

Sir:- Please take notice that the within is a (*certified*)  
true copy of a  
duly entered in the office of the clerk of the within  
named court on  
19

Dated,

Yours, etc.,

GEORGE T. MAHSHIE

*Attorney for*

*Office and Post Office Address, Telephone*

503 E. WASHINGTON STREET  
SYRACUSE, NEW YORK, 13202  
(315) 474-4628

To

Attorney for

===== NOTICE OF SETTLEMENT =====

Sir:- Please take notice that an order

of which the within is a true copy will be presented  
for settlement to the Hon.

one of the judges of the within named Court, at

on the \_\_\_\_\_ day of \_\_\_\_\_ 19  
at \_\_\_\_\_ M.

Dated,

Yours, etc.,

GEORGE T. MAHSHIE

*Attorney for*

*Office and Post Office Address, Telephone*

503 E. WASHINGTON STREET  
SYRACUSE, NEW YORK, 13202  
(315) 474-4628

To

Attorney for

Index. No.

Year 19

United States District Court  
in the Western District of New York

Joseph Shuhda  
et al  
vs

Nelson A. Rockefeller  
Governor of the State of New York  
et al  
Defendants

===== ORIGINAL =====

Summons and Complaint

GEORGE T. MAHSHIE

*Attorney for* Plaintiffs

*Office and Post Office Address, Telephone*

503 E. WASHINGTON STREET  
SYRACUSE, NEW YORK, 13202  
(315) 474-4628

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for



JOSEPH SHUHDA, GEORGE MAHSHIE, WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, JOSEPH S. DOMANTI, SHEIKH DAOUD AHMED FAISAL, REV. GEORGE LAWRENCE, REV. LOUIS GIGANTE, LEANDRA BARBIERI (ASHRAF), and JOHN M. LAWRENCE,

Plaintiffs,

- Against -

NELSON A. ROCKEFELLER, Governor of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ARTHUR LEVITT, Comptroller of the State of New York, EARL W. BRYDGES, Majority Leader, The Senate of the State of New York, PERRY B. DURYEA, Majority Leader of the Assembly of the State of New York, JOSEPH ZARETZKI, Minority Leader of the State of New York, STANLEY STEINGUT, Minority Leader of the Assembly of the State of New York, STANLEY H. FULD, Chief Judge, Court of Appeals of the State of New York, HAROLD A. STEVENS, Presiding Justice, Appellate Division of the Supreme Court, State of New York, SAMUEL RABIN, Presiding Justice, Appellate Division of the Supreme Court, State of New York, J. CLARENCE HERLIHY, Presiding Justice, Appellate Division, Supreme Court, State of New York, HARRY D. GOLDMAN, Presiding Justice, Appellate Division, Supreme Court, State of New York, THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA, An Alleged and Pretense Executive Body of the State of New York, CHARLES DRY, Executive Director of the New York State Special Commission on Attica, ARTHUR LIMAN, General Counsel of said Commission, and the following Members of, constituting said NEW YORK STATE SPECIAL COMMISSION ON ATTICA, ROBERT B. MC KAY, BURKE MARSHALL, ROBERT L. CARTER, BISHOP EDWIN B. BRODERICK, WALTER N. ROTHSCHILD, JR., DOROTHY WADSWORTH, AMALIA BUERRERO, AMOS HENNIX, and WILLIAM LEE WILLBANKS,

Defendants.



# United States District Court

FOR THE

WESTERN DISTRICT OF NEW YORK

CIVIL ACTION FILE NO. Civ-1971-576

Plaintiff

v.

Defendant

SUMMONS

To the above named Defendants :

You are hereby summoned and required to serve upon **GEORGE T. MAHSHIE**

plaintiff's attorney , whose address is 503 E. Washington St., Syracuse, N.Y. 13202

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

131

JOHN K. ADAMS Clerk of Court.

Deputy Clerk.

Date: December 22, 1971

[Seal of Court]

Note:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.



THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT : NEW YORK

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JOSEPH SHUHDA, GEORGE MAHSHIE, WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, JOSEPH S. DOMANTI, SHEIKH DAOUD AHMED FAISAL, REV. GEORGE LAWRENCE, REV. LOUIS GIGANTE, LEANDRA BARBIERI (ASHRAF), and JOHN M. LAWRENCE,

Plaintiffs,

1971  
CIVIL ACTION NO.

- Against -

NELSON A. ROCKEFELLER, Governor of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ARTHUR LEVITT, Comptroller of the State of New York, EARL W. BRYDGES, Majority Leader, The Senate of the State of New York, PERRY B. DURYEA, Majority Leader of the Assembly of the State of New York, JOSEPH ZARETZKI, Minority Leader of the State of New York, STANLEY STEINGUT, Minority Leader of the Assembly of the State of New York, STANLEY H. FULD, Chief Judge, Court of Appeals of the State of New York, HAROLD A. STEVENS, Presiding Justice, Appellate Division of the Supreme Court, State of New York, SAMUEL RABIN, Presiding Justice, Appellate Division of the Supreme Court, State of New York, J. CLARENCE HERLIHY, Presiding Justice, Appellate Division, Supreme Court, State of New York, HARRY D. GOLDMAN, Presiding Justice, Appellate Division, Supreme Court, State of New York, THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA, An Alleged and Pretense Executive Body of the State of New York, CHARLES DRY, Executive Director of the New York State Special Commission on Attica, ARTHUR LIMAN, General Counsel of said Commission, and the following Members of, constituting said NEW YORK STATE SPECIAL COMMISSION ON ATTICA, ROBERT B. MC KAY, BURKE MARSHALL, ROBERT L. CARTER, BISHOP EDWIN B. BRODERICK, WALTER N. ROTHSCHILD, JR., DOROTHY WADSWORTH, AMALIA BUERRERO, AMOS HENNIX, and WILLIAM LEE WILLBANKS,

VERIFIED  
PETITION

Defendants.

