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2:00 P.M.

MR. McKAY: This is the afternoon session of the sixth day of the Public Hearings before the New York State Special Commission on Attica.

Before we go into the matters at hand this afternoon, I thought it might be useful to recapitulate briefly where we are at this point.

As I think most observers who have followed this at all are aware, the purpose of the Commission is to find out the facts insofar as they are ascertainable about the events that led up to before, during and after the uprisings of September 1971. The Commission has assembled a staff to examine into these facts and has, in the course of that examination, interviewed nearly all the inmates who were in Attica at the time, the correction officers who were there at the time, the State Troopers, the sheriffs and their deputies and the National Guard, civilian employees and all who had any connection with those tragic events.

The hearings, we believe, are a useful device to inform the public in a public way of some of the consequences of those events and what indeed did happen.

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2 New York, last week where we had three days of  
3 attitudinal hearings in a sense, that is, we  
4 sought testimony from individuals and had statistical  
5 presentations to try to evoke for those of us who  
6 are not familiar with prison life at Attica or else-  
7 where, what it was like to be an inmate or a correc-  
8 tion officer or a civilian employee at the institu-  
9 tion at that time.

10 With that general background into prison  
11 life it then became possible for the hearings now in  
12 New York this week and next week to turn to the  
13 more specific factual events leading up to September  
14 1971 and the specific events of those four days.

15 In the course of those proceedings we have  
16 heard, again, inmates, correction officers, civil-  
17 ian employees yesterday and today, observers or  
18 negotiators or persons who were in the yard for some  
19 special purpose.

20 For example, we had yesterday the testi-  
21 mony of Dr. Hanson, who gave all the medical assis-  
22 tance of a professional character that was given dur-  
23 ing the four days in the year. We have heard from  
24 observers, negotiators and Professor Herman Schwartz,  
25 who played a special role unique to the institution

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1 in the first two days of the uprising.

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2 From all of this we hope to have a better  
3 chronological presentation of the events and a  
4 better sense of what it was that was involved and  
5 we have sought to get perceptions as well as facts  
6 and to have some notion of how the participants in  
7 those unhappy events viewed the things that were go-  
8 ing on and we have seen, for example, the rumor fac-  
9 tories that were at work not only so far as inmates  
10 were concerned but as far as the correction officers  
11 and administration and others were concerned as well.

12 The Commission has deliberately chosen to  
13 make its first report to the public in this public  
14 and televised form believing that through an oppor-  
15 tunity for the public to see and hear the witnesses  
16 and to have a more distinct impression of what it was  
17 like to be at Attica at that time, there will be a  
18 better understanding of prison life and prison prob-  
19 lems. What we hope, in short, to do, is to move the  
20 prisons from their present invisible state in the  
21 public mind to a state of proper visibility so that  
22 the problems and the difficulties of those institu-  
23 tions can be shared and made known to all.

24 We are particularly grateful for the at-  
25 tention that has been given to the hearings by the

2 Channel 21, and in New York, Channel 13, and I also

3 want to make special mention for those of you who

4 are interested in following everything, that radio sta-

5 tion WRVR has also given complete coverage to

6 this with running commentary and as I understand you

7 may call in and voice your objections or complaints

8 or even in rare instances, compliments, on the way

9 the proceedings are going.

10 This afternoon, then, we move to a new

11 field of endeavor, some more statistical informa-

12 tion, another inmate and another key observer. But

13 before that begins, I want to say just one more word

14 about the proceedings and the way in which the Com-

15 mission has operated. We think it very important

16 that all those who appear before us have an oppor-

17 tunity to speak their minds fully and freely not

18 only in response to questions that may come from

19 staff and from the Commission but as well in any

20 statements that they may wish to make entirely

21 apart from any questions that are put to them.

22 That opportunity, of course, is afforded

23 to every witness. We also feel that it's important

24 that anyone who does appear before us and has a

25 story to tell as everyone has so far been willing to

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1 subject himself to questioning from Commission 619  
2 staff and from members of the Commission. There-  
3 fore, we have denied the right at this time to people  
4 from the outside who wanted to present opinion testi-  
5 mony and not accept questions from staff or Com-  
6 mission members.

7 We will have, at a later date, we will  
8 give at a later date, an opportunity for all those  
9 persons to present written statements, of course, at  
10 any time of their position or facts or information  
11 which they think the Commission should have.

12 We will also give an opportunity at the  
13 conclusion of these public hearings as now scheduled  
14 for any person who wishes to report to the Commission  
15 further statements, further opinions indeed, that  
16 are relevant to the final determination on behalf of  
17 the Commission.

18 We are now ready to proceed with the hear-  
19 ings for this afternoon, and I turn the microphone  
20 back to Mr. Liman.

21 MR. LIMAN: Steven Rosenfeld, a deputy  
22 general counsel of the Commission, has put together  
23 various statistics relating to the 1280 inmates who  
24 ended up in D-Yard during the period September 9th  
25 through September 13th. Steven can now talk about

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1 how he put these figures together and what 620  
2 they mean.

3 MR. ROSENFELD: Mr. Liman, I want to  
4 start by saying that I couldn't have put the figures  
5 together or indeed been here without the help of two  
6 members of the staff, Ms. Maureen Barden and Ms.  
7 Mary Pickman, who were the ones who put the statis-  
8 tics together and they worked very hard on them.

9 The first group of statistics were taken  
10 from departmental records by taking the statistics  
11 kept by the department for all inmates in the system  
12 as pertains to those inmates who spent the four days,  
13 September 9th through 13th in D-Yard and comparing  
14 them to the same statistics which were presented  
15 last week in Rochester, as to the Attica population  
16 in general.

17 Now, some of the statistics are not signi-  
18 ficantly different between D-Yard and the general  
19 population but we felt it was as important to show  
20 where there were no differences as it is to show  
21 where there are differences, so we're going to briefly  
22 present all of them.

23 The first group of statistics is as to the  
24 age of the inmates. Inmates in Attica as a whole  
25 are--39.2 per cent of them are under the age of 30.

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3 MR. MCKAY: Mr. Rosenfeld, may I inter-  
4 rupt for just a moment. I have just been advised  
5 by the security officers that we have had our after-  
6 noon bomb threat and I simply want everybody to  
7 know that that has been telephoned in again.

8 The Bomb Squad for the City Police Depart-  
9 ment has again searched the building this morning be-  
10 fore any of us came and is making a routine search of  
11 all parcels that come into the building, so we be-  
12 lieve there is no threat and I hope that many  
13 or indeed all of you will stay.

14 We intend to go ahead with the hearings,  
15 of course, anyone is free to leave who wishes to.

16 I am sorry for the interruption.

17 MR. LIMAN: Other than the witness.

18 MR. ROSENFELD: As I said, 39.2 per cent  
19 of Attica inmates as a whole were under the age of  
20 30. In D-Yard that figure was 42.6 per cent, so in  
21 summary, the D-Yard population was slightly younger  
22 than the population of Attica as a whole.

23 With regard to race, as was presented last  
24 week in Rochester, 36.1 per cent of the total Attica  
25 population is white. 54.2 per cent is black and 8.7  
per cent Puerto Rican for a total of 62.9 per cent

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3 By contrast, the population of D-Yard  
4 was only 26.3 per cent white, was 63.8 per cent  
5 black, 9.5 per cent Puerto Rican for a total of  
6 73.3 per cent black and Puerto Rican, so that there  
7 was a 10 per cent higher proportion of blacks and  
8 Puerto Ricans in D-Yard than there was in Attica  
9 as a whole and blacks and Puerto Ricans constituted  
10 a significant majority of the inmates in D-Yard.

11 Last week as to level of education, we  
12 reported that 20 per cent of the Attica inmates as a  
13 whole were high school graduates or higher. That  
14 figure for D-Yard was slightly lower or 17.6 per  
15 cent had a high school education or higher. The  
16 figure for illiteracy was just about exactly the  
17 same for Attica as a whole as for D-Yard, slightly  
18 over 2 per cent.

19 Last week we analyzed the crimes for which  
20 inmates were convicted and the statistics presented  
21 on the chart there have several categories, but we  
22 divided them last week into violent crimes and non-  
23 violent crimes and for that purpose we defined  
24 violent crimes as including homicide, robbery, as-  
25 sult, rape and dangerous weapons. Here again, the  
figure for Attica as a whole and the figure for

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2 the inmates in D-Yard was just about the same, 623  
3 62.6 per cent as opposed to 63.9 per cent in D-Yard.

