and forth up and down the corridor. After a while when I did look back around, a guy was hollering, everybody in A-block yard, everybody in--I mean in D-block yard. And this is where I remained throughout the resistance, in D-block yard.

MR. ADDISON: Thank you, Mr. Mayers.

MR. McKAY: Are there questions from members of the Commission?

EXAMINATION BY MR. HENIX:

Q The only question I want to ask. I don't know if it needs to be asked because I understand thoroughly when you say a knockdown dragout guy in describing this lieutenant.

But for the edification of the Commission and the rest of the audience, can you be more specific?

A I have earlier heard that the elder officers were more astute in handling the inmates. However, this may be true in some cases but all the cases that I was exposed to it's quite the contrary. These people had a set philosophy that they go by and this is that they are organized, they are part of the system and that we will not have any subversion or rebellion.

As for telling me no, that you're not going any place, rather than having you to tell me that you're not going any place, we'll show you who is the boss and then
we'll just knock you out and drag you and bring you where you got to go.

MR. HENIX: Thank you.

MR. McKAY: Mr. Carter?

EXAMINATION BY MR. CARTER:

Q I want to be sure I understand too. Am I correct in assuming that the reason that the inmates surrounded the guard and when the altercation occurred in the yard and were concerned about the guard taking him away, am I correct in assuming that they thought he was going to be beaten by the guard?

A Living in Attica, you didn't assume. You could--

Q All right, so the inmates expected that this man if he was taken away would be beaten, is that correct?

A Correct.

Q We have been told in Rochester, the Rochester part of our hearing by two correction officers that the correction officers never beat anyone in Attica. I would like to have your comment on that and your point of view.

A Well, here recently I have--I happen to know of two reactionary attacks since then and it's been swept under the rug. Nobody has ever heard a thing about it.
One is concerning when we were in the box, they moved us, everybody in one company they moved us to HBZ. During this time one of the inmates, a Spanish-speaking inmate coming from seeing his attorney, he was corrallled down beneath the stairs and four of them. This is another slightly built individual and they buffed him up. I mean real good.

So what we did up and bottom floor, we raised so much noise and banking on the wall that the attorneys from downstairs had to come up and see what was going on.

The other incident, this kid was on my company, on 1 Company, went up to see the McKay Committee and--

Q That's this Committee?

A Right. Coming from there, on the elevator, there were comments passed concerning one of the young ladies working with the Commission. Derogatory comment made toward one of the ladies working.

The brother, in turn, defended the lady and in turn, he said somethign rash too, I suppose, to this particular officer. When he said that, bingo, the side of the head. All right. But seeing that the inmate never retaliated because he said, he told me, he said under the circumstances they would have killed me.

So he tried to cover up his head. And seeing
that he had not resistance, he couldn't retaliate, he tells him that, "Look, I lost my head and if you will forget it, I am willing to forget it. If you let bygones be bygones. Okay."

When I found out about it, I put in a tab to see a member of the McKay Commission. I went up and at the time I was talking with Mr. Parker, the third man on the elevator that witnessed this incident was talking to David Addison telling him about it.

Now, while we were up in the box, we got word that the third inmate changed his mind and signed an affidavit that the inmate charges were ridiculous. It's a common thing and it will be a common thing as long as there are racist officers over there and like i'm not just saying that. It's bad.

MR. CARTER: Thank you.

MR. MCKAY: Mr. Marshall?

EXAMINATION BY MR. MARSHALL:

Q Mr. Mayers, can you tell me--I want to find out where your cell was in relation to this inmate that you talked about. Which gallery were you in?

A Three. It's considered--it would be the third gallery but it's considered 3 Company.

Q 3 Company?

A Yes.
Q  Where is that on the map?  

MR. LIMAN:  You were on the third floor?  

THE WITNESS:  Right.  

MR. LIMAN:  Was it on this side? As you came down your stairs from the mess coming down A-tunnel would you go to the left or to the right?  

THE WITNESS:  You would go to the left.  

MR. LIMAN:  Right here--  

THE WITNESS:  Wait a minute. I'm sorry. Go to the right.  

MR. LIMAN:  So it's the third floor right here?  

THE WITNESS:  Right.  

BY MR. MARSHALL:  

Q  Where was your cell in that gallery? Was it down towards C-block or was it back towards--  

A  No, it was facing the front of the yard. The front of the yard out this way.  

Q  But which end of the gallery were you at?  

A  I was--  

Q  Or were you in the middle?  

A  I was in the middle, I suppose, what you would say of 17 cell.  

Q  Where was the cell of the inmate that you
described as having been beaten?

A 17 cell. I was in 9.

Q You were in 9 and he was 17?

A Yes.

Q Which direction is 17 from 9? Is it--

A Back this way.

Q Towards the center?

JUDGE WILLIS: No, towards C-block.

MR. LIMAN: It's further from the door that would lead out of the gallery. It's toward the end.

MR. MARSHALL: Mr. Mayers was in 9.

THE WITNESS: Here we are. Right here. Going this way. 9 would be up in here. 17 would be up in here.

MR. McKAY: Mr. Mayers, if you would speak in the microphone, that would help. That may be physically impossible but if you will try.

A 9 cell would be in the area here and 17 right here.

Q So when he was carried down that galler, there would be 16 cells that he would be carried past, is that right?

A Right.

Q Because they go to 1, and 1 is sort of in the
middle.

A Right. Exactly.

Q Is that the only way to get to HBZ? You can't go out the other side and get to HBZ? I mean the entrance to the gallery is from the center?

A No. The entrance of the gallery is from here.

Q Yes.

A And it guides. One goes that way and one goes that way.

Q And so they were—they brought this man down there towards the center and then downstairs and through to HBZ, is that the way they would go, if they were taking--

A Yes.

MR. MARSHALL: Thank you.

MR. McKAY: Bishop Broderick?

EXAMINATION BY BISHOP BRODERICK:

Q Mr. Mayers, you spoke about the two lieutenants out in the yard. I'm very interested in that because you spoke of one as a young man, I suppose, younger anyway, who applied his modern-day tactic. I think that's a direct quote.

A Right.

Q And the older man who you identified and described as a knockdown dragout school of--
A Right.

Q It seems to me this is very crucial because it's a question of philosophy or viewpoints and if both men were of this new school, do you think this incident would have happened, the incident you described of the alleged beating and everything?

A Well, to accurately say, I couldn't. Only I can--from what occurred I can--you can make a kind of an educated guess and say that--

Q What I am saying, maybe it could have been solved on the location right away.

A It could have been.

Q If they both agreed?

A Here you are dealing with two ideologies.

Q That's what I'm saying.

A I support you as far as I can. It's your decision. And if you want to leave it be like it is, solid, good, well. But now, if you don't, well, I can support you such as I am allowed to.

Q This to me seems to be the crux of a lot of this. Maybe we wouldn't be here today if they both were of the same school, at least if they were both of this new school you speak of.

