cigarettes. This is the medium of exchange.

It's in cigarettes.

MR. LIMAN: I see we're coming toward the lunch recess, and I think, Dean McKay, if it is agreeable to you, that we could stop Mr. Jackson's testimony now and resume after the recess.

MR. MC KAY: We will resume the testimony of Jackson after the lunch recess at 2:00 o'clock.

Thank you.

(Time noted: 12:30 p.m.)

AFTERNOON SESSION

2:00 p.m.

MR. MC KAY: This is the afternoon session of the first day of the hearings of the Attica Commission. We resume continuing the testimony of Mr. William Jackson.

W I L L I A M J A C K S O N, resumed the stand and testified further as follows:

MR. LIMAN: I should say that on my left is Charles Willis and on my right is Stephen Rosenfeld, two of my colleagues. Over on the
further left is Andrew Liddle and Paul Rodan, also of our staff, who was sitting there a few moments ago.

EXAMINATION (cont'd) BY MR. LIMAN:

Q Mr. Jackson, you testified earlier this morning about how you were warned before you arrived at Attica by an ex-convict who had been there about the possibility of homosexual attack. Am I correct?

A Yes, sir.

Q What was the reality at Attica?

A There was—you know, an inmate is—he has no outlet for any of his sexual thing and so a lot of them—it really manifests itself and they become rough-up artists. They—it's a literal rape, you know.

The guy explained it to me so that in my own circumstances I found out there were certain areas in the prison which were dangerous areas, if you want to put it that way, so I just tried to stay away from these particular areas.

Q What were the area that you felt you had to stay away from?

A Like I didn't want to work in the metal shop because of the, you know, the atmosphere there and also the chapel at times.
Q    You felt you couldn't go in the chapel for that reason at times?
A    Yes, at times, right.
Q    Was it essentially any area in which there were secluded spots?
A    This is it. Any area where, you know, where they would be alone, you know, or something.
Q    Did you have to be on your guard all the time?
A    Yes. You had eyes in the back of your head all the time.
Q    Did you carry a weapon?
A    Yes. I got a piece of, it was a piece of steel, you know. It was ground down. Commonly referred to as a shank. I had one of those.
Q    Is that pretty common for inmates who want to avoid any of these advances?
A    It discourages them, I'll put it that way. When you have something like this.
Q    In fact, were you subject at any time to an attack?
A    Yes. I got into one fight. This was on a gallery, another buy, we got into a fight. It was broken up later by correction officers.
Q    What was the outcome of that fight and your resisting attack?
I went to this adjustment committee. This was made up of a correction officer, usually one of the higher echelon officers, a parole officer and a service unit man, and they determine what your sentence will be inside the institution, and in this particular case I received a keeplock for two days.

Q  For getting into a fight?
A  For protecting your manhood, right.
Q  What is keeplock?
A  This is when they lock you in a cell and they feed you in the cell. You are not allowed out for anything. You stay right in the cell, 24 hours a day.

Q  I would like to address some questions to you about subjects that came up in our interviewing of 1500 or 1600 inmates of sources of discontent at the prison. Was there much discussion when you were there about comparative sentences?
A  Much so. There is many cases. I could use my own case for an example. But one particular instance, I was working in the identification department and there was two inmates that came in the same day from different areas, and they were taking their photographs and we was preparing all of the identification materials, and they got to talking amongst themselves, and one was an older black guy and one was a young black guy.
I got to talking and the young black guy said to the old one, he said "What you doing time for?" And the guy said, "Robbery 2." The other guy says, "Well, so am I. We're doing the same thing." And the old guy says to the young one, "You been down before?" In other words, meaning you been in prison before?

He said, "No." The old guy said, "Yes, this is my third or fourth time." And the young guy says to the old guy, "What did you get?" It was either three or four years.

The young guy said, "I got 15, it was my first time." And boy, it just draws a lot of animosity out because here they are, the old guy, he knows the criminal system, he had a plea bargaining and he got a deal. It was a different county. It was possibly downstate, where upstate, you know, they give them a larger sentence.

So, here is two men with comparable circumstances but not comparable backgrounds and they received this wide disparity in sentencing.