4 The next set of statistics was on marital  
5 status and here again, the comparison between  
6 Attica as a whole and D-Yard in particular was just  
7 about the same. 58.1 per cent of the total inmates  
8 of Attica were in September or had previously been  
9 married and 57.9 per cent just slightly lower were  
10 in D-Yard.

11 The next set of statistics was on drug use.  
12 Last week we reported that, and here I might add that  
13 as we said last week, these were conservative statis-  
14 tics because the department statistics on drug  
15 use are based on what an inmate reports when he is  
16 first admitted to the system and if he says he is  
17 not a drug user, he is listed as such.

18 The statistics we reported last week  
19 showed that 28 per cent of the total population ad-  
20 mitted to being drug users. That figure was 32 per  
21 cent for the inmates that ended up in D-Yard, so it  
22 was a lightly higher percentage in D-Yard.

23 The next set of statistics was on the year  
24 that an inmate entered the prison system. Last  
25 week we reported that 17.8 per cent of the total  
inmates at Attica had entered the system before 1966

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the system after 1969. The total for D-Yard was slightly higher, 66.6 per cent entered the system after 1969, so that you had a slightly higher percentage of more recent arrivals into the prison system ending up in D-Yard.

On the County of Commitment, that is, the area of the state from which an inmate was admitted to the prison system, or to Attica, rather, last week we reported that 76.5 per cent of the inmates at Attica had been admitted from a county which we considered to be an urban county, that is, New York City, Erie County or Buffalo, Monroe County or Rochester and Onondaga County or Syracuse.

The inmates in D-Yard, 79.8 per cent of them came from those areas so there was a slightly higher percentage of men from the cities who ended up in D-Yard.

The last set of statistics was on prior convictions and we pointed out last week that 75.7 per cent of the inmates at Attica on September 9th had a prior conviction. That figure was slightly lower, but really not significantly lower, 74.8 per cent for D-Yard.

Those were the statistics that were com-

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3 The significant ones were that you had a  
4 slightly younger population in D-Yard, slightly  
5 more from the urban areas and significantly more  
6 blacks and Puerto Ricans than in Attica as a whole.

7 The next set of statistics were taken from  
8 an analysis of our interviews with inmates who were  
9 in the yard. These are not as objective statistics  
10 but they are based on compilation of inmate responses  
11 to questions that were asked of them.

12 The first chart here behind me shows how in-  
13 mates responded to the question, the basic question  
14 of how they ended up in D-Yard and their feelings  
15 about going to D-Yard.

16 Now, as I said, these are necessarily not  
17 objective reports but they are based on what the  
18 inmates told us. The four categories that you see  
19 on the chart are those who said that they went  
20 willingly and that means those who said that as soon  
21 as they realized something happened, they wanted to  
22 be part of it and that they actively joined in the  
23 congregation in D-Yard.

24 The second group are those who said that  
25 they were confused. The place was in chaotic con-  
dition and they followed the crowd of inmates and when

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1 they were told D-Yard was the place to con- 626  
2 gregate, that is where they went.

3 This would also include those, by the  
4 way, who went to D-Yard to escape what they felt  
5 to be a threat from the authorities.

6 The third category are those who said  
7 that they did not want to be in the yard and were  
8 coerced there either actively or by implication  
9 by the threats of other inmates.

10 Many people in this category said to us,  
11 I didn't have to be physically coerced or threatened.  
12 I knew that they meant business when they came through  
13 and said everyone go to D-Yard. This was--people who  
14 made that response were put into the third cate-  
15 gory.

16 The fourth category are those who are al-  
17 ready out in D-Yard when the uprising began and re-  
18 mained there.

19 The overall figures in that respect are  
20 that 9.5 per cent of all of the inmates interviewed  
21 told us, admitted to us willingly, that they went to  
22 D-Yard because they wanted to be there and they  
23 wanted to be part of what was going on.

24 39.5 per cent told us that they were  
25 confused or followed the crowd and ended up there be-

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3 38.2 per cent told us that they were  
4 coerced into going there by either overt or implied  
5 threats and 12.8 per cent told us that they were al-  
6 ready there.

7 Then we took the inmates whose responses  
8 fell into each of these categories and analyzed  
9 them with the help of a computer to see if we could  
10 draw any conclusions as to who fit into these  
11 groups which as I have said were not objectively  
12 arrived at. The computer statistics showed  
13 some interesting facts. The group that admitted  
14 that, of the group that admitted that they went  
15 willingly, 51.6 per cent of them, over half, were  
16 under 30. That compares with only 42 per cent of  
17 the total D-Yard population and conversely, of the  
18 group that told us that they were coerced, 62 per  
19 cent of them were over 30.

20 Of the group that told us that they went  
21 willingly, 65.4 per cent of them were convicted of  
22 crimes that fell into that category of violent crimes,  
23 whereas the, conversely, those who told us that  
24 they were coerced only 57.6 per cent of them were  
25 convicted of crimes which we considered violent  
crimes.

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2 went to D-Yard willingly, 81 per cent of them were  
3 black. Conversely, of the group who told us that  
4 they were coerced by other inmates, 41 per cent  
5 were black.

6 Of the group that told us that they went  
7 willingly, 3.4 per cent of them were Puerto Rican.

8 Of the group that told us that they were coerced, 12  
9 per cent were Puerto Ricans.

10 That compares, as I have said before, to  
11 63.8 per cent black in the total population, 9.5  
12 per cent Puerto Rican in the total population.

13 Of the group that told us that they went  
14 willingly, 15.5 per cent were white. Of the group  
15 that told us that they were coerced, 46.5 per cent  
16 said that they--46.5 per cent were white of those  
17 that told us that they were coerced. That compares  
18 with 26.3 per cent white in the total D-Yard popula-  
19 tion.

20 We also discovered that the inmates who  
21 said they went willingly had a slightly higher median  
22 education level, tenth grade, than the total D-Yard  
23 population, which was ninth grade.

24 Also a slightly higher percentage of drug  
25 users fell into the category of those who said they

1 went willingly than in the total D-Yard popula- 629  
2 tion.  
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4 Finally, of those men who were at the  
5 time in September or had previously been--I'm sorry,  
6 of the group that said they went willingly, 13 per  
7 cent fewer were or had previously been married than  
8 the total D-Yard population and conversely there was  
9 slightly a higher number of married men or men  
10 previously married who were in the group that said  
11 they were coerced.

12 The last chart--

13 MR. LIMAN: I think that there ought to be  
14 an emphasis on your caveat about that chart in that  
15 this is based solely on our interviews with inmates  
16 and there would be a natural tendency on the part  
17 of people being interviewed by an outside commission  
18 to hesitate to say that they went into the yard  
19 willingly.

20 I think that those figures really have to  
21 be analyzed in terms of, of the people who were  
22 willing to tell us that they went in willingly, what  
23 are their characteristics. Of the people who insisted  
24 on telling us that they went in for some other reason,  
25 what are their characteristics.

MR. ROSENFELD: That's correct, Mr.

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3 MR. LIMAN: Lastly, I guess we should  
4 say that we will be presenting at these hearings  
5 the testimony of inmates in each of these categor-  
6 ies. Inmates who say they went in willingly and in-  
7 mates who said they went in unwillingly so that the  
8 public will have the opportunity to understand the  
9 interactions in the yard and the reaction of inmates  
10 to forces that were coming in from the outside.

11 MR. ROSENFELD: The last set of statistics  
12 and again this should be with exactly the same kind  
13 of caveat, inmates were asked during their inter-  
14 views what their view was on the question of criminal  
15 amnesty and we tried to catalog those responses.  
16 Of all the inmates who answered that question, and  
17 I might add that there was some percentage of  
18 inmates who were interviewed but did not answer that  
19 question, but those that answered that question, 65.8  
20 per cent of them said that they were opposed to  
21 criminal amnesty, either because they didn't believe  
22 it or they knew it was an unreasonable hope.

23 34.2 per cent of all of the inmates who  
24 answered the question said that they were in favor  
25 of amnesty but of that group, 5.8 per cent of the  
total or about a sixth of the total group who said

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2 they favored amnesty said they didn't favor 631  
3 it for themselves, they were not in fear of criminal  
4 prosecution themselves but that the elected repre-  
5 sentatives of the inmates in D-Yard did, they felt,  
6 had a legitimate fear of prosecution and that they  
7 favored it in order to support their elected repre-  
8 sentatives.

9 MR. LIMAN: Again, the word opposed to  
10 criminal amnesty in this context meant that they told  
11 us in retrospect that at the time they were opposed  
12 to holding out for criminal amnesty. These are  
13 interviews taken months later after very many things  
14 had happened and it's in that context that the word  
15 opposed to criminal amnesty or in favor of criminal  
16 amnesty was posed to these inmates and what their re-  
17 sponses were.

