

28 September 76
Box 149
Attica, New York
14011

Clerk
U.S. Court of Appeals
For the Second Circuit
U.S. Court House, Foley Square
New York, New York 10007

Dear Sir:

Enclosed please find the application for certificate of probable cause with all the related documents.

In a notice sent to me by the District Court they said they would send the complete record to you also.

As I am doing this Pro Se, could you inform me of anything else that the court will need and I will be glad to do all I can to help.

Very truly yours,

Norman Butler
24091
Box 149
Attica, New York
14011

NEW YORK STATE
ATTORNEY GENERAL
LOUIS J. LEFKOWITZ
TWO WORLD TRADE CENTER
NEW YORK, N. Y. 10047

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Hon. Robert Morganthau
District Attorney
New York County
155 Leonard Street
New York, New York 10013

Says Elijah promised Butler's
family B would be out in 10 years.

(Promised in exchange for what?)

O'Don. says no exchange - just a hope
for being a good Muslim.

Norman Butler

12/28

Allen,

Peter Flemings

p/c Mark O'Donoghue
696-6121

Clemency - rejected last month

Leo Levy - Executive Clemency
Counsel

Mc Goldrick - Gov's Counsel

K.

11-



MHO'D
CURTIS, MALLET—PREVOST, COLT & MOSLE
101 PARK AVENUE, NEW YORK, N.Y. 10178

TO:

Alan Alpert, Esq.
New York District Attorney
One Hogan Place, Room 944
New York, New York 10003

10013

Muhammad Abd al-Aziz (66A0057)
354 Hunter Street
Ossining, New York 10562

June 20, 1981

The Honorable Hugh L. Carey
Executive Office
The Capitol
Albany, New York 12224

Dear Governor Carey,

Please excuse the length of this letter, but I thought I would try to provide some of my thoughts and feelings in the process of asking you for "an act of grace" that only you can give. I have done all that I know how to do, under these circumstances, to manifest whatever good is hidden in the human spirit that is housed in me.

I came to prison with the name Norman Edward Butler, in 1965. I was born in the Bronx, New York, on June 27, 1938. I went to neighborhood schools, P.S. 99 and J.H.S. 40, the former on Stebbins Avenue at Home Street, in the Bronx, and the latter on Prospect Avenue and Jennings Street. I began high school at what was then called Central Needle Trades. I dropped out and joined the United States Navy where I served honorably for nearly five years achieving the grade of petty officer third class.

While in the naval service, in 1957, I married Theresa Monsanto and that union produced four sons, Michael, Tye, Craig and Abdul Karim. After I was discharged from the service, I worked as a franchised ice cream truck driver, and I worked at Pinkerton's Detective Agency and Adept Detective Bureau. I drove for United Parcel Service. I worked in a furniture store, and as a door to door salesman. When I was arrested I was going to school for office machine repair.

Feeling that something was missing in my life, I went to various churches listening for something that would give meaning to my life. While in the service I passed the requirements for General Educational Development, high school level, from the United States Armed Forces Institute, but that wasn't enough for me to feel like I had direction in my life. I took the police exam, and passed; however, I had a child, a daughter, out of wedlock and that caused me to be denied.

Some time in late 1962, I read Dr. C. Eric Lincoln's book Black Muslims In America. I was impressed with the idea that there were men with my same kind of background attempting to do something constructive with their lives, as I perceived myself trying to do. The idea of cleanliness and respect for family life and the thought of being a better person caused me to search out their meetings. In late 1962, around September, I began living my personal life, my wife also, according to the outlines in Dr. Lincoln's book. We saw ourselves happier with each other and also having more money even though I was not making any more. In January of 1963, after approximately three months of personal practice, I found the Harlem Temple (as it was then called). I joined on my first night, a Wednesday. My wife joined that same week, on a Sunday afternoon. During those times there was much controversy about what the then Nation of Islam was all about and what it taught, but I and my family were, by practicing the principles of a Muslim's beliefs, living a better life and that is what I wanted.

Regarding the crime for which I was convicted, I said at the trial and I repeat here, I am innocent of those charges. I have done all that I could in the last four-and-a-half years to obtain new evidence which would support my

contentions. I was able to get more information but my appeals to the courts have not been fruitful. My application to you, sir, is not based on my innocence, but upon my record as a prisoner over the last 16 years.

