

**Public Interest Resource Center of
Fordham University School of Law
and
National Lawyers Guild – NYC Chapter**

welcome you to the

**RECEPTION HONORING THE
ATTICA CIVIL RIGHTS LAWSUIT
LEGAL TEAM**

**Wednesday, September 13, 2000
(the 29th Anniversary of the Attica Prison Rebellion)**

**A Tribute to those who fought for
Justice from “D” Yard to Rochester!**

**To help us remember some of the many events which have led
to this evening’s Tribute, we are pleased
to provide the complete editorial contents of the
National Lawyers Guild 55th Anniversary Dinner Journal
of March 6, 1992**

NEW YORK STATE

Compensation Shares Set for Inmate Victims in 1971 Attica Prison Uprising

Continued From Page A1

episode that has become a symbol of prison life and state-sanctioned brutality.

"Just because it is history does not mean it is all in the past," Judge Telesca wrote. "Indeed, Attica is the ghost that has never stopped haunting its survivors — both the inmates and the families of the deceased guards and prison personnel. But at least the settlement of this case provides the basis for the former inmates to close the book on the past and to focus on the future."

With that in mind, the judge devoted the bulk of his decision to short but powerful summaries of each inmate's experience.

For Frank B. B. Smith, for instance, Attica was about being stripped naked, pelted with hot and spent shell casings and being threatened with castration. He was awarded \$125,000, the highest amount.

For George Nieves, Attica was primarily a nightmare of the mind. Like so many others, he was punched, beaten and forced to crawl in the mud. But what still unsettles him is the memory of a guard drawing a giant "X" on his back as if marking him as a target. He received \$6,500, the lowest amount.

"They really made me paranoid," Mr. Nieves said in a telephone interview from Mount Vernon, N.Y., where he is social worker. "Attica always continues."

For Josh Melville, Attica was simply the haunted place where his father, Samuel, was fatally shot. He traveled from Florida to Rochester to introduce a forensic ballistic report and photographs to bolster his claim that his father was murdered. He was awarded \$25,000.

And on it went, story after cathartic story, littered with "brutal beatings and acts of torture" and unlimited racial epithets, Judge Telesca wrote.

So it was understandable, perhaps, that there was no celebration after today's settlement order, no high-fives or elated grins. The case was a maddeningly slow one, outlasting

hundreds of inmates who have died since the uprising.

Mr. Smith of Queens, in fact, was the only former inmate who attended a news conference organized by lawyers for several of the former inmates, and that is because he now works as a paralegal with Elizabeth M. Fink, the principal lawyer, on prisoners' rights cases.

"I hope what I say will have some kind of bridge to the rest of the plaintiffs," he said. "It's not about the money; money would not compensate if it was \$125 million. I want everybody to concentrate, everybody, on what happened at Attica and how we can prevent that."

The uprising began on Sept. 9, 1971, when inmates at the Attica Correctional Facility, about 30 miles east of Buffalo, took several guards hostage, seized control of parts of the prison and demanded improvements in prison conditions. When negotiations stalled, Gov. Nelson A. Rockefeller ordered the retaking of Prison Yard D and authorized state troopers to storm the prison.

The troopers used helicopters, dropped tear gas and fired indiscriminately into a crowd of 1,281 prisoners. Then, after regaining control, prison guards and law enforcement officials forced inmates to crawl naked over broken glass and denied them rudimentary medical care.

By the end of the five-day siege, 11 guards and 32 prisoners had died.

For years, though, all efforts to exact an official apology, much less legal redress, achieved little. The widows of some guards killed during the melee sued, with varied results. A class-action suit against the state, filed on behalf of the 1,281 inmates, languished for 18 years before going to a liability trial, and an additional 5 to reach the damages phase.

In 1997, Mr. Smith won a \$4 million jury verdict in Buffalo, while David Brosig, another inmate who had been in D Yard, won \$75,000. But a federal appellate court reversed those verdicts last year, saying that the trial judge, John T. Elfvig, had mishandled the case. As a result, the case wound up with Judge Telesca.

ed to guards playing Russian roulette with him. He was awarded \$31,000, but he died several days after he filed his claim, Ms. Fink said, so the money will go to his family.

There were also former inmates who testified before Judge Telesca knowing that they would not receive any compensation, but who were determined to corroborate the testimony of others. One such former inmate, Gene Hitchens, said that he had witnessed many of the atrocities from his cell in Cell Block C, and that he had difficulty absorbing what had happened.

"I'm leaving Attica here today, Your Honor," Mr. Hitchens said. "I don't want to talk about it. I don't want to live it again."

In the end, Judge Telesca approved 502 claims and divided the awards into five categories based on the severity of the injuries: \$6,500, \$10,000, \$31,000 and \$125,000 for the inmates, and \$25,000 for the relatives of inmates who died during the uprising. More than half fell into the \$6,500 category; only 15 qualified for \$125,000.

The payments could still be delayed should one of the plaintiffs decide to appeal, said Ellen Yacknin, one of the plaintiffs' lawyers. But she and the other lawyers said that, even with appeals, they were optimistic that the awards would be disbursed by next spring.

In the next few days, the plaintiffs will receive a letter from the judge outlining his decision. But those who heard about their fate today through reporters said that while they were disappointed, there was very little choice, this late in the process. Many said that they did not know what they would do with the money, other than pay some bills and debts.

And while the money, presumably, will eventually go away, the memories will not.

"It's never going to go away," said George Alexander Shortis Jr. of Brooklyn, whose toes were broken during the uprising. He was awarded \$31,000. "I had blocked a lot of things out, but going before the judge, a lot of this stuff came back, and a lot of it hurt. Thank God it's over."



Phil Hunt for The New York Times
Frank B. B. Smith, a former Attica inmate, was awarded \$125,000 as part of an \$8 million settlement announced yesterday.

In January, a deal materialized:

The state agreed to set aside \$12 million, the biggest ever in a prisoners' rights case, with \$8 million for the former inmates and \$4 million for lawyers' fees. As is routine in settlements, the defendants admitted neither wrongdoing nor liability. To divide up the \$8 million, Judge Telesca asked the plaintiffs to tell their stories in open court. From May to August, almost 200 did, in what turned out to be an emotional and often wrenching experience, Ms.

Frank B. B. Smith, a former inmate, was awarded \$125,000 as part of an \$8 million settlement announced yesterday.

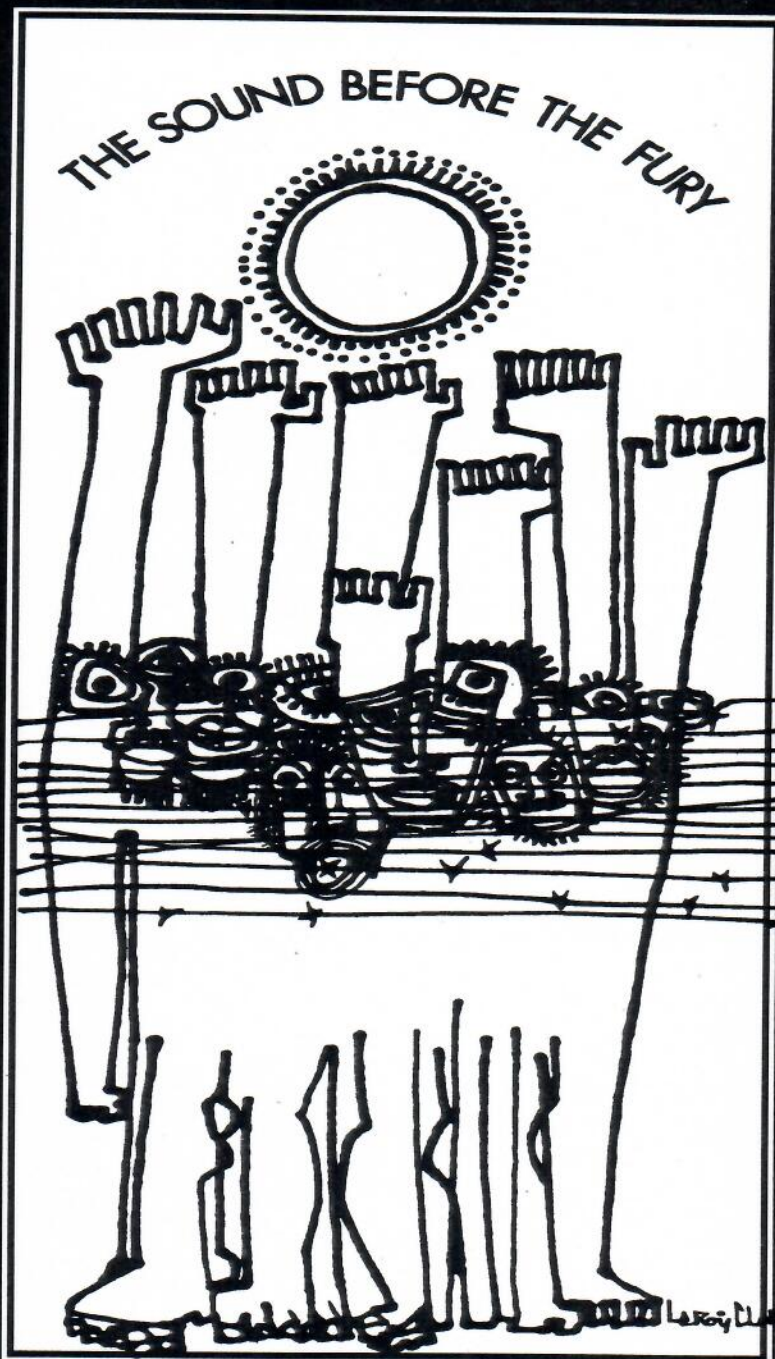
Frank said.

One former inmate, Charles L. Williams, told the judge that the beatings to his right leg were so severe that his leg had to be amputated below the knee in 1996. He has suffered from post-traumatic stress disorder, alcohol abuse and nightmares. He was eventually awarded \$125,000.

Another, David Felder of the Bronx, filed a claim that he had been shot in his calf, hit on the head by a state trooper with a club and subject-

NATIONAL LAWYERS GUILD / NEW YORK CITY CHAPTER

An Evening Commemorating the
20th Anniversary of the
Attica Uprising and the Continuing Struggle



ANNUAL DINNER • MARCH 6, 1992

ATTICA: THE PARTICIPANTS

PHOTO: LARRY FINK



Akil Al-Jundi is an Attica Survivor; National Minister of Information and Propaganda, Attica Rebellion Organizing Committee

TO THE NATIONAL LAWYERS GUILD FROM AKIL AL-JUNDI

The Attica Rebellion and Massacre of September 9th-13th, 1971 is an important part of history for all of us who were there. It also had great significance for those who were not, especially our families, friends, supporters and attorneys—the National Lawyers Guild, the National Conference of Black Lawyers, the Center for Constitutional Rights, the Legal Aid Society and the ACLU. Equally important—for different reasons—was the impact on administrators, planners and executors of the Attica massacre.

Attica was and still is all of us!

The quintessentialness of Attica was/is that poor and oppressed people have rights that must be respected. When they are not, the people will utilize all means necessary to seek redress.

You are about to read various interviews and writings done by Attica Brothers during the 1970s. Some depict what life was like during their imprisonment at Attica. The poem *The Bangs in Prison* by Dalou Asahi delineates the drabness and ennui of prison life. Other selections describe the unrelenting racism, and emphasize the importance of solidarity knowing that “what happens to one is going to happen to all” (Roger Champen).