Q Are there other examples of that?

A I know like there is a lot of change in New York State from the old penal law to the new in 1967. I know a man that's doing 60 to 100 years for two armed robberies and under the new law the most he could get would be 30
Q What's the effect of that type of thing in Attica?
A Well, this breeds a lot of discontent. A man is, in effect a 60 to 100-year sentence is a life sentence. You have no opportunity.
He sees a young guy or some guy come in and he done a comparable crime and at this day and age he may get four or five years for the same crime.
Q How did you feel about your own sentence of from zero to seven years for selling marijuana?
A Well, it kind of makes me feel bad, because I seen people who got indicted for murder, cop-out to a manslaughter charge and get three or four years. And then I got seven for three bags of marijuana. It irritates you.
Q Is it an embittering experience?
A Certainly is. Then you read in the newspaper of people who get arrested and people who have money or a name and maybe two or three times they are arrested. They always get a probation or a fine. And yet, my first arrest, I got seven years.
Q Did you have occasion to meet the parole board?
A Yes, sir.
Q How many times did you meet the parole board?
A Twice.

Q For what purpose?

A Under this new law, an indeterminate sentence, the parole board sets the minimum. It's called an MPI hearing—minimum period of incarceration. This is held ten months after your original incarceration, which, for me, was September 1970.

Q What happened at this meeting with the parole board?

A You go in there and they talk to me, they just said that "You was convicted for marijuana offense and we are here to determine your minimum." I was in there at the most three minutes. It was just a general thing like that. It was all facts that they had in hand and they said, "We'll set your minimum and we'll let you know." This was the entire thing.

Q Did they let you know?

A Yes. It was two days later I found out what I received for a minimum.

Q What was your minimum?

A Two years and four months. This was the maximum under law they was allowed to give me. They gave me all of it.

Q Was there any explanation given to you?

A No. I asked about it and they said they don't
have to give explanations. This is entirely at their discretion.

Q What about the second time you met them?
A I met them in February 1972 and it was a repeat performance of the first time. I go in, I am there three or four minutes and they, in three or four minutes, they decide the whole future of your life.

Q How many men are there?
A There is usually three commissioners and several correction officers for security.

Q This is right in the prison?
A Yes, sir.

Q You are wearing prison garb?
A Yes, sir.

Q At your second hearing, what was the outcome?
A I was granted what is called an open date, own program. This means that I will be given parole upon providing a suitable housing and obtaining a job prior to my release.

Q Open dates are common, am I correct, in determining when the parole board grants parole?
A Yes, sir. This is the usual method of release.

Q Do I understand that before you are released, you have to have a job?
A Yes, sir.
Q: How does an inmate in Attica go about getting a job while he is still in prison?

A: Well, prior to the uprising, they had phone books and you could look in them, but many times they were four, five years old. You look in the newspapers and you get addresses. And if you wish to write prior to going to the parole board, which is nearly a necessity, you even have to pay the postage for the letters and you get names of firms or something that would be in your line or something you could do and you write to these people.

In my case I wrote 55 letters and I obtained a job through a man whom I had known prior to my incarceration, and he gave me a job.

Q: And until you got the job, you were not released even though the parole board had said you could go once you had it, am I correct?

A: Yes, sir. I received a job offer in January and my date was set for March 13th and ten weeks later they finally completed the investigation of the job and I was granted release on March 20th.

Q: Did anybody give you any help in the prison in finding a job? Are you given any help in locating a job?

A: No. It's entirely up to you. It's your re-
sponsibility. I mean, if you want out, you got to do it all--do it on your own. I had to pay my own postage. I could have waited until after I went to the parole board and then wrote for jobs, but by the time the mails go, finally, eventually get a job, you are already over your date and then it will take them four to six weeks to investigate the job. You are incarcerated during this entire period. So, it's best to write them beforehand.

