans, Chicanos, Native Americans, Asians, and progressive white people who oppose the policies of the United States government.”<sup>129</sup> Refusal here becomes solidarity: an epistemology produced with, not apart from, the criminalized.

Shakur's emphasis on creative storytelling and refusal did not emerge only in exile; it extends a practice she had long cultivated through political writing, organizing, and narrative refusal, where such practices function as methods of survival and struggle. Refusal does not end with negation;

<sup>125</sup> See Assata Shakur, *The continuity of struggle*, 1 Souls 93–100 (1999).

<sup>126</sup> *Supra* note 125.

<sup>127</sup> Saidiya Hartman, *Venus in two acts*, 12 SMALL AXE: A CARIBBEAN JOURNAL OF CRITICISM 1-14 (2008).

<sup>128</sup> FRED MOTEN & STEFANO HARNEY, *THE UNDERCOMMONS: FUGITIVE PLANNING AND BLACK STUDY* (Minor Compositions, 2013).

<sup>129</sup> *Supra* note 3, *A Letter to the Pope*.

it unsettles the terms through which Black life is rendered legible to power. Writing thus becomes a site of intervention: a practice of re-narrating experience and contesting the state's authority to define truth. Through these texts, Shakur demonstrates that revolution is not only a political program but a way of knowing. Refusal becomes a mode of practice that reorients how struggle is understood and lived. Her autobiography and letters therefore stand as living documents of abolitionist theory—crafted in the grammar of fugitivity and written against the archives of the state.

## VI. Exile and World-making

### *A. Freedom Beyond the Nation*

If refusal is the grammar of Assata Shakur's thought, marronage is its architecture. Her life in Cuba since 1984 extends the work of abolition from theory into space—turning flight into a continuous practice of world-making. In exile, Shakur transforms what might otherwise appear as displacement into a geography of freedom: a terrain rebuilt through community, study, and solidarity. In “The Continuity of Struggle,” she discusses the future and social change, noting: “Creativity is part of the struggle—it is one of the most important parts.”<sup>130</sup> The phrase captures her epistemic vision of freedom as an ongoing invention. To live beyond the jurisdiction of the U.S. state is not to abandon struggle but to relocate it—to build, within the cracks of empire, a livable world. Katherine McKittrick theorizes this kind of spatial labor within the field of Black geographies, where Black people cultivate the production of space through practices of resistance in the face of anti-Black and colonial violence.<sup>131</sup> Shakur's exile enacts precisely that assertion. Shakur emphasizes a way of understanding belonging that refuses the construct of American citizenship altogether: “I'm one of those people who had to piece my life together with Band-Aids. And I mean that physically, mentally, and every other way. So I don't look at the U.S. as being my country.”<sup>132</sup>

Her choice of Cuba was never incidental. Shakur's arrival thus continued a tradition of global solidarity that reached back through the BPP's international chapter in Algiers and forward into today's abolitionist internationalism. In this sense, exile is not isolation but connection: the joining of local histories of resistance to a broader map of insurgent possibility. Shakur's ongoing presence in Cuba depended not only on Cuban state asylum but on a self-sustaining network of Cuban and diasporic allies who continued to see Shakur as part of a shared freedom project.<sup>133</sup> This collective maintenance of her safety and livelihood transformed exile into a cooperative commons—a living maroon settlement sustained by care and transnational campaigns insisting “Assata Shakur is Welcome Here” and “Hands off Assata.”<sup>134</sup>

<sup>130</sup> *Supra* note 125.

<sup>131</sup> *Supra* note 113, *On plantations, prisons, and a black sense of place*; *supra* note 121, DEMONIC GROUNDS: BLACK WOMEN AND THE CARTOGRAPHIES OF STRUGGLE.

<sup>132</sup> *Supra* note 125.

<sup>133</sup> Teishan A. Latner, ‘Assata Shakur Is Welcome Here’: Havana, Black Freedom Struggle, and US–Cuba Relations, 19 SOULS 455–477 (2017).

<sup>134</sup> *Supra* note 133.