The need to end the ruthless brutalization and disregard for the lives of prisoners at Attica and other prisons was the reason for the rebellion. Brother James 33X. Richey reported that “it was the culmination of many long years of injustices that had taken place in America against oppressed people.”

Months before the rebellion the Attica Liberation Faction publicly stated: “We are firm in the resolve and we demand, as human beings, the dignity and justice that is due us by right of our birth.” The momentous words of Brother L.D. Barkley were used in our statement on September 9, 1971:

“We are men; we are not beasts and do not intend to be beaten or driven as such...What has happened here is but the sound before the fury of those who are oppressed.”

The Rockefeller-ordered military massacre on September 13 was the sound and fury of those who were threatened—by the truth, by people saying “no.” The unimaginable mass killings and disregard for human life are powerfully described by several Brothers; the present civil suit in Buffalo has further exposed these atrocities committed in the name of “order.”

I join my comrades in paying tribute to those Brothers who did not make it; they did not die in vain. The State’s attempt to suppress the just struggles of prisoners will not succeed, nor will it stop folks on the outside from “rebellious” against inhumane and intolerable conditions.

I have physical and psychological scars from September 13, 1971. Yet I am grateful for having been there. As seen in the writings, it resulted in increased awareness and commitment for those who survived, and for those working on our behalf. I commend the many National Lawyers Guild members for their substantial contributions. We must all continue.

INDICTED ATTICA BROTHERS

(December, 1972, with possible sentences)

William Goldmine Bennet	Life x 34 + 265 years	Leon McDonald (Hodari)	18 years
Richie Billelo	Life x 34 + 18 years	Otis McGaughy (Omar)	58 years
Earnest Bixby	143 years	Mariano Maldano	28 years
Herbert X. Blyden	Life x 6	Steve Merkel	100 years
James Brown (Alsayah)	Life x 34	Robert Miles	143 years
Richard X. Clark	Life x 34	John Mitchell (Rock)	143 years
Roger Champen (Champ)	Life x 40	James Moore (Rahaam)	33 years
Ronald Coyne (Big Red)	36 years	Donald Noble	Life x 34 + 25 years
Herbie Scott X. Deane (Akil)	36 years	William Ortiz (Toriano)	589 years
Allah Dahu	108 years	William Outlaw	22 years
Edward Dingle (Kimanthi)	Life x 34 + 18 years	Charley Joe Pernallice	Life
Robert Dugarm	143 years	Michael Phillips (Jaja)	143 years
Greg Felder	36 years	Alfred Plummer (NBA Red)	28 years
Richard Fisher (Baba)	Life + 56 years	Jose Quinones (Papo)	Life + 34 + 18 years
Peter Galvin	36 years	Ruiz Quintana	143 years
Robert Gill	113 years	Chris Reed (Oji)	Life x 34
Mariano Gonzales (Dalou)	Life	James 33X. Richey	Life x 34 + 143 years
Steve Garret (Kareem)	Life x 34	Alphonso Ross	589 years
Thomas Hagen	143 years	Frank Smith (Big Black)	Life x 40 + 18 years
John Hill (Dacajeweah)	Life + 21 years	Bernard Shipman (Iron Mike)	Life x 34
Calvin Hudson (Hutch)	36 years	Willie Smith	32 years
Raymond Jackson (Ray Ray)	22 years	William Stokes	143 years
Armstrong John (Atuma)	Life x 34 + 25 years	Bernard Stroble (Shango)	Life x 41 + 18 years
Robert Johnson (Duke)	Life x 34 + 78 years	Raymond Sumpter (Fish)	432 years
Wilbur Johnson (Jusmeallah)	63 years	Eric Thompson (Jomo)	Life x 41 + 18 years
Carl Jones-El	251 years	Verdell Turner (Zuri)	251 years
Milton Jones (Babu)	Life x 34 + 384	John Wallace	Life x 41 + 25 years
Vernon LaFranque	14 years	William Wesley (Shate)	65 years
Joe Little	100 years	William Wilson (Xmielex)	22 years
Ronald Lyons	36 years	Richard Wright	32 years

EDITOR'S NOTE:

The "special prosecutor" chose to indict five percent of the Brothers in D-Yard. As later reflected in court hearings and jury trials, his selections were not based on criminal activity. In fact, he made no attempt to identify those responsible for the deadly assaults on the prisoners, and heinous white-on-black crimes done under color of law were again deemed acceptable, if not necessary.

The writings in this Journal had to be

limited. Those Attica Brothers included represent the many hundreds who stepped forth on September 9, 1971. The enclosed descriptions of conditions at Attica—the root cause of the rebellion—would be echoed by the half-million women and men in our prisons today.

Focusing on Attica, the writings do not convey the range of individual personalities and experiences. For the contributors were sons and sixth-graders long before Attica Brothers. They were fathers and

friends; athletes, workers and writers. Some fought in Vietnam or to survive in New York, were fed morphine in V.A. hospitals, heroin on 125th Street. Some are organizing in their community, others remain inside. Some have died—of guns, of AIDS, police and prison.

I am sorry that the fullness of their lives cannot be portrayed here; I am grateful for the parts they shared with me.

—Dan Pochoda

Life in Prison

DALOU ASAHI

THE BANGS IN PRISON

Bang, quiet & listen! Stay in single file.

one bang means line up and keep quiet; two bangs means stop or go — understand? and any more bangs — then it's on your head . . .

o.k., turn around — strip and take everything off! pause — pass your fingers through your head, let's see your palms, the other side, raise your arms, lift your balls, turn around — spread your cheeks, lift your feet — now the other one . . .

o.k. Bang! Step up one — give your name, charge, bit — and remember the number you'll be given — at all times — Ready, move it! Pause . . .

o.k. Bang! You'll be assigned a cell . . . at 8 pm the bell rings — that means no talking, at 11 pm the lights go out — that means you'll be asleep, in the morning 3 bells, get up, 2 bells means be dressed and 1 bell means line up for chow — chow is at 6:30 am. No talking in the halls! you'll come back to your cell, and at 12:00 — chow! The same thing . . . at 4:00 chow! The same thing . . .

You'll receive one shower, once a week . . . state shaves, once a week . . . change of clothes once a week . . . and haircuts, toilet paper and state wages (5.00 if you work) once a month . . .

Your cell will contain one bed, 1 mattress, 1 (cold water) sink, 1 toilet bowl, 1 light, 2 blankets, 2 sheets, 1 pillow and pillowcase — all in a 6 by 8 ft. cell . . .

Do what you're told and don't ask questions — then you'll find out it's not all that bad . . .

Privileges — earphones, library books (crime and cowboy books), commissary, and (2 hour) yard — notice, for any infraction you receive, you'll automatically lose one of your privileges or all of them . . .

Ready, pause . . . Bang-Bang-Bang-
to your
cells!!!

THE ATTICA LIBERATION FACTION MANIFESTO, 6-71

We are firm in the resolve and we demand, as human beings, the dignity and justice that is due to us by right of our birth. We do not know how the present system of brutality and dehumanization and injustices has been allowed to be perpetrated in this day of enlightenment, but we are the living proof of its existence and we cannot allow it to continue.

ROGER CHAMPEN

A man comes in here and he is treated by people who don't care for him at all. In the course of this time, he wants to develop himself; to do this he must be given some tools. He's not given any tools. In most of these prisons, you're not given anything to work with and the problems keep progressing.

It destroys you prison — it takes away the feeling of relating to a human being as a human being. You're always conscious of where you are. Therefore, everybody holds within himself his personal feelings. In prison, you bottle up these emotions, you don't relate. And when you see people you can relate to, you've forgotten how. This is what prison does. You're told what to do, when to do and how often to do it.

I think the thing that people in society must realize is that these people are out to destroy us because of what occurred at Attica — what they did at Attica, not what we did at Attica, what they did. So in order to destroy us they have to label us as being something that we aren't. So the point is that we want to get to the people and let them understand what we are — we're their sons and their brothers and their husbands. We're not the monsters that the papers are creating.

A person must realize that we can't be divided because of color, because of reli-

gion; we can't be divided period. If we don't stand together, we're going to be here. That's all. It's been said by several people, but that's how it's got to work — we got to get together.

I go around everyday talking to everybody. Knock on the door. "How are you feeling?" "What's your problem?" A guy goes to the hospital I find out about it. I send him cigarettes. I don't smoke but I send cigarettes up to him because he smokes. And the point is if he has a problem up there I want him to know I'm concerned. When he comes down here and he's locked up, I want to know what he's locked up for. Get me a report — I want to read it. Because I'm concerned.

This is why I say we should concern ourselves with each other. Because what happens to one is going to happen to all.



Cellblock in typical maximum security prison.



JERRY ROSENBERG



We're all discriminated against in a way, blacks more so because of racism by the officials. The browns also because of racism. The whites because of ethnic backgrounds, because of religious beliefs.

They can't go against me because I'm white—they're white. They use a different gimmick with me, they use that I'm a Jew. I've been told, "They should have killed you like all the other Jews they did in Germany" by the troopers and correctional officials.

Why? Because I want to be treated like a human being? Because I want other inmates to be treated like a human being?

If they find you hanging in your cell one morning and they say you hung yourself, this doesn't mean you hung yourself. I heard about a hanging but like I say, they said it

was a suicide. I'll leave it at that because I'm up in HBZ, not in general population. But I leave that with a question mark because I've seen much worse than that already occurred in here, inflicted upon other inmates.



Attica's "Back Yard"

DACAJEWE IAH

When you come in here they tell you you're less than a human being because you've committed a crime in society. When in the meantime it was the society and the class structure, racism and discrimination, that closes the door beforehand—doors into education and knowledge.

And if you submit yourself to the physical and psychological repression that keeps these places alive, you become very vulnerable to losing your own self-dignity. Every day I have to maintain my sanity—in an insane place.

Because I've had plans for a long time for when I get out. Basically my plans are to help the Native American struggle as much as possible, to help the young, to help the old, to help the people get back what is rightfully ours.



From: ALL INMATES OF ATTICA CORRECTIONAL FACILITY

To: THE PEOPLE OF AMERICA

The incident that has erupted here at Attica is not a result of the dastardly bushwacking of the two prisoners on Sept. 8, 1971 but of the unmitigated oppression wrought by the racist administration network of this prison, throughout the year.

We are MEN! We are not beasts and do not intend to be beaten or driven as such. The entire prison populace has set forth to change forever the ruthless brutalization and disregard for the lives of the prisoners here now and throughout the United States.

What has happened here is but the sound before the fury of those who are oppressed.

We will not compromise on any terms except those that are agreeable to us. We call upon all the conscientious citizens of America to assist us in putting an end to this situation that threatens the lives of not only us, but each and everyone of us as well.—Sept. 9, '71

PAPO QUINONES

This changed for me when I was in the yard. Because you had white dudes in that yard who were really down—like a whole lot of white people who do things not out of guilt but because they really do understand the situation. It really changed me—you also had some Cuban fellas, you had some Dominican brothers and you had some Indians. It was just boss—all of us together. All of us eating together, having to suffer together. When I mean suffer—four days without bathing, you have to smell each other. Four days going hungry, sharing what you have with each other—it was really groovy. Groovy in the sense that you know what it is to have unity. Not false unity—in other words, I'll be with you now but behind your back, "I don't trust this dude." It wasn't like this—it was really united.



D-Yard

JAMES 33X. RICHEY

Sam Melville, who was to die a day later, told William Kunstler at Attica:

“Whatever happens, tell everyone that people here are as together as I once hoped they could be on the outside.”