For an Injunction and a Declaratory Judgment, pursuant to T. 42, Secs. 1983 and 1985, U. S. Code, and the 14th Amend., U. S. Constitution, to Enjoin, Annull, and Have Recovery for People of State of New York for, Wrongful Acts of the Defendants Creturing and Sustaining the so-called NEW YORK STATE SPECIAL COMMISSION ON ATTICA.

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Plaintiffs JOSEPH SHUHDA, GEORGE MAHSHIE, WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, JOSEPH D. DOMANTI, SHEIKH DAUD AHMED FAISAL, REV. GEORGE LAWRENCE, REV. LOUIS GIGANTE, LEANDRA BARBIERI (ASHRAF) and JOHN M. LAWRENCE, by their respective attorneys, GEORGE MAHSHIE, ESQ., WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, ESQ., and JOSEPH S. DOMANTI, ESQ., and by JOHN M. LAWRENCE each personally appearing, complaining of the Defendants, respectfully aver, claim and allege as follows:

FIRST: This action is brought by the Plaintiffs individually, and as representative members of their said classes, and as Relators of the body corporate and politic of THE PEOPLE OF THE STATE OF NEW YORK, pursuant to the 14th Amendment, United States Constitution, and to the Federal Civil Rights Act, Title 42, Secs. 1983 and 1985, United States Code, to vindicate the Federally secured rights of the Plaintiffs as said, and of THE PEOPLE OF THE STATE OF NEW YORK, against being deprived of same by acts of the Defendants wrongfully acting under mere pretense or color of authority of the State of New York, and to have relief by way of Injunction and Declaratory Judgment to annul and enjoin the deprivatory acts of the Defendants as mentioned, and to have recovery in the interest of THE PEOPLE OF THE STATE OF NEW YORK of the monies being illegally wasted by the Defendants. Jurisdiction is conferred on this Court by Title 28, Secs. 1331 and 1343, United States Code.

SECOND: The Plaintiffs JOSEPH SHUHDA, GEORGE MAHSHIE, WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, JOSEPH S. DOMANTI, SHEIKH DAUD AHMED FAISAL, REV. GEORGE LAWRENCE, REV. LOUIS GIGANTE, LEANDRA BARDIERI (ASHRAF) and JOHN M. LAWRENCE, are citizens of the United States of America, and citizens and permanent residents of the State of New York, and each of them bring this action individually and as members of their said classes of citizens,



and as Relators of the body corporate and politic of THE PEOPLE OF THE STATE OF NEW YORK.

THIRD: The Plaintiffs, JOSEPH SHUHDA, GEORGE MAHSHIE, WILLIAM C. CHANCE, JR., OSCAR GONZALEZ-SUAREZ, JOSEPH S. DOMANTI, SHEIKH DAOUD AHMED FAISAL, REV. GEORGE LAWRENCE, REV. LOUIS GIGANTE, LEANDRA BARDIERI (ASHRAF) and JOHN M. LAWRENCE are duly qualified electors of the United States of America and of the State of New York, and do bring this action both individually, and as members of their said classes of electors, and as duly qualified voting Relators of the body corporate and politic of THE PEOPLE OF THE STATE OF NEW YORK.

FOURTH: The Plaintiffs JOSEPH SHUHDA, GEORGE MAHSHIE, OSCAR GONZALEZ SUAREZ and LEANDRA BARDIERI (ASHRAF) each of them, are the owners of valuable real property and the owners or operators of business premises within and doing business within the State of New York, and do pay property, personal and business taxes to the State of New York, or its governmental subdivisions thereof, each in excess of the sum of ONE THOUSAND DOLLARS per annum, and do bring this action both individually, and as taxpayers, and as members of their said classes of taxpayers, and as such dues or fee paying members of the body corporate and politic of THE PEOPLE OF THE STATE OF NEW YORK.

FIFTH: The reason why this suit is brought by the above mentioned plaintiffs in the interests of, and as Relators of, the body corporate and politic of THE PEOPLE OF THE STATE OF NEW YORK, and not by its regular officers, is that all officers of the state vested with plenary contrao over the affairs of the state corporation, to wit, the Defendants ROCKEFELLER, LEFKOWITZ and LEVITT, are now engaged in doing the wrongs complained of under mere pretense of authority of the said body corporate, and the members of THE PEOPLE OF THE STATE OF NEW YORK have no remedy except by the acts of the Relators bringing suit herein.