In Cuba, Shakur produced—through daily acts of teaching, writing, and community participation—a counter-geography that existed beyond the logic of U.S. carcerality and confinement. For years, Shakur worked as a translator, wrote and spoke out on oppression and revolution, and jogged daily.<sup>135</sup> These practices render the abstraction of abolition world-building concrete: a lived pedagogy of freedom. Importantly, exile in Shakur’s framework is neither permanent safety nor utopian closure. As Angela Davis reminds us, “freedom is a constant struggle”—a truth that Shakur’s own life and writing embody.<sup>136</sup> As Shakur says, “I think we have sometimes forgotten the continuity, thought that the struggle was going to be five minutes, and after, we could all go to the movies. I think that when we understand the world is not going to change in five minutes, we can be part of that change, and being part of that change is a way of life.”<sup>137</sup> World-making under exile remains provisional and contested. To be ungoverned is also to live without guarantees. Yet within that precarity lies the practice of abolition itself: the continuous labor of sustaining life in the aftermath of captivity.<sup>138</sup>

From the courtroom to the Caribbean, Shakur insists that freedom is not granted but constructed—collectively and across borders. Exile does not mark the end of her political life. Instead, her thought circulates through transnational political organizing and cultural production, where freedom is articulated not as nostalgia but as ongoing practice. Marronage, in this sense, names not only flight but the building of alternative social worlds and epistemologies.

### B. *Art and the Continuity of Struggle*

In the years since Shakur’s escape, her name has circulated through speeches, murals, classrooms, activist movements, and music.<sup>139</sup> Shakur has had a deep impact on music more broadly, with her name appearing in at least 50 released songs.<sup>140</sup> Few tributes capture the spirit of her thought as vividly as Common’s 2000 track, *A Song for Assata*.<sup>141</sup> The song narrates her arrest, torture, trial, and eventual flight with historical precision, transforming her story into a sonic archive of Black revolutionary survival.<sup>142</sup> Yet it is the closing monologue—voiced by Shakur herself—that most fully distills the liberatory and revolutionary spirit of her thought. As Shakur declares:

Freedom? You askin’ me about freedom?  
You askin’ me about freedom?

I’ll be honest with you

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<sup>135</sup> Nikole Hannah-Jones, *Assata Shakur*, N.Y. TIMES (Dec. 2025), <https://www.nytimes.com/interactive/2025/12/16/magazine/assata-shakur-activist.html>.

<sup>136</sup> ANGELA Y. DAVIS, *FREEDOM IS A CONSTANT STRUGGLE: FERGUSON, PALESTINE, AND THE FOUNDATIONS OF A MOVEMENT* (Haymarket Books, 2016).

<sup>137</sup> *Supra* note 125.

<sup>138</sup> See ANGELA Y. DAVIS, *ABOLITION DEMOCRACY: BEYOND EMPIRE, PRISONS, AND TORTURE* (Seven Stories Press, 2005); see also Allegra M. McLeod, *Envisioning Abolition Democracy*, 132 HARV. L. REV. 1613 (2019).

<sup>139</sup> DONNA MURCH, *ASSATA TAUGHT ME: STATE VIOLENCE, RACIAL CAPITALISM, AND THE MOVEMENT FOR BLACK LIVES*. (Haymarket Books, 2022); Lisa M. Corrigan, *Sacrifice, love and resistance: the hip hop legacy of Assata Shakur*, 32 WOMEN AND LANGUAGE 2-13 (2009).

<sup>140</sup> *Supra* note 139, *Sacrifice, love and resistance: the hip hop legacy of Assata Shakur*; Preezy Brown, *Say Her Name: 50 Artists Whose Music Honors Assata Shakur’s Revolutionary Spirit*, VIBE (Oct. 2, 2025).

<sup>141</sup> COMMON, *A Song for Assata*, on LIKE WATER FOR CHOCOLATE (MCA RECS. 2000).

<sup>142</sup> *Supra* note 141.

I know a whole lot more about what freedom isn't than about what it is  
'Cause I've never been free

I can only share my vision with you of the future, about what freedom is

The way I see it, freedom is the right to grow, is the right to blossom  
Freedom is the right to be yourself  
To be who you are  
To be who you want to be  
To do what you want to do.

This reflection refuses to romanticize freedom. It recognizes that for those who have lived within captivity's architecture—whether through the plantation, the prison, or the nation-state—freedom emerges as a practice, not a possession. Shakur's words transform knowledge of unfreedom into a pedagogy of possibility: to know what freedom isn't is to learn what must be dismantled. Her insistence that “freedom is the right to grow” is instructive for understanding revolution and abolition not as mere opposition to the state, but as an ethic of cultivation—of tending to life against its attempted erasure.