Freedom is not always what we think it is. Sometimes we think of freedom as being able to do what we want to do — that’s not freedom. Freedom is being able to do what you should do and respect other people for what they should do.... This was my primary concern during the four days — to ensure that the main things that we had — the hostages — would not be hurt. There were many hostages there that I had previous grievances with but these things became totally obsolete to my mind at that stage. Because something much higher was at stake.

I did make it and I’m grateful. A lot of brothers didn’t make it. I think about those brothers who didn’t make it. they cannot be forgotten, they cannot die in vain. Their

deaths must mean something. It must be made known to the people what their deaths meant. what the whole struggle was about. That it was not just something that happened in Attica — this was the culmination of many long years of injustices and suffering that had taken place in America against oppressed people. Attica just dramatized it — put it on camera so to speak, brought it into living rooms where the public would be able to see it for what it was.

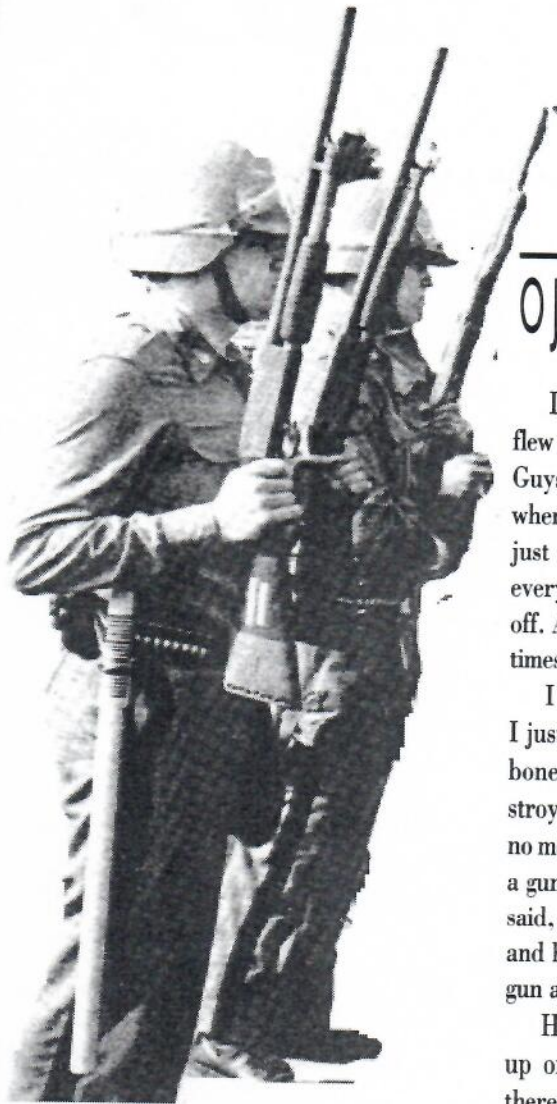
But people easily forget because everything in the world is fast moving, things are happening every day. Things that happen yesterday are forgotten about today. I cannot let this die. It is a part of me, and it is this that I am dedicated to keeping alive in the minds and hearts of the people. They must realize that these things can happen to them in their communities. A community that is involved in drugs or crime is a prison. Prisons of their own making.

We had a beautiful society in the yard, once it got settled. It didn’t take long because we realized that all of us were rejects. All we had was each other. There were a thousand ideologies out there but we worked it out for the common good. And this is proof that it can be done with a society of so-called misfits. But where are the ones responsible for creating the conditions that make us fall into places like that in the first place? This is where the job needs to be done.

Physically we cannot win — they got the guns. Rockefeller has all this, Nixon has all this. They had it in Vietnam but did they win? The people prevailed against their physical weapons.



James 33X. Richey



OJI CHRIS REED

I was shot several times. The helicopter flew over and told everyone to surrender. Guys put their hands on their heads and when they said this the second time, they just opened up shooting, dropping gas and everything. In the process, I got my leg shot off. As I was falling, I got shot several more times — two other times.

I didn't know where the hell my leg was; I just didn't have no control over it — the bone was broken, the sciatic nerve destroyed. The trooper says "You won't rebel no more, will you" and hit me in the leg with a gun butt — the one that was shot off. He said, "don't move." I said, "I can't breathe," and he said "I don't care" and he took the gun and put it down my throat.

He said "We told you to get up." I stood up on my one leg. He said, "Walk over there and climb over the rail." I hopped

and got to the rail. I took my leg and put it over, and I had to swing my other leg over it and it just flew. I heard the bone go "crick, crick, crick, crick" and I just knew, if I was going to save my leg, it wasn't going to be saved now.

The medic came by and said "Do you have anybody wounded" (at this time they were putting dead tags on guys). The guy said no; they were trying to let me bleed to death instead of shooting me again. I heard a guy holler out, "Please don't kill me, don't kill me" — he was delirious and the guy told him to shut up. And he said, "Don't kill me," and he kept repeating it, "Shut the fuck up." So the guy kept saying it and then I heard a shot ring out and I didn't hear the guy no more.

The New York Times

—NEW YORK, TUESDAY, SEPTEMBER 14, 1971—
Higher newspaper price in air delivery cities

9 HOSTAGES AND 28 PRISONERS DIE AS 1,000 STORM PRISON IN ATTICA; 28 RESCUED, SCORES ARE INJURED

'LIKE A WAR ZONE'

Air and Ground Attack Follow Refusal of Convicts to Yield

By FRED FERRETTI
Special to the New York Times
ATTICA, N. Y., Sept. 13—
The rebellion at the Attica Cor-
rectional Facility ended this
morning in a bloody clash and
mass deaths that five days of
taut negotiations had sought to
avert.

© The New York Times Company

SHANGO BAHATI KAKAWANA

This speech is dedicated to L.D. Barkley and Sam Melville. Two (2) brothers who were assassinated on the 13th day of September 1971, by Nelson Rockefeller's special state troopers.

Many think of the Brothers who died at ATIKKKA on the 13th day of September 1971 as dead and gone: as having been here with us, experiencing the oppression, the racism, the repression/exploitation, capitalism, imperialism—witnessing and existing through it, and then dying in the course of opposing it.

But many others of us—particularly we, some of their comrades and Brothers, think of them with far less simplicity. We think of them as a spark that has ignited a flame that shall never be permitted to die; the mere thought of the vicious and criminal actions which compelled their departure shall never cease to be a provocation. We think of them as a harp that has given a

chord to the revolutionary sound, a sound written on a cloud of thunder; as a note that has given a new beat to the revolutionary movement. We think of them as a new type of composer, orchestrating a rendition of a true revolutionary, based on a harmony of pure and unalloyed courage and strength. Yes, we think of them in thoughts echoing in visions of a new world.

We think of their lives and actions as dramatizing and summarizing the spirit and likeness of: Lumumba, Malcolm X, George and Jonathan Jackson, Nancy Ling Perry, Cinque, Twymon Myers, Nat Turner, Bobby Hutton, John Brown and so many others, lives which have been motivated by a deep human love and an unquenchable thirst for freedom, not just for self, but a world freedom for all. Yes, they have exemplified courage in a most grandiose revolutionary style. And yes, they are the nucleus of our thought process—and we

shall proceed forever in the wake of their memory—armed in spirit and prepared in struggle.

Men and women can endure much misery and brutality but a time will surely come with a terminal point and rise them up against it, with a will of destroying it at whatever risk of death may come with it.

—1977

BERNARD SHIPMAN

DEATH

As I remember it was a misty day a light rain was falling on that dreary day and many of my brothers had decided to stay in that (D) yard that dreary day. Soon a sharp sound of thunder struck (D) yard with a wonder time stood still so death could have its fill then a second round of thunder was no longer a wonder it was death returning to correct its blunder but (40) died at my side so this history will be my guide.



JAJA MICHAEL PHILLIPS

SURRENDER IN ATTICA 9/13/71

Please Surrender,
Put your hands on your head and go to
the north wall
you will not be harmed!!

bang-bang-bang
Help!
Help me somebody I'm shot,
Please don't shoot me
You nigger bastard, did you have fun?
where is your black power
now?
you see this shot-gun nigger?
this is white power.

bang-bang-bang
I Repeat,
Please Surrender,
Put your hands on your head and go to
the north wall
you will not be harmed!!

bang-bang-bang
Hey!
Look what I found in this tent
a coon and a rabbit
get the fuck out here
nigger what the fuck was you doing in that tent
with that white boy?

Please don't hit me no more
run you black bastard so I can kill you

No,
please don't kill me
if you run or not I'm going to kill you ha-ha-ha
bang-bang-bang

I Repeat,
Please Surrender,
Put your hands on your head and go to
the north wall
you will not be harmed!!

bang-bang-bang

I can't walk,
I'm shot in the leg.
You whitenigger if you don't get up
and run
you will be shot in your fuckin head.

Please don't hit me no more
you already broke my arm
Let's brake this niggers head.

bang-bang-bang
I Repeat,
Please Surrender,
Put your hands on your head and go to
the north wall
you will not be harmed!!

bang-bang-bang
Lord Please Help Me,
nigger I'm the only lord that's going to help you
and that's with this gun

No, Please,
Please don't shoot me
I tell you what nigger
I want to shoot you
but I will shoot at you
and if you can out run this white power bullet
then you are safe.

Now get.
run nigger, runniggerrun
bang-bang-bang
It looks as if the nigger was to slow for this white power
bang-bang-bang

I Repeat,
Please Surrender,
Put your hands on your head and go to
the north wall
and you will not be harmed

bang-bang-bang
Hey Jaja come on man let's go to the
north wall?

Shit man you must be crazy,
I'm not
Surrendering to Death.

The Aftermath

FRANK LOTT



After the taking of the prison by the troops and guards, we were required to strip naked. We were herded over from the D block area, barefooted. We were required to walk on the glass in the hallways, bleeding feet and all.

And afterwards we were taken upstairs and we were made to run a gauntlet with guards and troopers yelling "run nigger, run white nigger, run Spanish nigger."

Everyone got beaten—some fellas got fractures and what not, kicked and abused and racial slurs and things of that nature. After that was done, they came around later and wet down the fellas in the cells. They started from the front taking one guy at a time beating him up, putting him back in.

We had to sleep there—we had no furniture—just a spring with no blankets and anything. We were stripped naked—sleeping three to a cell. They opened the windows. It

was pretty cold. But we weathered the storm.

That same night, they told me they had orders from Mancusi for me to be removed. They took me to the D block area and held a gun to my head. They had me in a ditch and they asked me if I was going to beg for my life. Naturally I refused to say anything because I resigned myself to death because I knew these people were sick.

It so happens just at that moment, another correction officer called through the broken window in the hall and he told them to bring me back. So they did.

As long as people remain ignorant, as long as people don't bear responsibility, the responsibility of what happens in prisons, then nothing will have been gained by Attica. They got to become involved in these affairs. If they don't become involved, Attica could very easily be on 125th Street, 42nd Street, anywhere.

RICHARD X. CLARK

We're not political prisoners, we're slaves. The political prisoner is subjected to reprisals by the system because of his views but a slave is subjected to reprisals because of his situation. If you look at the jails, they're 85% black. Now ask yourself why is it 85% black and not the other way around. It's because blacks are subjected to atrocities from birth—education, jobs. We are cast aside on economic grounds by the system.

