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
five days. If they held yard, I would go to the yard, but some days they wouldn't have what they call coverage, you know, so they wouldn't hold any yard, so you would have to stay in your cell all morning. Then in the afternoon they would be sure and have yard, I would go out and walk around. I used to jog, but they made them stop that after the uprising. No longer can you run. They used to have weights in the yard and they no longer have those.

Recreational facilities are really... there is a lot less now than we had before.

Q I want to ask a question or two about the parole, also. If you had not found a job on your own, how long would you have stayed in the institution?

A After you are over your date, two months after your possible release date, then the parole officer arranges for you to see a parole employment officer and then he starts looking for a job for you, and then if you go six months over your date, you reappear at the parole board and they talk to you again.

Usually they continue the date longer. I have seen men go over a year that had an open date because I worked in the identification. I have seen one man went over a year with an open date waiting to find a job.

Q What kind of jobs do they typically find for
those who could not find jobs on their own?

A    I really can't say too well, but I know what a lot of men went out to. Like washing dishes. It's a minimum job. It's hard to get a--unless you are experienced in one particular field, it's hard to get a job that isn't just plain manual labor and a cheap rate.

Q    What is your present job?

A    I work in a sheet metal factory at the present time.

Q    If you wanted to change that job, would you have to have the consent of your parole officer?

A    Yes, sir.

Q    What other conditions--is your parole different in respect to conditions than others or is yours typical?

A    Mine is typical. Upon your parole, they give you a list of parole conditions. I received this when I come home. It's the first time I seen it, but it just tells you, you know, you have to notify them of any change in job and residence and all this type of thing.

Then, no driver's license. The voting. You can't vote. And things like this.

Q    How often do you have to see your parole officer?

A    At the present time I have write-in reports and he comes to Jamestown--this is where I live, Jamestown,
those who could not find jobs on their own?

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Q How often do you have to see your parole officer?

A At the present time I have write-in reports and he comes to Jamestown--this is where I live, Jamestown,
New York—and he comes there and will call you up and then you go and meet him.

MR. MC KAY: Thank you. I think we might take questions now, working from one side of the Commission to the other.

Mr. Henix.

EXAMINATION BY MR. HENIX:

Q I have actually three questions relative to some of the things you already answered.

One of the things that I have noted in the pictures that was shown of Attica in the yard, and as the camera moved throughout the penitentiary, the impression I got of the yard was that it was huge. I think that any viewer who saw this picture would get this impression.

Would you say that the yard is big enough to offer the type of recreation that would be necessary for a person to really recreate?

A No, because if you have men out there playing football, which they used to have as a sport, nobody else could go on the field. It's small. Like the football team is 18 men. 500 men that is supposed to use this yard. And they are using the whole field. So, the other 460 have to walk around the outside, the perimeter, because this is the only room they do have.
Q I have two more questions. Another one is, I just want--a little closer statistics. You said the majority of the guys have drops, you know.

A Droppers.

Q I am assuming, and which I know as a fact that a guy gets things out of the commissary and it tastes better warm.

A Certainly.

Q Even though they sell them, there is no way in order to heat them up, like if you decide to buy a certain thing that normal people would eat warm?

A Right.

Q The only way you could do it is have a drop. Percentagewise, how many men of the institution--you said the majority--what would you say?

A I would say 75 to 85 per cent would have one of these. Either this or a stove. One or the other.

Q The last question is, which I am kind of confused on, is the reference to your sentence. You said you had three bags of marijuana?

A Yes, sir.

Q Which you were giving away?

A Yes, sir.

Q You weren't sentenced to seven years for selling marijuana?
A Sale under New York State law is gift, bartering or medium of exchange. A gift is the same thing as selling it.

Q How do you feel, in view of the fact now that the attitude about marijuana has changed radically and you still got seven years?

A I am still doing the same. I am still being punished for the same thing. Now, they say, while it isn't so bad, but this doesn't mitigate my sentence or anything. I can still--actually, I could be violated tomorrow and go back and spend another four and a half years there.

Q You would feel it was unjust?

A Yes.

EXAMINATION BY MR. ROTHSCHILD:

Q Mr. Jackson, I have one question I wanted to ask. It's really for clarification and has to do with Mr. Oswald's tape discussion the week before the problem at Attica.

You say it was very disappointing and I gather that's what we heard elsewhere. The thing I am curious about is was it, in fact, to your knowledge, had any correction commissioner ever before even appeared or spoken to the penitentiary in any fashion?

A The prior correction commissioner, Mr. Maginnes,
I believe he was in office something like 20 years, and he was completely away from the whole situation.