18 MR. ROSENFELD: That's correct.

19 MRS. GUERRERO: May I say something?

20 MR. MCKAY: Mrs. Guerrero has a question.

21 MRS. GUERRERO: Mr. Rosenfeld, what was  
22 the percentage you said of Puerto Ricans in the  
23 prison yard and in the prison?

24 MR. ROSENFELD: In the institution as a  
25 whole there were 8.7 Puerto Ricans. In the yard, 9.5  
per cent.

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3 statement now, which I hope it will continue through  
4 these hearings. And also in the final report and  
5 it is this: Since most people do not seem to know  
6 that Puerto Rican is a person born in Puerto Rico,  
7 which is a nation, albeit a Colony, and not a race,  
8 and since the percentage of Puerto Ricans in  
9 prison, in this particular case of Attica, is only  
10 8 per cent, I wish from now on that the Puerto Rican  
11 percentage, which is the lowest, should be kept  
12 separate from black or whites, percentages, inas-  
13 much as the 8.7 something of Puerto Rican prisoners  
14 at Attica includes both black and white Puerto  
15 Ricans.

16 MR. LIMAN: We have tried to keep it  
17 separate. That is why we have stated in all of  
18 these the percentages.

19 MRS. GUERRERO: No, we have not. We  
20 always say so many percentage and so many percentage  
21 and then put together black and Puerto Rican. So and  
22 so per cent of black and Puerto Ricans. I think in  
23 fairness to Puerto Ricans we should simply say 8 per  
24 cent Puerto Ricans or 8 or 20 or a hundred per cent.  
25 But Puerto Ricans. So we get whatever it is that  
the country is doing to all of us.

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Guerrero.

I have another statement. It seems that lately my role as chairman is more and more to interrupt the ordinary proceedings with some special statement. I have another, at least to introduce the statements that other members of the Commission and staff would like to make.

Many of you are not aware of a request that was made this morning by Richard Clark, a former inmate of Attica to speak before the Commission at these hearings.

We, of course, did not know what his statement would include. All we knew was that it was on behalf of a number of inmates in HBZ, the so-called box. What we did say to him was that we could not accept his statement at this time as a part of these proceedings because he was unwilling to submit to questions or to oath or to any kind of verification of the statement that he had to make.

So we counseled him as we have counseled others that he would be entitled to give us a written statement at any time which we would take into account in our report or in later stages of these proceedings as appropriate or of course he would

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2 be entitled to make an oral statement to the 634  
3 Commission at some time after the hearings that we  
4 now have scheduled to develop the specific facts  
5 based upon the investigation of our staff.

6 We assumed that when he was turned down  
7 in this respect that he would make a statement, as  
8 indeed he did, to the press off camera and that, of  
9 course, is now available to those who listened in or  
10 will have other access to it. Some members of our  
11 Commission and staff have now asked to make a re-  
12 sponse to his statement, and I would like to recog-  
13 nize first, Mr. Henix, a member of the Commission,  
14 to make a statement, an individual statement of  
15 his to be followed by a statement from Judge Willis  
16 and from Mr. Addison, members of the staff.

17 Mr. Henix?

18 MR. HENIX: In reference to the statement  
19 made by Mr. Richard Clark, my response to him and to  
20 his statement as one of the black members of the  
21 Commission is as follows:

22 In spite of all the opposition and incon-  
23 venience that have confronted this Commission from  
24 its inception, in particular the threats of suit be-  
25 ing brought against the Commission in order to keep  
it from holding public hearings at this time, the

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hearings were any way impeded or held up we would  
resign, to the man.

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With that thought in mind we proceeded  
to remove all of the obstacles that would have pre-  
vented us from having our hearings at this point  
in time. The major problem that we face was the  
overcoming the demands of the prosecuting attorney  
that we not hold public hearings before indictments  
were brought against those who were being--were  
going to be charged in connection with the September  
events at Attica. Because of the problems that we  
faced, I have very strong objections to the allega-  
tions made by Mr. Clark that put the blackness of  
the black staff members in question. We have done  
all that we could do and we will continue to do all  
that we can do to see that our credibility will not  
be put in jeopardy. That is my statement.

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MR. McKAY: Thank you, Mr. Henix.

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Judge Willis?

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JUDGE WILLIS: This, of course, is my  
statement: It's unfortunate at this stage of the  
Commission's work that we as black members of the  
staff find it necessary to justify our present on  
the staff but in view of the statement made by

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black, Puerto Rican and white inmates in HBZ at  
Attica and replied to that statement by general  
counsel, Arthur Liman, we believe a statement must  
be made. First as to Mr. Liman's statement where-  
in he felt he was defending an attack on the black  
members of the staff, myself and I am sure others,  
as trained lawyers and as men, can personally defend  
ourselves and defend our position on the staff.

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We want Mr. Clark and the persons repre-  
sented in his statement to know that we fully  
understand and appreciate their distrust of this or  
any other body investigating Attica or any other  
prison.

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There have been innumerable commissions,  
bodies, individual, both public and private, sup-  
posedly working in the area of prison reform and  
nothing substantially has been done.

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We further understand that their lives and  
liberty, that is, the men in HBZ are in great  
jeopardy and sound legal advice dictates their  
silence.

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It was only after a great deal of continuing  
sould searching that the black members of the Com-  
mission staff decided to work and continue to work

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1 with the Commission. We are not so naive 637  
2 to believe that the findings of this Commission are  
3 going to provide all of the answers to prison ills  
4 as these ills are reflected in every facet of our  
5 lives. However, if any good comes from this effort  
6 that benefits the members of my community, locked  
7 in these places, then I will be able to live with  
8 myself and accept the criticism of my people.

9 Thank you.

10 MR. MCKAY: Thank you, Judge Willis.

11 Mr. Addison?

12 MR. ADDISON: The minority members of the  
13 McKay Committee feel that it's necessary at this  
14 time to respond to a statement made by Richard Clark,  
15 a former inmate of Attica. Mr. Clark has alleged  
16 that the Commission will not reach the truth of  
17 Attica because we have not interviewed the men in  
18 segregation. His statement which represents the  
19 views of those in HBZ that the Commission is a white-  
20 wash because it is appointed and financed by the  
21 State will not be responded to by us.

22 However, the allegation that the black  
23 members of the staff have been used by the Commission  
24 to uncover the truth of the events at Attica is com-  
25 pletely untrue and must be put to rest.

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2 the McKay Committee assumed our positions with many  
3 doubts from the very beginning. We have exercised  
4 every human effort to make sure that the truth of  
5 Attica is brought before the public. We will not  
6 be used as we hope he will not be used by media  
7 representatives with whom he has talked many times  
8 since his release.

9 We are aware of what our responsibility is  
10 to all inmates, black, Puerto Rican and white, and  
11 to the black and Puerto Rican communities. The con-  
12 viction to truth to be responsive to the community  
13 has caused us to be criticized from within and with-  
14 out this Commission. We have been prepared and will  
15 continue to live and work under those conditions.

16 Earlier Mr. Liman, general counsel, felt  
17 the need to defend my efforts with this Commission.  
18 This was most unfortunate since I, too, am a well  
19 trained lawyer and have always been prepared to de-  
20 fend myself against any attack.

21 As black men we will always be attacked  
22 if we continue to involve ourselves on public issues.  
23 However, we will not have the need for anyone to de-  
24 fend us on any issue.

25 MR. MCKAY: Thank you, Mr. Addison. I

2 into a position of near silence for the balance of  
3 the proceedings this afternoon.

4 Mr. Liman, I believe our next witness is  
5 Mr. Carpenter, is that right?

6 MR. LIMAN: That is correct.

7 Mr. Carpenter is an inmate at Attica and he  
8 is one of the inmates who we will be presenting to  
9 tell the story from a particular perspective, one of  
10 the inmates who is in the yard and his examination  
11 will be confined at this time to the events in the  
12 yard. He will be back to testify about his ex-  
13 periences during the assault and in the aftermath of  
14 the assault next week, when we put the spotlight  
15 on the assault and its aftermath.

16 MR. McKAY: Mr. Carpenter, will you rise  
17 to be sworn?

18 C H A R L E S R A Y C A R P E N T E R,

19 called as a witness, being first duly sworn, was  
20 examined and testified as follows:

21 EXAMINATION BY MR. ROSENFELD:

22 Q Mr. Carpenter, would you state your full name  
23 for the record, please?

24 A Charles Ray Carpenter.

25 Q How old are you, Mr. Carpenter?

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1 A 40.