When I was brought to state prison, I was not treated as other prisoners were treated. I was placed in segregation or what is called the Special Housing Unit at Clinton Correctional Facility. I was there for 19 months. I had nothing in that cell besides pen, pencil, paper and five books. All of this just because I was a Muslim, not because of breaking a prison rule. The early years of my confinement were harsh years indeed. With the help of a lawyer, I was able to get into the general population on November 30, 1967.

By January, 1969, I was in the Attica Correctional Facility. I worked hard to change attitudes and show the value to everyone of what was then being taught in the Nation of Islam. During the next two and a half years, I was able to develop a working relationship with the Senior Lieutenant, the Captain and the Deputy Superintendent of Security, Mr. Vincent. Just before the riot at Attica in 1971 -- 33 days that is -- I was transferred to Green Haven. Captain Curtis and others thought that if I had been left at Attica the riot may have been avoided. I can't be sure of that, but those men I had trained and worked with were the ones who saved the lives of the hostages, Captain Curtis among them, when others would not.

I was in Green Haven for about 12 months, again attempting to work out a better understanding among the prisoners. Several incidents arose while I was there, one of which resulted in the looting of the commissary. I was able to have all of those items returned. That incident caused then Commissioner Oswald to send me a letter which was supposed to go into my file.

It was in Green Haven that the first Muslim Mosque in the state was allowed. These were still very hard times for Muslims, however. Only a few prison officials had an understanding of our motives. I was transferred back to Clinton. During the five months that I stayed there my marriage broke up. I was transferred to Attica in February of 1973 for the second time.

After evaluating what I perceive as the traumatic experiences that I have had in my family life, and my life in the prison, I feel that there must be a good reason why I am still sane and evolving as a human being. Throughout these years, I have served as the Imam (or Minister) of the Muslim communities in the prisons in which I spent time. My experiences of achieving -- after difficult trials -- the respect of various prison administrators made it abundantly clear to me that I had the capacity to do something good and something of value. I saw that I could do something measurable, not only among those Muslim inmates in my spiritual charge, but also in the management area of the facilities where I was.

By the end of 1973 what I saw as a significant relationship with Superintendent Harold J. Smith and Education Supervisor Larry Bradt, made me realize that I really needed to work to develop my skills. I held many conversations with Mr. Bradt, he befriended me (if that is not to strong a term under the circumstances), he helped to clarify some ideas and educational issues. Our discussions ranged from family life and its problems under these conditions to the nature and quality of the education that Attica had developed for the inmates. Dr. De Mott, Supervisor of the Empire College Program, also took an interest in me. He looked over some of my writing and indicated how I could use it for college credit. I arranged for his church and the Rochester Mosque to get together. That, I understand, turned out very well.

At about this time, I began to play a greater role in prison affairs external to the Muslim community. In 1974, I was elected, by the highest number of votes, to represent the population at Attica on the newly created Inmate Grievance Resolution Committee (I.G.R.C.). As it was then a newly emerging vehicle of prisoner expression, I and others thought that it would be good for me to help organize it and set some meaningful standards and precedents. The I.G.R.C. is a conflict resolving body. It investigates complaints made by prisoners, reviews the facts arising from the investigation and attempts to resolve the problem to the satisfaction of the grievant if he is right. As a representative, my responsibility was to investigate a prisoner's written grievance and develop a written report on what I found. In most cases an officer worked with the

prisoner representative. At formal hearings I would listen to the grievant's oral presentation, question him or any concerned parties who were called by the committee or the grievant, and then participate in the making of a formal resolution. I served two elected terms in that position, the second vote being three times as great as the first. That service gave me an accepted administrative position from which to meet and learn from others. This exposure made it possible for me to earn a greater measure of respect from all those whom I had encountered in the process of handling grievances. I worked on the I.G.R.C. with another inmate representative, a Sargent, an officer and a civilian coordinator.

I have been confronted with many crisis situations over the years. The basic crisis situation in prison is a scenario in which death is a constant, if not always visible, companion. Prison is an abnormal environment where the sound of a baby's laughter and play is not to be heard; where the joy of female companionship is only a dream. Because of these and other factors, the wrong words, the wrong look, over-confidence, a show of weakness, any of several possibilities can end in serious violence, the worst result of which is death. This has been my school and the incidents themselves have been my teachers.