Did you ever see an inmate hit an officer before this?
A No, I have never seen an inmate hit an officer.

Q Or after that?

A No.

This is, like you don't do that. Not if you are in your right mind.

Q But this was done, wasn't it?

A You mean at the outset of this situation we talked about?

Q Didn't you say an inmate struck an officer? Out in the yard?

A I am not talking about, like with no cause or reason. That's what you were talking about, with no cause or reason. I am speaking about, he tried to lunge at him and grab him and throw him in the hallway.

Q You wouldn't say this was self-defense, would you?

A It depends upon who you are.

BISHOP BRODERICK: Thanks.

MR. McKAY: MRS. GUERRERO:

EXAMINATION BY MRS. GUERRERO:

Q Mr. Mayers, you are telling us that what you said the McKay Committee, you mean us?

A Right.

Q When you were talking before about a Spanish-
A Right.

Q Do you mean to tell us that the inmates who have talked to us during the last five months have been beaten after they have talked with us?

A Not on those particular reasons. Not for those reasons alone. This was something that occurred out of something else.

Q But just the same, because somebody was talking about somebody in this Committee?

A Yeah, right.

Q Some officer?

A Right.

Q And the fellow tried to defend this person on this Committee?

A Right.

Q So it was more or less because of the Committee. That was the reason?

A Yes.

MRS. GUERRERO: Thank you.

MR. MCKAY: Were there any other questions from members of the Commission?

Mr. Mayers, I think you understand that you are entitled and we would welcome a statement from you if you wish, that is not necessarily responsi
to any questions that have been asked of you today.

Is there something you would like to tell the Commission and the public?

THE WITNESS: Yes. I think that for the benefit of the guys at Attica, there medicine there is like something in the medieval period.

I compare it to a bootleg veterinarian. Understand that I have had experiences with this physician over at the facility and the man, he--he will take that little money that is offered him, this cutrate price which they employ him just to prevent his hostilities to the inmate.

Now, it's frightening, to think, that you living there and you have to be subjected to the medical facilities that is available at Attica. If in an emergency case of appendicitis, you're through. Remember the case of the guy that hung himself just after the riot? Wow.

If like--I remember an incident where a guy had a cartilage in his nose had bust and we called from about 4:25 to about nearly six o'clock. An officer comes up. When he comes up he said, "What's the matter with the man." He had blood all over the bed, all over floor and the man was
trying to hold his nose. We said the man is 211 bleeding. He said, "Well, it's only his nose, like lay down and put a cold rag on it. I'll call the doctor up. He will be all right."

So this lasted for a period of time and nothing happened. So like I risked taking a chance in going to the hole and speaking my mind to one of the officers who came up with a tape recorder to try to tape the things I said.

He didn't care about the inmate whatsoever. He said that he tried to call.

If you are sick from five o'clock on, you are at the mercy of whatever. They say if it's urgent enough, they will call somebody but by the time that day arrives you can be dead four, five times.

And it's only about--the hospital is in this area.

MR. MARSHALL: It's at the top of the picture.

MR. LIMAN: It's pass that block.

MR. ADDISON: Pass the block, Mr. Mayers?

THE WITNESS: Any way, we are locked here. By the time it took that man, it took that man two and a half hours to right here. He had blood
all over the cell. And if one should seriously take ill in Attica he has to deal with that doctor and that's a knowing cause like I understand that they pay this man a cutrate.

He has a practice out on the street in addition to his practice at Attica and they say that--they claimed they couldn't hire a normal doctor for the pay they gave this man.

This man will take this cutrate just to vindicate his hostilities on a convict. I don't know, I can't say what a convict did him but--and I didn't believe it, you know, until like I personally experienced it myself. My own keeplock.

Concerning jobs, well, jobs is like--jobs are--they're, with sophistication, they are descriminatorily issued and I see now since the riot, they have the showcase black at the entrance of the building.

He is a clerk, an outside clerk from the surface. This to make it appear that the system is democratic but beyond this, he is the only clerk that I know of that is in a position outside where he can be seen.

The riot they had some clerks but they were all hidden and you never saw a cler, a black
clerk. This was completely alien to the method of operation.

However, when they hired this black clerk for the showcase, I guess they determined this as good public relations and it's real bad.

However, I understand this new executive, I think his approach is a little more modern and a little move—anything can be better than that man. That gangster, that's what he was, that was running that institution. He done some real—oh, my God. Well, that's it.

MR. McKAY: Mr. Mayers, thank you very much for being with us—Bishop Broderick has a question.

BISHOP BRODERICK: Mr. Chairman, I wanted to know whether the opportunity for those who are mentioned here today to defend their reputation—

MR. McKAY: Yes, they will indeed.

MR. LIMAN: Absolutely.

MR. McKAY: Mr. Mayers, thank you very much for coming to us.

(Witness excused.)

MR. LIMAN: We now have to pick up with the chronology, a film—
MR. MARSHALL: Arthur, excuse me, but this is a rather important--a significant incident. There were 16 cells as I understand it between the cell that this inmate was in and the end of the gallery.

I take it that the other 16 people who were in those cells were interviewed? I don't know whether to pursue this now but that's a question on my mind.

MR. LIMAN: Some of them spoke to us. Some of them did not. We have spoken to the officers who removed the inmate and there will be more testimony on this as we proceed and in fact, Mr. Rosenfeld, in his narration of the events is going to cover this briefly.

MR. ROTHSCHILD: Arthur, on that same subject, have you talked to the inmates who were taken out?

MR. LIMAN: Yes, the inmates who were removed talked to by us. They were also talked to by Assemblyman Eve during the events of September. Assemblyman Eve is going to be testifying as well as others who saw them and I gather that there is an implication that perhaps people who are unaware of the story may have the opinion that the inmate
who was carried out and who was not moving was dead. He was not dead.

MR. MARSHALL: It was sort of left hanging.

MR. LIMAN: It should not be left hanging. The inmate was not dead and he is still alive and--

MR. MARSHALL: Is Mr. Rosenfeld going into this further now?

MR. ROSENFELD: I might say we have interviewed both inmates who were taken out that day plus other inmates in the gallery and the concensus is that there was not a singly brutal force applied against him but forced to be used to take him out because--and it was substantially from the perception of the inmates as Mr. Mayers related it.

MR. LIMAN: I think there is a distinction between what the facts are and which is the fact of an inmate who did not want to go and was holding onto a cell to keep from going, and what the perception was of the people who were locked in their cells, they can only hear noises. You can't see into that cell and then you see an inmate being carried out.

By the same token, all of the testimony
with respect to what people fear about the boxes is pertinent as to what the state of mind of people was when these inmates were taken into the boxes on that evening.

MR. MARSHALL: I understand that, Mr. Liman. The reason I raised the question I did in the first place was that the testimony appears to do two things.

   It says what the perception was but it also repeats that perception as if it were the fact of what happened and since—that's why I pursued it.

MR. LIMAN: I'm glad you brought it up.