2 Q Where are you from?

3 A New York City.

4 Q Mr. Carpenter, what is the offense that brings  
5 you to Attica?

6 A Manslaughter.

7 Q You are serving a sentence of from 15 to life?

8 A Yes.

9 Q How long were you at Attica before September 9,  
10 1971?

11 A I came there in May 1970. Approximately a  
12 little over a year.

13 Q Mr. Carpenter, you were working on the morning  
14 of September 9, 1971 in the metal shop, is that correct?

15 A Correct.

16 Q Before you got to the metal shop that morning,  
17 did you expect trouble that day?

18 A Well, before I got to the shop, no.

19 Q What happened when you got to work that morning?

20 A Well, we were told that, about 12 officers the  
21 night before had went to two inmates cell in A-Block and  
22 they beat them bloody and drug them off the gallery to the  
23 isolation cells.

24 Q This is what you were told?

25 A This is what we were told. This is common

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Q By inmates who were in A-Block?

A Well, in blocks. Word spread. One guy in B-Block heard it in the messhall from someone else. Word spreads.

Q Mr. Carpenter, did people believe that that is what happened the night before?

A Yes. Yes.

Q Based on what did they believe it?

A On past actions.

Q Now, at a quarter of nine in the morning, approximately, you were at work in the metal shop?

A Yes.

Q And will you tell the Commission what happened?

A Well, the sergeant came in with the barber's tools and after that, that is just about normal. Sometimes they are short of officers. After that, someone said, came over and said, they're rioting in B-Block--in A-Block rather.

Q Was that an inmate who said that?

A An inmate said they are rioting in A-Block. We said--everyone said yeah, and they stood around, you know. Started looking, you know.

Q How long did they stand around?

A They noticed that all the officers that are

usually in the shop had left. There was only

642

2 three officers there. So everyone just stood around  
3 and was looking, after hearing this. Where was I?

4 Q You said everybody was standing around. I  
5 was going to ask you how long they stood around.

6 A For about three or four minutes, you know.  
7 And I went back in the shop. I said if they are rioting,  
8 you know, it will be confined to A-Block; from knowing  
9 how the place is situated.

10 Q You knew about the gates in Times Square?

11 A Right, right. So everybody just stood around  
12 wondering. And the big thing was when the whistle start-  
13 ed blowing.

14 Q That is the whistle atop the power house?

15 A Right. That started blowing. Guys were just  
16 milling around wondering, you know, everyone was wonder-  
17 ing what is happening.

18 Q What were the officers on duty in the metal  
19 shop doing?

20 A They were standing by the door.

21 Q In a group together?

22 A Right. They were standing by the door. And  
23 at that point, you know, I was in the barber shop. Sat  
24 down and was talking. Then you could hear the commotion  
25 when the machine shop door broke down.

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1 Q That is the door in the front--

2 A Right.

3 Q Is there a door in the back of the metal shop  
4 that leads out the back?

5 A Yes.

6 Q You can point to it on the map next to you if  
7 you can find it. The metal shop are the big buildings in  
8 the back there.

9 A Right here.

10 Q No, up on the far right part of the map.

11 Mr. Carpenter, you haven't seen a photograph of  
12 Attica from the air before, have you?

13 A No, I haven't.

14 Where would that be? Where would A-Block be--  
15 B-Block rather?

16 MR. LIMAN: This is A: This is B and these  
17 are the shops.

18 THE WITNESS: Right. Right.

19 Q We have a pointer there for you.

20 A The back doors would be--

21 Q Speak into the microphone, please.

22 A The back doors would be over here. Over in  
23 behind here.

24 Q Did anybody make any move during that time that  
25 anyone was standing around to get anybody out the back

1 door?

2 A No.

3 Q Then you said that they broke into the front  
4 door.

5 A Right.

6 Q Continue telling us what happened after that.

7 A After that it was just chaos. I had legal papers  
8 and things in my locker, you know. I went to get my per-  
9 sonal property.

10 Q This is a locker you had inside the shop?

11 A I had inside the shop. I went to get that and  
12 by that time the shop was full.

13 Q Full of inmates who had come in?

14 A Inmates which had come in. They started just  
15 throwing things around and whatnot, so I ran and seen some  
16 friends of mine, you know, I said, you know, why, what is  
17 this, you know. So they didn't know, you know, and  
18 we just was standing around at that point looking, you  
19 know, and inmates just had bust in.

20 After that the sprinkler system started blow-  
21 ing.

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23 (continued on page 645)  
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Q Had people started some fires? 645

A Yes. First were started and everything. Someone said, "The place is on fire. Something is going to explode."

You could hear the hissing sound from the sprinkler system.

Someone said, "Something is going to explode." They have welding tanks, acetylene torches with gas and oil and paint thinner, you know, so everyone starts getting out very fast.

Q Mr. Carpenter, when the inmates came in, there were a number of correction officers and civilians who were working in the metal shop?

A Right.

Q What happened to them?

A I don't know. I didn't see the civilians. All I saw was a glimpse of the officers going out the door. They had been stripped.

Q They had been stripped naked and they were being led out the door?

A Right.

Q In which direction, do you know?

A No.

Q Where did you go after you left?

A When I got out, I went toward E-block. There

1 was tear gas in the hallways and you 646  
2 couldn't breathe except that tear gas and there was  
3 a door open over by E-block yard.

4 Q Could you see where the tear gas was coming  
5 from?

6 A It was just there.

7 Q Do you know who fired it?

8 A No, I don't. I went into the yard.

9 Q Into E-block yard?

10 A Into E-block yard.

11 MR. LIMAN: Can you point to it--

12 Q Can you point to where E-block yard is, Mr.  
13 Carpenter?

14 A This is B-block. E-block yard I think  
15 would be over here. No, it would be--

16 Q It's up on the top of the map. You see the  
17 new building there?

18 A Where would that be at? I don't know the  
19 --over in here; right. Somewhere back around in here.  
20 It's not far from the wall. Somewhere over in here.  
21 It's a very small yard.

22 Q When you got to E-block yard, how many other  
23 inmates were there?

24 A There was quite a few that had come along in  
25 the rush out of the shop.

1 Q It was about a hundred at least, 647  
2 wasn't it?

3 A Yes.

4 Q What did you do when you got to E-block yard?

5 A We stood there, you know, there was nothing  
6 to do. The whistle is now blowing and there is a guard  
7 tower on the wall near there and if you go too far  
8 out this way and everyone was saying, don't go there  
9 because you can be shot from the wall.

10 Q Could you see the officer with his gun in  
11 the guard tower?

12 A Yes, you could peek around the corner and  
13 see him standing there with his rifle.

14 Q So people were keeping as far away from the  
15 wall as possible?

16 A Yes.

17 Q About how long did you remain in E-yard?

18 A About 20 minutes. Maybe a half hour. I  
19 couldn't judge the time.

20 Q Then what happened?

21 A Someone came through and said, "Everybody to  
22 D-block.

23 Q When you say "someone," you mean an inmate?

24 A Right. There were several inmates. They  
25 said, "Everybody to D-block." So everybody went to

D-BLOCK.  
2 Q How were these inmates dressed, the ones  
3 that came to E-yard?

4 A They was just like anyone else. Like the  
5 rest of the inmates.

6 Q So then the crowd in E-yard then proceeded  
7 to D-yard?

8 A Yes.

9 Q What did you see when you got out to D-block  
10 yard?

11 A There was nothing but confusion. There was  
12 the--the officers were out there and--

13 Q They were in the corner by the television  
14 set at that time?

15 A Yeah. There were several groups of them  
16 but there was some also that was laying around that  
17 had been hurt, you know, and everything was confusion  
18 in that yard.

19 Q What did you do, Mr. Carpenter, when you  
20 first got there?

21 A We started arguing about--some guys said,  
22 "Don't let them out, keep the hurt officers."

23 Some said, "Let them out."

24 So it finally wound up to where it was agreed,  
25 everybody would take them out. So I carried one officer

2 carried him out on a stretcher.

3 Some other fellows carried the other officers  
4 and carried them down to the Administration Building.

5 Q Could you tell how badly hurt the officer that  
6 you carried out was?

7 A He acted like he was suffering from shock.  
8 This is what one of the inmates said, that he was in  
9 a state of shock.

10 Q He appeared to you to be unconscious?

11 A Well, not quite, but he was trembling.

12 Q Could you see any visible wounds?

13 A No, I couldn't.

14 Q After you--

15 A He was covered up anyway.

16 Q Where did you take him out to?

17 A We took him to the Administration Building.

18 Q Out to the front through A-block?

19 A Right.

20 Q Then did you return to D-block yard after  
21 that?

22 A We had trouble getting him in, even in there  
23 to the guards. They were standing there with rifles  
24 and the warden, he didn't even offer anyone--"Do you  
25 want to stay or do you want to go?" Personally, I went

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Q You would have gone back to the yard?