And knowing how vocal Mr. Oswald was and how he had come on strong, much was expected of him. And there is why I think that the people really felt bad about it that he didn't make a minor concession.

If he had made one or two, I think it could have been averted, really.

EXAMINATION BY MRS. GUERRERO:

Q I just want to ask you, were you, while in prison, did you fraternize much with the black inmates?

A Yes, I did. One of the—I worked with black inmates. Let me put it this way: I have come from a rural atmosphere. I didn't relate too much to black and Puerto Rican people. If nothing else, I learned that I can, you know, relate to them and that was the only good thing maybe come out of it. You learn that, you know, everybody is the same.

Q You acted naturally as you would in your environment at home. You were not there to relate, were you?

A No, they would rather keep it segregated. This way that's one of the things they like. Certain shops were segregated. The silk screen shop I worked in was always pure white. That's the way they kept it.
MRS. GUERRERO: Thank you.

EXAMINATION BY MR. BRODSKY:

Q You spoke about you had preferential jobs, Mr. Jackson. Do you think you got those jobs because you were white?

A I would say this had a lot to do with it.

Q You went to high school?

A Yes. And usually I would go--you see the correction officer and you talk to him and I was, you know, fortunate, I could relate to them. They get-- lots of times when some of the downstaters from New York would talk, they couldn't catch on to what they call the hep talk or whatever. So they could relate a little more to me and this, I think, helped.

Q Were there any blacks in this kind of job?

A There were, you know, what you would call token blacks in certain jobs, yes. But that was about all.

Q Could you tell us a little more about the living costs?

A This was given by the chaplains at the institution, and all they talked about was mainly on, well, you should come to church and maybe we can help you out. Things like this. The chaplain at the institution provides like birthday cards, greeting cards for the inmates.
And he told us what he could do. He would get the cards for you. If you had any trouble at home or something and you would like to discuss it, you could go talk with the chaplain or if you had trouble with your letter writing, you wasn't getting letters from home, he would bring a letter home for you.

Q He has initial interviews with you, too, doesn't he?

A At the time I went there, I never received an initial interview.

Q Just one more. Do you fear from your appearance here today any kind of parole reprisal?

A I mean, you know, I have some thoughts about this. I don't know. I don't know what will happen. But I felt that it's got to come out eventually and people have a right to know.

We pay, I don't know, I believe it's something like $6000 a year that the taxpayers paid to keep me incarcerated per year. They didn't get nothing for their money. It was a waste. Why don't they do something with the money?

MR. BRODSKY: Thank you.

EXAMINATION BY MRS. WADSWORTH:

Q I have one question in the area of parole which seems to me to be one of the top priority issues
to which we should be directing our thoughts.

I believe that you said that when you went before the parole board, there were three commissioners, three parole officers.

A Yes.

Q And there were others in the room who were correctional officers who were there as guards; is that right?

A Yes.

Q Were there any other people in the room at that time who were making these judgments? What is the make-up of those who make this decision, as to what kind of a slip you're going to get?

A Usually there is an institutional parole officer and there is a stenographer, also. And the first time that was the entire makeup. This last time Judge Fisher was there, several other persons whom I don't know. But the whole decision, as I understand it, is made by the three commissioners who are present. It doesn't require a vote on the entire board of twelve. Just the three who are there.

Q And then there is no one with whom you are living day by day who is really a part of the decision; is that correct?
EXAMINATION BY MR. CARTER:

Q Mr. Jackson, let's pin down this issue of preferential treatment.

Were there blacks in Attica who had high school education like yourself?

A Certainly.

Q Were they treated as well as you, as far as job assignments?

A No. It was just one of those--there was certain jobs--well, the hospital was one where it was mostly white. There was very few blacks who worked in the hospital.

Q Were whites--in other words, what I am trying to find out is, were whites who had less education than some blacks, did they get--nonetheless get better jobs?

A The fact of their being white is an asset, you know.

Q I just wanted to be sure I understood you on that.

MR. CARTER: That's all.

EXAMINATION BY MR. MARSHALL:

Q Mr. Jackson, were you ever physically abused by the correction officers?

A No, sir, I was not.

Q Did you see any of that?
A Yes, sir.

Q Can you say something more about that?

A I testified in federal court in October for it. I was out shortly after the uprising was put down. I was on a cleanup detail and at this time they were, to use the term, they were running a gauntlet. Two lines of officers and putting inmates between them. I seen two examples of this.

Q Is that the only comment--

A Yes, sir, that is.

EXAMINATION BY MR. WILBANKS:

Q You mentioned that there is disparity in sentencing in the courts. Have you also found disparity in sentencing by the adjustment committee? In other words, if two different persons got involved in a fight, did the inmates predict who will receive a tough sentence and who won't, or is it arbitrary?