For example, one of the major crisis situations that I was involved in, in fact one that I played a major role in bringing to a successful conclusion, was the strike at Attica in 1976. Between August 23rd and 29th, 1976, Attica was in the grip of a strike that was 90 to 100 percent effective. In round the clock discussions, negotiating under stressful circumstances with then Commissioner Ward, Deputy Commissioners Douglas and Quick, Associate Commissioner Corrigan and others from the Department of Correctional Services, agreements were reached which avoided the kind of violence that developed in the riot of 1971. During this same crisis, negotiations were also conducted with then Assembly Majority Leader Stanley Fink, his deputy, Arthur O. Eve, Assemblyman Mark Siegal, Chief Counsel David McCuen, Corrections Commission Chairman Stephen Chinlund, and an assortment of others.

This hair-raising situation highlights and amplifies the dangers described above. That was a learning session

for everyone. As for me, I learned that prudence is a companion that I am very happy to say did not leave me in the lurch.

In large part because of this incident, Commissioner Ward transferred me to Ossining, which was closer to New York City. When I arrived at Ossining in October of 1976, from the prisoner's point of view, there was nothing going on. There were no active inmate organizations except for the Muslims. There were no academic, cultural or other programs, and sports activity was not on a par with upstate institutions. There was a defunct Jaycee branch and a defunct Inmate Liaison Committee (I.L.C.). My first effort was to reactivate the Jaycees and through that organization attempt to bring about some programs and changes for the prison population. The prison administration, at that time, did not want to deal with the Jaycees in that capacity. I turned again to reorganizing the Muslim community and establishing myself with the prison administration. After nearly a year of effort, in the summer of 1977, I was given an office (through Deputy Superintendents Stienbaugh and Curry), supplies, and the capacity to function more efficiently as Imam of the Muslim community. A change of leadership produced a new organization and a new name for the former Nation of Islam. The Honorable Warith Deen Muhammad became the spiritual leader after his father's death and he calls the community the American Muslim Mission. This name change has helped to produce a universal perspective in the community.

After establishing myself, restructuring the community, reworking courses and essays to be used for teaching and counseling purposes, and generally stabilizing affairs, I turned back to the problems of the prison. I reactivated the I.L.C. I had planned some steady improvements in minor, though irritating, rules and procedures. These and other changes were effectuated. Greater visiting privileges were acquired, family picnics were introduced and many other inhouse modifications were made. As in other institutions, especially Attica, I continued to perform my administrative and counseling role. However, at this institution it has increased because of my being recognized by the state or department as an Imam of the American Muslim Mission (that is my job description).

While I was still president of the I.L.C., I played an instrumental role in the creation of an N.A.A.C.P. branch in the Ossining facility. Today, three years later, members of my community play a meaningful role in its activities and I am its Education Committee chairman.

During my second term as president of the I.L.C., I gave up the presidency of the Jaycees. Still trying to pursue my education, I completed a real estate course by mail from La Salle Extension University. After leaving the I.L.C., I organized the Ossining Steering Committee. This committee was made up of the various groups that had come into being in the prison. Its purpose was to meet with the administration about programs for the population as well as in any crisis situations that might occur.

I held repeated meetings, formal and informal, with Deputy Superintendent Curry, Dennis Manwaring, Acting Education Director, and various others in an attempt to get college level programs and organized sports programs into the institution. I organized a General Educational Development program for the population -- in preparation for the advent of the college program -- and a football league for the institution. Since being at Ossining I have acquired a Baccalaureate in Behavioral Science, Summa Cum Laude. This I was able to do in less than 15 months at Mercy College, which is the institution which the facility was able to get in.

I now have 15 years of practical experience as an Imam (or Spiritual leader) and maybe 10 years experience in dealing with administrative and other human problems outside of a religious setting. In addition, I have a scientific understanding of human behavior in terms of the latest research in the field as taught on the college level. I have no doubt that I can effect positive change in those who have a desire for change.

Over the years I have come to what I think is a manifest conclusion, although I know that it differs from popular beliefs. As I see it, no deviant, maladaptive or specifically criminal behavior can be changed totally, or otherwise modified by rules, more prison guards, prisons, police, judges or courts. More police only makes for more, not less, crime. Statistical analysis can easily

validate this point. Only a sense of trust, along with internalized moral principles on the part of each individual will change the crime statistics. Moral knowledge, coupled with a sense of trust and belonging, is the cure for at least 90 percent of the maladaptive behavior that we see in our prisons, our cities and our government institutions. At some point I hope to validate this concept objectively.