A Yes. But he didn't even offer no one. Not even that opportunity.

Q What did he say?

A "Get back." And they were pointing guns at us.

Q "Put the stretcher down and get back"?

A Yes.

Q And that's what you did?

A Right.

Q When you returned to D-block yard, had things begun to get organized?

A Yes. Everybody was telling everybody to take it easy, what are we going to do. It was that type of thing.

Q Did there come a time when one individual began to get people together?

A No one individual got anybody together.

Q Some individuals?

A Some individuals were around and they were-- everyone was saying, "Stop the vandalism," you know, "Don't be arguing among yourselves." You had some white fellows that they thought was a race riot and they were cliquing up.

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2  
3 A It was confusion. It was said there is no  
4 white inmates, there is no black inmates, there is  
5 no Puerto Rican inmates. We are all inmates, you  
6 know. Let's get together. And then tried to find  
7 out what happened, what shall we do, you know, and then  
8 it was brought up, well, all right, this has happened.

9 Let's get some prison reform. Let's stop  
10 the abuse that's going on in here. And this is the  
11 way it went from there.

12 Q Did people sit down and start drawing up a  
13 list of demands?

14 A Right.

15 Q You are the first inmate who has testified  
16 before the Commission or, indeed, perhaps anywhere  
17 about what life was like in D-yard and I would like  
18 if you would first tell us of what arrangements were  
19 made for food and shelter and water and sanitary  
20 facilities and the like.

21 A Well, food was gotten out of the commissary.  
22 They had--they cut off all the water on us so they  
23 had got water out of the air-raid shelters. They got  
24 cans of water out of there. This is how we made it.

25 Q Did certain people volunteer to be in charge  
of these various areas and help out with that?

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1           A     Well, no one volunteered exactly           652  
2 to be in charge. It was something that had to be done.  
3 We have to do this and--

4           Q     I mean to do it.

5           A     And so many guys said, come on, I'll go,  
6 let's do this, you know. It wasn't anyone directing  
7 anything. No specific people directing anything.

8           Q     What was done about shelter and sleeping  
9 facilities?

10          A     Well, we got mattresses and blankets out of  
11 the cells, you know, and brought them down into the  
12 yard.

13          Q     People began building tents?

14          A     Tents, yeah. Everything.

15          Q     Was it clear to you, Mr. Carpenter, that people  
16 were making plans to stay there for a while?

17          A     Certainly. Not to stay there for a while.  
18 No one know how long they would stay there. Actually  
19 when the mattresses and blankets and what not started  
20 coming out, it was after it started getting dark, you  
21 know, and that's when we--it was really figured that  
22 we would be here for a while.

23                 At first they thought that--we thought that  
24 the State Police was just going to, the State Police  
25 and the guards were just going to come in anyway, you

1 know, but that didn't happen and they 653  
2 started making arrangements for Oswald to come and  
3 just start negotiating, you know, to get something  
4 done toward the grievances.

5 Q You mentioned the negotiations.

6 Did there come a time that first day when  
7 elections were held?

8 A Not immediately the first day. Not immedi-  
9 ately, you know. Everyone just fell into a position.

10 A guy said, well, I can do this, I can do  
11 that, let me do that, you know. And this is how that  
12 was formed up.

13 Q But there were eventually elections held?

14 A Yes.

15 Q Was that the second day?

16 A It was the first day, but it was later.

17 Q How did that come about, would you tell us.

18 A Well, that came about especially after the  
19 television camera and a few other things got there.  
20 Some guys wanted to bring their personal, you know,  
21 viewpoints that it wasn't even related, you know, to--

22 Q Everybody had his own pet grievances that  
23 he wanted--

24 A Right, they wanted the air. This isn't  
25 doing any good for everybody. Whatever came out of it

1 was supposed to be for everybody. Not any- 654  
2 body to get his particular point across or to go on an  
3 ego trip. You know, this is for everybody.

4 Q So then elections were held.

5 How were they held?

6 A Well, everybody was in D-block or B-block,  
7 they got together and chose people from that block  
8 who they thought they trusted, who they thought was  
9 qualified and articulate, you know, to be there and  
10 talk for what we wanted.

11 Q To be their spokesman?

12 A Right.

13 Q Mr. Carpenter, there were 1281 inmates out  
14 in that yard.

15 What percentage of them, as you saw it, took  
16 part in those elections?

17 A I would say all of them. Everyone.

18 It was a case of don't say you don't want  
19 to be part of it now and then later come up and say,  
20 well, I don't vote, I don't do this. This is the  
21 things that happened, you know.

22 Q Were you satisfied that the members of the  
23 negotiating committee that were elected did represent  
24 you?

25 A Yes.

---

2 demands were drafted that day; is that correct?

3 A Right.

4 Q You may have heard them read this morning.

5 Among those were a demand for criminal amnesty and  
6 a demand for flight to a non-imperialist country.

7 A Right.

8 Q What was your first view that first day  
9 about those two demands?

10 A Well, the amnesty was possible at that point,  
11 but leaving this country was a little too far out.  
12 I didn't think that could be achieved, you know.

13 But the amnesty at that point could because  
14 it was just a matter of property. There was a few  
15 assaults on officers, but they had--it didn't amount  
16 to anything. No one was really seriously hurt.

17 So amnesty at that point, criminal amnesty  
18 and non-reprisals from the institution administration,  
19 you know. I figured it could be achieved.

20 Q Mr. Carpenter, did you feel that the things  
21 that were important to you were embodied in the group  
22 of demands?

23 A Certainly.

24 Q What were those?

25 A Well, the whole reformation of the prison,

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1 you know. The reformation of the prison, 656

2 because the situation there is ridiculous.

3 Q Was there anything specific you think that  
4 was left out?

5 A Well, that would be more or less personal  
6 thing, really. I think there could be some things  
7 more emphasized, you know, like vocational training,  
8 you know.

9 It's actually a farce. You got youngsters  
10 in there that came in knowing nothing and is going  
11 out knowing nothing, the same corner they left, you  
12 know. And all they're getting there is abuse.

13 Q Should there--did you feel that the demands  
14 as drafted covered the area of rehabilitation as you  
15 would have liked to have seen it?

16 A Well, I think it could have been stronger.

17 Q You mentioned that Mr. Oswald came into  
18 the yard that first day--did you have an impression of  
19 Mr. Oswald from before?

20 A Yes.

21 Q What was that?

22 A A friend of mine had met with him when he  
23 came down on that visit, on a visit two weeks before  
24 the incident and he assured him that he was trying to  
25 do something, achieve something.

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1 But it was our position, you know, from the 657  
2 prison administration, from the Legislature with the  
3 budget and that he was trying to get to do as much as  
4 he could as fast as he could.

5 Q Did you share that view?

6 A Basically, yes. Yes, I believe he would,  
7 because I met him once at a parole hearing and at that  
8 time he did talk fair. He was a man that you could  
9 talk to.

10 Q You felt he was a sincere man?

11 A I felt he was sincere at that point.

12 Q What was the reaction to his appearance in  
13 the yard?

14 A The reaction was very good because actually  
15 the way everyone felt at that time, the argument  
16 wasn't really with him. It was with the institution  
17 officials, you know.

18 This is where the whole thing stems from,  
19 those particular officials.

20 Q In fact, an incident occurred with respect  
21 to Mr. Oswald that exhibited that. Do you know what  
22 I'm talking about?

23 Well, didn't somebody at one point suggest  
24 that he be held in the yard?

25 A Well, yes.

1 Q What happened when that was

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2 suggested?

3 A Everyone said no. Everyone said no,  
4 because, for one thing, the word was given and it  
5 wouldn't serve no purpose and just holding him was  
6 not for any particular reason.

7 Q Mr. Carpenter, on Friday evening a group of  
8 outside observers, people who had been asked for and  
9 others came in, were you there when they came and did  
10 you hear what they had to say?

11 A Well, I heard it, you know, but a lot of it  
12 I don't remember.

13 Q What was your understanding as to what the  
14 observers were going to do?

15 A Well, more or less to observe any problems  
16 that was made and to help enlighten the public as  
17 part of the public, the media, the news media, the  
18 legislators, these are the people that was sent for,  
19 you know, to observe and to get an idea and a picture  
20 of what was happening and after having gotten that  
21 idea, to give us some type of help.