MR. CARTER: It seems to me in the same vein that all the testimony we're going to hear, at least that we have heard so far are people's perceptions which they testify to as fact. And I gather that the way the hearing is going is that we will have these perceptions from time to time and we're going to have to piece them together in terms of making up our own minds as to what the facts really were.

I don't see any--this man has a perception of what occurred. Last week we heard from other people
whose perceptions were different.

MR. ROSENFELD: The reason Mr. Mayers was chosen to tell this story was we felt his story was about as representative of the perception of inmates who saw those events and I stress inmates, as we could find.

MR. McKAY: Mr. Liman, are you ready to introduce now the next episode--

MR. LIMAN: Mr. Rosenfeld can introduce it. It's a narration with filmed effects of what happened the morning of September 9th that led to the institution falling into the custody of the inmates.

MR. McKay: I think it should be made clear. This is not a film that was taken that day. It is a reconstruction of the events as it was done by our staff, is that correct?

(Continued on page 218)
MR. LIMAN: That is correct. Mr. Rosenfeld will explain that.

MR. ROSENFELD: This is based on a study of the hundreds of interviews we did with inmates, correction officers and civilians who were present in the institution on the morning of Thursday, September 9th.

The film clips which will illustrate portions of the narration were taken by a TV news photographer at our direction, at the institution, after the events.

They are intended to show the locations and the sequence of the process of the taking of the prison, and it should be stressed these are not contemporaneous film clips.

If the director is ready, we can begin.

We have heard testimony of what happened on 3 company when a man was removed from his cell on Wednesday evening, September 8. The other man removed that evening was on 5 company. That was a "grading company", to which were assigned men considered by the administration to be troublemakers.

When the man was removed from 5 company on Wednesday night, a commotion began. Inmates began yelling and throwing things from their cells. One
inmate threw a soup can, which struck an officer in the head. It was decided that both 3 and 5 company would be allowed to go to breakfast the next morning, but that the inmate responsible for throwing the soup can would be keep-locked and brought before the adjustment committee later in the morning.

On the morning of September 9, as you have heard, 3 company went to breakfast without incident. Correction officers on the morning shift were given a special briefing to use unusual caution in dealing with inmates that day.

Instead of the usual one officer to escort two companies to mess, each company was escorted by an officer, and an officer with a gas gun was stationed outside the A mess gate. That is the usual procedure now, but not in September.

The officer assigned to escort 5 company to breakfast was a relief officer, not usually assigned to that company. As he was lining the men up to march to breakfast, his attention was distracted and the inmates were able to open the cell of the man who was keep-locked and he joined the others in the company. It was then decided to allow the company, including the keeplocked inmate, to
proceed to breakfast. There is the mess hall there.

While the company was at breakfast, it was decided that the door to A yard would be locked before the company returned, and the men would be returned to their gallery after breakfast, rather than to the yard where they would normally go on the summer schedule.

The inmate would again be kept locked and the company thereafter released to its normal assignments. This decision could not be communicated either to the relief officer or to the inmates of 5 company.

Lage breakfast also proceeded without incident. Escorted by the same relief officer, 5 company was brought back down C tunnel, through Times Square and into A tunnel.

It was in a double line which stretched half the length of the tunnel. There was another A block company in the tunnel, and still another company on the other side of Times Square in C tunnel.

In addition, there were some inmates from D block returning from the shower room. In all, there were about 85 inmates and two officers in A
Five company entered A tunnel and approached the door to the yard. No one expected it to be locked. The Lieutenant came toward the company from A block to explain the situation. When he got there, he and the officer with the company were overpowered.

Now chaos erupted. Windows in the tunnel were smashed. Inmates dashed back to A block, began breaking office furniture, seizing athletic equipment, broom handles, crude weapons.

After a ten-minute lull, a group of inmates wearing masks or football helmets and carrying weapons approached Times Square. After demanding admission and being refused, they began shaking the gate. It sprang open, admitting the group to Times Square. They overwhelmed the three officers inside the square and took the keys which unlocked the gates in all four directions.

When the inmates already in A yard saw what was happening in the tunnel, they overpowered the two officers in the yard and took the keys to the door, giving access to the sports equipment stored there.

Other sports equipment, plus broken office
furniture, was picked up in A block. And we have learned from our interviewing, knives and other homemade weapons are kept by many inmates in their cells for self-protection, including against homosexual assault. All of these appeared during the few minutes after the initial disturbance.

Three of the officers involved in the initial fracas were able to escape to a cell in A block. They remained there some two hours, until their hiding place was discovered and they were taken hostage.

Up to the moment Times Square gate broke, the uprising was confined to A block, and only the eight officers actually in that area were endangered. It was not until inmates from Times Square reached other areas that other inmates joined in.

The two officers who had been in A yard were able to climb on to the catwalk. They tried to go to A block, but the door was locked and no one was there. So they ran to C block. The officer on duty on the second tier heard them, but he did not have the key to unlock the door from the catwalk. He went downstairs and obtained the whole set of C block keys from the hall captain.

Meanwhile, the officers on duty downstairs
in C block saw the commotion at Times Square. One of them went to lock the C block gate, and thought he had.

Once the Times Square gates were opened in four directions, the A block inmates were able to fan out toward B, D and C blocks. As in A tunnel, inmates rampaging through C tunnel damaged windows and doors. Three correction officers in C tunnel were taken hostage. Inmates broke through the C block gate easily.

Three officers shut themselves into the C block office. The intruding inmates used smoking mattresses, broom handles, a water hose and tear gas taken from atop Times Square to try to force them out.

Finally, an acetylene torch taken from the metal shop cut through the lock and the three officers, overcome by gas, were taken hostage.

The officer from whom the C block keys were taken was brought upstairs and hidded by friendly inmates. He was not found until C block was retaken by the authorities later in the day.

Two other C block officers were also protected by some inmates at first, but were subsequently discovered and taken hostage.
The two officers who had climbed out of A yard never got into C block. They went back to Times Square on the catwalk and encountered a third C.O. who had been on duty in B yard and had been relieved of his keys shortly after Times Square fell.

The three of them decided to hide in the outdoor toilet in B yard. They remained there some five hours, but were discovered and taken hostage by inmates who came into B yard gathering wood. In all, eight hostages were taken in the C block area.

A number of inmates in C block joined in the excitement when it reached their area. The officers' mess is right in back of C block, and it was broken into and looted of food, cigarettes, candy, etc.

Inmates tried to get through the mess hall gate and reach the hospital and the reception area. But they were repelled by tear gas fired from behind the gate; they never did reach those areas.

Many other inmates in C block -- and in fact all areas of the institution -- told us they returned to C: remained in their cells to wait it out, and went to D block yard sometime later when other inmates came through the cell blocks ordering
everyone to join the gathering in D yard. We have some statistics on how inmates ended up in D yard, which we'll go into later.