SIXTH: At all times hereinafter mentioned the Defendant NELSON A. ROCKEFELLER was and is the duly installed Governor of the State of New York; the Defendant LOUIS J. LEFKOWITZ was and is the duly installed Attorney General of the State of New York; the Defendant ARTHUR LEVITT was and is the duly installed Comptroller of the State of New York; the Defendant EARL W. BRYDGES was and is the duly installed Majority Leader of the Senate of the State of New York; the Defendant PERRY B. DURYEA was and is the duly installed Majority Leader of the Assembly of the State of New York; the Defendant JOSEPH ZARETZKI was and is the Minority Leader of the Senate of the State of New York; the Defendant STANLEY STEINGUT was and is the Minority Leader of the Assembly of the State of New York; the Defendant STANLEY FULD was and is the Chief Judge of the Court of Appeals of the State of New York; the Defendant HAROLD A. STEVENS, the Defendant SAMUEL RABIN, the Defendant J. CLARENCE HERLIHY and the Defendant HARRY D. GOLDMAN, are, respectively, the Presiding Justices each of the First, Second, Third and Fourth Judicial Department of the Appellate Division of the Supreme Court of the State of New York, and the Plaintiffs request this Court to take judicial notice of the Constitution and statutes of the State of New York, and of the Rules of the Senate, and the Rules of the Assembly of the State of New York.

SEVENTH: At all times the Defendant the NEW YORK STATE SPECIAL COMMISSION ON ATTICA, or so-called "Citizens' Committee" was and is a pretense official body or agency in the Executive Branch of the Government of the State of New York.

EIGHTH: At all times just mentioned, the Defendants ROBERT B. MC KAY, BURKE MARSHALL, ROBERT L. CARTER, BISHOP EDWIN B. BRODERICK, WALTER N. ROTHSCHILD, JR., DOROTHY WADSWORTH, AMALIA GUERRERO, AMOS HENNIX and WILLIAM LEE WILBANKS have been, are, and shall further pretend to be alleged plenary members or



officers of the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA and the Defendant CHARLES DRY is the installed but mere pretense, Executive Director in charge, and the Defendant ARTHUR LIMA was and is pretense General Counsel of same.

NINTH: At all times mentioned each and every act mentioned as done by each and every Defendant, whether severally or jointly, or whether personally or by the agents, servants, employees, assistants, attorneys or aiders or abettors or any Defendant were done or adopted by each as the principal or agent of each and every other Defendant, and in pursuance of a conspiracy or wrongful agreement entered into and furthered by them as hereinafter shown, contrary to the Laws of the United States, and to Title 18, Sec. 241 and to Title 42, Sec. 1985, United States Code, and to the Common Law.

TENTH: At all times on the 16th day of September, 1971, and thereafter the Defendants above named, have been, are now, and shall be further engaged in doing serious wrongful acts of destroying the Federally secured and protected rights of the Plaintiffs, and all members of their said classes, and of THE PEOPLE OF THE STATE OF NEW YORK, a body corporate and politic, contrary to provisions of the Federal and State Laws, and the Due Process of Law clauses of the Federal Constitution, as more particularly shown hereinafter.

ELEVENTH: On or about September 9 through September 13, 1971, in and about the municipality of Attica, in Wyoming County, New York, and within a prison therein owned, operated and controlled by officers, agents or employees of the State of New York, a certain number of prisoners, exceeding 1000 in number, therein confined on various Felony convictions and other crimes, staged a political protest demonstration or rebellion by, among other means, the use of force and violence, and did seize control



over large parts of such prison, and take as hostages a number of prison guards and other prison personnel in order to enforce certain demands for changes in their living, educational and spiritual conditions.

TWELFTH: On or about September 13, 1971, the Defendant NELSON A. ROCKEFELLER, acting as Governor and Chief Executive of the State of New York, after authorizing several days of negotiation with such rebelling prisoners over their said reform demands, ordered, directed and caused State officers and employees armed with deadly weapons to make a surprise gunfire and gas attack upon the rebelling prisoners, without giving prior actual notice of such impending use of deadly force, and without thereunder duly according them any opportunity to surrender control of the prison back to State personnel, thereby resulting in the killing of some 42 persons, including 34 prisoners contrary to the laws of civilization, the fourth, fifth, eight and fourteenth amendments, United States Constitution, and to Title 18, Sec. 241 and 242, United States Code.

THIRTEENTH: On September 13, 1971, in emotional appeals to racial and political biases and prejudices the Defendant ROCKEFELLER, in order to justify his conduct in ordering the massacre surprise attack on the rebelling prisoners and their hostages broadcasted over public news media a claim that the prisoners rebellion was a foreign racist conspiracy by "Black" and other alleged "radical militants" aimed at destroying the State of New York and reducing the State to a condition of anarchy.

FOURTEENTH: Immediately thereon, or on or about September 14 and 15, 1971, in and about Albany, or other places, in and about the State of New York, the Defendant ROCKEFELLER did meet and communicate with the Defendants LEFKOWITZ, BRYDGES, DURYEA, ~~and~~ and a STEINBOG, either personally or by their several ~~and~~, ~~and~~ or attorneys, and clandestinely work



up, plan, contrive and appoint a cover up, pretense official State plenary investigation into, and adjudication upon the causes of, the course of, and the results of said Attica prisoner uprising, in the Executive Branch of the Government of the State of New York which would pretend to conduct a full and final truth-seeking adjudication upon all the facts and circumstances as said, and declare by a pretense official report, the Governor, the Legislature and the public the complete rights and liabilities of some 1000 to 2000 persons, and of countless political, civic, State and other groups or bodies who, may have been connected in any material manner with the events of such Attica prisoners rebellion and the resulting massacre thereon.