We are on a perch and can look down into the valley and see the people and how they're scurrying around; we can look on the horizon and see the ones who are controlling the people who are down in the valley. We know when these doors open and we finish our time we have got to go

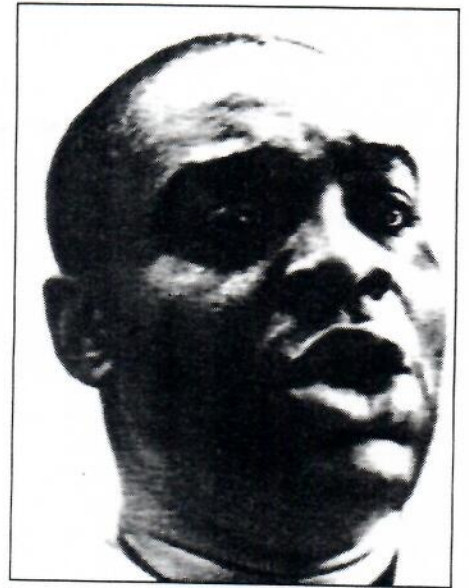
down into that valley. But we have been able to see the horizon and see who's controlling us. While you're in the valley you don't see who's pulling the strings because you're trying to make do, you're trying to be equal to the economic scale that is imposed on you. So a lot of people don't realize.

When I say we I mean all people, not just the brothers and sisters in jail but all the people out on the street. You have brothers and sisters dying behind bars in jails, you have brothers and sisters dying on the street. We're tired of this happening to us. Anytime a man gets tired people think you have to put him to sleep. And they don't put him to sleep the old way, they put him to sleep by killing him. This is what it's all about.



FRANK B. B. SMITH

The people on the street gotta wake up.
Nothing comes to the sleeper but a dream.



New York City, April 1977

VIEW FROM THE TOP (1971)

"Many of us assume some of the blame for this incident by trying to be as liberal as possible, by being afraid of shyster attorneys, by trying to deal with some of these people as reasonable individuals. This is going to change." (Park, *S.F. Examiner* 8/23)

Association Warden,
San Quentin Prison

"We have a problem we've never had before with a new type of prisoner who is not concerned with traditional things or driven by traditional motivations. They don't admit they have a problem, they think society has a problem." (Procurier, *Oakland Trib.* 8/24)

State Correction Director, California

"If I had to make the decision over again, I would undoubtedly have to do the same thing...it became apparent

to me shortly before the attack that we were dealing here with men who were fanatical, men who are revolutionaries." (Oswald, *N.Y. Post* 9/14)

Commissioner of Corrections,
New York State

"It's unfortunate that we have such violence and militant people in our prisons. There are numerous radicals. This sort of thing can set progressive corrections back many years." (McGrath, *Daily News* 9/15)

Correction Commissioner,
New York City

"I do not see how I could have done differently...I think the extraordinary thing is that 28 out of the 38 hostages actually were saved."

(Rockefeller, *Daily News* 9/16)
Governor, New York State

ATTICA AND THE GUILD



Dan Pochoda, 1972.

by Dan Pochoda*

The Guild's involvement at Attica began with the outbreak of the rebellion on September 9 and has continued to the present.

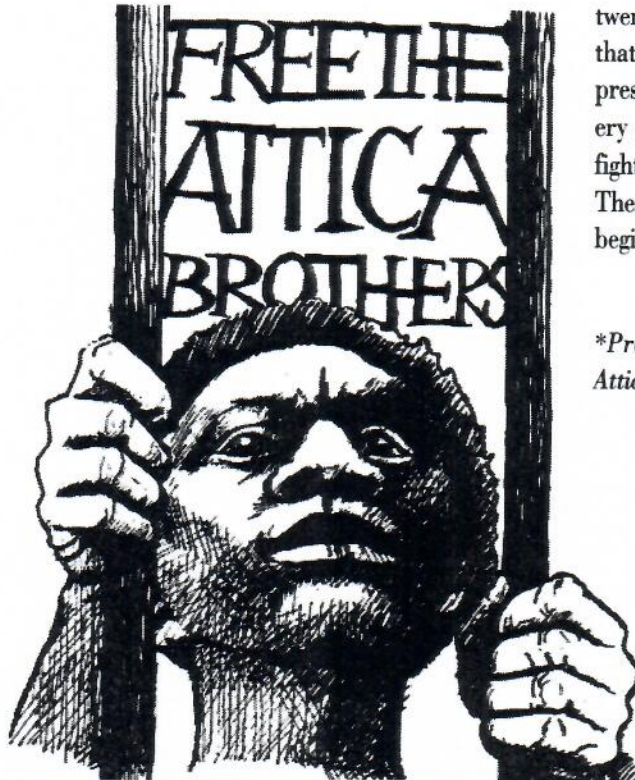
For a brief period after the massacre on September 13, an Attica Defense Committee—basically Guild, Legal Aid, ACLU—operated to provide emergency legal support and human contact. This loose coalition was formed “on the spot,” that is, representatives from the different organizations found themselves outside the Attica walls on September 13 with the same objective—to get inside.

In a matter of weeks, the coalition died a natural death and the Guild was left as the sole survivor of the Attica Defense Committee, inheriting all the necessary support functions—legal and otherwise, an office in the Prudential Building in Buffalo, and an ever-increasing number of

unpaid bills. This premature passing was due to the limited interests of the other coalition members, and to the good relationships and rapport developed between Guild members and the inmates. For during these few weeks we met and began to know many of the men inside. We were inspired by their courage, their perceptions and political understanding and still-existing solidarity and will to resist. On the other hand, we were frustrated and depressed about their situation and our inability to affect it, for as was known by the inmates during the rebellion the aftermath brought a substantial worsening of their physical conditions. We had to put aside romantic notions and revolutionary rhetoric—“Remember Attica”—and confront our own racism and class values. Even our feelings of impotency were luxuries available to white professionals and not to the man inside who faced those conditions twenty four hours a day and who taught us that a person must resist the forces of oppression, of racism and exploitation in every context, that a person must constantly fight the humiliations and indignities or die. There was a lot to do and all of us had to begin.

—*Guild Notes*, April 1972

**Professor, CUNY Law School; former Attica legal coordinator.*





Left to right: Richard X. Clark, Herbert X. Blyden, Haywood Burns, Michael Deutsch, Kimanthy, Frank B.B. Smith, Dan Meyers, and Akil Al-Jundi.

"ATTICA MEANS..."

by Haywood Burns*

Several years ago when my son, Seth, wrote a personal statement on his college applications, he included as one of his most profound experiences the time when, as a small child, he sat upon the shoulders of a former Attica prisoner and was carried through the streets of Buffalo, New York, in the midst of massive street demonstrations as the crowd chanted "Attica means—fight back".

"Attica" means the rebellion of prisoners at New York's Attica Prison, September 9-13, 1971. It ended when State forces gassed, and then fired upon, unarmed inmates. Troopers and guards fired automatic weapons, deer rifles, and shot guns loaded with dum-dum bullets—weapons which are outlawed by the Geneva Convention even in time of war. They killed and wounded inmates and hostage guards alike.

"Attica" also means the criminal indictments, the full-scale judicial assault that followed fifteen months after the rebellion had ended. It had become clear that the State was responsible for all the deaths that occurred in the September 13th retaking of the prison, and that the stories of inmate-initiated atrocities were gross fabrications. The prosecutions were a convenient and

useful deflection of attention away from the State's culpability. Millions of dollars were provided for the prosecution of 62 prisoners for 1,400 crimes, carrying the collective possibility of tens of thousands of years in prison. No members of the assault force were charged for their criminal acts.

"Attica" is also a symbol of American prisons. Although located in a small rural community in upstate New York, Attica was reflective of the pathology endemic to American "correction" facilities everywhere. As the New York State Special Commission on Attica (the "McKay Commission"), formed to investigate the rebellion and its aftermath, concluded, "Attica is every prison; and every prison is Attica".

Attica served as a source of education about the realities of the American prison system. It revealed stark, ugly and unforgivable inhumanity. The prisoners' takeover had come only as a last resort, after trying every administrative route. Demands for adequate nutrition, opportunity for personal hygiene and religious freedom were, for the most part, already required by international minimum standards on the treatment of prisoners.

The State's response to the rebellion

provided shocking insight into just how far it was prepared to go against those who rebel. The events of September 13, 1971 were a sad and startling revelation: when the usual techniques of control and co-optation fail, massacre and torture will be relied on by leaders in our country. We learned to never say "never" again.

The community response to the prosecutions served as a source of inspiration. The defense apparatus, led by Guild lawyers, students and legal workers, consisted mainly of volunteers. They not only took on the awesome tasks of organizing to defend the criminal indictments and building a popular movement in support of the legal defense work, but also went on the offensive in bringing civil actions attacking jail and prison conditions and official brutality.

During one of the criminal trials, I heard an Attica prisoner, Shango Bahati Kakawana, appearing pro se, tell the presiding judge that the State was so powerful, and its resources so great, that it was a "David and Goliath" situation. However, the dedication and ability of the Brothers and their supporters, resulted in victories in court and in the public arena. The selective enforcement of the law by the Special Prosecution was exposed, and the prisoners ultimately prevailed in the criminal cases. It was David and Goliath, but, as in the original, David won.

The experience of banding together, using the courts, popular education and mass organization to defeat the powerful, bonded many of the Attica workers for life, as they applied the lessons in other arenas where the poor and dispossessed struggle to wrest some measure of dignity and autonomy. Much work remains in the same arena. We are still warehousing human beings in fortresses plagued by racism, overcrowding and degrading conditions.

For the National Lawyer's Guild, the occasion of this 20th anniversary of the Attica rebellion is a time to commemorate the great sacrifices made by the brave rainbow of people of D-Yard nation two decades ago, and to salute all Guild people who answered the call to come to their aid, and who continue to answer the call. It is a time to press for the full measure of justice in the Attica civil suit. It is a time to celebrate our victories and to recognize the awesome power and potential that is in ourselves when we unite and join others in the cause of justice.

"Attica" is all around us, as government denies the most basic elements of humanity to broad masses of the people. The struggle continues in civil rights, civil liberties, health care, housing, education, employment, and police practices. Our national failures in all these areas still fill jails and prisons that are a national disgrace. Attica is a time, a place, an event, to add to the national shame and barbarity of Wounded Knee and My Lai. The Attica rebellion and aftermath was an indelible experience for all of us. In this climate, the Guild must honor its legacy and carry on. Attica is still all of us—and Attica means fight back.

**Dean, CUNY Law School; former President, National Lawyers Guild, and Attica legal coordinator.*

Inmate negotiating committee with Commissioner Russell Oswald in D-Yard.