Q You ultimately helped yourself in getting the job through a friend, am I correct?
A Yes, sir.
Q Is it unusual to write as many as 55 letters before you get a job?
A Not at all. I have seen men write two, three hundred of them. You know, it's hard to find a job. Unemployment, as it is, and there is men standing outside the door looking for a job, and then you get a letter from an ex-con or a con, a convict in prison. It's hard.
Q How do you arrange to be interviewed, when you are in prison, for the job?
A There is no interviews. I mean, they say that you can get one through the service unit. I have never heard of it or seen it. It's usually just writing--you have to go for a minimum job. When you are writing for a
job out of an institution, it's a standard thing, $1.85 an hour jobs.

Q Incidentally, you said that phone books were made available so that you could, I suppose, take names off the yellow pages.

A Yes, sir.

Q Were you allowed to make telephone calls?

A No. You can't make telephone calls. I was there for two and a half years and I never made a telephone call. I don't know anybody that did.

Q Could you receive telephone calls except in an emergency?

A No. If you do receive a call, they take a message and they will deliver it to your cell when they deliver the mail.

Q So that, for the two and a half years you were there, you never spoke to your family on the telephone?

A No, sir.

Q The only time you saw your wife was when she came up?

A Yes.

Q You did not see your children at all during that period?

A No, I didn't see my children for two and a half
Q  What is the atmosphere at Attica like when the parole board comes to meet? How often does it come?

A  They come once a month and just prior to them coming, everybody that's going to the board, everybody else knows it because it's really tense because they don't know. The parole system has no criteria set up so you can make parole. You don't know. It's people who you don't think are going to make it, make it. It's so arbitrary. You just don't know.

So, naturally, they are very impersonal about giving you the parole slip. Like you go in and talk to the parole people and when you get all done, instead of telling you what their decision is and, you know, getting it over with then, at least letting you explain away any bad parts in your record or anything, they are very impersonal, they say, "We will let you know." They wait until they are going out the door and then the slips are passed around. Then you find out what you got.

Q  What is the atmosphere like when those slips come out?

A  Dispair. You don't know. Everybody, it hits everybody differently, you know. Guys that are sure, "I'm going to make parole this time, you know, I have a really clean record and everything." He gets back a
Another man who, different circumstances, maybe, you know, had a lot of keeplock or something, he will go and get an open date.

Q Are you ever told what is expected of you by the parole board?

A The parole board, itself, doesn't. A parole officer just told me, "Keep your nose clean and don't get into any trouble." That was about the extent of that.

Q You kept your nose clean for those ten months?

A Yes.

Q How did you feel when you got hit with the maximum bit?

A I figured I worked ten months, I didn't have any disciplinary reports. I figured they will give me, you know, maybe a shot, especially being a first-offender and when I got the slip back, it was really a heartbreak. My family was really expecting it. My wife called up, trying to find out what I got and everything.

Q Were you ever punished while you were at Attica other than the one occasion you mentioned where you had been in a fight resisting an advance?

A Yes. One other occasion. I had a stove in my cell.
Q How did you get a stove?
A I made it. You get a piece of fire brick and you dig a little groove in it and you mount a piece of nichrome wire in it. Plug it in and have warm soup, toast, something to eat at nights.

Q What was your punishment for that?
A I was given a one-day suspended sentence on that.

Q What was your relationship to the correction officers at Attica? How would you describe it?
A It varies with each individual. I worked with one correction officer who was really out of sight. The guy was really nice. But then you meet other ones and it's so different. Like this guy was out of sight and he would treat you right, you know, and never no hassels or bother you or anything. But then you meet another one who would beat the stick on the wall and holler, "Line up, march," get into this military thing. Everybody is different. There is no set standards for the correction officers, what they do.

Q Did this regimentation appear to affect the older inmates differently from the younger ones?
A Well, they have grown to accept it. Many of them have spent extended periods in incarceration and to them, you know, it doesn't seem to bother them. But to a younger
man, a person who is not ready to accept this type of thing, it's hard for him. He don't want to, you know, especially some of these Mickey Mouse regulations, if you want to call them that.

Q  Like what?

A  Oh, the lineup exactly according to height.

Then you are locked in--things like that they could have maybe a recreation. All these regulations about small, minor things.

Q  Do they build up, the small, minor things?

A  Different officers do it different ways. I mean like some officers, as I said earlier, will leave a dropper go, this illegal heating device, whereas another one will--he has a perfect right to pinch you for it, because it is an illegal heating device, but yet they are in common use.