FIFTEENTH: At such times and places the said Defendants acting utterly without any lawful authority, and by delegating to themselves the exclusive rights of the People of the State of New York, and their exclusive Constitution making powers, and their rights to be heard by their due representatives in the Senate and Assembly of the State of New York, in pursuance of racial, social caste bias caused a certain press release or so-called "mandate" to be issued under color of which they purported to appoint a certain special nominating or appointment committee to be established in the Executive Branch of the Government of the State of New York composed of the five Judge or Justice Defendants, Defendants FULD, STEVENS, RABIN, HERLIHY and GOLDMAN, to establish an alleged "Citizens' Committee" to conduct such Attica cover up investigation and adjudication, and annexed hereto as Exhibit "A" is a true copy of the said alleged "mandate" or press release issued by the Defendant ROCKEFELLER, dated September 16, 1971, incorporated herein by reference solely to show the pretenses of the Defendants.

SIXTEENTH: On or about September 18, 1971, in or about New York City, and in other places in or about New York State, the Defendant FULD, acting as alleged chairman of the said special nominating or appointing committee to appoint



the said alleged "Citizens' Committee", which subsequently became known as the Defendant NEW YORK STATE SPECIAL COMMISSION ON ATTICA, met or communicated with the Defendants STEVENS, RABIN, HERLIHY AND GOLDMAN, either personally or by this agents, servants, employees, assistants, attorneys or aiders and abettors and severally and jointly contrived and created a political formula, based upon segregation of the people of the State of New York into various ancestral, or ethnic or racial, or religious or religio-ethnic or religio-racist groups, and thereupon narrowed down such list of possible appointees to said investigative-judicial body to these in such ethnic or racial or relio-ethnic groups who held to contrist establishmentarian, or contrist bi-partisn political views and further to such persons of alleged "professional" or "executive" occupational status or social characteristics, and did thereon thereafter purport to select a list of nine persons who would constitute such Attica events "truth seeking" body to adjudic the rights and liabilities of the hundreds or thousands of persons as above mentioned who did acts related to such Attica prisoner rebellion and massacre.

SEVENTEENTH: On or about September 28 and 30, 1971, the said Judge Defendants, acting by Defendant FULD, did join with the Defendant ROCKEFELLER in publicly declaring, by press releases or statements, a list of nine persons who were declare to serve as such "Citizen' Committee" investigating the Attica events by tribunal method in the Executive branch of the government including the following nine persons: Defendants, Robert B. McKay, Burke Marshall, Robert L. Carter, Bishop Edwin B. Broderick, Walter N. Rothschild, Jr., Dorothy Wadsworth, Amos Hennix, William Lee Wilbanks, and annexed hereto respectively as Exhibit "B-1" and "B-2" are true copies of public statements or press releases issued by the Defendants FULD and ROCKEFELLER on September 29 and September 30, 1971, respectively merely to show the pretenses of the Defendants alleged thereon.



EIGHTEENTH: On or about November 19, 1971, the Defendant ROCKEFELLER, purported to issue 'an alleged "proclamation" as Governor of New York State, purporting to officially designate, or redesignate, under Sec. 6, Executive Law the aforementioned nine persons as due members of the said "Citizens' Committee" (as later renamed THE NEW YORK STATE SPECIAL COMMISSION ON ATTICA), and further purport to appoint, or cause to be appointed, the Defendant CHARLES DRY as Executive Director of the said COMMISSION, and the Defendant ARTHUR LIMAN as the General Counsel of the said COMMISSION, and further purported under New York State law to appropriate the sum of about Two Hundred and Fifty Thousand Dollars (\$250,000.00) from the Treasury of the State of the New York for use by such COMMISSION in its discretion to pay rents, staff salaries, per diem allowances for Commission members, and other alleged expenses in connection with operation of the functions of said COMMISSION, and annexed hereto as Exhibit "C" is a true copy of the said alleged "proclamation merely to show the pretenses of the Defendants alleged on the face thereof.

NINETEENTH: The said COMMISSION is now daily functioning in rented or leased headquarters at 99 Park Avenue in New York City, and has hired a large staff of lawyers, secretaries and other personnel at high salaries, and is spending large sums for various kinds of equipment and services, paying for all of same out of the Treasury of the People of the State of New York, and, appears to be expending such sums at a rate of from five to ten thousand dollars (\$5000.00 to \$10,000.00) per week.

TWENTIETH: The Defendant ARTHUR LEVITT, purporting acts as Comptroller of the State of New York, is now wrongfully engaging in disbursing, illegally paying out, and wasting the said sum of Five to Ten Thousand Dollars per week from the Treasury of the State of New York, all without any due lawful authority therefor, and contrary to the above mentioned laws of the State and Nation.