As an individual, especially in my capacity as Imam at Ossining, I have tried this model and it works. This is to say that I have created the inner environment that is required before one can internalize moral principles. Those men who chose to be Muslims while in prison, but were in prison for a while before entering Islam, can be evaluated in regards to their performance to support my contentions. The problem I have encountered is a lack of effective back-up support, both in the institution and in the community, for inmates returning home. I feel that we must change people's desires, or those factors that motivate them. It is human motivation that determines behavior and the environment along with the stimuli in it shapes our human desires. I have found that most people are not aware of what motivates them negatively, but when they are given examples, their behavior changes and they move in the direction of positive development. At the base of my own evolution is a statement by Prophet Muhammad: "The greatest human struggle is that for the conquest of those inner forces that are housed in man." These words, which are mirrored in other prophetic statements, are the shapers and fashioners of my activities.

When I get out of prison it is my intention to pursue my graduate studies at Mercy College (or L.I.U.). I had initially thought of doing an M.B.A. I have been running a fund raising project of the community here for the last three years and I am interested in business. But, since completing my degree and meeting so many faculty members who are so willing to help me, e.g., Dr. Kenneth B. Clark, Dr. Frances Mahoney, Dr. James F. Melville, Jr., Dr. Warren Herendeen and many professors, I will pursue a graduate degree in psychology. At the same time I intend to continue developing my conceptual models and the teaching techniques which I have found to be successful in the prison environment. I am presently

engaged to be married to a Ms. Eleanor Qadirah, a New York City school teacher, a newspaper columnist and a highly respected member of several prestigious organizations. She works in Community School District 3. I will be getting married as soon as circumstances permit. I have also kept contact with my children over these 16 years and have tried to be a father to them in the best way that I could under these conditions. One of my sons has gone into the Army and all of the others are still in school. My daughter, my first child, is now going to Mercy College and will be graduating shortly.

I am presently tutoring in psychology for Mercy College and Dr. Mahoney is developing a teaching position ("adjunct instructor") for me while I do graduate work. Dr. Melville and Dr. Mahoney have indicated that they will help me with whatever is needed for my educational program when I get out of prison, and Dr. Herendeen has offered me a position administering his property. In the last few years I have had offers from various state officials to work in their areas, e.g., Mr. Ward, Mr. Chinlund and Mr. Dalsheim. If there is a State task force, or some other project assigned to your office, that is looking into the areas of which I have spoken, I would be more than happy to make a contribution, if you will allow it.

Over the years I have developed the habit of doing a great deal of work, or being active in several things at the same time, so I think that I will be quite busy upon release from prison. I think that before I even finish graduate school I will try to develop some kind of teaching seminar series. Between those faculty members who have promised their support and some hard work on my part, I think that I can reach out to non-Muslims and affect their outlook on life. As I pointed out, it is only through a moral perspective that we, as I see it, will change the course of life in our cities and in our country.

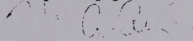
Governor Carey, I am presently 7 days away from being 43 years old and I am about 4 years away from the Parole Board. For me to say that time is of the utmost import would be an understatement. In my mind, there is no doubt of my capacity. What I need is an opportunity to prove it. As Governor you are the only one who can provide that opportunity to me. I sincerely ask you to consider my

request for executive clemency in view of what I have outlined and in view of what others have seen in me.

I realize that my request and appeal is a sensitive issue for you, Governor Carey, but I feel that I deserve every possible consideration. In my case, I think that clemency would be in the interests of justice for all concerned.

Thank you very much for your time and consideration.