Q  You are a white person and you are from a rural area; is that correct?

A  Yes, sir.

Q  Do you think that your relationship with the correction officers was in any way different from the relationship of the majority of the population at Attica?

A  I really do, because I can relate a lot to the people who work there. Most of them are white---in fact, they are all white, and I can relate to them and they
could, like, understand me, but you get a person who—like some blacks from New York, they will be talking in the yard and the correction officer don't even know what he said, has no idea, he can't relate to this person whatsoever. So, naturally, they give you—I got a better job and they give you a little better play at everything.

Q You think you got preferred treatment?
A Certainly. I got an extra shower after I got this job and I had a good job. This is a major thing.

Q Were there changes in the inmate population while you were at Attica over that two and a half-year period?
A I would say there was. Especially working in the identification. The inmates seemed to become more younger. Become younger and more aware, they seemed to be more aware of what's going on around them, what is happening, you know, and very discontent.

A lot of the older inmates are gradually fading away and this younger breed of inmate, many of them for drug crimes, et cetera, they are a little more aware of what's going on around them and everything.

Q What was the effect on the correction officers as you observed it?
A Well, anybody who—when your books would come in, like if somebody was reading any type of a literature
which, you know, they considered revolutionary, this was really bad. They would really come down on these people, you know, because they figure they want to change and they just really got uptight about the whole thing.

Q What was the mood at Attica prior to the uprising in September, how would you describe it?

A Well, early in the year they had made the changes from calling it a prison, they changed it to a correctional facility. They changed the name of the guards to correction officers. A lot of these changes, and we really—the people inside expected there is going to be some changes, but there were none.

The names were changed, but the thing inside was all the same. There was nothing changed. So, we kept expecting it and there was a lot of tenseness. And then, later, a manifesto was made up of simple human things that was asked for. And shortly thereafter Mr. Oswald came and made a visit to the prison—

Q That was the first week in September, just before the uprising?

A Yes.

Q Did you hear Mr. Oswald speak on the tape system at the institution, he had a tape speech to the inmates?
A Yes, sir. The radio operator announced it. There would be a tape speech for— at 7:00 o'clock by Mr. Oswald, so everybody had the earphones on and I listened to it, too. Everybody bid.

Q And what was the reaction to the speech? You heard him talk about reform and changes. What was the reaction to the speech?

A I took my earphones off and all I could hear was earphones hitting the wall and people hollering, "That's a copout, that's a copout," because he didn't do nothing. All he said was, 'Well, we would like to do this and we would like to do that." He didn't so much as make one concession, such as giving a man soap or giving a man an extra shower. He did not make any concessions whatsoever.

Q Do you think that the visit helped reduce the frustration?

A No. If it did anything, it increased it even more so.

Q That's your opinion?

A Yes, sir.

Q And that's based on—

A On my personal knowledge of what was going on inside.

Q Now, you were there for two and a half years
and under this regime of spending most of your time in the cell and marching to various places to eat, to work. Did you make any effort to obtain a place in a medium or minimum security institution?

A Yes, sir. Right upon my initial appearance, when I first came to Attica, this is in November, December 1969, I asked—I asked to be transferred to the one of the camps. These are minimum security camps. And I wrote to the service unit and the parole office and an answer was sent back saying that I had too much time. I had seven-year maximum and the maximum allowable to go to these camps was a five-year maximum; so I was ineligible to go to these camps.

Q After you got your date from the parole board, which I think you said was about all told two years and four months—

A Yes, sir.

Q (continuing) --did you then try to go to the camps?

A After I had over two years in, this would cut my minimum down to less than five years. This was in October 1971. I again wrote to Mr. Oswald and the service unit to find out if now I would be eligible to go to one of these minimum security camps. At this time they told me that I was too old to go to the camp, so I
still didn't meet the criteria.

Q  There was no place for you in any of the lesser security institutions?
A  No, sir.

Q  You talked about carrying a weapon for self-protection. Were there periodic cell searches at Attica to look for weapons and contraband?
A  Oh, yes. They would—different times they would do what they called a shakedown. The men would be in the messhall and when you come out, they would have two rows of officers lined up right down the hallway and you would march between them and then they would have you stand up against the wall and they would search you, personal search, and then they would have cell searches, and you are at work and stuff.