22 Q Did you understand that they were going to  
23 negotiate for you?

24 A No. No. No one negotiate for us but the  
25 inmates. Everyone in that yard was negotiating.

1 Q Did you have confidence that they 659

2 would be able to fulfill the role that you saw for  
3 them?

4 A Well, there was hope. There was hope.

5 Q Mr. Carpenter, after that long night when  
6 the observers first came in and there were a lot of  
7 speeches made, there was a long wait the next day.

8 Do you remember that?

9 A Yes.

10 Q What was that wait for? Were you waiting for  
11 somebody in particular?

12 A Bobby Seale. I think it was--hadn't showed  
13 up yet.

14 Q What was the effect of that long delay?

15 A The effect of it was when he got there, every-  
16 one was glad that he did get there, but he only stayed  
17 about five minutes, you know, and he had a problem  
18 getting in. He had problems getting in.

19 Q What was the reaction to what he said?

20 A Well, the only thing he said, you know, he  
21 asked what happened and spoke to us for about three  
22 or four minutes and said that before he could take  
23 any position, that he would have to contact the leaders  
24 of his party, you know, and that he would be back.

25 Q That evening, do you remember Mr. Clarence

10  
1 Jones read off a list of 28 proposals

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2 which the Commissioner had agreed to and also read  
3 a letter from the District Attorney? Do you remember  
4 that?

5 A Yes.

6 Q Those proposals were rejected.

7 Why were they rejected?

8 A The proposals at that time was rejected  
9 because, I think, the part about amnesty and the  
10 District Attorney's letter, you know, wasn't--couldn't  
11 be dependent upon, you know, as this is what he would do.

12 The District Attorney of Attica, because he  
13 could be set aside by another Attorney General--I  
14 mean another District Attorney, you know, be appointed,  
15 you know.

16 Q How did you know that?

17 A Well, this is a possibility. There are guys  
18 in there that know law.

19 Q One of the inmates who knew law explained  
20 that that could be done, that that could happen?

21 A Right.

22 Q Mr. Carpenter, one other thing had happened  
23 by Saturday night that had an important effect; is  
24 that right?

25 A Yes.

---

1 Q What was that?

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2 A I think that was the death of Officer Quinn.

3 Q What effect did that have?

4 A Well, that sent everyone in a panic. That  
5 sent just about everyone in a panic because, mostly  
6 because of the lies that were told, that he was  
7 thrown out of a window when there isn't any window  
8 that he could be thrown out of.

9 Q Why is that?

10 A Because every window in there got bars on  
11 them.

12 Q Did that have an effect on how the inmates  
13 felt about amnesty?

14 A Yes.

15 Q Did it have an effect upon how you felt  
16 about amnesty?

17 A Definitely. Because everyone in that yard,  
18 you know, could be charged with at least conspiracy  
19 of murder.

20 Q Did you fear that you might be?

21 A Certainly.

22 Q Even though you had absolutely nothing to  
23 do---

24 A Even though I had absolutely nothing to do  
25 with it.

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1 Q In fact, you led one of the injured 662  
2 officers out?

3 A Certainly.

4 Q You remember Mr. Kunstler made some state-  
5 ments about the proposals.

6 What did you think of Mr. Kunstler?

7 A Well, I think Mr. Kunstler was one of the  
8 people that did, certainly dealt honestly for the  
9 inmates and was for them.

10 Q And he was acting as their lawyer, in fact?

11 A No, he wasn't acting as their lawyer. You  
12 know, he was saying, well, you can't do this, you  
13 know. I don't think you will be able to do this, you  
14 know. And if you asked him a question, he would give  
15 you an honest answer.

16 Q In fact, he said that these 28 proposals  
17 were the best you could get and he would advise you  
18 to take them?

19 A Right.

20 Q Why wasn't that advice followed?

21 A Because one thing, the death of Quinn. Be-  
22 cause the fact everyone could be indicted and then  
23 the men that was elected as spokesmen, you know, they  
24 had nothing to do with it, they were definitely going  
25 to be involved in it. They were definitely going to be

1 under prosecution.

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2 Q You felt you had to back them up as your  
3 elected spokesmen?

4 A Certainly.

5 Q In fact, at one point on Saturday or perhaps  
6 Sunday or perhaps both, a show of hands was asked for  
7 on the question of who wanted a flight out of the  
8 country; is that correct?

9 A Right.

10 Q Did you raise your hand?

11 A Yes.

12 Q You said you thought that that was a far out  
13 demand.

14 A It was a way out demand, but in--anything is  
15 possible. I didn't believe anything is impossible,  
16 and I would have left.

17 Q If you could have gotten out, you would have  
18 left?

19 A Yes.

20 Q Do you still feel this way?

21 A Yes. This is racist, violent country.

22 Q Mr. Carpenter, after the observers left--  
23 the observers were sent back and asked to do better,  
24 is that the way you say it?

25 A Yes.

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1 Q Asked to try to do better? 664

2 A Yes. The main thing was to try to get  
3 Governor Rockefeller to come down because he was in  
4 more position to sincerely offer us something and in  
5 his position, you know, had he came down and said,  
6 this is what I can do, this is what I can't do, you  
7 know, this would have carried some type of a weight be-  
8 cause he's on trial publicly. Anything he said, he  
9 would definitely have to keep his word.

10 Q So you felt that if the Governor had put  
11 the weight of his authority behind the proposals of  
12 the Commissioner, that might have been a solution?

13 A Yes.

14 Q Do you think that that would have been a  
15 solution even if he couldn't have granted amnesty?

16 A I think he could have insured that only  
17 the individuals responsible with a particular act,  
18 you know, would be prosecuted.

19 Now, this would have been left to a vote  
20 because he had the power to save us and actually to  
21 say this and actually give it.

22 Q Mr. Carpenter, on Sunday there was again  
23 a long wait before anybody came back in.

24 Had the mood in the yard changed during  
25 that time?

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A Well, yes.

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Q How so?

A People were getting restless, you know. The food was low. There was--everyone was getting short tempered with each other more or less and it was just a matter of tension just building up, waiting, waiting, waiting, wondering what the outcome is going to be.

And at the same time incidents were happening with the State troopers on the wall. A lot of things were happening, you know, and everyone was tense. They didn't know whether they were going to run in and attack us or what.

Q Was there less unity in the yard than before?

A No. No, I don't think there was no less disunity but it was just a matter where tension was telling on everybody. A few people even like cracked up, you know, due to the tension.

Q Were inmates in the yard making weapons?

A Well, I didn't see any making weapons.

Q Were they carrying weapons?

A They had sticks and what not prepared to defend themselves if they came and attacked us.

Q On Sunday afternoon, some of the observers came back in again and there were some speeches; is

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that correct?

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A Sunday afternoon, yes. Yes.

Q Do you remember what was said on Sunday afternoon?

A Well, I remember one of the observers was saying he was trying to get Rockefeller, you know, to come there. He was doing everything that he possibly could, you know, to get Governor Rockefeller to come.

Q Were Mr. Kunstler and Mr. Eve among those who spoke?

A Yes.

Q Did they make statements that you remember about the possibility of getting a flight out to another country?

A Yes. They said this was out, forget that.

Q They said forget that?

A Right. You're not getting this. This is out, you know. They didn't see getting that at all. That really wasn't realistic.

Q You do remember, don't you, that Mr. Kunstler said something about representatives of third world countries across the street?

A He said that, but this was--

Q What did you understand that to mean?

A I understood that in the sense of if we could

1 have gotten it, but he had said also from  
2 the very beginning, you know, that leaving the country,  
3 you know, but he just went along and said this, you  
4 know, if you can get it because everyone that was  
5 very--certain people were very set on this and he  
6 made that statement.

7 I don't know particularly why he made it,  
8 you know, but I think it was just one of those things  
9 that they were from the third world waiting but it  
10 wasn't really realistic.

11 Q Did other inmates in the yard interpret it  
12 the way you have?

13 A I don't know. I couldn't speak in that  
14 sense for how other inmates interpreted it.

15 Q Mr. Carpenter, on Monday morning the Commis-  
16 sioner sent in a message.

17 Do you remember that?

18 A Yes. Monday morning, right.

19 Q Was that message read?

20 A The final ultimatum, it was read.

21 Q What did it say?

22 A That he agreed to the demands and that we  
23 would get them, that the observers had agreed that we  
24 should have, that we should take those demands.

25 Q Was that message put to a vote, that ulti-

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2 A Yes, it was put to a vote.

