



Shati, Jomo, Babu, Duke and Papo look down from Wyoming County Court House at their supporters after arraignment for Attica indictments.

OPEN LETTER TO THE PEOPLE

First of all, I want to thank those who were responsible for the beautiful support we found upon our arrival at the Warsaw Court House. I want all of you to know that only your presence there makes us strong, and you are what makes it possible for us to struggle on.

I find it very difficult to transmit our thoughts and feelings. Because I don't know just where to start with words. I think I'll just forget about the side, front, the top or the bottom here & just rap to you naturally. Because whatever angle we look at it, our situation now, we're confronted with the same fight.

The most significant thing about the fight at this point is YOU the concerned people/all sisters & brothers of New York State/Amerika/The World. Because if they legally lynch us in their racist court today, they'll be coming for you in the morning.

Having had some experience with constant struggle in this country's court system, we hope all of you realize that we cannot lose our spirit in dealing with these problems. We all are confronted with the same, and it's not necessary to throw up both hands and allow the professional victimizers to gamble twice with our lives in their racist clutches of injustice.

You the people must not allow them to proceed with their beastly acts, for they do not have that right. Only you the people, the true power of any country, have the right to make decisions dealing with such, for you, each and every one of you sister(s) & brother(s) are on trial with the brothers of Attika. We all--no matter what color you are--are prisoners here in Amerika when it comes to the court system, whether you know anything about the prison system or not.

I realize that the many deaths that occurred behind the ugly gray walls of Attica on September 13, 1971, may have come as a surprise to many of you. But as one of the survivors of that Bloody Monday, I know that many of us welcomed death after having lived as animals in the cages. Because we've faced the racist functionaries of Nixon, Rockefeller & Oswald in the blood of the people. And we know that our cries reached your ears and farther.

Now is the time for all of you, sister(s) & brother(s) to come forward and take our hand in united defense as we face the new battle that started with that first indictment at the Warsaw Court House in December 1972. So we ask you our beloved sister(s) & brother(s) to unite with all of us in our new cries of the people's battle for a people's victory.

So it's from this viewpoint that I've attempted to transmit my thoughts to you all, on behalf of all the brothers of Attica & it is in this spirit that I hope you, my/our beloved Sisters & Brothers will receive it. We wish you to take a deeper look into our case & then act collectively in true support to defend and liberate us all from these clutches of double jeopardy.

ALL POWER AND SUPREME LOVE TO YOU THE PEOPLE
FROM THE BROTHERS OF ATTICA

UNYIELDINGLY YOURS,

Jomo Sekou Omoale

JOMO SEKOU OMOALE
Auburn Prison
"Special Housing Unit"
January 2, 1973

"We greetec each other with clenched fists..."

With this article, we hope to share with you some of our experience during the last three weeks at the Wyoming County Courthouse in Warsaw, where the 37 sealed indictments, charging 60 prisoners and former prisoners with "crimes" allegedly committed during the Attica Rebellion of Sept. 9-13, 1971, were being opened.

The emphasis on our personal experience is not meant to single out any brother as being more important than any other. All sixty of the Attica Brothers and their families and comrades who have come through this latest vicious attack with us are in our thoughts. We believe that one of the reasons that so many brothers have been indicted is that the state officials, in trying to find scapegoats for the blood on their hands, want to make it impossible for us to come to know these brothers as individuals. They are afraid to have these men known as people instead of numbers, afraid that we will know the depth of human spirit we keep in cages, afraid we will see who the real criminals are. And they have reason to be afraid...



People from Syracuse, Rochester, and Buffalo came to support the brothers at the courthouse in Warsaw, New York.

We drove 125 miles to the Wyoming County Court House on the morning of December 18, to find out whether our brother Jomo was among those named in the 37 indictments which the Grand Jury had handed down 3 days before. There was no way to find out beforehand. All we knew was that Jomo, along with about 100 others, had been kept in segregation at Attica for months, having been singled out because of their political awareness as "targets" of the grand jury investigation.

