



**New Jersey**

P.O. Box 32159  
Newark, NJ 07102

Tel: 973-642-2086  
Fax: 973-642-6523

info@aclu-nj.org  
www.aclu-nj.org

AMOL SINHA  
Executive Director

973-854-1716  
asinha@aclu-nj.org

July 10, 2020

The Honorable Phil Murphy, Governor  
The State House  
225 W State St.  
Trenton, NJ 08625

Re: Commutation of Sentence of Sundiata Acoli

Dear Governor Murphy:

I am writing on behalf of the American Civil Liberties Union of New Jersey to request that you exercise your commutation power to release Sundiata Acoli.

As you know, Mr. Acoli (formerly Clark Squire) is 83 years old and has been incarcerated for nearly half a century for his role in the 1973 killing of State Trooper Werner Foerster. For the reasons that follow, Mr. Acoli is a strong candidate for the exercise of your constitutional power of commutation.

As a general matter, the ACLU has long-recognized that the incarceration of elderly people is a costly practice that yields very little by way of public safety benefit. People age 65 and older – and even more so those age 80 and older – commit new crimes after release at rates far-lower than any other demographic. *See, e.g.*, American Civil Liberties Union, *At America's expense: The Mass Incarceration of the Elderly*, June 2012, at 21.<sup>1</sup> Simply put, crime tends to be a young person's endeavor and it is nearly universally true that people “age out” of criminal behavior. *Id.* at 25.

While all older people pose lower risks of recidivism, and therefore there should be a general effort to release older people, those concerns are particularly acute in Mr. Acoli's case. As Justice Albin explained Mr. Acoli's prison record:

(1) Acoli has not committed a single disciplinary infraction since 1996, and accumulated only minor infractions since 1979; (2) his institutional progress report indicated that he “has displayed a positive rapport with both staff and inmates”; (3) Acoli “completed at least 100 different programs for self-improvement as well as vocational training”; (4) Acoli was a prisoner representative for the correctional facility's social resource organization, and as a result

---

<sup>1</sup> Available at [https://www.aclu.org/files/assets/elderlyprisonreport\\_20120613\\_1.pdf](https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf).

of “his positive institutional record, he became a member of the Honors Unit program”; and (5) in 2008, prison staff reported that Acoli had “demonstrated adequate coping skills . . . and ability to establish positive interaction with others,” and that he was expected “to be able to transition to the community if paroled.”

[*Acoli v. New Jersey State Parole Bd.*, 224 N.J. 213, 238 (2016) (Albin, J., dissenting)].

Indeed, a pre-parole mental health evaluation conducted by Lois D. Goorwitz, Ph.D. noted that Mr. Acoli “expressed regret and remorse about his involvement in the death of the state trooper” and Dr. Goorwitz found that “there were NO psychological contraindications to granting parole.” *Id.*

Notwithstanding that, Mr. Acoli has consistently been denied parole. These denials have been described by the Appellate Division as “lack[ing] evidential support” and the Parole Board did not contest that finding. *Id.* at 234 (Albin, J., dissenting). There can be no explanation for the continued denials other than the strong political pressure that flows from the killing of a law enforcement officer. Although it is, of course, appropriate to condemn such killings, “public outrage should not influence the parole process.” *In re Application of Hawley*, 98 N.J. 108, 114 (1984).

Critically, Mr. Acoli received a sentence of life in prison *with the possibility of parole*. That is, when sentenced he was assured that unless the parole board found a substantial likelihood that he would commit a crime if released, he was entitled to release. *Acoli*, 224 N.J. at 235-36 (Albin, J., dissenting). Mr. Acoli has posed a very low risk of recidivism for years: it is especially true for Mr. Acoli at his present age and in his present condition. Basic principles of fairness forbid treating his sentence as the equivalent of life *without parole* because he is unpopular.

The ACLU-NJ believes New Jersey should strive for a criminal legal system focused on rehabilitation and healing rather than retribution and vengeance. After nearly five decades in prison, enfeebled by age, and suffering from dementia and declining health, including exposure to coronavirus, there is no reason other than vengeance that could justify Mr. Acoli’s continued incarceration. Because he cannot count on the Parole Board for a fair resolution of his case, executive clemency has become Mr. Acoli’s best hope of living his remaining days outside of prison.

We join the many advocates who urge you to commute the balance of Mr. Acoli’s sentence. We are grateful for your continued leadership, partnership, and consideration of this matter.

Respectfully,



Amol Sinha