AN "OBSERVER"

*by Lewis M. Steel**

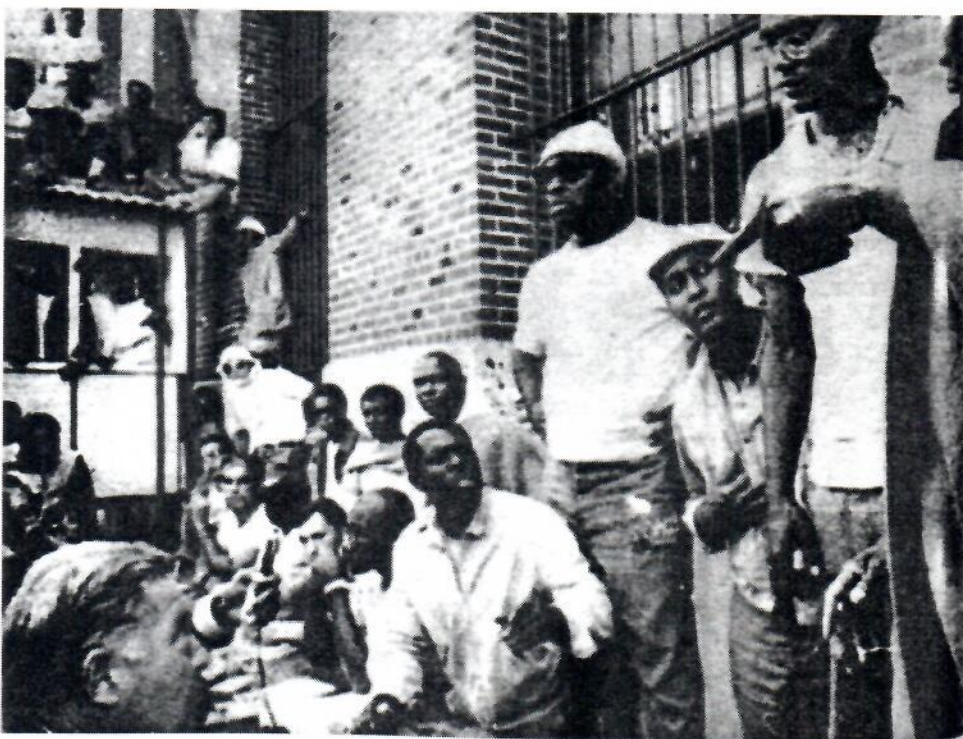
Attica has been an almost impossible subject for me to write about. As a member of the Observers' Committee which had unsuccessfully tried to prevent the massacre at the end of the rebellion, I had feelings about what had occurred which were complex and bitter.

Before the Attica uprising, I had participated in a federal lawsuit concerning massive brutality by guards after a rebellion at the Auburn State Prison. Many Auburn prisoners had also been subjected to wide-ranging criminal prosecutions, charging them with everything from conspiracy to kidnap to stealing keys and destruction of prison property. At the time of the Attica rebellion, I knew that the prisoners there were well aware of the Auburn rebellion and the extraordinarily vindictive criminal prosecutions. I believed from the outset of the Attica uprising, that the Observers had to obtain the strongest possible amnesty provisions to bring about a non-violent reso-

lution. During our negotiations, however, Governor Nelson Rockefeller and his advisers refused to discuss or even explore a meaningful compromise with regard to amnesty for possible criminal prosecutions. Instead, they were intent upon reasserting their authority over Attica on deadlines of their own making, no matter what the consequences.

We know the result. Both prisoners and hostage guards were viciously mowed down by State "peace" officers. I saw the result as an example of a ruling class governor having no concern for either the mostly non-white prisoners or the white working class guards. According to Rockefeller's ideology, state power had to be asserted and nothing else mattered. A lesson had to be taught. I was both sickened and guilt-ridden, and was left with a deep sense of failure, as well as a burning anger and terrible sadness.

Attica also complicated all of my mixed



feelings about my place in American society. As a lawyer and a person leading a comfortable, protected American life, I endlessly wrestled with who and what I was. What was the value of being a civil rights lawyer in a society whose political leaders turned so quickly to repression and showed such contempt for human dignity and even life? Was I, as a progressive lawyer, doing little more than legitimating a class and race based system? What were persons such as I from a privileged economic class really accomplishing when we were attempting to represent the interests of those who were consigned to the bottom rungs of the American social structure? I found no answers.

Today, I remain conflicted. Those of us in the 1960's and early 1970's who optimistically thought we were participating in a war against poverty, now see every progressive program in tatters. The urban poverty and fallout from relentless racism which supplied Attica with its population in the early 1970's remain with us now, in ever more virulent forms. Government, at virtually all levels, has shown itself as being interested in maintaining its power rather than dealing with the underlying causes of the disintegration.

So, here we are, still together, still struggling, still seeking to learn from the tragedy of Attica. The National Lawyers Guild legal team, which relentlessly sought to expose how raw power was abused at Attica, demonstrates our tenacity in the face of adversity. May we stay together for a long time, working with the many people and organizations in this country who struggle to develop a more humane, egalitarian society, one which focuses on our common needs.

**With the firm Steel, Bellman, & Ritz, New York City; former President, NLG-New York City Chapter.*

SOME MEMORIES OF ATTICA

by *William M. Kunstler**

It is altogether fitting and proper that the Guild honor the prison rebellion known throughout the world as "Attica." Not only were so many members involved, in one way or another, in the civil and criminal litigation spawned by this epic struggle of a little more than twenty years ago, but the uprising had an effect upon the hearts and minds of all progressive people that seems as strong and pertinent today as it was during the fateful week in September of 1971. For me, it will always remain one of the most climactic and frustrating periods of my life when, as one of the so-called observers requested by the inmates of D-Yard, I learned, at first hand, that, when prison officials are deaf to the justified grievances of those whom they have warehoused in their upstate charnel houses, they may well have to reap the deserved whirlwind. They should have known that, as one who understood the nature of our society once put it, "What goes around, comes around."

There is a singular aspect of the Attica rebellion that, for me, at least, has always underscored the essential inhumanity of the prison hierarchy during the D-Yard takeover. On Sunday, September 12th, the day before the massive and needless assault by state troopers that resulted in so many deaths and injuries, those observers still left at the prison were shown a letter which Corrections Commissioner Russell Oswald had written and which he said he intended to send into D-Yard. In effect, it informed the inmates that we concurred with him that they should surrender at once. After we had read it, we informed him that, should it get into the yard, it would certainly undermine our credibility and might even jeopardize our lives. Finally, after listening to pleas from Tom Wicker, Arthur Eve, Clarence Jones, and me, he agreed that the letter would not go in.

Later that day, our little band made its



Bill Kunstler, September 11, 1971

last trip into the yard. To our astonishment, we were all asked to sign general releases before we went in, something we had not been required to do prior to our three earlier visits. Once we passed into inmate control, however, we suddenly realized why we had been made to do so. Despite all of his assurances, Commissioner Oswald had forwarded his letter to the prisoners, and we were informed by our initial escorts that there were some who regarded us as traitors and wanted to kill us.

However, we were given a full opportunity to explain that we did not subscribe to the letter's contents and that it had been sent in against our expressed opposition. Once the inmates knew the real situation, their anger subsided and our credibility was restored. We spent the rest of the afternoon in the yard interviewing the hostages and assuring the inmates that we would do everything in our power to prevent the anticipated bloodbath they were sure was in the offing. That we were unsuccessful in accomplishing the latter will always be one of my most heartfelt disappointments.

It has always been my assumption that the letter incident was an indecent plot on

the part of the authorities to generate the murders of the remaining members of the observers' team in order to provide a seemingly legitimate excuse for mounting an assault. When the ruse failed, primarily because of the inmates' willingness to listen to our explanation, Rockefeller, Oswald & Company then had to invent such a justification, namely the monstrous lie that the hostages were having their throats cut, in an attempt to legitimize the bloody assault upon D-Yard which resulted in the shooting deaths of a significant number of the hostages as well as many of the inmates.

The willingness to resort to this type of horrendous tactic, as well as the unnecessary carnage that took place, probably best symbolize the racist mindset that characterized the official reaction to the Attica uprising. However, the very bestiality unleashed in the name of the state is probably responsible for the fact that, in the many prison rebellions that have taken place since then, in New York and elsewhere, there has been no employment of deadly force to bring them to an end. If nothing else, the dead in D-Yard on September 13, 1971, did not give up their lives wholly in vain. It is undoubtedly small comfort to them and their survivors that their sacrifice paid dividends to others who, like themselves, rose up in justified anger in other draconian institutions and were not gunned down by maddened troopers, armed with outlawed weapons, screaming "Save me a nigger!" as they embarked upon their murderous quest.

**Vice President, Center for Constitutional Rights; trial attorney for Attica Brother Dacajeweah.*

ATTICA: SEPTEMBER 13

*by Emily Jane Goodman**

Our attention was focused on Wyoming County, New York—Attica—from September 9 to 13, 1971. Prisons all over the country had been in an exceptionally tense state since that August, when George Jackson was killed at San Quentin, California. For three and a half days, Attica (D-Yard) was in the control of its inmates. But its inmates, by the fourth day, were in the control of the State.

On the 13th, a call came from Attica to the NYC Guild office, from one of the official observer team—I think it was Bill Kunstler—saying that the prison was retaken by the state. "All hell is breaking loose. Lawyers and doctors will be needed."

A small group was on the next plane to Buffalo. Guild members, some Legal Aid Society and ACLU lawyers, and law students met at the Buffalo Law School office of Herman Schwartz. The immediate plan was to get a court order allowing us into the prison. Our team worked feverishly. Pa-

pers were quickly drawn up and brought before Federal District Court Judge John Curtin. Things worked the way they're supposed to. Judge Curtin signed the order granting us forthwith entry into Attica.

A caravan set out on the long, dark trip to the prison. Those who had driven on lonely roads in the deep south during the early sixties were revisited by feelings of pervasive danger, defiance, and accomplishment. We were stopped by roadblocks, and ordered out of the cars at gun point.

The cars were searched. We were shocked, but were confident we would get through. While we considered ourselves "radical" and "movement" lawyers, we also felt secure as white professionals backed by the protection of a federal court order.

As we reached the prison itself, we announced ourselves as the lawyers of inmates (though most of us couldn't have named anyone we actually represented) and demanded to see our clients. We had a



federal court order. But they had bayonets. They blocked us with their weapons. A prison official told us quite clearly what we could do with our court order. When all was said and done we were reduced to powerlessness. It was the kind of moment of truth that a person experiences only occasionally in a lifetime, and then it is forever etched in your memory.

Paul Chevigny was designated to call Judge Curtin at home to tell him his order was being violated, that if we could not enter *immediately*, it would be moot, that it was the greatest possible emergency, that

human lives were at stake, and that he had to enforce his order. But the judge simply said we would have to wait for the matter to be heard in court.

In desperation, we stood outside the prison all that wet, cold night, hearing the sounds of violence and death, and eating sandwiches and doughnuts, drinking hot coffee provided by The Salvation Army for the families of corrections officers.

Reporters were in a nearby motel and we tried frantically to enlist their help. The only thing they responded to was our information that on the morning of the 14th the

medical examiner would be making an announcement. We were there on the steps of Attica when the medical examiner did announce that, despite early reports, the inmates had caused no castrations or slit throats, and that the hostage and inmate deaths were caused by the State's bullets.

It was hours before the truth began to get out. It was days before our lawyers did get into Attica prison. It has taken 20 years for the full story to be told.

**Justice, Supreme Court of the State of New York; trial attorney for Attica Brother Joe Little.*

INMATES OF ATTICA CORRECTIONAL FACILITY V. ROCKEFELLER

453 F.2d 12 (1971)

Action by state prison inmates for federal equitable relief against state officials with respect to conditions arising out of a riot in the prison.

Phylis Skloot Bamberger, William E. Hellerstein, New York City (Barbara Shapiro, The Legal Aid Society, New York City; Herman Schwartz, ACLU Prisons Rights Project, Buffalo, N.Y.; Stanley Bass, NAACP Legal & Educational Fund, Inc.; Daniel Pochoda, National Lawyers Guild; Morton Stavis, Center for Constitutional Rights, New York City; Vincent Doyle, Jr., Buffalo, N.Y.; Haywood Burns, National Conference of Black Lawyers, New York City, on the brief), for appellants.