We also knew that a Syracuse rainbow brother, Chuck Pernalice, had been picked up on the 15th at his house in Camillus where he had been told to wait for a visit from his parole officer. He was brought out of his house by seven creeps who tied him up with his guitar strap and dragged him to the jail in Buffalo to wait for arraignment on one of the indictments.

When we arrived at the courthouse, we learned that Jomo was there, so we knew that he was among those who had been indicted. We were tense as we went into the courtroom. Although the arraignments were scheduled to begin at 10 am, there was still no sign of progress as noon approached. It turned out that the Prosecutor had missed his plane from New York City. In total disregard for the brothers who had been awakened at dawn, shackled and dragged to the courtroom to wait to hear what "crimes" they supposedly committed, the state's Attorney apologized only to the judge and a lawyer for the delay.

All during the wait from 10:00 until 3:30, I thought of how painful it must be to sit in handcuffs and leg irons, locked in the small rooms adjoining the courthouse, not knowing what will happen next. But what I didn't realize is that for these brothers this cruel and barbaric treatment is a daily fact of life. It was the brothers themselves who taught me in that courtroom to stand up to the state and to fight. We came there to support them, but it was they who gave us the strength to sit through that ordeal.

By 3:30, there were about 12 brothers locked up in various rooms around the courthouse. Some, like Chuck Pernalice, had been brought in off the street, since they had been released from prison since the Rebellion. Others were brought in convoys from the state prisons they've been shuffled through since the riot

Chuck Pernalice was the first brother to enter the courtroom. I knew he had worked around the New Times, but I hadn't ever seen him before, and I was shocked when he bopped in, with his freek flag hair hanging high, dressed in jeans with flower patches. We could have met on M Street. In fact, we should have. The Prosecutor stood up and read from a paper, indictment #1, which charged Chuck with the murder of an Attica guard (one of 11 killed during the Rebellion--the other 10 were shot by State Troopers). He ceremoniously handed the indictment to Chuck, who rolled it up as if it were a term paper from a teacher, and started bopping out of the courtroom. The Sheriff's men would have probably let him walk right out to the street if the judge hadn't ordered them to follow him--it was really clear that no one, not even the guards, believed that Chuck had killed anyone.

Like Chuck, John Hill, the next brother brought in is about 20 years old. "Chief", as John Hill calls himself, is half Mohawk. He seemed amazed by the whole procedure. His handcuffs were removed in court at the insistence of the lawyer present, after which the Prosecutor read indictment #1 again, this time naming Chief as Chuck's co-defendant. As if performing an encore for an already disgusted audience, the Prosecutor opened another indictment, charging Chief with a few more "crimes". The sadistic display continued as more brothers were brought in to have their indictments unsealed. One Latino brother, William Ortiz, stood mute as the Prosecutor asked him questions. Finally someone suggested that maybe he didn't understand English. The judge then asked whether anyone could speak "Spanish or Puerto Rican". People gasped at the judge's racist ignorance, as Ortiz was taken away to be interviewed by the local "Public Defender".

As the afternoon wore on, prison guards in blue blazers (they looked like bell hops) brought out the brothers, one by one, removing the handcuffs but leaving the heavy chains around their waists, while the well-dressed prosecutor with the pointed nose read the "charges".

Near the end of the day, they brought out a young Latino, Mariano Gonzales, whom we know as Brother Dalou. The Prosecutor opened indictment #6, and charged Dalou with the murder of one of the inmates who died during the Rebellion. After that, we felt that any kind of insane charges were possible.

We were still waiting for Jomo's indictment, and finally he was brought in. Standing there, he seemed a lot more interested in finally being able to move his hands and legs for the first time in over 10 hours than in hearing what the state had dreamed up this time. The first thing he did was loosen his tie (part of the "suit" the state issues prisoners for court appearances), and we could see how red his wrists were from the handcuffs. Jomo was indicted for coercion and unlawful imprisonment (that's right, they indicted him for that) on an indictment which named seven other brothers. For the moment we were relieved, believing that at least the waiting was over.