TWENTY FIRST: The defendants above named, severally and jointly, and by the agency of the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA, are now either personally, or by their agents, servants, employees, aiders and abettors, attorneys and co-Defendants, developing plans and programs to conduct, (1) a Mass Show Trial form of judicial inquiry wherein they shall purport to conduct inquisitional forms of trial of literally hundreds upon hundreds of people, and possibly up to two thousand persons for their acts done in relation to the said Attica prisoner rebellion and massacre, (2) under the guises of such being apart from any due civil and criminal litigation duly brought in the Courts of the State of New York to try the same matters, and (3) in conducting such Show Mass Trial ever public broadcast and newspaper media, (4) by subpoenaing hundreds of witnesses who will purport to incriminate and hold tortious, the acts of, hundreds upon hundreds of others, and (5) to purport to make specific and detailed findings of fact about all cases treated, and (6) by such detailed special findings of fact verdict and adjudication to expose those found to have committed criminal or tortious acts to public shame, reproach, defamation, scandal, hatred, contempt, obloquy and renunciation, in order to persuade the entire People of the State of New York, and all judges and all juries who may sit in any Courts upon the same matters in any subsequent civil or criminal cases to similarly and prejudicially hated, despised, defamed be held in contempt, and obloquy, and to deny them any fair and impartial hearing or trial in any Courts of, or in the State of New York in any matters related to any such facts and circumstances related to the events leading up to, during and following the said prisoners' rebellion and massacre at Attica prison on or about September 8 through 13, 1971.

TWENTY SECOND: Each and every act of the Executive and



Judicial Branch Defendants, ROCKEFELLER, LEFKOWITZ, BRYDGES, DURYEA, ZARETZKI, and STEINGUT, as mentioned in paragraphs "FIFTEENTH" and "SIXTEENTH" above, purporting to appoint said five Judges or Justices as said special Executive Branch nominating or appointing Committee to pick said "Citizens' Committee" or COMMISSION to be a "truth-seeking body" and investigate "all the facts or the events involved at Attica State Prison" in order to make "a complete report to the Governor, The Legislature and the public" thereon, and to further "provide whatever funds are necessary to implement this investigation" was, is and shall be, as so enforced, aided or abetted, utterly null and void, as without any basis or authority in law, and as contrary to the fundamental principles of our form or representative or republican government of limited powers, and contrary to the paramount fundamental principles of the Separation of Powers between the Executive and the Legislative branches of government, as mandated by the intrinsic structures of such government in the State and Federal Constitutions, and by Article IV, Sec. 4, and Article VI, Secs. 2 and 3, Federal Constitution, and the Due Process of Law clauses at the 5th and 14th Amendments, United States Constitution, and at Articles I through VI and XIII, State Constitution, and the Judiciary Law, the Civil Rights Law, The Civil Practice Law and Rules, the Criminal Procedure Law, the Executive Law and other statutes of the State of New York, and the Rules respectively of each The Senate and the Assembly of the State of New York, and to the Federal Civil Rights Act provisions at Titles 18 and 42, United States Code.

TWENTY THIRD: Each and every act of the Executive Branch, Legislative Branch and Judicial Branch Defendants above mentioned, as mentioned at Paragraphs "SIXTEENTH" through "EIGHTEENTH" above, in requesting, nominating, appointing, agreeing to appoint, authorizing, accepting appointment to, or performing any acts or functions under color of any such requests, nomination,



appointment or similar kinds of act on the said special judge-composition nominating or appointing Committee, set our to name or appoint the said "Citizens' Committee" or SPECIAL COMMISSION ON ATTICA, and purporting right to do same under color of any provision of New York State or any other valid law of the land, was, is, and shall at all times be utterly wrongful and null and void, and contrary to all the aforementioned State and Federal constitutional and statutory provisions, and amounts to utterly illegal fascistization of the processes of government of the State of New York, and a flagrant assault upon the necessary forms and procedures under Due Process of Law, and illegal vestment of other office or position of public trust in judicial officers of the State, contrary to Article VI, Sec. 20 (b), (1) State Constitution, and the illegal practice of law by such judges, contrary to Article VI, Sec. 20 (b), (4) State Constitution

TWENTY FOURTH: Article IV, Secs. 1, 3, and 4, State Constitution, and Sec. 6, Executive Law, New York, are null and void on their faces, and as applied herein, as so vague, indefinite uncertain, and ambiguous, and so as to purport, or to allow inadmissible delegation of the powers of the Judicial Branch of the government to the Executive, as to be repugnant to the Due Process of Law clause at the 14th amendment, U. S. Constitution.

TWENTY FIFTH: Each and every act done by any Defendant, as mentioned at Exhibit "C" at Paragraph "EIGHTEENTH" above, purporting to create, appoint, staff, operate or allowing functioning as any alleged "full and impartial investigation: body or tribunal to do adjudicative kinds of fact-finding or "truth seeking" about "all the facts and circumstances leading up to, during and following the events which occurred at the Attica prison between, on or about September 9, 1971 through September 13, 1971", and to have use of power of subpoena to