[11] When it comes to the risk of future physical abuse and harassment of inmates, the picture is somewhat different. The barbarous conduct testified to by various witnesses and taken as true by Judge Curtin for the purposes of his interlocutory decision—the beatings, physical abuse, torture, running of gauntlets, and similar cruelty—was wholly beyond any force needed to maintain order. It far exceeded what our society will tolerate on the part of officers of the law in custody of defenseless prisoners. Although lawful incarceration, as it has often been said, deprives the prisoners of many rights enjoyed by others (e.g., travel, choice of occupation, privacy, and association with others), *Price v. Johnston*, 334 U.S. 266, 285, 68 S.Ct. 1049, 92 L.Ed. 1356 (1948), they are still entitled to protection against cruel and unusual punishment by the Eighth Amendment.

[12] If the abusive conduct of the prison guards had represented a single or short-lived incident, unlikely to recur, or if other corrective measures had been taken to guarantee against repetition, injunctive relief might be denied, despite the heinous character of the conduct. See *Belknap v. Leary*, 427 F.2d 496 (2d Cir. 1970). Here, however, the conduct of some of the prison guards, state police and correctional personnel, as testified to, was not only brutal but it extended over a period of at least several days, with one serious incident occurring much later, i.e., the surreptitious lining up and striking of inmates by prison guards in A Block on September 22 as testified to by Jackson (R. pp. 250-51). In addition there was extensive testimony regarding night-time harassment, threats, racial slurs and similar misconduct by prison personnel, which was found by Judge Curtin to be continuing at the time of his decision on October 6.

In the last analysis the situation here is unique in that plaintiffs, being prisoners, are at the mercy of their keepers, many of whom, on the testimony below, have already subjected inmates to barbarous abuse and mistreatment. The major wave of guards' reprisals has probably passed. On the record before us, however, the district court was not justified in assuming, without further proof, that adequate steps would be taken to protect the inmates against further reprisals, perhaps of a more sophisticated and subtle nature. Under the circumstances preliminary injunctive relief should have been granted against further physical abuse, tortures, beatings, or similar conduct.

THE GUILD AND ATTICA

by Daniel Alterman*

I was working at South Brooklyn Legal Services when I learned that Guild attorneys who rushed to Attica after the massacre had been denied entry. After four days, I was asked to join other Guild members to relieve the first group of lawyers.

This experience as a part of the first team admitted to the prison, stripped me of all my layers of liberalism and helped me find my niche as a Guild lawyer.

I arrived at Attica on September 17, 1971. In a restaurant outside the prison, state troopers and prison guards were talking about how terrible the massacre had been, that the cows couldn't give milk due to being upset because of the noise generated by the shooting of all the "coons and niggers."



Attorney Kirk Taylor being "escorted" from the prison.

These words were aimed at myself, a white attorney, and to my partner, Kirk Taylor, a black attorney, to make us uncomfortable, vulnerable, and alone in this rural section of western New York State.

As a Guild attorney, I was different from those with the ACLU, the Legal Aid Society, or appointed by the court. My agenda was simple but different: to represent my clients under all sorts of conditions, even if that meant going against the established legal system. The Guild's response to prison work after the rebellion, the massacre and the horrors that followed reminded us why we became attorneys in the first place.

We went inside the fortress and saw many prisoners that first day. I remember seeing Akil Al-Jundi, who was going under the name of "Herbert Scott Deane" at that time. Some were naked, some had open wounds, some had not received medical attention, and all had been beaten. Others described the reign of terror against those prisoners who had supported the rebellion.

Kirk and I were blown away by the experience. We had never been exposed to so much hatred and hostility as we received from the guards, troopers and citizens of Attica. Attica changed our lives. It also made me a criminal lawyer as I tried the second case in Buffalo in 1975 where, after a long trial, all defendants were acquitted within 45 minutes.

The Guild was the only organization willing to stand up and tell the national and international press in September 1971 that there was a hunger strike going on inside the prison because prisoners were being routinely beaten, denied medical care, denied sanitary conditions, and housed in

HBZ, an isolation block where the "leaders" of the rebellion were terrorized and beaten.

While Jeff Haas from Chicago, and I, were speaking to the press, lawyers who were not from the Guild or any progressive bar association tried to shut us up. They had struck a deal with the prison officials that the lawyers would be allowed access into the prison on an unlimited basis, as long as we didn't "rock the boat." Well, as young attorneys, we were supposed to rock the boat; we were supposed to tell the truth.

At that time, as later voiced by Dean McKay, we knew why Attica erupted, but we didn't know why the rebellion resulted in the unbelievable levels of violence and terror that happened thereafter, resulting in the bloodiest one-day encounter between Americans—with the exception of the Indian massacres in the late 19th century—since the Civil War. I prefer the view that the Governor, as the elected representative of the people of the State of New York, was doing what he thought the people wanted him to do, which was to take over the prison by any means necessary.

In sum, Attica changed my life and the lives of many other people. It had the effect of stripping away all the layers of insulation that had protected me as a person with white skin from the contradictions of our society and the horrible realization that the system is not fair and our society is not just.

My few days at Attica in 1971 not only changed my life, but how I approach the practice of law today.

Attica is all of us.

**With the firm of Alterman & Boop, New York City; trial attorney for Attica Brother Ruiz Quintana, co-counsel with Margaret Burnham, Tony Walsh and Peter Perrino.*

GETTING INVOLVED

by Claudia Davidson*



Buffalo, September 14, 1974

I arrived at Buffalo as a music student. The Attica rebellion occurred during my second year at the University.

I became involved with the Attica Defense Committee, not as a political organizer, but because people were gunned down as if they were being exterminated. Outrage and anger propelled me to join with like-minded folks who would not let the Attica rebellion go unheeded and forgotten—swept away under the rug of history.

I think we accomplished that—we did not allow Attica to be lost and left unknown or swept away by time—and for that we all should take a little credit. The Attica Defense Committee tried to keep alive the ideas and goals of the rebellion. We also kept in contact with the Brothers inside to try to give them some sense of protection. This was before there were any criminal indictments which later, gave us a much clearer

focus of organizing and work.

When the indictments did come down, I had my first contact with the National Lawyers Guild which seemed to spontaneously generate lawyers from everywhere. At such an early age, I was privileged to be exposed to the finest criminal defense minds around while I did research and other work on behalf of the Brothers. Not having the credentials to go into the prison kept me from initially knowing the Brothers personally, but we communicated by letter. Their writings for our newsletters brought them very much alive to all of us who were in the defense committee.

I saw that an attorney could “make a difference,” when Dacajeweah a/k/a John Hill, charged with homicide, was being held on either no bond or some astronomically high bond. Motions to lower bail were all denied. Research substantiated that in all other Erie County homicide cases bail had

been set. On motion for bond for Dacajeweah based on this research, Judge Ball was finally pushed into setting bond on the first indictment.

So many attorneys came to Buffalo to dedicate their time, money and energy to the massive undertaking of the representation of the Brothers in the indictments. To this day, it marks an experience in commitment, dedication and loyalty in an important effort that has been rarely paralleled. We all got very swept up in that effort and found ourselves in a very cohesive community of both legal and non-legal workers. That community of friends was my “family” for several years and friendships have lasted until this day.

I decided to become an attorney and start out in criminal defense work. This exposure to the Attica ‘workers’, the attorneys and legal workers taught me how to practice law and deal with my responsibilities as a ‘progressive’ lawyer. The example of dedication and long hours along with a sense of the necessity to win is something that continues to stay with me. The Attica struggle developed in me a deeper sense of “right” and “wrong,” of making choices and of standing firm with people who bravely reach for that which is rightly theirs in spite of overwhelming odds. The dignity of living that way has generated my respect for all of you who joined in that struggle 20 years ago.

**With the firm of Healey, Davidson & Hornack, Pittsburgh*



Guardsmen backs Attica inmates over brutality

By DAN HERBECK
News Staff Reporter

Franklin Davenport and Herbert X. Blyden come from two different worlds, but their opinions merged in a horror story about the 1971 riot at the Facility.

"T
wer
th

Smith tells jurors of beatings, torture

Ex-Attica inmate cries on stand

1,281 inmates who were in the Attica prison yard during the prison's retaking.
"They were inmates, and maybe they weren't people. That's probably why they were..."
...said. "But to brutalize the..."

ATTICA— A CHICAGO PERSPECTIVE

By Michael Deutsch and Dennis Cunningham*

In the immediate aftermath of the Attica massacre, the Lawyers Guild made a national call for lawyers and legal workers to come to western New York. There was no specific work plan other than the recognition of an emergency need to assist the Attica Brothers to resist the continuing plans of the State of New York to brutalize and ultimately prosecute them for their involvement in the rebellion. Our office in Chicago, "The People's Law Office", was already involved with prison work on behalf of prisoners in Illinois. The work had been a natural development from our work in the Black and Puerto Rican communities of Chicago and with the Black Panther Party and the Young Lords.

Two people from our office, attorney Jeffrey Haas and legal worker Mzizi Woodson, were among the first to gain access to the prison. They were able to bring out the first statement of the Brothers confined to HBZ (the Box) after the police assault on the 13th.

In 1972 Michael Deutsch and Dennis Cunningham left Chicago to join the legal staff of the Attica Defense Committee. Ken Kimerling and Barbara Handschu had moved to Buffalo from New York City to

work on Attica, and volunteer Guild lawyers from New York, Boston and Detroit would come for one to two-week stints.

Efforts continued to get the Brothers out of isolation, to enforce an injunction against the continuing beatings, and to prepare for anticipated massive indictments which would follow as part of the State's effort to cover-up the crimes of their own law enforcement people.

In the cold winter months and through the fall of 1972 we traveled into the world of the targeted Attica Brothers. Locked up in special isolation cells 24 hours a day, under constant threat and harassment, they had an amazing resistance and militancy. The Brothers had lived through a revolutionary experience followed by a vicious counter-revolution. Their fighting spirit was still very much alive. For many, their experience at Attica had opened their eyes further to the corrupt and brutal nature of the whole system.

The 1971 experience had a lasting influence on the course of and commitment to the work that we practiced through the next twenty years. We understood the willingness of the state to carry out a massacre,

even killing its own men, if politically threatened, and the tremendous capacity of people to endure oppression and keep on fighting—lessons which have continuing validity in the struggles of today.

We stayed on when the Brothers were indicted over a year later and became staff lawyers for the newly formed Attica Brothers Legal Defense (ABLD). After ABLD dissolved, we worked with Attica Now, and with Liz Fink, Joe Heath, and Polly Eustis who directed the Brothers Trial Office, working on behalf of the indicted Brothers. Our office in Chicago continued to support us throughout this period, helping financially and covering our cases in Chicago. We continued on until 1976, when the remaining indictments were dismissed by Governor Carey. When Liz Fink took over the civil suit in 1981, Dennis and Michael joined the legal team and have worked over the last ten years on getting the case prepared and readied for trial.

Attica irrevocably changed our lives. Brothers whom we met in 1971 have become close comrades. Our own commitment has deepened and endured, and through the civil suit we have sent a message that those officials who permit such villainy may not be able to avoid a public accounting.

*Michael Deutsch is with the People's Law Office, Chicago; Dennis Cunningham is a people's lawyer in San Francisco.

MEMORIES OF ATTICA JURY WORK

By Beth Bonora*

The essential question for the jury project was, "Who is the community, anyway?" It certainly wasn't reflected in the faces of the mostly male, mostly white faces, average age of 50, who showed up every Monday morning at the Buffalo courthouse for jury duty.

The most satisfaction came from our attack on the composition of the Erie County jury pool. It was a long tedious process, sitting in the clerk's office on those hot Buffalo afternoons, copying information off thousands of juror questionnaires. Could it possibly matter that one juror was excused to take care of her aging mother, or another because he was looking for work? We plowed ahead, hoping that some sort of miraculous statistical analysis would prove for the courts what was all too apparent to anyone who looked. That the juries were in no way representative.