But the next day, when brother Otis McGaughy (who had been indicted on Monday for assault) was brought back to court, and indicted again for 2nd degree kidnapping, it became obvious that even we had underestimated the sadism of Rockefeller and



Members of the Prosecutor's staff, left and center, trying to pass as "representatives of the people". Judge Carmine Ball is on the right.

his lackey prosecutor, and that the worst was yet to come. Brothers were being dragged back to court day after day, some on 3 and 4 separate indictments.

We returned to the courtroom 3 days later, since Jomo's arraignment had been adjourned. But the state "forgot" to bring him to court, which they didn't tell us until it was too late for anything to be done, since he was being held 100 miles away at Auburn Prison along with the other "indictees" from the state's prisons.



Brother Zuri (Verdell Turner) returns to court from Erie County Jail for bail reduction.

While we were at the courthouse, we saw James 33x Richey being brought in. A Muslim, he had been released from Clinton Prison the week before, and was picked up when he reported to his parole officer. Unlike their treatment of those brothers who hadn't been on the street, the State's attorneys opened both indictments they had for Brother James, although the names of the co-defendants had been blocked out. Indictment #10 charged him with kidnapping in the second degree, and Indictment #5 accused him of 34 counts of First Degree Kidnapping, each count of which carries a sentence of life imprisonment.

All during the Christmas weekend, the brothers at Auburn remained in segregation, many without their possessions and medication, not knowing whether any more indictments against them existed, or when they were to be unsealed. The brothers who had been picked up on the street waited at the Erie County Jail, where family visits are limited to 10 minutes. We spent the weekend baking pies and cakes for holiday food packages--there didn't seem to be much else to do.

The next week, more indictments were opened, more brothers were brought in, but the spirits seemed to be getting higher as the brothers and the people in the courtroom recognized that bullshit charges like these could be fought and won. The people in the courtroom stood up for the brothers as they entered and left the courtroom, greeting each other with clenched fists. When we returned for Jomo's arraignment on the 29th, we could see that the brothers there were not going to allow themselves to be run over by the sadistic court officers. Most of the brothers who appeared that day, including Jomo, were among the 19 defendants named in indictment #5. (This included brother James 33x, and Brother Richard Clark who had been arraigned two days before.) We had gotten over the agony of realizing that they were indicting our rainbow brother again, this time for charges which carry life, because we have learned from him that every movement toward freedom carries life, in one way or another.

The brothers brought in that day asked the Judge if he was aware that one of the men who had been indicted the day before, named Bixby, had tried to kill himself in his cell at Auburn the previous evening, and requested information as to the brother's condition. The Judge remained silent.

Richard Bilello was the first brother brought into the courtroom that day, looking a little disheveled. He spoke right up to the Judge, telling him that he was being treated like an animal--worse than an animal; that he had no comb, had had no shave, he was in chains, he had no rights, no lawyer. Then he opened up his shirt and showed the Judge five scars on his stomach, from burns he'd gotten when guards and troopers had put out their cigars on him after Attika was retaken. The judge said

nothing, but continued to try to indict Bilello on indictment #5. The people in the courtroom cheered as Bilello asked the judge whether he could recognize him as a human being, and if he cared whether or not he was another human being. The judge told us all to be quiet.

The brothers were definitely not taking these indictments quietly. A large black man came in, looking like a drill sergeant. He said his name was Big Black, which sounded logical, and he sat right down and started telling the judge about Bixby and about his rights, and that the indictments had been completely fabricated by the State and that he was a human being and should not be chained while in court. The judge suppressed an answer when Big Black asked him whether he had any human decency in him, and suggested that the Judge might be some sort of Grand Dragon and should be investigated about his association with the Ku Klux Klan. (After two weeks of watching these indictments open, the suggestion did not seem to be mere rhetoric). When Big Black was finally given his copy of indictment #5, he tore it up and was led out of the courtroom.