Very truly yours,



Muhammad Abd al-Aziz

Kunstler & Mason

Attorneys at Law

13 Gay Street

New York, N.Y. 10014

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00



District Attorney
155 Leonard Street
New York, New York 10013

EDUCATION

- 1 Mercy College, N.Y. January 1981 - B.S. Summa Cum Laude
 Major: Behavioral Science
 Minor: Political Science

- 2 La Salle Extension University, July 13, 1977 -
 Diploma Complete Real Estate Training
- 3 Certificates:
 Liberal Studies January 1981
 Mental Health June 1980
 Literacy Volunteer August 1976
 Legal Research July 1975
 Personality Management August 1972

- 4 Awards: Department Honors, Mercy College, January 1981
 Community Service, N.A.A.C.P. June 1980
 " " " May 1979
 Outstanding Service as Imam 1978
 " " " " 1975

OTHER ACTIVITIES

- 1 Organizer of Special Events, O.C.F., 1977 to present.
- 2 Organizer and Coach, Warlords football team, O.C.F., 1979. Won league championship for 1980.
- 3 Organizer, Ossining Steering Committee, 1978. Made up of various groups in the prison, this committee's purpose was to meet with the administration about programs for the population as well as crisis situations that might occur.
- 4 Organizer and Administrator of a General Educational Development Program for the O.C.F. population, 1978. This program was designed to prepare men for the GED test and thus qualify them for college entry.
- 5 Charter Member and Organizer, Community Assistance and Prison Projects, Inc., October 1978. C.A.P.P.'s motto defines its purpose, "Families helping families to help themselves." To achieve this purpose C.A.P.P. advises prisoners on their particular problem, be it

- of a family nature, their case, or their post prison employment and development needs. Referrals are also given.
- 6 Member, N.A.A.C.P., Ossining Branch, October 1978 to the present. I am now chairman of the Education Committee and have developed an educational project with outside educators coming in as support and evaluating help.
 - 7 President, New Mind Jaycees, O.C.F., January 1977 to January 1978.
 - 8 President, Inmate Liaison Committee, O.C.F., January 1977 to February 1978. There were no organized programs of any kind in the institution at that time. I organized picnics, negotiated visiting room rules, commissary and mess hall changes during my administration. I was also instrumental in developing tackle football in O.C.F.
 - 9 Organizer and Coach, Steelers football team, Attica, 1975.
 - 10 Manager, Sour Patrol, football team, Attica, 1974.
 - 11 Instructor of Administrative Principles, 1967 to the present.
 - 12 Essayist, I write on the principles of self-development from a spiritual perspective. I have written a book of my collected essays entitled, Going to the Root, A Spiritual Study In Essay Form On the Psychology of Man. (unpublished)
 - 13 Writer of instruction courses related to my activities as outlined above.

SPECIAL SKILLS

- 1 Typing
- 2 Driving

OTHER INTERESTS

1 Paddleball

2 Chess

3 Music

Mujahid A. Halim
aka Thomas Hagan 66A58
Box 338
Hapagoch, New York 12498
1/18/82

Hon. Hugh L. Cary
Governor of New York State
State Office Bld.
Albany, New York 12224

My Dear Sir:

It is with great remorse that I write this letter to you. I am writing in behalf of Norman Butler and Thomas Johnson. Both of these men have been convicted and sentenced to life in prison for a crime they did not commit.

In 1966, before an open court, I stated that these two men are innocent of the charges of killing Malcolm X, and since that time, I have tried many times to exonerate these men of the charges against them.

I have submitted affidavits to the courts naming those who are co-conspirators in the killing of Malcolm X. However, my efforts have been of no avail.

I am asking you to please use the powers of your office to right this great travesty of justice in the matter stated in this letter.

I pray that God continue to bless you in the leadership of the people of New York State.

Truly Yours

Thomas Hagan 66 A 58
aka Mujahid A. Halim

cc: file

MEMORANDUM

TO : Executive Clemency Bureau

FROM : Peter Fleming, Jr.
Mark H. O'Donoghue

RE : Application of Muhammad Abd al-Aziz

I. INTRODUCTION

This memorandum is respectfully submitted in support of the application for executive clemency submitted by Muhammad Abd al-Aziz (formerly known as Norman Butler). Mr. Aziz is one of three men convicted of the assassination of Malcolm X in 1965. He was sentenced to a minimum term of 20 years and now has served almost 17 years of that minimum term.

Substantial evidence supports the conclusion that Mr. Aziz is serving time for a crime which he did not commit. (See infra, pp. 7-9). Our own review of the record, and of uncontradicted newly discovered evidence, has convinced us that Mr. Aziz is not guilty.

This memorandum, however, is not based upon Mr. Aziz's innocence. He was convicted at a trial which has been found to be fair, and, in our view, this single fact militates against an application for release based upon a non-judicial determination that Mr. Aziz is innocent.