Q  What was the impact of those practices?
A  Well, many men who didn't have nothing in their cell and didn't have nothing on them, they would go on into their cells and—they don't have to live there, so they would tear the thing up. They do a thorough search. The way that they search is just the way they leave it. They pull the books off the wall and throw them on the bed and turn the mattress over. When they get done, they walk out. That's it.

Q  Are you speaking from personal experience?
A Yes, sir, I am.

Q Did that also vary from officer to officer?

A Certainly did. Some officers would be--they would come in and they would say, "Well, I got to do a search of your cell. Will you stand over there by the door. This won't be bad."

The guy would check things out.

I had another case where an officer come into my house and really tore it up and during the entire search, he made me stand outside the door with my hands up against the wall, and my feet spread apart. It took him probably 20 minutes to search.

Q On parole are you under certain restrictions?

A Yes, sir.

Q Would you describe what the restrictions are as long as you remain on parole?

A I have an 11:00 o'clock curfew. I have--right now I have no driver's license and this really is restricting me, because I live in a rural area. There is no public transportation and I am trying to get back and forth to work. At the present time my wife gets up three hours early, drives me to work, comes back and then she gets ready and the kids go to school and then when I get out of work, I have to wait and she drives out and picks me up. This is one of the major ones
that really hurts in my particular area.

Q  If you violate parole, what can happen?

A  If I violate, they can just take me back to
the institution, reincarcerate me and make me finish the
entire period.

Q  You understood that when you were sentenced,
you were being committed to Attica for punishment and
for rehabilitation. Did you hear the judge utter words
like that when your sentence was passed?

A  Yes. He said something similar to that.

Q  You now have spent over two and a half years
there during your internment period. As you reflect
back on it, do you think that in your case the incarcera-
tion served these purposes?

A  When I was originally incarcerated, nobody
during my entire period ever spoke to me about marijuana.
Nobody ever said a thing to me. It was strictly a punish-
ment thing. I never even had a talk with anybody about
it.

Q  You were in for a marijuana offense?

A  Yes, sir. I never even--I never had so much
as a discussion with any personnel about marijuana or
anything like this. It was just a thing of doing their
time, do whatever the judge says you had to do or the
parole board, and then leave. That was the way the whole
whole thing was set up.

Q When you say you didn't have a discussion with anybody, you had mentioned earlier the parole board questioned you about your offense, but nobody at the prison, itself, talked to you about marijuana or the things that you were put into jail for?

A No, sir. The whole time—"While you are here for giving away this marijuana, do you have anything you want to discuss about the case? Are you guilty?"

I tell them I got appeals pending. "Well, we won't talk about it."

Q That's the parole board?

A Right. This is also the service unit or the parole officer himself.

Q Do you think that Attica did anything to help you adjust to society and its rules?

A None whatsoever. While you are living in there, everything is regimented. You aren't expected to make any decisions for yourself. They treat you like a child and yet they will take you and push out there and say, "Okay, you go on back out in the world and you become a good citizen, because we really done a great thing for you," and it really does nothing. It's like two and a half years somebody took and says, "You can't have this part of your life, we're going to throw
that away. It's out of your existence. You lost that. That's how Attica reacted to me.

MR. LIMAN: I have no further questions of this witness.

Dean McKay?

EXAMINATION BY MR. MC KAY:

Q I would like to ask you one or two questions and perhaps other members of the Commission would.

You said this morning that during the various jobs that you held in the institution you ordinarily were locked up 16 to 18 hours a day.

A Yes, sir.

Q Did you work five days a week or six days a week or seven days a week?

A On all the jobs except the identification job, I worked five days. On the identification job, I worked five and a half. I would work Saturday mornings, but the rest of them it was usually five-day jobs.

Q When you had a five-day job, what was your experience with being locked up in your cell, how many hours a day in those circumstances?

A Around 16, 17 hours a day.

Q I asked the question the wrong way. On the days when you were not working.

A If I wasn't--like the last job, I was working