One afternoon, an older woman in the jury commissioner's office, who may have been the only friendly face in the whole courthouse, was chatting with one of our tireless researchers (I believe it was Marty Feinrider). She suggested it might be helpful to look at the list of registered voters which served as the pool for those people to whom preliminary questionnaires were sent. She went into a little back room, where we had not been invited before, and she brought out a stack of voter registration books.

It became apparent that names that had been selected by underlining them, were not chosen according to any system. Sometimes it was every tenth name, sometimes every eighth name, then maybe twenty names would be skipped. The woman told us their instructions were to pick every tenth name, unless it happened to be a woman's name and then they were to skip to a man's name, except every once in a

while it was okay to underline a woman's name. The jury commissioner said that since women were then entitled to exemption from jury duty without having to give any reason, then surely they would ask to be excused, so they were never called.

We rushed our study to an end and went to court. We had discovered that the qualified jury pool was about 10% female, and they had sent about 10% to 15% of the questionnaires to women. It turned out that women were actually quite willing to serve on jury duty, if only someone would call them.

The clerk from the jury commissioner's office was our star witness, and she did not flinch as she told the story of how for years and years they had skipped over the women's names. I have always imagined that she was proud of her role in helping to defeat a discriminatory system, and she gave me some faith that there might be other reasonable people in Buffalo.

We also found that in the 1950s the clerk's office had noted the race of prospective jurors on their cards. At some point, perhaps when the appellate court ordered the jury commissioner to give us access to the records, someone thought it wise to erase all those notations, but they did a lousy job.

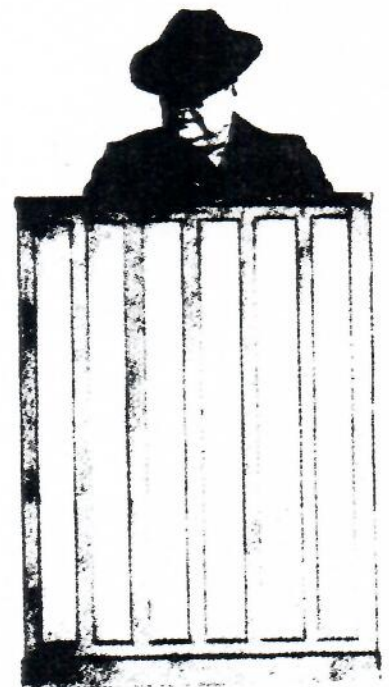
In the end they threw out the old jury

pool, and a new system was set up—not perfect of course, but a vast improvement over the old one.

When I think back to the years I spent in Buffalo, there are many painful memories as well—not only in terms of the frustration of confronting a mostly hostile and biased judicial system that took an enormous toll on the lives of the Attica Brothers and resulted in the convictions of John Hill and Charley Joe, but also the trouble we all had in working together in a productive way. The practice of patience and the need to be forthright were high on the list of lessons that I tried to learn over and over again during those years.

Out of these experiences, Wounded Knee, and the anti-war effort, also came the founding of the National Jury Project, which is my most immediate connection to the struggles that we all shared in Buffalo. We have grown, and our work includes a wide variety of cases. Would that we could say that things have improved since 1971, but our current experiences dealing with capital defendants and the direction of the courts, with victims of discrimination and corporate wrongdoing, attest to realities that are harsh and little improved, if at all.

**With the National Jury Project, Oakland.*



REFLECTIONS ON ATTICA — THE DETROIT EFFORT

by Bill Goodman*

Western New York and eastern Michigan often share the same weather. On September 13, 1971, when the news report flashed around the world that Governor Rockefeller had ordered the armed retaking of Attica Prison, I could not imagine the scene. But I could visualize the weather. So often, I have heard people who were at Attica describe that day as they experienced it. For them also, the weather seems to have played an ominous role. It was an overcast, dank, gray day.

Despite the confusion that was foisted upon the public after the retaking of Attica Prison, as the facts gradually emerged it became obvious that a massacre of historic proportions had occurred. How were we, as Guild members, to relate to the situation and provide aid to the Attica Brothers?

At a National Lawyers Guild Convention in Austin, Texas in early 1973, a workshop addressed mass defense efforts on behalf of the Wounded Knee and Attica struggles. Somebody went to a map and dramatically drew a line down the middle of the United States. Guild lawyers west of the Mississippi would work on Wounded Knee cases, and those east would work on Attica. Don Jelinek agreed to coordinate pre-trial work in Buffalo.

Now, twenty years later, the boldness and vision of that moment is difficult to imagine. However, in 1973 during the movement which opposed the war in Vietnam and struggled for social justice, that plea for collective and united action against legal repression had a ring of truth and reality. And so Guild members in Detroit went

to Buffalo in the spring of 1973. The legal effort was in great disarray at that moment. Barbara Handschu was representing dozens of Attica Brothers who were charged as criminal defendants in numerous indictments, each of which had multiple counts. The total number of crimes charged was well into the thousands, and the resources available were minimal. It was crystal clear that the strategy of the prosecution was to overcharge as many people as possible in order to obtain informers and, thereby, convictions in a few of the major prosecutions against the "leaders" of the rebellion.

The political and legal strategy of the defense became equally clear. It was necessary to provide a lawyer to every Brother who wanted or needed one — specifically, lawyers who were willing to fight, who were politically sympathetic to the goals of the Attica rebellion, and who could not easily be pressured by the prosecutors, the cops, or the judges into pleas.

Dan Pochoda from New York City represented most of the Brothers at the arraignments and bail arguments, and informed the court that the Guild would provide trial lawyers for all interested. Guild lawyers, law students and legal workers provided the network of committed political people who had been always willing to step forward when needed.

Notwithstanding the barriers of the Great Lakes and state lines, Detroit is hours closer to Buffalo than is New York City. We were able to recruit eight lawyers, each of whom agreed to represent a Brother. Several others took major responsibilities for legal work.¹

For most of us the experience was unique. The vivid personalities of the Brothers, their supporters and the other legal workers involved in the defense, were unforgettable. But most important was the sense of common purpose and shared collective values which brought and kept us together.

We all understood that Attica represented the use of naked violence which is at



Buffalo, 1974

the core of the ugliest and meanest facets of American society. Racism, economic oppression and third world imperialism all came together at Attica. Those of us who, even in small ways, stood up to fight those forces, could feel good about our collective efforts. Thus it was that strong friendships were forged amongst people from all over the United States who had never known one another before coming together, even briefly, in Buffalo.

Most of the cases fell of their own weight — the prosecution voluntarily dismissed many of them. However, a handful of prosecutions did go forward.

Of the Detroit cases, only Shango's remained by late 1975. Earlier in January of 1975, Wade hearings were held in his case along with those of Big Black, Champ, Herb Blyden, and Jomo. This group included some of the most articulate, powerful, and political "leaders" of the uprising.²

The prosecution chose to try Shango first. All of the Detroit lawyers came together in a collective effort to prepare motions, write briefs, work on jury selection and jury issues, and become involved in the massive amount of legal work necessary to do an adequate job at trial.

After a month of jury selection, the trial commenced. The principal trial lawyers were Ernest Goodman, my father, and Haywood Burns: I assisted and Linda Borus directed the investigations. Shango appeared *pro se* on one count. In the middle of the trial, Dacajewiah was convicted. This made it even more important that Shango be acquitted. Had the state won a second victory at that moment, the Rockefeller forces would have been



PHOTO: LARRY FINK

A meeting of Attica Brothers and their supporters, 1991.

strengthened, and the injustice heightened even further for the Attica defendants to follow.

However, Shango's trial went very well. Snitch after snitch was exposed as a liar, and the prosecutors, their investigators, and ultimately Nelson Rockefeller, were exposed as craven manipulators hell bent on convicting leaders of the Attica uprising in order to cleanse their own hands of lawyers of encrusted blood.

The trial ended in late June with an emotional statement by Shango, intended to communicate to the jury the injustice that had been inflicted on him. The jury

deliberated on counts ranging from misdemeanors to murder. After several hours they acquitted on all charges.

That night the sky over Buffalo, over the Erie County Courthouse and Jail, was clear, the moon shone and stars were bright. It was a splendid counterpoint to September 13, 1971. As the legal team, Shango supporters, Brothers who were now out of prison and their families poured out of the courthouse, a decision was made to walk as a group over to the Erie County Jail. As a group those on the streets shouted out to those behind the bars, "Attica means....", and from behind the bars we heard the answer — "Fight Back."

*With the law firm of Goodman, Eden, Millender and Bedrosian, Detroit; former President, National Lawyers Guild.

¹The Detroiters involved were George Bedrosian, Neal Bush, Stu Cohen, Bill Goodman, Ernie Goodman, Ken Mogill, Jim Neuhard, Abe Singer, Dick Skutt, Dick Soble, and Art Tarnow.

²These Brothers were represented by Paul Chevigny (Blyden); Elizabeth Gaynes and Vincent Doyle (Jomo); Big Black and Champ were *pro se*.

All the News That's Fit to Print

The New York Times

LATE CITY EDITION

NEW YORK, SUNDAY, APRIL 1, 1975

NEW YORK, TUESDAY, APRIL 2, 1975

30 CENTS

Attica Jury Convicts One Of Murder, 2d of Assault

CHIEF PROSECUTOR ON ATTICA ACCUSED OF JURY COVER-UP

AN F.R.I. INFORMER ASSERTS SHE SPIED ON ATTICA DEFENSE

CIVIL WARS

An interview with Liz Fink

After the massacre at Attica, Guild lawyers commenced a civil lawsuit against various State prison officials and the State police for the injuries, deaths, harassment, beatings and deprivations suffered by the inmates after the State's takeover. This suit is being tried in the United States District Court for the Western District of New York in Buffalo. Liz Fink had the following conversation with Emily Goodman and Danny Alterman in December, 1991, after the plaintiffs had rested and the State's defense was about to begin.

Q. Who is the legal team?

A. We are Liz Fink, Michael Deutsch, Joseph Heath, Dennis Cunningham, Danny Meyers, John Elmore, and Akil Al-Jundi. Big Black, Jerry Rosenberg, and Herbert X. Blyden are all *pro se*. All of the legal team (except Jerry, still a prisoner, and Herbert, a Buffalo resident) live together in a house in Buffalo like we did when we were the Attica Brothers Legal Defense on the criminal cases.

Q. Why have you dedicated seven-teen years of your life to Attica?

A. I was hooked by Attica because I was a leftist long before I was a lawyer. I was in San Francisco when George Jackson was killed at San Quentin during the summer of 1971. I was traveling east and reached New York the day before the Attica uprising and was horrified at the events of September 13, 14 and 15.

There was a huge demonstration while I was at Brooklyn Law School and I decided to check it out.

In 1973 and '74 I was very sick—on the critical list. When I made it through, I wanted to do something that had some purpose. I saw the Attica movie in Berkeley with John Hill (Dacajeweah) and then came

back to New York to be admitted. I then saw the movie again. The Guild needed someone to go to Buffalo, with no pay, but room and board, to do Attica Brothers Legal Defense. I had worked for the law firm of DiSuvero, Meyers, Oberman & Steel, in 1971 and had some background. When Marty Stolar told me about it, I said I'd try it for two weeks, but I knew that it would be a longer commitment because I brought my dog.

What happened at Attica changed my whole life, made me the lawyer I am. When things like Attica happen, which are so horrifying and against the pulse of humanity, there has to be a commitment to pull through, help the victims and hold accountable the people who did it.