When Chris Reed entered the courtroom, he appeared to be very shy. But when this young black brother spoke up, it was to ask the judge whether the police who shot his leg off during the assault on Attika was in court to be indicted. He asked if the man who had shoved tear gas in his face after the Rebellion was in the court. He wanted to know where the prison officials were, and we were wondering the same thing ourselves. The Prosecutor, however, like a broken record, read him indictment #5.

When they read four indictments to Brother Babu (Milton Jones) it was hard for us to believe that anything was real. This brother was charged with everything from attempted murder and kidnapping to assault, coercion and unlawful imprisonment. (If we hadn't seen Babu standing there, we would have been sure that that was Nelson Rockefeller's indictments.) It became obvious then that the state must figure that by loading people down with all this garbage that they'll be able to break them, force them into dealin' and coppin' out--in other words, force the brothers into being just like the honkies they rightfully rebelled against in the first place.



State Troopers on right have completed supervision of prisoners who were forced to mount steps leading to courtroom (on left) in shackles.

But they always make the same mistake--they think that we'll respond to their racist, honky bullshit charges just like they would respond to it, in an individualist way, thinking only of their own necks, totally disregarding the collective struggle to build a liberated people; they think we'll go for the same lies they always fall for, believing everything their President and television commercials tell them; they think we'll be afraid of them just like they're afraid of us; they think we'll be unable to communicate across color lines, just like them. But the spirit of the Attika Brothers showed everyone in that courtroom, just like they showed everyone in the world in September 1971, that L.D. Barkley had it right the first time, before they murdered him on September 13, when he spoke in Attika's D-yard sixteen months ago:

"We are men. We are not beasts, and we 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. 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 life of not only us, but of each and every person in the United States as well."

LETTERS:



BELOVED BROTHERS & SISTERS,

...Your presence--just to know that you are there, thinking not of what you can do, but doing what you can, knowing that the struggle is for all hands.

It is our realization that black and white must achieve a substantial unity in order to bring about fundamental structural changes in Amerikan society. It is absolutely necessary that we reach and maintain a significant level of solidarity in our political and social struggle against this monstrous system.

Historically we have been ignorantly divided along racial lines...In so being we have paid a huge price; riding on waves of self-defeating convictions. Consequently we have entrenched ourselves and the world struggle in stagnation. This the world must know by your glaring example--that the people's struggle is not a struggle based on race, but rather a struggle based on humanity and justice for all people...

We will know the taste, by your support, of a "people's victory" in its truest and purest form--All Power! With Peace, Love and Happiness! --from the Attica Bro. who, by your love and dedication, has grown stronger and more determined,

in revolutionary love and spirit

SHANGO
(Bernard Stroble)



DEAR COMRADES

...Through the development of mankind (if we call it that) many inevitably will be tormented and will be sacrificed in order to let others live & enjoy life to its ultimate, within reasonable guidelines.

But then we can only say that the dialectical process of human relationships can only be achieved in its highest form through struggle.

I'm not speaking of struggling for the mere act of being involved; it's about struggle for the act of survival. We know that what happened at Attica can happen again (and in our communities too) and the people do not recognize it for what it really is and do not develop the consciousness to deal with it...

In struggle,

BROTHER DALOU
(Mariano Gonzalez)

Que Viva Puer! Rico Libre!

GREETINGS BROTHERS & SISTERS,

Again under conditions which produce injustice and enslavement. And in which we are forced to function as less than human beings; kidnapped, chained and led like sacrificial animals before the puppet judge of our inhuman oppressors, to start the holiday season.

Again we find all the beautiful and enlightened sisters and brothers en masse in the courthouse to lend moral support.

Also that you were thinking of us with gifts for the holidays. We thank you. Peace, power and love. We will remain strong in the struggle.

BIG BLACK
(Frank Smith)



RAINBOWSISTER

Yes, Attika means "Fight Back", and our heart has become Attika fighting back all forces but love. We gave our last answer in blood to the question of our freedom.