compel the attendance of witnesses to testify under oath, to do same, and to finance all such operations from the Treasury of the State of New York, and to conduct a Mass Show Trial kind of process affecting the individual rights and liabilities in both civil law and criminal law areas respecting hundreds upon hundreds or up to 2,000 persons, was, is and shall be done null and void, and wrongfully and illegally, and contrary to all the aforementioned State and Federal constitutional and statutory provisions, including, but not limited to, the denial of the rights of those charged, defamed or accused of (1) their right to due notice by regular pleadings, (2) their rights of due complete appearance and representation personally or by counsel, (3) their rights to due specification of charges, (4) their rights to use pre-trial discovery proceedings to ascertain the case against them, (5) their right to not be subjected to double jeopardy, (6) their rights to be compelled to be witnesses against themselves, (7) their right be only secretly indicted by a due Grand Jury upon any allegations that might tend to be of serious criminal nature against them by any agent of government, (8) their rights to have full and regular use to process and subpoena, and to have the full standing as parties at all stages of the proceedings, (9) their right to be subjected solely to an adversarial kind of proceeding, and not to the inquisitional procedure sought to be enforced by the Defendants, (10) their rights at all stages of the proceedings to be heard in motion, objection, exception, argument, and point of law, and to have due regular modes of rights to give evidence, and rights to personally confront all witnesses against them, and to cross-examine all witnesses against them and to not be subject to surprise charges or accusation, (11) their right to solely by a jury of their peers, selected according to the course of Common Law, and to not be subjected to any trial by a rigged, racist, political partisan or economic or caste or other biased or prejudiced panel of fact triers, and to have regular rights or of appeal or review from the determinations of any nisi prius panel or court or adjudicative tribunal



TWENTY SIXTH: Time is of the essence of the relief sought in that the Defendants and their agents, servants, employees and attorneys are now engaging in perfecting deprivations of the rights above mentioned of the Plaintiffs, both as individuals, and as members of their said classes, and of the State of New York, and the Defendants further imminently threaten to proceed on January 15, 1971, to staging regular or daily public or private inquisition and Mass Show Trial sessions, compelling the attendance of many persons before them, and adversely affecting the rights and liabilities of many persons, and wasting the funds of the People of the State of New York.

TWENTY SEVENTH: The Plaintiffs have an absolute, plain, clear and unmistakable right to the reliefs sought, and bring this action wholly and solely in good faith, and upon the good and meritorious causes shown herein.

TWENTY EIGHT: The matters raised in this Complaint are the utmost of publici juris and requires the diligent concern of this Court both before the single judge of this Court, and by the three-judge Constitutional Court requested pursuant to Title 28, U. . S. Code in the premises set forth at Paragraph "THIRTY FIRST" above.

TWENTY NINTH: No previous application has been made to this or any other Court for the relief sought herein.

WHEREFORE, the Plaintiffs move and request this

1. To require that a Three-Judge Court be convened to hear this action;

2. That judgment be entered enjoining the Defendants from taking any further steps or proceedings to do any acts under color of authority of the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA, or in any manner purporting under color



of laws of the State of New York to conduct any such Executive branch judicial kind of proceeding, or fact-finding inquiry about the said events at Attica for the purpose of issuing any public reports, or reports to publicly exposed to the Legislature, or to be given to the Governor for any public exposure directly or indirectly;

3. Annulling all acts done by any of the Defendants purporting, by rump fusion of the powers of the Executive, Judicial and Legislative branches of government, without Due Process of Law, of purporting to appoint or create any such general or plenary Mass Show Trial or investigative-reporting body under color of the laws of New York as a pretense "Citizens' Committee" or the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA;

4. Enjoining the Comptroller or any other officer of the State of New York from disbursing any funds from the Treasury of the People of the State of New York for any purpose connected with the aforesaid Citizens' Committee or NEW YORK STATE SPECIAL COMMISSION ON ATTICA ;

5. Declaring and adjudging that all acts hereinafter that may be done by the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA, or any Defendants purporting to act under color of same shall be null and void, and further declaring the rights of the People of the State of New York to have restored to them by any persons who may have received any monies belonging to the People of the State of New York which funds were paid out on account of the said "Citizens' Committee" or the said NEW YORK STATE SPECIAL COMMISSION ON ATTICA shall restore same to the Treasury of the People of the State of New York,

6. And for such further relief in the premises as may seem just and proper, including all costs, disbursements, suitcosts and other allowable expenses of this action.



George Mahshie

GEORGE MAHSHIE, ESQ.  
Attorney for Plaintiffs  
GEORGE MAHSHIE, JPSEPH SHUHDA,  
WILLIAM C. CHANCE JR., OSCAR  
GONZALEZ-SUAREZ, JOSEPH S. DOMANTI,  
SHEIKH DAUD AHMED FAISAL,  
REV. LOUIS GIGANTE, LEANDRA  
BARBIERI (ASHRAF), and REV.  
GEORGE LAWRENCE.

Office and P. O. Address  
503 East Washington Street  
Syracuse, New York 13202

Tel.: (315) 474-4628

John M. Lawrence

JOHN M. LAWRENCE  
Plaintiff, Personally Appearing  
57 West Tenth Street  
New York City, N. Y. 10011  
Tel.: 477-7986  
Area Code 212



VERIFICATION

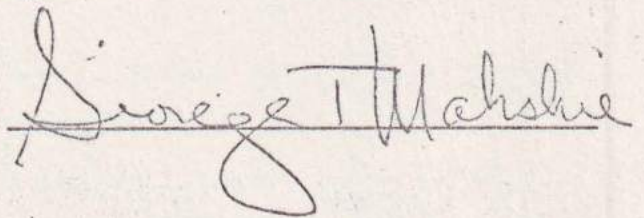
STATE OF NEW YORK     )  
                                  )     s. s. :  
COUNTY OF ONONDAGA    )

                  GEORGE MAHSHIE, ESQ., being first duly sworn,  
deposes and says:

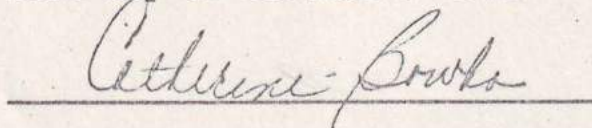
                  He is one of the Plaintiffs in the above  
entitled action, and is a member of the Bar of the State  
of New York, permanently residing at 105 Haddonfield  
Drive, De Witt, New York.