In the mess halls and the kitchen, some 97 inmates were at work. The mess hall and kitchen crews were made up of a majority of white inmates. When the disturbance began, the inmates split along racial lines. White inmates took up kitchen knives and other utensils and readied vats of hot grease to defend themselves against what they thought was a race riot.

But the uprising never reached the mess hall area; the gates held. No disturbance, race riot or otherwise, materialized in the mess halls, and after an hour or so, the inmates there were escorted out the back door to safety.

I have been talking about what happened in the C block area. Almost simultaneously, another group from Times Square went down B tunnel toward B block. They broke open B block gate, apparently with a key taken from an officer at Times Square, which wasn't supposed to fit the lock.

In B block, the hall captain and two other officers were subdued and their keys taken. Two others had retreated behind another set of gates and
ran to warn the metal shops and the commissary.

Behind B block are the two metal shops, I and II, where almost 500 inmates and numerous officers and civilian employees were already at work. Despite the advance warning from B block, nothing was done in the metal shops except to lock the doors.

Also behind B block, down a short corridor, was the prison commissary. Inmates and three officers were at work there. Other inmates had begun to line up outside the commissary to make their purchases, when a group from Times Square entered the corridor and ran towards the stairs leading up to the commissary. The commissary promised loot of every sort and in great abundance.

As they swarmed up the stairs, an officer inside tried to jam the door shut with the leather thong of his nightstick. But as the inmates reached the door, they broke the glass, drove him back and took him and two other correction officers hostage. Some inmates inside joined the rebellion; others fled to safety behind the commissary building.

In Metal Shop I, an electric fork lift truck was used to batter down the door from the inside. An officer and two civilians were taken hostage there.
Another group broke through the steel door to Metal Shop II, the larger of the two shops. Nine correction officers and three civilians were taken prisoner, stripped and marched toward B block. The shop was vandalized. Fires were started.

Fearing explosions from the volatile materials in the shop, most inmates fled into the corridors. There was mass confusion.

The metal shops yielded the largest number of hostages. In addition to those I've mentioned, the head of prison industries, Mr. Van Buren, who testified before the Commission last week, and five other civilian employees were taken hostage in the offices on the second floor of Metal Shop I. With these, a total of twenty hostages -- nine correction officers and eleven civilians -- were taken in the metal shops.

A large number of the inmates who were in the metal shops and the commissary were able to escape the riot. Many gathered in the Ponderosa, a large open field inside the walls, under the cover of the guns in the wall towers.

They were escroted back to E and C blocks later in the day. Other inmates, along with two
civilians employees, gained access to the maintenance building. Over fifty inmates and some nine employees spent Thursday night in that building and were not evacuated until the next morning.

One civilian employee of the metal shop, an elderly man, was allowed to walk unmolested from the metal shop through Times Square, and out the front gate. He lost only his wallet.

Inmates also attacked two officers near the coal shack but were frightened away by an armed officer in the wall post.

From the metal shops, inmates headed toward E block, the new security block at Attica. When they arrived, the inmates of E block were locked in their cells, but all of the officers stationed there had retreated through the back door.

The E block gates were forced open by the arriving inmates, the cells unlocked, and the inmates freed and told to go to D yard. The laundry and the barber shop were broken into and set on fire.

I have covered what happened in A, C, B and E blocks and adjacent areas. What about D block?

Again, while some inmates headed down C
and B corridors, others ran through D corridor. Two officers in that corridor were subdued and became hostages.

The D block gate had been opened at the first sign of trouble at the hall captain's directions, to enable inmates in D yard to lock back in their cells if they wished. It was not closed again before the onslaught came from Times Square.

Inmates filled the D block office area and overpowered the hall captain. He was able to barricade himself in the officer's washroom, but only temporarily. He was finally brought out and made a hostage and his keys were taken.

Inmates surged through D block, destroying the cell locking system. Another D block officer became a hostage, but two others were hidden by inmates under beds in D block cells. There they remained until the next afternoon, when they were taken to the yard as hostages. With the D block keys, inmates could reach the buildings beyond D block.

Behind D block lie the State Shop, the chapel or auditorium, and down this corridor, the school house.

Inmates entered the State Shop building,
where clothing is kept and dispensed, and set it aflame. At the first sign of trouble, the correction officer on duty in the tailor shop on the second floor had been locked in a back room at his own request by inmates who worked for him and respected him. He was rescued from the burning building by fellow officers dispatched from the administration building; but the State Shop building was completely destroyed.

From D block, inmates also rampaged through the Chapel, ripped out the organ pipes and set fire to the altar, destroying the roof.

In the school building, warnings of trouble were brought by an inmate runner. Inmates jammed the gate with an iron bar and the school was invaded only later in the day. By that time it was deserted. Unlike those in the metal shops, the inmates, officer and teachers who worked in the school had escaped to safety out the back door.

Although the school building was vandalized that day and has not yet reopened, some classrooms ironically remain untouched. The blackboards still show such things as a math quiz and the random doodlings of Attica inmates, scrawled before the explosion which rocked Attica and the entire world.
By 10:30 a.m. on Thursday, September 9, 1971, 1281 inmates out of Attica's population of 2243 had assembled here in D block yard. Inmates controlled two cell blocks, B and D, the metal shops, the State Shop, Chapel, school and the commissary.

Most important, they controlled Times Square, and hence, access to all of the yards and the tunnels which connect them.

Although the inmates had taken fifty hostages, eleven of these were released by the inmates themselves during the first hours of the uprising. One of them, William Quinn, died two days later.

As I said, we will have statistics on the D yard population later on.

MR. LIMAN: Sergeant English.

MR. ROTHSCCHILD: Steve, you talked about a number of gates all over the institution that were forced.

Just as a point of fact, were these forced or were these opened with the keys they had? I know about the ones in Times Square, but were a lot of gates actually knocked down or broken open?

MR. LIMAN: We are going to have a locksmith on tomorrow with respect to some gates. Mr.
Rosenfeld, do you want to answer?

MR. ROSENFELD: Of course, we don't know for sure how every single gate fell. The inmates who broke into Times Square were able to get the keys that were there and those undoubtedly unlocked some.

Remember also, once they were in the metal shop, there was a lot of equipment which could be used to break gates and that undoubtedly was used.

MR. MC KAY: Bishop Broderick, do you have a question?

BISHOP BRODERICK: Steve, I heard you say that at least two correctional officers were stripped. Did I hear right?

MR. ROSENFELD: Yes.

BISHOP BRODERICK: Were there any others?

MR. ROSENFELD: Yes.

BISHOP BRODERICK: Was this standard procedure?

MR. ROSENFELD: I wouldn't say it was standard procedure. Some hostages were stripped. All of them, however, were given clothing once they were actually assembled in D yard.

BISHOP BRODERICK: I see. Thanks.

MR. MC KAY: Sergeant English, will you
SERGEANT JACK ENGLISH,
called as a witness and being first duly sworn
by Dean McKay, was examined and testified as follows:

EXAMINATION BY MR. LIMAN:

Q Would you state your full name for the record?
A My name is Jack C. English.