Q. How did you get involved with the federal civil suit?

A. I thought of myself as a criminal lawyer. In 1976 the criminal charges were dropped. The Attica civil case was started in 1974 by people in New York City including Dan Meyers. I was legal adviser to Black, one of the plaintiffs. In 1979 the Judge ruled on defendants' motion to dismiss. Two weeks before it would have been dismissed Black and Akil said to me "You have to do it." Marty Stolar and Danny Alterman dedicated their office to help us get the complaint in shape to start the process of moving it forward.

Q. What result do you anticipate?

A. In New York City we would have settled or we would definitely win. But we are in Buffalo so I don't know. The evidence is overwhelmingly on our side. More than we ever hoped we could get. For example, a trooper testified he saw other troopers shoot a man in the head. A National Guard witness said it was a lot worse

after the takeover. He heard the prisoners screaming and said the brutality intensified over the 13th and 14th of September. Everyone who was in D-Yard on September 13th was affected by the brutality. Black was on the table for one day being beaten. Jerry Rosenberg, too. Deputy Warden Mancusi watched him being beaten.

Q. What is the State's defense?

A. The defense hopes the jury will not hold the defendant supervisors liable. We are hoping to hold liable the Estate of Russell Oswald, the former State Commissioner of Corrections who personally observed the brutality and reprisals. One person testified that Oswald clearly saw people being beaten, running through a gauntlet and being clubbed. Oswald called it "fraternity hazing." Over a thousand people were brutalized after September 13, 1971 and Oswald is responsible.

Q. What kinds of things have been kept out?

A. Dr. Sullivan's testimony was that nine days after the takeover there were still bruises on many inmates. The assault started at 9:46 a.m. on September 13, 1971 but according to prison officials the first call to doctors was 10:30 a.m. When the doctors finally arrived amidst unbelievable carnage, there were no supplies, no medical teams. Sam Melville's lung had collapsed but he would have lived if attended to.

In other words, the State knew of the massacre and condoned the death of many of the inmates because it failed to provide adequate medical care after the assault.

Q. What is the legal standard that applies?

A. The standard is that the prison officials and state troopers knew or should have known, or demonstrated deliberate indifference to, the serious medical and human needs of all concerned.

Q. What is the jury like?

A. As a result of the new Federal Civil



Liz Fink with (left to right) Richard X. Clark, Herbert X. Blyden, Michael Deutsch, Kimanathi, and Akil Al-Jundi.

Rule abolishing alternates, there are now nine people on our jury: one black woman, six white women, and two white men. Most are working people from outside Buffalo. The judges *voir dire* was the most minimal allowed so we have little knowledge about the jury.

Q. What was covered up?

A. They have covered up everything for 20 years because they didn't want people to know what happened at Attica. They have covered up and destroyed evidence, including the guns that were fired but not authorized. This was done even before the indictments of the prisoners. The guards on the assault force were told to remove their name plates because they knew they were going to go in and massacre the prisoners. They had informers in the prison and in the legal defense camp, as well as wire taps of defense discussions.

Q. What other atrocities and lies were perpetrated by the State?

A. Eight additional inmates were killed after the takeover. The state failed to be truthful about the circumstances surrounding the takeover. They also tried to obstruct the autopsies so they could obfuscate the truth. They were supposed to leave the bodies at the crime scene but the State officials removed all evidence. By 10 a.m. on September 14, 1971, they announced what had happened at Attica without having real information. Contrary to what the State said there was no evidence of resistance. The plan was to shoot all the prisoners on the catwalk whether or not they had a hostage. People got shot trying to surrender. People started to surrender six minutes after the shooting started so they couldn't have wanted to save lives.

One witness revealed that crime scene photos had been changed and scissors added

in the hands of one inmate. The Republican medical examiner, John Edland, was labeled a communist and harassed literally to his death because he told the truth regarding the fact that no hostages were killed by the prisoners but by the bullets of state police. Also, Michael Baden, a medical examiner who was brought to Attica on September 15, wanted to examine everyone, but the mortician where the hostages were being prepared for burial tried to hide one of the bodies. In fact a half inch bullet wound in the back proved that this particular hostage was shot while on the ground after the take over. It is conservatively estimated that up to eight people would have lived with adequate medical care. But that didn't happen because the State wouldn't allow it to happen.

Q. What might have happened had the State negotiated with the inmates?

A. There was another scenario possible. On September 13 it was rainy and cold and smelly. Everyone was getting tired. If they had cut the water the inmates would have surrendered. The food was running out, too. In fact, Bill Kunstler told Russell Oswald that the prisoners had lightened up on their demand for amnesty but Russell Oswald thought he was only jesting and did not respond.

The assault plan was in place from September 10 and the State had no intentions of peaceably negotiating the end of the rebellion. Even while this was in effect the hostages were fed, warm and safe. All ten hostages were killed because of the State.

The assault on the 13th was not intended to save the hostages. Witnesses on both sides testified there was no way to reach the hostages if inmates wanted to kill them. They were killed because the State meant them to be.

Q. How much money have you spent so far on the prosecution of the plaintiffs case?

A. We have spent approximately

\$150,000 out of our own pockets and almost \$2 million in legal time.

Q. Who is paying for the defense of the officials on trial?

A. The state pays for everything. They have covered the defendants' expenses, including large hourly rates for private attorneys, fancy hotels, unlimited extras, access to all the witnesses and the like. They have everything. We have nothing.

Q. What role did the Guild play in the Attica struggles?

A. The Guild played a primary part in the fight to stop repression and retaliation against the Attica Brothers by providing resources and legal support. The Guild and the Brothers were victorious in the defense of the criminal cases. The five lawyers now

in Buffalo are continuing the struggle that started when the Guild responded to the needs of the Brothers on September 9, 1971.

Q. Where are you at now in terms of your personal desires to see justice prevail?

A. I am more entrenched in the desire to make people accountable for what happened. If you fight, people will see that you can win. Attica changed the face of American history. Since Attica, confrontations between police forces and people have changed. No one, including the State forces, wants to repeat what happened at Attica.

Decide what's right and what action you have to take, and do it and never give up. The other side has to pay. Rockefeller didn't become President because of what

happened at Attica, and the inmates are still fighting the fight.

The Guild responded with a fight, providing resources and members to stop the railroad of the Attica Brothers. We were victorious in the criminal cases because of hard work and because we were right. The fighting continues and we're still doing the same thing.

NOTE: Liz Fink, daughter of Bernard Fink, a founding member of the Guild, and Sylvia Kleinman, a continuing activist, says her career began when she heard Walter and Miriam Schneer at Reed College in Oregon when they were lecturing on the Ethel and Julius Rosenberg case. Recognizing that good representation can make a significant difference, Liz then decided to go to law school.

Attica Case Jury Finds 1 Liable, Deadlocks on 3

New York Times, Feb. 5, 1992

VINDICATION!

On February 4, as the Journal was literally going to press, a verdict was returned in the Attica civil case. The jury determined that the 1,281 prisoner-plaintiffs had been subjected to brutal reprisals and "cruel and unusual" punishment in 1971, and had not been provided adequate medical care. Former Attica Deputy Warden Karl Pfeil was found liable for injuries resulting from the reprisals. The jury was deadlocked on the supervisory responsibility of the remaining three defendants. This was because three jurors could not think of "the inmates as people," according to one juror.

Characterizing the result, Attica Brother Herbert X. Blyden stated, "We're not elated; we are vindicated." The graphic testimony of former prisoners, troopers and doctors dramatized the events of September, 1971, for another generation. The ability to document and re-create the unspeakable acts of State officials occurring 20 years ago is attributable to the extraordinary efforts of the Buffalo legal team, and the commitment of many Attica Brothers and supporters during this lengthy period.

Much remains to be done—possible appeals, re-trials, damage hearings—requiring significant legal and material resources. The fight continues.

Jury Renders Mixed Verdict In Attica Case

Two Claims of Liability Upheld in Inmates' Suit

By ANDREW L. YARROW
Special to The New York Times

BUFFALO, Feb. 4 — More than 20 years after the bloody Attica prison insurrection, a jury in a civil suit today rendered a mixed verdict as to whether New York State officials were responsible for the bloodshed that left 43 dead and more than 90 injured when the state police retook the prison.

After almost three months of emotionally charged testimony in Federal court and four tumultuous weeks of deliberations, the nine-member jury found Attica's former deputy warden, Karl Pfeil, liable on two claims of having overseen brutal reprisals against inmates. But jurors rejected inmates' claims that the former Corrections Commissioner, Russell G. Oswald, specifically failed to provide adequate medical care to the inmates after the uprising had been quelled.

The jury did rule, however, that the 1,281 inmates who filed the \$2.8 billion civil liability suit in 1974 had proven not only that they suffered "cruel and unusual punishment" and reprisals but also that the state generally failed to provide adequate medical care.

New York Newsday, Feb. 5, 1992

AN OVERVIEW

by Ramsey Clark*

Twenty years later, the Attica prison rebellion exposes the darkest prejudices and racism of American character...and their consequences.

The day after the assault, *The N.Y. Times* wrote in its lead editorial "several of the hostages...died when convicts slashed their throats...one had been stabbed and emasculated...five were killed instantaneously by the inmates." But the reports were totally false. Thirty-nine defenseless people, including ten hostages, were all shot dead by the police.

Hundreds of prisoners were brutalized for months after the police carnage. Scores of prisoners were indicted, several on capital charges initially, and dragged through the courts for years. It took years of protest, articles, books—and revelations by courageous former special prosecutor Malcolm Bell—before a single police officer was charged with a minor offense for all that blood. And Nelson Rockefeller, who ordered the assault, became Vice-President of the United States. Twenty years later violations of the inalienable civil rights of prisoners by state action are finally being addressed in a court of law.

Clearly American law showed no more respect for the lives of the Attica inmates than it did for American Indian tribes slaughtered by cavalry, tens of thousands of African-Americans unprotected by law enforcement and lynched by mobs, and more recently the millions in Vietnam, hundreds in Grenada and Libya, thousands in Nicaragua, Angola and the Front Line States and hundreds of thousands in Iraq slaughtered by U.S. militarism. In 1971 the media showed no more respect for the truth, or

character of the young American prisoners, than it did for Iraqi soldiers it widely propagandized had killed scores of infants in Kuwait by pulling the plugs on hospital incubators in 1991. It didn't happen, but the hatred created by the reports abides.

We knew in 1971 that prison overcrowding and inhumane conditions for the poor, young, overwhelmingly minority inmates in Attica—who were given little chance in society for a family, a home, an education, a job or a decent life—was the basic cause for the prison rebellion. The New York State prison population was 12,500 in 1971.

Twenty years later, with the fear of crime greater than ever and opportunity for poor young minority males to participate fully in the society greatly eroded, New York State prison population had

soared to nearly 60,000. New York's population did not grow between 1971 and 1991. The prison population grew nearly 500%.

This land of the free imprisons more of its citizens than any nation on earth. We manufacture crime in our prisons. We have more than 2500 human beings on death rows. Our armed forces backed by 30,000 nuclear warheads police the world about as effectively as N.Y.P.D. polices the vast slums of New York City. Tens of millions live in poverty in America. Few can afford emergency medical services. Schools do not educate. Millions look for jobs without unemployment benefits and the homeless by the hundreds of thousands sleep in the cold, the rain and the snows of winter.

If we remember Attica, we may yet come to know ourselves. Then as Langston Hughes vowed "America will be."

**Former Attorney General of the United States, and trial attorney with Herman Schwartz for Attica Brother Charley Joe Pernalice, assisted by Ed Koren.*