Someday the sadness of my eyes will not show the reflection of our tortured soul--for it's almost over now except the cry of my love for us. Your tears are for those sick people who fastened the handcuffs to my/our wrists, the shackles around my/our legs, the chain around my/our body and transported me/us to this place and turned me/us over to a sick keeper. But your tears alone will show our pain in a way the whole world of sick functionaries will feel and realize the unbreakable, undiminishing powers of who we are. In your tears they realize that they are the guilty ones, the conspirators who have violated our rights of supreme love.

JOMO

BEAUTIFUL PEOPLE,

...I realize now that in my young life I have not met too many real people and now I know there are more people dedicated to the cause, and if I should receive a raw deal from this I will not grow weak, but much stronger because I'll know that you and others care about me and all the brothers and sisters in the same situation. I'm still young and inexperienced, but I feel that before I die I will have the strength and love to lead my people and all oppressed people to a life of pure happiness...If any of you brothers or sisters have the time, I would recommend reading the book "Black Elk Speaks" by John G. Neihardt, and maybe you'll understand how I think...

All my love,

CHIEF
(John Hill)

The Attica Indictments

The state's attack on the brothers who survived the massacre on Attica Prison on September 13, 1971 which ended the rebellion there has been accelerated during the last 3 weeks, as 60 of the brothers have been indicted for many crimes ranging from promoting prison contraband to murder. These charges were contained in 37 sealed indictments handed down Dec. 15--and this may only be the first batch! So far, none of the prison staff or state police has been indicted for as much as assault.

State Attack #1

On the morning of September 9, 1971, the prisoners exercised their right to rebel against intolerable oppression--the same right of rebellion that was exercised in 1776 against the British overlords.

In D yard, the 1,280 prisoners developed a powerful unity of all races and religious groupings. For four days they controlled their own lives, sharing what they had, providing medical treatment for all who needed it. As an example to the prison authorities, they treated their hostages with humanity, fed them well, gave them double mattresses and guarded them from attack. Above all, they overcame the racism that is the prison's (and society's) most effective tool for dividing and controlling the population. The negotiators at the table were Black, White & Latino, and the clear demands they raised called for human treatment for all, and an end to racist attacks.

On the morning of September 13, without warning or clear ultimatum, the state mounted a massive lethal attack on the prison population. The assault force of prison guards and State Police had been stirred up to a pitch of racist hatred by totally unfounded stories of guards getting raped and castrated in the yard. They were armed with shotguns and buckshot to give scattered fire over a wide area, and hunting rifles equipped with flat-nosed dum-dum bullets designed to blow a foot-wide hole in the human body. Thirty-nine people, including ten hostages, died, and hundreds were wounded, under the guns of the state.

In the following days at least 700 prisoners were viciously beaten, tortured and abused by State Troopers and guards, despite Oswald's promise that there would be no physical reprisals. 100 alleged leaders were rounded up and segregated in HBZ (the Box) for months.

While this orgy of brutality (in the words of the U.S. 2nd Circuit Court) went on unchecked inside the walls, outside Oswald's sidekick Walter Dunbar was telling the press and the people of the world that the dead hostages had had their throats slit by prisoners and that one hostage had been castrated--both of

which he knew at the time to be monstrous lies. The story, which was the first to hit the headlines, was specifically designed to make the Attica brothers look like animals, and to shield those who ordered the massacre and those who actually killed the hostages from attack by the people.



State Attack #2

What we are now seeing in these indictments and the coming trials of the Attica Brothers is the final desperate attempt by the state to shield those State Officials who are criminally responsible for the mass murder of Sept. 13, from being brought to justice; an attempt to punish those politically aware men who had the respect of the prisoners in their struggle to basic human rights, men whose solidarity and determination make them a continual threat to the state; an attempt to discourage any further action by prisoners to change their conditions.

The state is attempting to force all of the people who have been working with and supporting the prison struggle to divert all their time, energy and money into long, expensive trials. By carefully avoiding charging the brothers with crimes that people usually identify with political trials, such as conspiracy, rioting, etc., the state is hoping that we will fail to understand the political nature of these charges. They are also hoping that heavy charges like murder and kidnapping will have the same effect they tried to achieve with the lies they told the world on Sept. 13th--turning the weight of public opinion against the prisoners' struggle, and inducing the people to ignore the fact that 39 people, including 10 of the prison staff, were killed by the state police and prison guards.