Q What is your occupation?
A I am a correction sergeant at the Attica
Correctional Facility.

Q How old are you?
A I'm 42 years old.

Q How long have you been a correction officer?
A I was a correction officer for nine years and
I have been a sergeant for ten years.

Q So that all told, you have been in the service
of the Department of Correctional Services for 19 years?
A As of this August, I will have 19 years.

Q How many of those years were spent at Attica?
A I have been there since 1964, which would be
about a little over seven years.

Q Where are you from originally?
A From Elmira, New York.

Q Sergeant, were you on duty on September 8th?
A Yes, I was.
Q On September 8th?
A Yes.

Q Were you on duty on September 9th?
A No, I was not on duty -- excuse me, I misunderstood your question.

I was not on duty on September 8th.

Q That was a Wednesday.
A That was a Wednesday. I was off duty that day.

I returned to duty the following day, Thursday, September 9th.

Q What was your assignment?
A I was the institution chart officer. I relieved the regular chart officer on that day.

Q What are the responsibilities of the institution chart officer?
A He reads the roll calls for the three day shifts, makes assignments where necessary to cover areas, takes the opening and noon counts and makes adjustments in assignments during the day as are needed, where officer personnel is needed.

Q Is he in charge of the principal communications center at Attica?
A Yes. Most of the institution business comes through that single telephone at that desk.

Q Where is the desk located, in the administration
building?

A  Yes. It is in the administration building, downstairs at this point, in an underground floor in this building.

Q  So that it is in the building which precedes A block as you enter the institution?

A  That is correct.

Q  Now, what time did you report for duty on September 9th?

A  It was about, oh, 6:35, 6:40, somewhere thereabouts, A.M.

Q  Your regular duty hour would have started at 7 a.m.?

A  Actually 6:50. The roll call was held at 6:50, and the shift went on duty at 7.

Q  Were you briefed by anybody on the state of the institution when you arrived?

A  Yes. When I arrived, the Lieutenant informed me that there had been what he described as an ugly incident the evening before, when the institution was closing up.

Q  What did he say had happened?

A  He said that one of the lieutenants had been struck in the yard, the inmate had refused to come out of the yard and that they had left him there, and
then after the institution was locked up, after supper, they removed this inmate from his cell and had taken him to housing block Z.

Q Did he say that anything had happened during the movement of the inmates to housing block Z?

A Yes. During the movement of one of another inmate from 5 company, one of the officers had been struck with an object thrown from a cell. I believe it was a can of soup, it was described as.

Q Did the officer who briefed you on this convey to you any sense of apprehension?

A Yes. He was -- he felt there was some tension there. He saw that an extra officer was assigned to cover gas behind Amos Gate and assigned any extra help we had to A block.

Q Were any other precautions taken at that point, at 7 a.m.?

A Only an announcement that the lieutenant himself made at the roll call, explaining to officers who weren't aware of it of the incident that happened the evening before, and alerted them to use the most conservative judgment and caution in handling any situations that might arise.

Q The lieutenant who gave that advice is going to be testifying here later, so I will use his name.
That was Lieutenant Curtiss?

A Yes.

Q When he said that the officers should use conservative judgment in handling any situations which might arise, how did you interpret that?

A He meant to avoid any kind of a confrontation involving a group of inmates, anything of a confrontation nature.

Q Was this advice unusual in the sense that the situation was different on September 9th than previously?

A I don't quite understand your question.

Q Well, had he given this advice regularly when the institution was opened up in the morning?

A I hadn't heard that given before in those --

Q What happened after the institution was opened and you took your duties as chart officer?

A I proceeded to take the morning count and as soon as that was correct, notified the kitchen and the blocks so they could start breakfast.

Breakfast seemed to go in a routine manner, there was no --

Q Was this early mess?

A That was the regular breakfast at 7 o'clock. Probably 7:15. is between 7:15 and 7:20.

Q Now, did the company in which the incident
occurred the night before with the soup can, that you had told about, go to that early breakfast?

A No. That company was held in -- that was normal for them to be held in to eat the late breakfast.

Q That company was 5 company?
A Yes.

Q And 5 company was grading company?
A Yes.

Q Would it be fair to say that the grading company was considered by the officers and the administration as being a company in which you put inmates that you considered difficult to handle?
A Yes, that would be a correct estimation for the most of them.

Q I take it that you were apprehensive not only because an incident had occurred the night before, but because it had occurred in this company?
A That is correct.

Q When was the second mess on September 9th, at what hour?
A Somewhere between 8:20, I would say, between 8:20 and 8:35.

Q There was a shift that worked at Attica from 12 midnight to 8 a.m.; am I correct?
A That is correct.
22  Q And if there was an emergency situation, that shift could have been held over; am I correct?

A That is correct.

Q Was a decision made not to hold that shift over?

A To the best of my knowledge, no decision was made to hold them over.

Q So that they were released?

A Yes. When they were released, they went off duty.

Q Approximately how many correction officers did you then have in the institution for 2200 inmates?

A Between the combined 7 o'clock and 8 o'clock shifts, there were less than a hundred men in the institution. Less than a hundred uniformed men in the institution.

Q Sergeant, did you get a report with respect to what happened when this 5 company was being moved to breakfast that morning?

A Yes. At about, it must have been about 8:20 or so, the hall keeper from A block called and said that 5 company had been let out of their cells for breakfast but the man who had been keeplocked from the night before had also been released.

My first question was how did he get out of his cell. The hall keeper said he didn't know but he was out of his
cell and refused to go back in.

Lieutenant Curtiss was standing near me at the time and I relayed the information to him, and he took off for A block.

A little bit later, just a few minutes later, he got to A block and he called me back and said that the company had already gone, that they had been taken off the gallery and taken to breakfast.

Q Were you given any instructions as to what was going to happen to this company when it returned from breakfast with the man who was supposed to be keeplocked?

A No. I was given no instructions.

Q So you did not know that any decision had been made to return this company to its cells and in that way put the man back into keeplock?

A I didn't -- no. It wasn't spelled out to me what was going to be done. I just assumed the man would be picked up and brought back to his cell.

Q Did you also assume that the company would be permitted to go out to the yard in the normal course of its business?

A That was my assumption, yes.

Q And nobody told you otherwise?

A No.

Q You talked about the fact that you were at what
was the principal communications desk at Attica. Would you tell me what kind of equipment you had to communicate with other officers and places in the buildings?

A We had the single telephone which -- a dial telephone which -- with which calls were funneled in to me one at a time, or I could call out one at a time.

That was the sole communications that I had at my disposal right there.

Q So that if you were on the phone with one part of the building, nobody else could call in to you and you couldn't call out to anybody else?

A That is correct.

Q There was no PA system?

A No, no radio system.

Q No radio system whatsoever in the building?

A No.

Q When did you first learn that there was any trouble?