                  He has read the foregoing Complaint, and fully  
understands and fully knows the contents thereof.

                  He avers the truth of all matters stated therein  
on knowledge or upon information and belief, based upon  
investigations conducted by deponent.



Sworn to before me this  
21st day of December, 1971

  
\_\_\_\_\_

CATHERINE BOWKA  
Notary Public in the State of New York  
Qualified to Expire Dec. 24, 1972  
My Commission Expires March 30, 1972



VERIFICATION

STATE OF NEW YORK    )  
                                  )    s. a. :  
COUNTY OF ONODAGA    )

JOHN M. LAWRENCE, Plaintiff, personally appearing in the above entitled action, as a non-theist, avers and affirms, subject to all pains and penalties of the Perjury Statutes of the United States of America:

He resides at 57 West 10th Street, in the City, County, and State of New York, and is over the age of 21 years.

He has fully read, fully knows and fully understands the foregoing Complaint.

He avers the truth of all matters stated therein on knowledge and on information and belief based upon investigations conducted by undersigned.

John M. Lawrence

Affirmed to be true before me  
this 21st day of December, 1971

Catherine Bowka

CATHERINE BOWKA  
Notary Public in the State of New York  
Qualified to serve, File No. 14-5403225  
My Commission Expires March 30, 1972



ATTICA

Con  
x ref  
Invest

STATE OF NEW YORK  
EXECUTIVE CHAMBER  
NELSON A. ROCKEFELLER, GOVERNOR

Ronald Maiorana, Press Secretary  
518-GR 4-8418 (Albany); 212-JU 2-7030 (NYC)

FOR RELEASE:

IMMEDIATE, THURSDAY  
SEPTEMBER 16, 1971

Governor Rockefeller, Senate Majority Leader Brydes, Speaker  
Duryea, Senate Minority Leader Zaretzki and Assembly Minority  
Leader Steingut issued the following joint statement:

The tragic events of this last week at Attica State  
Correctional Facility call for a full and impartial investigation  
of all the facts with a complete report to the public. This  
investigation must cover in detail the events leading up to --  
during -- and following the riot.

To accomplish this important task, it was unanimously agreed  
by the Governor and the Legislative Leaders to call upon Chief  
Judge Stanley H. Fuld of the Court of Appeals, Presiding Justice  
Harold A. Stevens (Appellate Division, First Department),

EXHIBIT "A"  
P. 1



Presiding Justice Samuel Rabin (Second Department), Presiding Justice J. Clarence Herlihy (Third Department), and Presiding Justice Harry D. Goldman (Fourth Department), to appoint a Citizens Committee to conduct the investigation.

We know these distinguished Jurists will seek only those who will be completely objective and impartial in meeting this difficult assignment. Every member of such a truth-seeking body must command respect. We request that there be representation from the community in its broadest sense, that will be informed, sensitive, and in no way related to the event at Attice.

The Citizens Committee should proceed as expeditiously as possible and render its report to the Governor, the Legislature and the public.

We have agreed to provide whatever funds are necessary to implement this investigation.

-30-

Exhibit "A"

P. 2



(copy)

PRESS RELEASE OF THE CHIEF  
JUDGE OF THE COURT OF APPEALS  
AND THE RESIDING JUSTICES

October 1, 1971

Chief Judge Stanley H. Fuld, Court of Appeals; Presiding Justice Harold A. Stevens, First Department; Presiding Judge Samuel Rahin, Second Department; Presiding Judge J. Clarence Herlihy, Third Department; Presiding Justice Harry D. Goldman, Fourth Department today issued the following statement:

"On Thursday, September 16, following the tragic occurrences at the Attica State Correctional facility, Governor Rockefeller, Senate Majority Leader Brydges, Speaker Duryea, Senate Majority Leader Zaretsky and Minority Leader Steingut requested us to appoint a "Citizens' Committee" to investigate in detail the events leading up to, during and following the riot.

Upon receipt of the request we immediately addressed our efforts to the composition of a committee which would be representative of the community in its broadest sense, objective and impartial in its consideration of the matter and in no way involved in the events at Attica.

"After a number of extended meetings and conferences, we have selected the following individuals:

Robert D. McKay, Chairman Pro Tem,  
Dean New York University School of  
Law, Chairman Citizens Union;

Most Rev. Edwin Broderick, Bishop of  
Roman Catholic Diocese of Albany;

Robert L. Carter, Lawyer, Formerly  
Counsel National Association for  
Advancement of Colored People;

EXHIBIT "B-1"



Mrs. Mariano (Amalia) Guerrero, President, Friends of Puerto Rico;

Amos Hennix, Executive Director, Reality House, Inc.;

Burke Marshall, Deputy Director, Yale Law School, Chairman Vera Institute of Justice;

Walter N. Rothschild, Chairman New York Urban Coalition, Formerly President Abraham and Strauss;

Mrs. Robert H. (Dorothy) Wadsworth, President Neighborhood Health Center, Monroe County;

William Willbank, Student, School of Criminal Justice, State University, Albany.

