NEW YORK STATE SPECIAL COMMISSION ON ATTICA

In the Matter of the
Public Hearings
at
ROCHESTER, NEW YORK

410 Alexander Street,
Rochester, New York

April 12, 1972
10:00 a.m.

Before:

ROBERT B. McKay, Chairman,
MOST REV. EDWIN BRODERICK,
ROBERT L. CARTER,
MRS. AMALIA GUERRERO,
AMOS HENIX,
BURKE MARSHALL,
WALTER N. ROTHSCHILD, JR.,
MRS. DOROTHY WADSWORTH,
WILLIAM WILBANKS,

Commission Members
PRESENT:

ARTHUR L. LIMAN,
General Counsel

JUDGE CHARLES WILLIS,
Deputy General Counsel

STEVEN B. ROSENFELD,
Deputy General Counsel

DAVID ADDISON,
Deputy General Counsel

ANDREW LIDDLE,
Senior Investigator

 MR. McKay: The New York State Special Commission on Attica was created for the purpose of investigating and reporting to our fellow citizens the facts and circumstances leading up to, during and after the events at the Attica correctional facility of September 1971.

I am Robert McKay. There are eight other members of the Commission.

Thanks to the marvels of the electronic age, we are in your home today. The jet age has not worked quite as well.

Today, as you may have noted, three members of the Commission have just arrived at the very beginning of the proceedings and one is
still en route. As he comes in, I will, of course, be glad to introduce him to you.

The eight who are with us today, beginning from my right, are Walter Rothschild, chairman of the board of the Urban Coalition and formerly president of Abraham & Strauss.

Mrs. Amalia Guerrero, president of the Society of Friends of Puerto Rico.

Bishop Edwin Broderick, Roman Catholic bishop of Albany.

Mrs. Dorothy Wadsworth, an active participant in community projects in Monroe County.

Mr. Robert L. Carter, former general counsel of the NAACP, now practitioner in New York.

Mr. Burke Marshall, deputy dean of Yale Law School and former State Attorney General in charge of civil rights under the late Robert F. Kennedy.

And Mr. William Wilbanks, a doctor candidate at the School of Criminal Justice at the State University of New York.

Our absent member who will be with us today is Mr. Amos Henix, a former inmate himself.
and currently executive director of Reality House, a drug rehabilitation program in Manhattan.

The Commission members were asked to serve by the five principal judicial officers of the State of New York, including Chief Judge F Stanley Fuld of the Court of Appeals and the presiding justices of the four Appellate divisions.

These hearings mark the beginning of the Commission's report on Attica. We intend to make such further reports to the public in writing or through the media as we believe are necessary to present the full truth about Attica.

The first phase of our hearings will describe the conditions at Attica prior to September 9th, from the point of view of the inmates and the correction officers.

We will then hear testimony on the actual events of September 9th and through September 13th, including the decisions made by the authorities and their consequences.

In the course of our investigation we have received the willing cooperation of thousands of people. This is as it should be because the events at Attica compel all of us to ask searching
questions about the realities of our prisons in accomplishing their professed task.

The problems are not new. The first meeting, for example, of what is now known as the American Correctional Association in 1870, more than 100 years ago, set forth the following goals for our prisons:

First, reformation, not vindictive suffering should be the purpose of penal treatment of prisoners.

Second, prison discipline should be such as to gain the will of the prisoner and conserve his self-respect.

Third, the aim of the prison should be to make industrious—to make sure that there is an opportunity for effective rehabilitation.

As we listen to the testimony at these hearings, we, as citizens, must judge whether those goals are reality at Attica 100 years later. No less is at stake then the well being of our society.

We must decide whether our commitment is to vengence or to rehabilitation. We must determine whether all that we can do is to punish
for acts which cannot be undone or whether our institutions can also serve to prevent repetition of those and similar acts.

We must answer honestly whether the Atticas of this world support our efforts to reduce crime or whether they exist, at great public expense, only to provide sterile confinement of both inmates and correction officers.

Forth-three citizens dies at Attica and more than a hundred others were wounded or injured in the retaking of the institution.

As private citizens, we view our appointment as a solemn commitment to tell the public the truth about the conditions in our penal institutions as represented by Attica and about the tragic conditions at that institution in September 1971.

For the first phase of these hearings we have requested our staff to present to the public a cross-section of Attica inmates and correction officers whose testimony will reflect the diverse attitudes of and the pressures on inmates and correction officers.

To introduce the testimony I wish to introduce to you Arthur L. Liman, general counsel
to the Commission and I speak for all members of the Commission in saying that he and the staff he has assembled have done a superb job in assembling the facts that we now wish to present to the public.

MR. LITAN: Thank you, Dean McKay.

I would like to, before the testimony begins, outline for the public the scope of the investigations undertaken by this Commission pursuant to the mandate which you described.

This Commission has sought to interview every person with first-hand knowledge of the facts concerning Attica and concerning the events in September 1971.