A It must have been about 8:45, I think, that the A block hall keeper called back again and said that the lieutenant, Lieutenant Curtiss, was having trouble in the corridor with a company of inmates, and he requested that I get some help for him.

Q When you say the corridor, you mean A tunnel?
A  Yes. Jay Bee on the block gate.

Q  Did he describe what kind of trouble Lieutenant Curtiss was having?

A  No. He merely asked for help.

Q  Did you have any understanding what the dimensions of the problem was at that point?

A  No.

Q  You were asked to get some help. What did you do?

A  I called D block and asked the hall keeper there to send any available officers he had to A. He told me that he had no available help to send over because all his men were employed in one spot or another. He couldn't get them over.

I called the hall keeper in B block and his response was pretty much the same.

Q  Did you call the hall keeper in C block?

A  I called over in C although I knew that he didn't have any spare help anyway, anywhere near any spare help, and Captain Wohl answered the phone, and I told him that there was some trouble, there seemed to be some trouble going on over in A block and that he should try to secure C block as quickly as possible.

Then I tried to call the metal shop and their line was busy.
Q Sergeant, you were unable to get any help for the officers in A block as requested?

A Yes. Later on I was able to get some help over from the reception building and offices and other areas, but by this time they were unable to get into A block.

Q It was too late?

A Yes.

Q The metal shop was the area in which the most hostages were taken.

A That is correct.

Q And the metal shop has a door that would lead out to gun over safety -- am I correct, the metal shop?

A Yes.

Q And if you had been able to reach the metal shop, the officers and civilian help there could have taken that escape route?

A Yes, they could have if they had been alerted in time.

Q Did you succeed in communicating with any officers of the fact that there was trouble so that they could leave the buildings?

A Yes. E block, which is -- I called them also and told them to secure the block, so they placed the inmates in their cells.

E block, of course, is a medium security
building and it is located over here.

This one over here, and they are more or less away from
the rest of the cell blocks, and the officers there got
the inmates into their cells without any difficulty and
then locked the gate leading into the corridor.

At one point the hall keeper from E block called
and reported that inmates were breaking down, trying to
break down the gate leading into the block.

I asked him if he thought the gate would hold
and he said no. I told him to get out of there, so the
officers got out of the back of the block.

Q Can we hold for a moment so the reporter can
change his tape.

A Yes.

Q Sergeant, you testified about making calls and
attempting to make calls to officers in different parts
of the institution.

Were you also receiving calls during this period,
other than the one you got with respect to A block?

A Yes. I received a call from one of the wall
officers who said that inmates were coming out the back
of the shop.

I told him just to watch them and not to let them
approach his position. Then I received another call from
an officer who reported that two officers were being
assaulted. This is in the rear of the power house, and that one of them had apparently been rather severely injured.

Q Can you give us any kind of description of what it was like to be at the desk that morning -- with one phone?

A Just chaos. It took a while to realize the magnitude of the whole thing, to begin with. What started out what seemed to be an isolated incident quickly spread through the whole institution.

Q I take it Attica is so constructed so that any disturbance can be isolated to a particular area; am I correct? That is the theory of all these gates?

A That is the intent of the construction and all the gates and what not.

Q And the principal gate area is Times Square in which all of the different blocks bisect each other?

A Right.

Q When did you learn -- how did you learn that Times Square had fallen?

A When some injured officers were carried out, as they started to bring out the injured officers, including Officer Quinn, we realized that some people had been severely injured.

Of course, all this time I was busy contacting
and aid. At one point I gave the order to the power house
officer to sound the institution whistle, which would be
to summon in all off-duty personnel.

Q Was there any code to this whistle so that some-
body would know whether it was an inmate escaping or whether
it was a disturbance or some other occurrence?

A Not at that time. It had been proposed that a
code be established to differentiate between a major
disturbance and a walkaway, for example, but at this time
the full alert order was still in effect.

In other words, any time the institution
whistle blew, off-duty personnel were to report.

Q Are you saying it wasn't until the inmates re-
leased Officer Quinn that you realized that Times Square
had fallen?

A I think I knew it before that, that he had been
injured.

Q But it was quite late in the events?

A Yes. It came home with a good deal of emphasis
when he was carried out.

Q There came a time, there came a point when you
learned that most of the institution had fallen under
the custody of inmates; am I correct?

A That is correct.
31
coming in there to get these men out.

That was accomplished.

Later on, I was relieved by the regular chart
officer that came on duty and I was assigned, along with
another sergeant and some officers, to draw weapons and
attempt to bring all inmates out of the hospital area, out
of the kitchen and mess hall, and which we did.

We went to the hospital area first and all the
non-participating inmates who were in the hospital came
out and were placed in this area here, between these two
buildings under armed guard.

We then went on to the kitchen and brought out
the 90 odd inmates who were in there, who also were non-
participants.

They came out in an orderly manner and they were
also placed in this area.

One of the lieutenants took a squad of men and
went in and resecured E block over here, took that area.

Q Did he report that he had encountered any
resistance in doing that?

A No.

Q He had not encountered any resistance?

A I didn't hear any mention of it.

I remained, along with the other sergeant and
his squad, in the mess hall and kitchen area. There was
an inmate on the roof of the kitchen who, when I looked out the back of the window, he signalled to me that the officer in officers' mess was inside, still inside the building.

We could hear inmates over in the building. It sounded as if they were breaking the place up, breaking up chinaware and whatever.

The other sergeant took his squad in and apparently when he went in, these inmates took off and the officer was freed in there.

I took my squad later over here through A mess gate -- excuse me, over here, A mess hall, into C Block, and we checked out the companies in C block to get out any inmates who were in there or to see if it was clear.

There was one officer locked in the toilet on the second floor of C block and he was released. There were four inmates on the gallery and they were taken out also, and put in this holding area.

Q Did you encounter any resistance in securing C block?

A No resistance as such. When I first went into the block, the four inmates were on the gallery. I ordered them to put their hands up over their heads and the first -- a couple of them started to resist. I fired a warning shot and then they put their hands over their
heads and they were brought out.

Q  Is that the only time you discharged your weapon that day?

A  Yes.

Q  Did you attempt to secure any other parts of the prison that day?

A  Yes. After that we came out here and I joined the lieutenant with some -- there were some State police officers back here by the time, and we were instructed to bring the men from up here on this area that is referred to as the Ponderosa, there were 19 men, I believe, in the storehouse.

There were 19 some men in the power house. . These were all non-participants. There was a large congregation of men, upwards of 75 men, in this maintenance building. These were men who had fled from the metal shops across the alley for safety.

Also there were the regular crew of maintenance inmates who worked in this building. They were -- all were non-participants.

Q  How did you distinguish between participating and non-participating?

A  Well, the non-participating man would be one who refused to obey any lawful order.

Q  But for all practical purposes, everybody who
was not in D Yard was considered by you as non-participating?