3 Q Was that a democratic open vote?

4 A Yes.

5 Q How did the vote come out?

6 A The vote came out where the vast majority  
7 voted no good. One man stood up and said, "Why not  
8 take it? You got 28 out of 30 demands," I think it was.  
9 "After the 28 and 30 demands," he said, "you can't get  
10 no better than that." And he said, "One guy, one  
11 crime."

12 You know, that's the only thing they can do.  
13 Like for Quinn, whoever did it, that's his weight.  
14 The rest of us don't know nothing about this. Why  
15 not take it.

16 Then guys said, "Get on out of here, you  
17 don't know what you're talking about, because any  
18 weight that falls has got to fall on the guys that  
19 acted as spokesmen. They have got to get part of  
20 that weight."

21 Q Did one of the spokesmen speak up in support  
22 of that man?

23 A Certainly.

24 Q What did he say?

25 A He said the man is right. He said, "The

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1 vote is up to you. Forget us. Forget us." 669

2 He said, "If that's the way you want, that's the way  
3 the chips fall, but the man is right. You all want  
4 to vote yes or no."

5 Everyone voted again no.

6 Q And you agreed to hold out, you voted to  
7 hold out?

8 A Well, yes.

9 Q You didn't agree with what the man said?

10 A I agreed in part of what the man said,  
11 but I still couldn't agree, you know, to throw the  
12 guys that had negotiated---not negotiated, but acted as  
13 spokesmen, I couldn't agree just to throw them to  
14 the wolves.

15 Q And so you prepared for the assault then?

16 A I didn't prepare--prepare for what kind  
17 of assault?

18 Q You were prepared in your mind?

19 A In my mind, yes.

20 Q Mr. Carpenter, did you expect them to come  
21 in with guns shooting?

22 A Yes, yes.

23 Q Do you think that most other inmates expected  
24 that?

25 A Some didn't. Some thought they were bluffing.

1 I think a good majority of them thought 670  
2 they were bluffing, if they came in they would come  
3 in with sticks.

4 You read Kent State, Jackson State, go to  
5 Martin Luther King, you know what they're going to  
6 do. You have given people a license to kill you.  
7 People that will kill you. You have given them a  
8 license to kill you. What did you expect?

9 They were going to use their license.

10 Q In fact, one of the hostages made a state-  
11 ment on Sunday on television--

12 A On Sunday he knew what was going to happen.  
13 His words were, it was Sgt. Cunningham. Look at my  
14 leg. For crying out loud, that don't even involve  
15 a hundred people. Here we have 1200 people in this  
16 yard. Those were his words. He knew. He knew.

17 Q Mr. Carpenter, as Mr. Liman explained  
18 earlier, you are going to come back next week to,  
19 in effect, pick up the narrative and tell the Commission  
20 and the public what happened to you after this point  
21 so I have no further questions at this moment.

22 A All right.

23 MR. McKAY: Mr. Liman, have you questions?

24 BY MR. LIMAN:

25 Q Mr. Carpenter, I think it would be interesting

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1 for everybody if we got an idea of approxi- 671  
2 mately how many inmates did you know in the yard.  
3

4 A How many inmates?

5 Q How many would you know from being in that  
6 prison, a couple hundred?

7 A No. I'd say about maybe 35 or 40.

8 Q So that most of the people in that yard  
9 were really strangers in the sense that you didn't  
10 know them, didn't know their names or their nick-  
11 names?

12 A Well, a lot of them--I would say more than  
13 that. I knew--I had to know at least 400, because of  
14 the barber shop. Working in there. But outside of  
15 B-block, you dig, I didn't know about maybe 35 or 40.

16 Q You felt comfortable, didn't you, with the  
17 other inmates in the yard?

18 A Certainly.

19 Q You didn't feel threatened yourself?

20 A No.

21 Q Did you feel free to speak up if you dis-  
22 agreed with the way most of the people felt about  
23 amnesty or other things?

24 A Certainly. But the way I felt, like I'm  
25 with them. You know, whatever they wanted to do, I  
was there. If they don't want to give it up, I'm

2 Q Were all of the discussions with the observers  
3 done in front of the PA system so that you could all  
4 hear?

5 A Right. But the PA system wasn't very good.  
6 You could hear, but not too much. We couldn't dis-  
7 tinguish too much. If you were too far back in the  
8 crowd.

9 Q What about the weather, how was the weather  
10 during this period?

11 A The weather was bad. It got bad, I think  
12 it was Sunday night. It actually started to rain on  
13 Sunday afternoon, if I am not mistaken. And it began  
14 to rain and being out there, no water, not able to  
15 wash, not even cold water, no washing or nothing.

16 Q You said that you felt that a lot of the  
17 inmates thought that the authorities would come in  
18 with sticks, billy sticks or hand-to-hand weapons?

19 A Right.

20 Q Did anybody in authority or in the observer  
21 group say to you point blank that when they come in  
22 they're going to come in with guns blazing?

23 A Certainly. Arthur O. Eve, William Kunstler,  
24 he told us, "You're going to die if you go on with  
25 this, you're going to die."

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1 Q But some people apparently

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2 thought that the State would still come in with sticks?

3 A They thought they would come in with stocks  
4 and there would be a fight.

5 Q Do you think the vote on whether to hold out  
6 on Monday morning would have been different if the  
7 inmates had really known--

8 A Had they known, had they really--

9 Q (continuing) --known and believed that they  
10 were coming in with guns?

11 A The vote would have been different.

12 MR. LIMAN: Thank you.

13 MR. McKAY: Bishop Broderick, have you  
14 questions?

15 BY BISHOP BRODERICK:

16 Q Mr. Carpenter, you spoke of the first day and  
17 how all the men chipped in to work together. You got  
18 blankets and everything.

19 My question is: Would this be following  
20 some kind of plan that had been discussed or was it  
21 just a hit and run or a pickup--

22 A No. No. We knew that we were out here,  
23 you know, and when we--when it was decided that they  
24 would negotiate, that there was a possibility of  
25 negotiating on the demands, this is when there was a

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3 No one had--after the first initial four released,  
4 there was no intent to hurt them. As a matter of  
5 fact, we felt sorry for them.

6 Q Was there any change, for instance, that you  
7 observed in the security arrangements, the ring of  
8 people around them, no change?

9 A Yes, there was changes made because the  
10 guys would be around them watching them and they would  
11 have to get some type of rest.

12 Q But they--the security--there werent's more  
13 of them or more stringent--

14 A It all depends, like a guy would say, "Some  
15 of you come over here and give us a break," you know,  
16 and maybe four guys will come, maybe five guys will  
17 come, maybe ten guys will come. You know, it wasn't  
18 a build-up of any security.

19 Q Some of the observers, you say, in their  
20 speeches suggested that this was the best you were  
21 going to get really and that you should accept it and  
22 you seemed to be of the opinion that you understood  
23 that?

24 A Yes.

25 Q A lot of the inmates felt that way from what  
you said.

2 they did hold on, that they voted to continue and did  
3 stay on? What did you anticipate could happen other  
4 than what did?

5 A Well, it's not so much what I anticipated  
6 as what everybody as a majority, as a whole anticipated  
7 could happen, you know. A lot of people say, this  
8 isn't unreasonable.

9 Look at Vietnam, they have been negotiating  
10 for prisoners of war for how many years?

11 Q You felt the majority felt there was more  
12 negotiating to be done?

13 A Certainly.

14 Q One other question, again, a repeat of Mr.  
15 Rosenfeld's a little bit.

16 The third world speech, Mr. Kunstler's  
17 speech about representatives of the third world  
18 which you discussed, do you think that the inmates  
19 in general understood it as you described it and--

20 A I couldn't say whether they understood it,  
21 but I think anyone that was thinking, you know, under-  
22 stood what he meant. That now the circumstances,  
23 the situation and just the political feeling involved,  
24 couldn't help take it as something serious because  
25 he had mentioned, you know, this is the best you're

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3 He had earlier, you know, said that amnesty  
4 and leaving the country was unrealistic. He had  
5 said this, you know, he said as a lawyer I'm telling  
6 you, you're not going to get this. You know, he said  
7 when you get this, when you start asking for this, he  
8 said you got to go now into politics. You're not  
9 going to get this.

10 Now, what would the people say if the  
11 Governor granted amnesty and you know Rockefeller  
12 can't let you out of the country, that has to come  
13 from Nixon. You know. And so where is it coming from?

14 You're not going to get it. He had said this  
15 earlier. So what he said later, you know, was just  
16 one of those things. There was a lot of rhetoric  
17 being given up, you know, rah rah rah.