All have accepted this difficult assignment and have pledged to commence the investigation at the earliest possible time. For this they have our sincerest thanks. We are confident that the committee will, in the words of the legislature, of the Governor "proceed as expeditiously as possible and render its report to the Governor, the Legislature and the Public".

Selection of the "Citizens' Committee" under its assignment with respect to the events at Attica. It now becomes the responsibility of the Governor, the legislative leaders - who have already agreed to provide the necessary funds - to invest the committee with power assigned to its investigation and to enable it to function effectively. Accordingly we have suggested to Dean McKay, the Chairman Pro Tem of the "Citizens' Committee" that he meet as soon as possible with the Governor and legislative leaders to arrange for allocation of the necessary funds and for the authority to carry out the committee's responsibilities and assist in achieving its desire objectives.

- End -



9/30/71

STATEMENT BY NAR

I am deeply grateful to Chief Judge Fuld, ~~XXXXXXXXXX~~  
Presiding Justice Stevens, Presiding Justice Rabin, Presiding  
Justice Herlihy, and Presiding Justice Goldman.

As the judges suggest, the legislative leaders and  
I will meet with Dean McKay at the earliest opportunity to  
work out the details for financial and other support of the  
Citizens' Committee's investigation of the events at Attica.

Statment by Governor  
Nelson A Rockefeller, Replying  
to J. Fuld  
Exhibit "B-2"



NELSON A. ROCKEFELLER, GOVERNOR

Ronald Maiorana, Press Secretary  
518-474-8418 (Albany); 212 JU 2-7030 (NYC)

FOR RELEASE:  
A.M., FRIDAY  
NOVEMBER 19, 1971

*Chief  
Coun*

Governor Rockefeller today released copies of the following document, which empowers the Citizens Committee appointed to look into last September's events at Attica State Correctional Facility, to subpoena witnesses, administer oaths, examine witnesses and require production of relevant books or papers.

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, the public interest requires a full and impartial investigation and complete report of the facts and circumstances leading up to, during, and following the events that occurred at the Attica Correctional Facility between on or about September 9, 1971 and September 13, 1971; and

WHEREAS, such investigation and report will be in addition to, apart from and not in lieu of the investigation of criminal acts related to such events now being conducted by Deputy Attorney General Robert E. Fischer for the purpose of grand jury presentation and possible criminal prosecutions; and

WHEREAS, on September 16, 1971, Senate Majority Leader Earl W. Brydges, Assembly Speaker Perry B. Duryea, Jr., Senate Minority Leader Joseph Zaretzki, Assembly Minority Leader Stanley Steingut and I requested Chief Judge Stanley H. Fuld of the Court of Appeals, Presiding Justice Harold A. Stevens of the Appellate Division, First Judicial Department, Presiding Justice Samuel Rabin of the Appellate Division, Second Judicial Department, Presiding Justice J. Clarence Herlihy of the Appellate Division, Third Judicial Department, and Presiding Justice Harry D. Goldman of the Appellate Division, Fourth Judicial Department, to appoint a Citizens Committee to conduct the investigation; and

EXHIBIT "C" P.1



WHEREAS, on October 1, 1971, a Citizens Committee composed of Robert B. McKay, Chairman, Most Reverend Edwin Broderick, Robert L. Carter, Mrs. Mariano (Amalia) Guerrero, Amos Henix, Burke Marshall, Walter N. Rothschild, Jr., Mrs. Robert H. (Dorothy) Wadsworth, and William Willbanks was named;

NOW, THEREFORE, I, Nelson A. Rockefeller, pursuant to section six of the Executive Law, have appointed and by these presents do appoint said named members of the Citizens Committee, to conduct a full and impartial investigation of the facts and circumstances leading up to, during and following the events which occurred at the Attica Correctional Facility between on or about September 9, 1971 and September 13, 1971.

The Committee is hereby empowered, pursuant to section six of the Executive Law and in accord with the Civil Practice Law and Rules, to subpoena and enforce the attendance of witnesses, to administer oaths and examine witnesses under oath and to require the production of any books or papers deemed relevant or material.

Every State department, division, board, bureau and agency shall provide to the Committee every assistance, facility and cooperation which may be necessary or desirable for the accomplishment of the duties or purposes of the Committee under this order.

IN WITNESS WHEREOF, I have subscribed my name to these Presents and caused the Privy Seal of the State to be affixed hereto at the Capitol in the City of Albany this fifteenth day of November in the year of our Lord one thousand nine hundred seventy-one.

(L.S.)

BY THE GOVERNOR

(signed) Nelson A. Rockefeller

(signed) Robert R. Douglass

Secretary to the Governor -30-

Exhibit "50" \* Proclamation

Page 2



WHEREAS, on October 1, 1971, a Citizens Committee composed of Robert B. McKay, Chairman, Most Reverend Edwin Broderick, Robert L. Carter, Mrs. Mariano (Amalia) Guerrero, Amos Henix, Burke Marshall, Walter N. Rothschild, Jr., Mrs. Robert H. (Dorothy) Wadsworth, and William Willbanks was named;

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(L.S.)

BY THE GOVERNOR

(signed) Nelson A. Rockefeller

(signed) Robert R. Douglass

Secretary to the Governor -30-

Exhibit "G" \* Proclamation

page 2