The Whitewash

The Wyoming County Grand Jury that handed down these indictments is one of the most blatantly stacked juries in the whole history of the use of Grand Juries as a tool of political repression. Its members are drawn from the community around Attica; they are all white, largely elderly (only one is under 30), and unanimously biased against prisoners. When the jury was questioned by the judge and the D.A. for possible partiality, twelve of its members stated quite openly that they had friends who work as guards in the prison or as State Troopers, and five had friends who were hostages in the yard. The foreman of the jury, Raymond Becker, runs the school bus outfit in Attica and claims many friends among the prison guards. The only "evidence" this "impartial" jury has heard in its year of duty has been presented by Deputy Attorney General Robert Fischer, the man appointed by Rockefeller to investigate and prosecute all crimes committed at Attica. As a State Official himself and as an attorney who has defended the State Officials involved at Attica in court, Fischer stated he could not impartially investigate the crimes of State Officials, and requested that a special agency be appointed for that purpose. This, of course has not been done.

NO ONE IS SERIOUSLY INVESTIGATING OR PROSECUTING THE MEN RESPONSIBLE FOR THE PRIMARY VIOLENCE AT ATTICA, THE MASS MURDERS AND TORTURES OF SEPTEMBER 13.

Fisher and his agents have accordingly spent the past year investigating the alleged crimes of prisoners. They have bought their testimony from prisoners by offers of pardon or parole, or by threats of indictment for those who refuse to testify as directed by the D.A.s. We know of several prisoners who were refused parole because they refused to testify. We know of one prisoner who has testified several times and been granted no executive pardon by Governor Rockefeller. Every indication points to the use of these inducements as general practice in buying testimony. This use of the courts to legitimize the most barbarous acts of the state is a common ruse to silence us.

We Demand

WE DEMAND that the indictments against the Attica Brothers be dismissed.

WE DEMAND that the State Officials responsible for the conditions that led to the revolt, and the mass murder that ended it, be brought to justice.

WE DEMAND that the 28 just demands of the Attica Brothers be implemented immediately under the supervision of concerned members of the community.

(Based on statement of the Attica Defense Committee of Buffalo.)

The Attica Brothers

William Bennett (Goldmine)
Richie Billello
Ernest Bixby
James Brown (Alsayah)
Richard Clark (Brother Richard)
Roger Champen (Champ)
Ronald Coyne
Herbie Scott Deane (Akil)
Allah Dahu
Edward Dingle
Robert Dugarm
Greg Felder
Peter Galvin
Robert Gill
Mariano Gonzalez (Dalou)

Steve Garrett (El-Kareem)
Thomas Hagan
John Hill (Chief)
Calvin Hudson (Hutch)
Raymond Jackson
Armstrong John (Bif)
Robert Johnson (Duke)
Wilbur Johnson (Jusmealah)
Carl Jones-El (Tariq)
Hilton Jones (Babu)
Vernon LaFranque
Joe Little
Ronald Lyons
Leon McDonald (Hodari)
Otis McGaughy (Big O)

Mario Maldonado
Steve Merkle
Robert Miles
John Mitchell
James Moore (Rahaan)
Donald Noble
William Ortiz
William Outlaw
Chuck Pernalice
Mike Phillips
Alfred Plummer (NBA Red)
Jose Quinones (Papo)
Luis Quintana
Chris Reed
James Richey (brother James 33x)

Alphonso Ross
Chris Santiago
Bernard Shipman (Iron Mike)
Frank Smith (Big Black)
Willie Smith
William Stokes
Bernard Strobble (Shango)
Raymond Sumpter (Fish)
Eric Thompson (Jomo)
Verdell Turner (Zuri)
John Wallace
William Wesley (Shati)
Tony Williams
William Wilson
Rico Wright