A In the whole thing it just depends on who you are, what your status is in the institution. The worst thing is to be black and militant. It's a little better to be white and militant. If you are white and a nice guy, then you even get a better play. This is how the sentencing goes and it depends upon how the officer writes up the report on you.

He makes his own report. He will say, "I saw
John Doe cooking with an illegal heating device." He can spice this up a little bit, too, and you have no right to see what he wrote. When you go in there, you take what they give you.

Q You don't have a right to confront the officer?

A No, sir.

MR. MC KAY: I have one more question, on reflection. A summary question.

EXAMINATION BY MR. MC KAY:

Q I understood you to say that you were in a relatively favored position among the inmates in the institution because you were white. Because you came from an essentially rural background and, therefore, could relate better to correction officers. Because it was your first offense, perhaps because it was a nonviolent offense and because you played the game according to their rules, so you really had no problems and perhaps were favored in various ways, except in one respect, on the parole. And there you got socked as hard as you could be socked.

A Yes, sir.

Q You still have no reason for that, as you think about it, arbitrary judgment?

A Right. This is the bad thing. A man goes to
the parole board and when he comes back, he can go ask the parole officer, "Why did I get hit?" He will tell you, "We don't have to tell you." They don't tell you why you get hit or what the criteria is to make parole.

So, a man is going in there and he is at odds with himself the whole time. He doesn't know whether he is going to make it or if he continues his behavior, if he has good behavior if it's going to do him any good. He has no idea on the whole thing. It's really bad.

Q Would you guess, then, that perhaps there was some unfavorable report from a correction officer that you did not know about?

A Very possible. Or on many occasions I think it goes right back to the original probation report. A probation report was made up on me. I was never allowed to see it. Anything that was written in there, I cannot rebut. I don't know what's in there. And I can, you know, take a guess, but this here is used as a predicate to sentence me and then it's used as a predicate for the parole board to set my minimum. This thing is working against me the whole time and yet--there can be some erroneous material, there is nothing I can do about it.

MR. MC KAY: Thank you.
Were there any other questions from members of the Commission?

EXAMINATION BY MR. MARSHALL:

Q Can I ask one more. You testified about some rather minor changes that were made since the events in September, more toilet paper, free soap. Apart from those, is there any general or summary kind of description that you would make about what changed after those events at Attica?

A Well, I would say since the insurrection, we have lost a lot of our recreation. This is not being made. Lost hobby permits. They made some minor concessions. I mean, I think this was mainly because of the public was looking on. And then they made a thing on—they were going to change the censorship and actually they just changed things around. It's just as tough as it ever was. They have made no real concessions whatsoever.

When I left three weeks ago it was the same as it always was, only a little bit worse. Just hasn't changed at all.

MR. MC KAY: Had the Inmate Grievance Council been instituted before you left?

THE WITNESS: I voted the Friday before I left.
MR. MC KAY: Do you think it will make a difference?

THE WITNESS: Hopefully, it will. I think this will develop a little more rapport between the inmates and the administration, whereas, before there was none whatsoever.

MR. MC KAY: Thank you very much, Mr. Jackson. You have been most helpful.

(Witness excused.)

MR. LIMAN: While we are waiting for the next witness, I wonder whether the camera can focus on the menu which we put on the easel. There is a menu there for, I believe, August 15, 1971.

Mr. Jackson previously described the supper menu and I think it would be informative to take a look at a menu.

This is August 15, 1971. If you can scan with the camera: this is breakfast, this is dinner, lunch hour, this is supper.

For radio, the supper is French onion soup, salteens, pineapple jam, bread and tea.

Pick out really indiscriminately any day just to get an idea of what it looks like. This is Tuesday. It shows rice crispies for breakfast with milk and toast.
Would you now scan toward the mid-day meal.

Sliced corned beef, fried potatoes.
Could you now move onto the night meal.
Grilled cheeseburger.

Now you are on Wednesday. Could you now scan across. We are at breakfast, mid-day meal, now to dinner, which is—I can't read that easily here.

Is that sliced bologna?

On Thursday, breakfast, could you scan across, please.
Salisbury steak for mid-day meal and across for the night meal, please. That's beef hash.

Now, the last—Friday, please. Breakfast and now would you move to the mid-day meal. That's fish sticks and then further, tuna and egg salad.

Mr. Chairman, our next witness is Mr. Matthews and Mr. Addison will question him.

ROBERT MATTHEWS, called as a witness, was examined and testified as follows:

EXAMINATION BY MR. ADDISON:

Q Mr. Matthews, what city are you from?
A Buffalo.