18 Q And you characterize it as rah rah rah  
19 rhetoric?

20 A Yeah.

21 MR. ROTHSCHILD: Thank you.

22 MR. MCKAY: Mr. Wilbanks.

23 BY MR. WILBANKS:

24 Q Mr. Carpenter, we have heard from some  
25 observers and they have given their impression of  
what the yard was like. One described it as a distator-

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3 seem to imply you thought there was a great deal of  
4 democratic procedures.

5 My question relates to that. Were there  
6 some inmates that you got some impression that wanted  
7 to leave that really felt like that there was a  
8 situation they wanted to get out of that they expressed  
9 this, did you hear this?

10 A Under the circumstances, a lot of people  
11 might be there and be afraid and scared to say that this  
12 isn't what I want to they just go ahead and followed  
13 the majority and after everything is over, "I didn't  
14 want this."

15 Now you find out. But they had--if they  
16 didn't want it, they had nothing to be afraid of. All  
17 they had to say is, "This isn't what I want."

18 Q I heard some people comment on television  
19 it appeared to some people that there were certain  
20 inmates in a tight circle and when someone said,  
21 "Is this the way you all feel?", there would be some-  
22 one who is known as a cheerleader who would say,  
23 "Is that right?"

24 I want your impression about that.

25 A No. It was everybody--if one guy says some-  
thing, another guy disagreed with him, both of them

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1 would be helling back and forth. Everyone  
2 had a right to say exactly what they felt without any  
3 feeling of intimidation.  
4

5 The average person there, the majority  
6 wouldn't have just allowed any man to get intimidated  
7 because of what he thought.

8 This is what's been happening to us in that  
9 place, regardless what we think, we get intimidated.  
10 Regardless of how we feel. So we understood, the vast  
11 majority, this is what the man wants, this is his  
12 thing, he has a right to express it.

13 Q Did the inmates in the yard realize if  
14 these 28 demands were granted, that it would not be  
15 granted just for Attica prison but for all the New  
16 York--

17 A All New York prisons.

18 Q The inmates understood this?

19 A Yes. This was one of the purposes for it.

20 MR. McKAY: Mrs. Guerrero.

21 BY MRS. GUERRERO:

22 Q I think what I was going to ask is what  
23 Mr. Wilbanks asked--no, Mr.--Bill, but I can't help  
24 thinking that knowing that if you didn't accept those  
25 28 demands and since the observers and the Commissioner  
and all have told you that that was the best you could

1 have, why, knowing that they were going to 680  
2 come in with guns, you actually decided to take that  
3 which meant, would have meant somebody would--

4 A Actually, we felt, you know, that our lives  
5 was going to be in danger no matter which way it goes.  
6 We didn't get an ombudsman. We didn't get people to come  
7 in and oversee the whole thing, a legitimate--like the  
8 federal government, to send an ombudsman in. We  
9 figured our lives was in jeopardy anyway.

10 This is why it was one of those things.

11 Q You thought if you stayed longer and longer,  
12 you may have a chance. Meanwhile you are going to die  
13 in any case so you might as well just hold on for a  
14 longer time?

15 A Yes.

16 MRS. GUERRERO: Thank you.

17 MR. MCKAY: Mr. Henix?

18 MR. HENIX: I only have two short  
19 questions.

20 BY MR. HENIX:

21 Q Mr. Carpenter, in view of the circumstances  
22 in the yard during that period and like you say, the  
23 food and all the things that we accept as the necessities,  
24 would you say that the treatment that--

25 MR. ROSSBACHER: Mr. Henix, our reporter

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2 Q Would you say the treatment of the officers  
3 who were being detained in the yard was given equal  
4 consideration in the way of, like say shelter, food  
5 and sharing the necessities?

6 A They were given more consideration because  
7 they had blankets and mattresses before we had them.  
8 Like 2 blocks, the blankets and mattresses that was  
9 taken out of someone in the yard cell, you dig, and which  
10 they gave up theirs, you know, for them to have the  
11 mattress and the blankets.

12 Q My second question is, were any attempts  
13 made to incorporate the feelings of these officers  
14 into the procedure that was going on?

15 A Well, they all got up and spoke on television  
16 and expressed how they feel offhand, but, you see, you  
17 had several officers there that was very thoroughly  
18 disliked, you know, and even though they were disliked,  
19 they wasn't mistreated but no one wanted anything to do  
20 with them, you know, but for the most part, you know,  
21 there were officers there that were very well liked,  
22 you know.

23 Maybe a few individuals had particular petty  
24 grievances, you know, but there were several officers  
25 there that was very well liked. And then there was some

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1 that wasn't, you know, so now if the thing come  
2 up and--let's incorporate what the officers say. The  
3 guys that didn't like these officers, you know, now  
4 man, forget them officers because he, you know, that  
5 wouldn't have even been feasible to even try to get  
6 their feelings and what not involved and then I  
7 don't think they would have. I know several of them  
8 what I know can judge a few of them would have sincerely  
9 but the rest of them, I don't think they would have.  
10 Because they figured, well, after this is over, I got  
11 my job, you dig, and if I go along with the inmates,  
12 you know, then come back on my job, I have to be a  
13 bad guy because the other officers aren't going to  
14 like it. You know?

15           And this is the position that they would  
16 have been put in anyway if they had come up and asked  
17 them to express their personal feelings, they have to  
18 either be pro or con, you know what I'm saying?

19           Q     Yes.

20           A     And if those that were for the inmates, you  
21 dig, they were in big trouble as far as their working  
22 buddies go. You dig? And those that would say they're  
23 not, felt as--if I say I'm not, what might these guys  
24 do? You know. They would have been putting them on the  
25 spot and I don't think that would have been of no parti-

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2 Q And you also said that you saw the feeling,  
3 actually the feeling that you had from the time was--  
4 and the feeling of several of the inmates in the yard  
5 were that actually the inmates felt sorry for them.

6 A Quite a few people felt sorry for them and there  
7 was those that didn't also.

8 It wasn't a one-sided thing. There were those  
9 that didn't feel sorry for them at all because some  
10 people just are kind by nature and then there is those  
11 that aren't, you know, and there is those that has  
12 been hurt so bad by the prison system, you know, and  
13 especially in that institution until there was no pitty  
14 whatsoever.

15 MR. HENIX: Thank you.

16 MR. MC KAY: Mr. Carpenter, as I think  
17 you have been told, you now are entitled to, you  
18 may, if you wish, make a statement of your own that  
19 does not necessarily respond to any questions that  
20 have been put to you here. Anything that you would  
21 like to tell the Commission or the public?

22 THE WITNESS: Yes. I would like to say  
23 one thing. The men that are being held in H Block Z  
24 are merely there not because they committed a crime,  
25 because of their political or religious beliefs.

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1  
2 chosen. The officers' dislike for this particular  
3 individual--it is the thing where they develop  
4 a system where "This is a wise guy", "this is  
5 a Black Panther," this is a this, this is a that.  
6 And they're just scooped up and there it is.

7 This is what's happening in H Block Z  
8 at this moment because if anybody is guilty of  
9 any crime, all 80 of them isn't and the crimes  
10 that they are trying to say, might say the destruc-  
11 tion of the institution, this wasn't done by any one  
12 or two guys or 80 guys. This was done by a lot  
13 of people and someone simply has to take the  
14 weight, dig, to throw off the whole incident with  
15 the death of all those officers that got killed  
16 in that yard, someone has to pay and they are the  
17 ones that the State is going to say must pay and  
18 this is what's happening.

19 This is the only reason why they're there  
20 because they have been chosen because of their  
21 beliefs, because they stand up and talk for them-  
22 selves and any time you stand up and talk for your-  
23 self to authority, you're wrong and this is the  
24 only reason why the vast majority, you did, out  
25 of 80 some men, has been selected.

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1  
2 you very much for being with us today. We look  
3 forward to seeing you again next week.

4 THE WITNESS: Thank you very much.

5 MR. LIMAN: Clarence Jones.

6 MR. MC KAY: Mr. Jones, will you remain  
7 standing to be sworn.

8 C L A R E N C E J O N E S, called as a witness  
9 having been first duly sworn by Mr. McKay, was  
10 examined and testified as follows:

11 EXAMINATION BY MR. LIMAN:

12 Q Mr. Jones, would you state your full name  
13 for the record?

14 A My name is Clarence Jones.

15 Q Your occupation?

16 A I'm an editor and publisher of the New York  
17 Amsterdam News.

18 Q You are also an attorney?

19 A Yes, I am.

20 Q Would you state by way of background, some  
21 of the positions you have held in your career?

22 A Well, I've, as you have indicated, I've prac-  
23 ticed law. I have for four years or more, I was an  
24 officer in an investment banking firm. Prior to that  
25 time I ran an insurance enterprise. My background has

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