A As non-participating, right. There were also--there was a large group of men up on the hill here. They had taken the officer from the shop along with them and they had taken his uniform clothing and put him in inmate clothing.

Q For his own protection?

A That's correct. These are the men who worked for him in the shop. At first I received a call from a man out on the tower post here that the officer was being stripped of his clothing but it wasn't what it appeared to be.

He was being helped rather than being injured.

Q Did you attempt to go into the B Block area? Would you point out B Block?

A This would be the B Block area here.

Q And where the metal shops are, did you attempt to enter that area?

A The metal shops.

Q The metal shops are behind B Block?

A Right.

Somebody else, I still don't know who it was, had taken officers into the shops--except for this shop. This shop was on fire. Flames were shooting up
and it looked like the building was going to be consumed. But someone went in and checked out these, this metal shop building here, metal 2. The lieutenant and I and some of the State Police officers came in through the garage and into this area here.

There were some mattresses burning here in the corridor and we went down this corridor here to B Block. I looked up. I saw an inmate up here on the top of this tunnel. He was up there with a pick. It looked like a pickax, some kind of a digging tool and he was wailing away at that gate that would lead into B Block up there. And I stood there for a moment.

When he saw me he dropped his pick and backed away. I went back and the State Police officers had a radio--

Q Did you have a radio?
A No, I didn't have a radio. The State Police did. I attempted to contact the Deputy Superintendent for further instructions on what to do.

Q Why didn't you attempt to go into B Block and secure that area?
A There were inmates--we knew the inmates were in the area. They were in this area and we didn't know what we might encounter there. I would have needed more help than what we had there if we were to attempt
The transmission was garbled so I walked back out through here to the--this phone in the garage was dead. Apparently had been torn out. Went back into the storehouse and called the Deputy Superintendent for instructions. I explained to him it appeared we could walk into B Block and recover it but he instructed me to stay out for fear of injuring the hostages that were in there.

Q And that ended your efforts to retake the prison on that day?

A As far as I was concerned, yes. I was assigned to stay back in this area and see that the--this perimeter was cievered, we anticipated that there would be a possibility of inmates coming out the side door of this block here and if they did, we were to appprehend them.

Q Sergeant, you mentioned that you discharged your firearm. What were you carrying?

A It was a .38 calibre revolver.

Q Sergeant, you were here when testimony was given today with respect to beating of inmates by correction officers.

Have you ever seen a correction officer assault an inmate?
A No, sir, I haven't.
Q And how long have you been in Attica, did you say?
A It's better than seven years.
Q You know that inmates believe that inmates are beaten in the elevator on the way to the box. You've heard that, those statements?
A Yes, sir.
Q If inmates are not beaten, how do you account for that belief?
A The only thing I can think of is that--when I came to work at Attica, there was a myth or a legend or whatever it was about that famous, famous or infamous elevator that went from the ground floor to the box, now called HBZ. That's the only thing I can think of. There is a number of legends about how inmates would be beaten going up there but I never witnessed such an incident.
Q Is that myth deliberately cultivated so that inmates would be in fear--
A I father thought that it was. It was something that was an attempt to instill a kind of fear or dread of the segregation. Maybe an attempt to try to keep the inmates in line behaviorwise.
Q Is there any procedure for a supervisor accom-
accompanying inmates on the way to the box so that--

A Yes. It is a normal procedure for a supervisory officer to accompany the officers and these--generally this is a sergeant or higher. Plus enough officers to restrain the man adequately so no undue force has to be used.

Q Is there a procedure for the superintendent or deputy superintendent to accompany inmates in view of this widespread belief and fear?

A No, I never heard tell of that.

Q You testified about the gate system at Attica as a means of isolating trouble. Did you belief that the dates and locks would hold?

A Yes, I did. I felt if at any time we needed them, they would be adequate.

Q In retrospect, do you feel you put too much faith in those gates?

A It appears we did.

MR. LIMAN: Mr. Chairman?

MR. MC KAY: Sergeant English, I have just one question.

EXAMINATION BY MR. MC KAY:

Q You said that on the morning of September 9, as you came on duty you were told by Lieutenant Curtis to beware of a tense situation which I understand, but
in addition he said, as I recall your words, that you were told to avoid confrontation.

I would assume that would be a standard instruction. Wouldn't you also seek to avoid confrontation or was there something meant--

A There was a special emphasis placed on it this morning, to use the most conservative judgment in handling any situation that arose.

Q In what ways would that mean you would treat the inmates differently on that day than on all other days?

A It would mean that if an inmate challenged the officer's authority openly in front of another group, he would not take the customary action of ordering the man to his cell at that moment. He would rather wait until there was a time when there weren't a lot of inmates present.

MR. MC KAY: Thank you. Are there other questions from Commissioners?

Mr. Marshall?

EXAMINATION BY MR. MARSHALL:

Q Sergeant English, you said that when you got this call from A Tunnel, that there was trouble there and that they needed help. Then you called, I think, B Block people and the D Block people and although you
knew that the C Block people had no extra help, you called them too.

And that there were no additional men available from any of those places.

My question is this. Was the place undermanned in some fashion on that day or was--would this have been true any time? Was there no provision at all for getting help for this kind of trouble?

A No, the only method would be to sound the general alarm to bring men in that were off duty.

Q But, of course, that would take some time?

A That would take time, yes. But there was no formalized plan of drawing men from various areas to get in there in a hurry.

Q Is there such a plan now, Sergeant, do you know?

A There hasn't been anything specific worked up although I understand it's being developed.

Q The communications system that you were in charge of that morning, as I understand it, was basically one phone?

A That's correct.

Q Is there still just one phone?

A We have the phone but we also have a radio system. A base radio with--at present we have four
portable units and we anticipate getting another 20 portable units for various areas and various exigencies.

MR. MC KAY: Mr. Henix?

EXAMINATION BY MR. HENIX:

Q My question is a repeat of just about the same question I have asked every officer that's come before this Commission.

You say that you have been in the service 19 years.

A Yes, sir.

Q Eleven of those years you spent in Elmyra?

A No. I was at Elmyra for--

Q You said 1964 you came to Attica.

A Right. I worked at the New York State Vocational Institution for Coxsackie for three years. Then at the Elmyra Reformatory. Then I was a temporary sergeant at Great Meadow for six months. Then to Attica and I went back to the Elmyra Reception Center and worked there briefly and back to Attica.

Q I would like to ask you an additional question. The purpose for the sticks that they carry, is there any purpose--most officers say it's like a symbol of authority. Like the uniform is not enough. Could you kindly explain to me what do you mean--
Ostensibly the purpose of the stick is self defense. The officer's own self defense. It is a part of his uniform.

Have you ever seen an inmate beaten for any reason?

A No.

Not even when the officer was defending himself, 19 years in the service?

A You have to qualify the term beaten. I have seen inmates being struck by an officer, yes.

Subdued?

A Yes.

Did it necessitate the use of the stick?

A No.

He didn't use it in that instance?

A No.