To assist in this task we assembled a staff of approximately 30 persons, including lawyers, investigators and experts such as pathologists, ballistics experts and a psychiatrist.

We were head in our task by a corps of part-time investigators who head us in interviewing approximately 3000 persons. These citizens who we have interviewed include over 1500 inmates who were in Attica or who are still at Attica. Hundreds of correction officers who work at
of Attica. Townspeople of the Town of Attica. Hundreds of State troopers and National Guardsmen as well as sheriffs' deputies who were called to duty at Attica. Medical personnel who treated the wounded. Pathologists who autopsied the dead.

Members of this Citizens Observers Committee which participated in the negotiations at Attica. Officials of the Department of Correction and their staff. And other State officials and decision makers, including the Governor and the Governor's staff.

We have also spoken to wives of correction officers and to wives of inmates in our effort to determine the frustrations that have affected all people who both work and are confined at Attica.

We are familiar faces at the Attica institution. Members of my staff have practically lived there.

We have also assembled and examined a large volume of documentary and photographic material, including ballistics and autopsy reports, audio tapes, video tapes and motion pictures which
were taken by the authorities during the period from September 9th through September 13th.

The Commission is now prepared to begin its presentation to the public of the facts and circumstances developed in this investigation concerning Attica.

The Commission has asked me to read the following rules and procedures which it has adopted to govern this hearing.

First, witnesses will be questioned by Commission counsel and the members of the Commission.

Second, pursuant to law, each witness will be afforded the opportunity to make a brief statement in addition to responding to questions.

Third, any person who during the course of these hearings may have been inadvertently mentioned in a derogatory manner will be afforded a fair opportunity to respond prior to the adjournment of our hearings.

And, fourth, all witnesses have been instructed that in order to protect the rights of each individual who may be connected with the events at Attica, witnesses shall not be permitted
to identify any person in connection with any incident which may be deemed to be unlawful.

These hearings will be followed by such other proceedings, including a written report as the Commission may deem appropriate.

The witnesses have been selected by the Commission and the staff to present fairly both the facts and divergent attitudes discovered by the Commission in this investigation.

If any person believes that he has material information concerning the events at Attica which has not been presented, then we respectfully request that such persons contact the Commission at its offices in either New York City or in Rochester.

I would like to begin our presentation with an historical note: Attica was the first major prison for males built in New York in over a hundred years. It was constructed in 1930 and it was constructed in part as a response to the demands for reform of prison conditions which had led to riots in both Dannemora and Auburn in the late 1920s.

Then, too, there were reform commissions
established to explore the conditions giving rise to insurrection.

The newspaper comments which the Commission has asked me to read concerning the opening of Attica are most revealing.

First, I would read excerpts from an article which appeared in The New York Times on January 22, 1930, more than 40 years ago. It reads:

"If the succession of prison mutinies in this State have had no other effect, they have directed an exceptional amount of tension to the new State prison under construction at Attica. When the first out-break occurred at Auburn on July 28th with the almost simultaneous revolt at Dannemora, the opening rush of comments indicated that even among State officials and prison reform bodies there may have been forgotten that a new prison at Attica was contemplated. Whatever may be the outcome of that agitation, the immediate and practical answer to convict revolts has been the new Attica prison."

The second article appeared on August 2, 1931 in The New York Times at the time that Attica's doors were first opening. It was head-
"Attica prison to be convicts paradise."

It reads, in part:

"Condemned by the Wickersham Commission for its maintenance of Auburn and Clinton prisons, New York State will have an answer to charges of inhuman penal conditions when the new Wyoming State prison opens at Attica within the next few months with its full quota of 2000 convicts. Said to be the last word in modern prison construction, the new unit in the States penal system will do away with such traditions as convict bunks, mess hall lock step, bull pens, and even locks and keys.

"In their places will be beds with springs and matresses, a cafeteria with food under glass, recreation rooms and an automatic signal system by which convicts will notify guards of their presence in their cells. Doors will be operated by compressed air, sunlight will stream into cells and every prisoner will have an individual radio.

"And Atticans take as much pride in the fact that Wyoming is the latest in the so-called human prisons as in the fact that their village
has been selected for its site.  

'Almost any citizen can tell the transient that in the new unit costing $7 million when completed, nothing has been spared to assure decent living conditions for its inmates.'

I would like to begin now with a member of my staff, a deputy general counsel, David Addison, who, with Miss Barden, who is sitting on my right, has made a study of pertinent statistics pertaining to prisons and to Attica. Prisons in New York, I am referring to.

DAVID ADDISON, called as a witness, was examined and testified as follows:

EXAMINATION BY MR. LIMAN:

Q Mr. Addison, have you prepared a map of the prison in New York State for adult males over the age of 21?

A Yes, I have, Mr. Liman.

Q And, Mr. Addison, would you describe your findings by reference to the map.

A Well, my map portrays location and type of institutions to which adult males over the age of 21 convicted of a felony in New York State can be sent. There are three types of such institutions.

    Maximum security institutions, a medium