The presence of her voice at the end of Common's song functions as a call-and-response across generations. It echoes the continuity of struggle that Shakur herself named in *Souls*: creativity, growth, and endurance as revolutionary labor.<sup>143</sup> To place her words in dialogue with contemporary political organizing is to recognize that freedom is never a static achievement but a collective, ongoing composition—chanted, studied, and lived into being.<sup>144</sup>

Her writing is both political testimony and creative expression, weaving poetry throughout her autobiography and foregrounding creativity as a vital dimension of the freedom struggle. Shakur had long been involved in artistic and cultural spaces, including the Golden Drums Society at Manhattan Community College. Even in exile, she remained connected to artistic communities, including the Cuban Hip Hop scene. As members of the Cuban Hip Hop group Obsesión—Magia López Cabrera and Alexey Rodriguez—explained to historian Robyn C. Spencer-Antoine:

Assata Shakur had strong connections with the Cuban Hip Hop movement. She and Nehanda Abiodun were fundamental guides in understanding the need for strong political thought from the beginning. It became increasingly difficult to see her in public spaces. Her visits to specific places held a secretive atmosphere, which emanated a certain complicity between people... More than once we saw her give her opinion on issues arising in the movement. She was listened to and cared for. Many of us decided not to talk about her to protect her, to take care of her in her forced secrecy. She taught us the value of humility, of listening and stepping back when necessary. Her runaway story leaves great

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<sup>143</sup> *Supra* note 125.

<sup>144</sup> Charlene A. Carruthers, *Hearing Assata Shakur's Call: A Black Feminist Reflection on 'To My People'*, 46 WOMEN'S STUDIES QUARTERLY 222-225 (2018).

lessons for humanity.<sup>145</sup>

Obsesión's account captures both the intimacy and the discretion that characterized Shakur's presence within the movement. Shakur's engagement with Hip Hop more broadly was not uncritical, however. As she discussed in an interview with *The Source* on Hip Hop, while she affirmed rap's potential as "an instrument for our liberation," she cautioned against what she saw as the consumerist turn in U.S. Hip Hop, arguing that many rap artists had "become enslaved by the consumer mentality."<sup>146</sup> As she declared, "We need to start rapping about ending not only racism, but ending sexism, and start talking about how to have a more human life."<sup>147</sup> Together, these accounts underscore that Shakur's influence extended beyond the courtroom and the prison cell into cultural and artistic movements, where political struggle and creative practice remained inseparable sites of liberation. Shakur's legacy cannot be contained within the legal archive that sought to criminalize her. Her words and presence continue to circulate through movements and cultural production, sustaining an insurgent imagination of freedom that exceeds the state's attempts to define, delimit, or extinguish it.<sup>148</sup> What survives is not only testimony of repression but a living practice of abolition—one that, like the maroon worlds that preceded it, insists that freedom must be built together, in defiance of the structures designed to deny it.

## VII. Toward a Practice of Freedom

### A. Abolition as a Way of Living

How much we had all gone through. Our fight had started on a slave ship years before we were born. Venceremos, my favorite word in Spanish, crossed my mind. Ten million people had stood up to the monster. Ten million people only ninety miles away. We were here together in their land, my small little family, holding each other after so long. There was no doubt about it, our people would one day be free. The cowboys and bandits didn't own the world.<sup>149</sup>

Assata Shakur's life and writing do not provide a fixed blueprint for a world without police, courts, and prisons but instead embody its possibility. Her journey from captivity to exile—from confinement to community—reveals revolutionary abolitionism as a sustained practice of building life beyond domination. Through acts of refusal, flight, and creation, Shakur demonstrates that freedom cannot be legislated or administered; it must be lived into existence.

Shakur's story makes clear that the abolitionist imagination is not rooted in naïve optimism but in

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<sup>145</sup> Robyn C. Spencer-Antoine, 'You Whisper to Us': *Racial Justice Activists and Artists Honor Assata's Legacy*, TRUTHOUT (Oct. 10, 2025).

<sup>146</sup> Assata Shakur (as told to Cristina Verán), *Thoughts on Cuba, Black Liberation and Hip-Hop Today*, THE SOURCE (Jan. 1998), <http://www.assatashakur.org/AssataCubanHiphop.jpg>.

<sup>147</sup> *Supra* note 146.