MR. HENIX: I thank you.

MR. MC KAY: Mr. Carter?

EXAMINATION BY MR. CARTER:

I think in answer to a question from Mr. Liman earlier, you indicated that disciplinary problems were assigned to the Grade G Company. I would assume that the Grade G Company is the meanest, dirtiest, heaviest kind of work.

Would you tell me what it is?
A  Yes. Not all the--I should qualify this statement first that not all men on the Grade G Company could be classified as troublemakers because some of these men enjoy that kind of work.

What it is is sweeping up driveways, raking of grass, shoveling snow in wintertime, generally grounds keeping work. That sort of thing. Some of the men prefer that kind of work. Other men were assigned there because they weren't amenable to any other kind of programs.

Q  I understand you to tell Mr--are you--are you changing your statement. I understood you to say to Mr. Liman that the people were assigned there were generally regarded as general disciplinary prob-

A  Generally were considered as disciplinary problems.

Q  Our statistics show that 80 per cent of the people assigned there are black. Does that mean that the blacks, the majority of the blacks are disciplinary problems?

A  I don't know. Is there any--has the blacks any more disciplinary problems than others.

Q  What is--can you give me some idea what a disciplinary problem is? Is that someone who isn't
A man who isn't willing to obey the rules or the orders as they are given to him or who isn't willing to address himself to any kind of a program.

Generally persistent violators of the institution's rules.

Q I also want to understand you perfectly. You said "are not willing" to address themselves to any kind of program.

What does that mean? I understand the other parts of your answer but I don't understand that.

A A man who refuses to accept any kind of program to do any kind of work.

Q To do any kind of work?

A Right.

Q Are there rules and regulations that you have for, certain punishments for various infractions? If I don't—if I am an inmate and I don't obey an order to get up in the morning for count, aren't there certain kinds of discipline for that?

A Right. The officer's responsibility is to report the infraction of the rule. The rule—this report then is referred to the Adjustment Committee which calls the man in for a hearing and he pulls some sanction
or reprimand or discusses the matter with the in-
mate and makes some kind of an adjustment.

Q  Since there are these, Sergeant English,
since you do have it seems to me, rules and regula-
tions for infractions, do you regard it as good
administration to assign people instead of punishing
them, according to the rule books, to assign them to
say a grading company or some kind of job as punish-
ment? That's what this amounts to, isn't it?

A  Yes, I believe it does.

Q  Do you regard that as being good administra-
tion?

A  The only way I have ever considered it is that
these men had to be placed in some kind of a program
and this is the last, outside of being assigned to
segregation, this was the last available program.

MR. CARTER: Thank you.

MR. MC KAY: Mr. Rothschild?

EXAMINATION BY MR. ROTHSCHILD:

Q  Sergeant English, I am interested really, on
strictly an organizational basis, that morning where
you described you were trying to answer your one phone,
calls from many places, is within Attica or at that time
within Attica, was there someone to whom you could
go with these problems? You were in charge of communi-
Was there an organization, were you the one who really therefore had to make the decisions as well as the--do the communicating or was there--I am not trying to ask for names, was there in fact someone to whom you could go and say something is up or someone just started to worry about whether in fact you couldn't get anybody to go and help the two officers--

A Yes, the fact is that the superintendent was there at this time that morning and he was in and out of the office checking with me as to what was going on.

Q Did he have any way of getting a phone separate from you or were you the message center?

A I had the phone in my office. He also had a phone in his office.

Q Someone could be calling him directly from out in the institution as well?

A Right.

Q Was there any way to collect the information you were getting and the information he was getting and perhaps the deputy superintendent?

A No. Not them being in three separate locations.

MR. ROTHSCHILD: Thank you.
EXAMINATION BY MR. WILBANKS:

Q If you had a radio system as you described you are going to have in the immediate future and you have some part of the system now, in your opinion how much of this disturbance could have been contained, if you have had the facilities that you have now?

A This is a conjecture, of course.

Q Yes, I understand that.

A It is quite probable that the metal shop could have been saved, if it hadn't already gone before we got word of it. If there had been a radio there and a radio in my location, they could have been alerted to what was going on and made some effort to get out of there.

MR. MC KAY: Mr. Wadsworth?

EXAMINATION BY MR. WADSWORTH:

Q Just a very short question. You said at the beginning that there was some plan for riot--I think you said of sorts, if I remember correctly.

A Yes.

Q Was this communications element discussed as a part of that plan and did those planning it find that this would be probable enough, was this really put on the table?
48 A  It was a plan.  

   In other words, a scheme but it never had been tried and there never had been any drills.  

   Q  Were communications a major part of that?  
   A  Yes.  

   Q  And these seemed adequate as plans, the one phone?  
   A  As the plan lay, yes, to cover an isolated area.  

MR. WADSWORTH: Thank you.  

MR. MCKAY: Mr. Henix has an additional question.  

BY MR. HENIX:  

   Q  I just want to ask you this question. Having been at Coxsackie, during the time that you were part of the administration of Coxsackie, was the yard still segregated?  
   A  Yes, the men segregated it themselves.  
   Q  But with the support of the administration?  
   A  No.  
   Q  Has the administration ever tried to change that?  
   A  I don't believe there was any effort made to integrate or segregate the men there. When they went in the yard, they went where they wanted to go.
Would you say that the institution that you now serve as a sergeant, which is a position of authority, would you say that this institution was forming non-segregated lines in job placement and things of that type?

A Yes, I think that it was integrated as far as the job placement went.

Q You do?

A Yes, I do.

MR. HENIX: Thank you.

MR. MC KAY: Sergeant English, as I think you understand, you are entitled to make a statement of your own. Anything that you would like the Commission to know or the public to know, whether it bears upon the questions asked you or not.

Would you like to make such a statement?

THE WITNESS: The only statement I would like to make, Mr. McKay, is that, as I sat here this morning, I--this afternoon, and heard the testimony of the inmates, particularly Mr. Mace, who testified, I was quite shocked at the nature of his testimony. The things related I can't believe happened. In the first place, the brutality that he is referring to, the officer that has to work with these inmates every day, if he were to impose
such brutality on an inmate, he would have a one-day job. He might as well not try to have any kind of relationship with an inmate or group of inmates after that.

I felt that the testimony—what was given as his testimony was a good deal of conjecture on his part.

MR. MC KAY: Thank you very much for being with us today, Sergeant English. We appreciate your assistance.

(Witness excused.)

MR. MC KAY: The hearings will be recessed today until tomorrow morning.

(Time noted: 6:05 p.m.)
CERTIFICATE

STATE OF NEW YORK )
COUNTY OF NEW YORK)

I, LEON ZUCK, a Shorthand Reporter
and Notary Public within and for the State of
New York, do hereby certify:

That I reported the proceedings herein-
before set forth and that the within record is
true and correct.

I further certify that I am not
related to any of the parties to this action
by blood or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 19 day of April 1972.

LEON ZUCK.