<sup>148</sup> Angela Y. Davis, *The Past, Present, and Future of Assata's Message*, 46 WOMEN'S STUDIES QUARTERLY 232–234 (2018).

<sup>149</sup> *Supra* note 16, at 274.

historical memory: an understanding that Black survival has always depended on practices of protection and solidarity outside the state. The Panthers' breakfast programs, community patrols, and health clinics were early attempts to prefigure infrastructures that could supplant policing and carcerality. Shakur extends that lineage, transforming exile itself into a sustained experiment in building freedom beyond carceral power. Gilmore reminds us that "Abolition is not absence, it is presence. What the world will become already exists in fragments and pieces, experiments and possibilities...Abolition is building the future from the present, in all of the ways we can."<sup>150</sup> Shakur's practices in Cuba—teaching, writing, organizing, creating political and intellectual work—deepen that presence and extend its reach. By building networks of revolutionary love within and beyond Cuba, Shakur contributes to a geography of safety that does not rely on punishment. Her practice of freedom is relational, iterative, and transnational: rooted in the invention of new social forms. In Shakur's insistence on revolution, the abolition of oppressive institutions and the creation of liberatory social conditions lie at the heart of the struggle.

Shakur did not romanticize Cuba but understood it as a geography with lessons for freedom struggle. She wrote:

Havana. Lazy sun against blue-green ocean. A beautiful city of narrow, spider-web streets on one side of town and broad, tree-lined avenues on the other. Houses with peeling paint and vintage u.s. cars from the 40s and 50s...The first thing that hit me were the open doors. Everywhere you go doors are open wide. You see people inside their homes talking, working, or watching television. I was amazed to find that you could actually walk down the streets at night alone.<sup>151</sup>

Shakur's praxis helps us see self- and community-defense not as a contraction of abolition, but as a necessary condition for building abolitionist spaces of life beyond state violence. For her, defending one's life and community is essential in the struggle for freedom—it is the refusal to cede one's existence to the state's illegitimate monopoly on violence—and a demand that freedom be built through collective struggle. Contemporary abolitionist movements against police and carceral violence carry forward a similar commitment to community safety and self-determination.<sup>152</sup> From the Panthers' health clinics to modern-day mutual aid networks and community-led safety approaches, these efforts share the lesson Shakur lived: that liberation requires both the dismantling of what destroys and the construction of what allows life to flourish.

Her life also reveals the cost of that commitment. To build a world beyond carceral power is to live, as Shakur did, in permanent tension with the one that exists. For Shakur, revolution demanded not only resistance to state violence but also the transformation of conditions that made such institutions appear necessary. The continuity she names is not exhaustion but endurance: the ongoing labor of converting survival into solidarity and refusal into relation.<sup>153</sup> Assata Shakur's life thus compels a redefinition of the political itself. In her writing and practice, the revolutionary is not merely the one who resists, but the one who builds. Shakur across her writing and speaking

<sup>150</sup> Ruth Wilson Gilmore, Interview by Léopold Lambert, *Making Abolition Geography in California's Central Valley*, *The Funambulist* (Dec. 20, 2018), <https://thefunambulist.net/magazine/21-space-activism/interview-making-abolition-geography-california-central-valley-ruth-wilson-gilmore>.

<sup>151</sup> *Supra* note 16, at 232.

<sup>152</sup> See PHILIP V. MCHARRIS, *BEYOND POLICING* (Legacy Lit, 2024); *supra* note 7, *WE DO THIS 'TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE*; *supra* note 6, *NO MORE POLICE: A CASE FOR ABOLITION*.

<sup>153</sup> *Supra* note 125.

consistently frames total transformation—not reform—as the heart of revolution. Her life and words challenge us to move beyond opposition toward construction, not by inheriting a finished world, but by sustaining and reconfiguring the unfinished one she struggled to make livable. She died free—not because the state released her, but because she refused its terms of captivity. For Shakur, freedom was never a state of being but a way of doing: a collective practice that exceeds the state and sustains the living.

Shakur’s mandate continues to reverberate in the present. As she wrote in 1998: “*Never in our history* has critical resistance to the status quo been more important. The growth of the Prison-Industrial complex has been appallingly rapid and the escalating repression that has accompanied it is totally alarming. What of future lies ahead of us? What are the implications [of this] for our children?”<sup>154</sup>

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<sup>154</sup> *Supra* note 5.