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

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

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

The hearings, we believe, are a useful device to inform the public in a public way of some of the consequences of those events and what indeed did happen.
New York, last week where we had three days of attitudinal hearings in a sense, that is, we sought testimony from individuals and had statistical presentations to try to evoke for those of us who are not familiar with prison life at Attica or elsewhere, what it was like to be an inmate or a correction officer or a civilian employee at the institution at that time.

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

In the course of those proceedings we have heard, again, inmates, correction officers, civilian employees yesterday and today, observers or negotiators or persons who were in the yard for some special purpose.

For example, we had yesterday the testimony of Dr. Hanson, who gave all the medical assistance of a professional character that was given during the four days in the yard. We have heard from observers, negotiators and Professor Herman Schwartz, who played a special role unique to the institution
in the first two days of the uprising.

From all of this we hope to have a better chronological presentation of the events and a better sense of what it was that was involved and we have sought to get perceptions as well as facts and to have some notion of how the participants in those unhappy events viewed the things that were going on and we have seen, for example, the rumor factories that were at work not only so far as inmates were concerned but as far as the correction officers and administration and others were concerned as well.

The Commission has deliberately chosen to make its first report to the public in this public and televised form believing that through an opportunity for the public to see and hear the witnesses and to have a more distinct impression of what it was like to be at Attica at that time, there will be a better understanding of prison life and prison problems. What we hope, in short, to do, is to move the prisons from their present invisible state in the public mind to a state of proper visibility so that the problems and the difficulties of those institutions can be shared and made known to all.

We are particularly grateful for the attention that has been given to the hearings by the
public television stations in Rochester, Channel 21, and in New York, Channel 13, and I also want to make special mention for those of you who are interested in following everything, that radio station WRVR has also given complete coverage to this with running commentary and as I understand you may call in and voice your objections or complaints or even in rare instances, compliments, on the way the proceedings are going.

This afternoon, then, we move to a new field of endeavor, some more statistical information, another inmate and another key observer. But before that begins, I want to say just one more word about the proceedings and the way in which the Commission has operated. We think it very important that all those who appear before us have an opportunity to speak their minds fully and freely not only in response to questions that may come from staff and from the Commission but as well in any statements that they may wish to make entirely apart from any questions that are put to them.

That opportunity, of course, is afforded to every witness. We also feel that it's important that anyone who does appear before us and has a story to tell as everyone has so far been willing to
subject himself to questioning from Commission staff and from members of the Commission. Therefore, we have denied the right at this time to people from the outside who wanted to present opinion testimony and not accept questions from staff or Commission members.

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

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

We are now ready to proceed with the hearings for this afternoon, and I turn the microphone back to Mr. Liman.

MR. LIMAN: Steven Rosenfeld, a deputy general counsel of the Commission, has put together various statistics relating to the 1280 inmates who ended up in D-Yard during the period September 9th through September 13th. Steven can now talk about
how he put these figures together and what they mean.

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

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

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

The first group of statistics is as to the age of the inmates. Inmates in Attica as a whole are--39.2 per cent of them are under the age of 30.
By contrast, inmates in D-Yard--

MR. McKAY: Mr. Rosenfeld, may I interrupt for just a moment. I have just been advised by the security officers that we have had our afternoon bomb threat and I simply want everybody to know that that has been telephoned in again.

The Bomb Squad for the City Police Department has again searched the building this morning before any of us came and is making a routine search of all parcels that come into the building, so we believe there is no threat and I hope that many or indeed all of you will stay.

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

I am sorry for the interruption.

MR. LIMAN: Other than the witness.

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

With regard to race, as was presented last week in Rochester, 36.1 per cent of the total Attica population is white. 54.2 per cent is black and 8.7 per cent Puerto Rican for a total of 62.9 per cent
By contrast, the population of D-Yard was only 26.3 per cent white, was 63.8 per cent black, 9.5 per cent Puerto Rican for a total of 73.3 per cent black and Puerto Rican, so that there was a 10 per cent higher proportion of blacks and Puerto Ricans in D-Yard than there was in Attica as a whole and blacks and Puerto Ricans constituted a significant majority of the inmates in D-Yard.

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

Last week we analyzed the crimes for which inmates were convicted and the statistics presented on the chart there have several categories, but we divided them last week into violent crimes and non-violent crimes and for that purpose we defined violent crimes as including homicide, robbery, assault, rape and dangerous weapons. Here again, the figure for Attica as a whole and the figure for
The next set of statistics was on marital status and here again, the comparison between Attica as a whole and D-Yard in particular was just about the same. 58.1 per cent of the total inmates of Attica were in September or had previously been married and 57.9 per cent just slightly lower were in D-Yard.

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

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

The next set of statistics was on the year that an inmate entered the prison system. Last week we reported that 17.8 per cent of the total inmates at Attica had entered the system before 1966
and that 63.1 per cent of them had entered the system after 1969. The total for D-Yard was slightly higher, 66.6 per cent entered the system after 1969, so that you had a slightly higher percentage of more recent arrivals into the prison system ending up in D-Yard.

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

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

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

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

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

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

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

The second group are those who said that they were confused. The place was in chaotic condition and they followed the crowd of inmates and when
they were told D-Yard was the place to con-
gregate, that is where they went.

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

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

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

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

The overall figures in that respect are
that 9.5 per cent of all of the inates inerviewed
told us, admitted to us willingly, that they went to
D-Yard because they wanted to be there and they
wanted to be part of what was going on.

39.5 per cent told us that they were
confused or followed the crowd and ended up there be-
cause that is where everyone else was going.

38.2 per cent told us that they were coerced into going there by either overt or implied threats and 12.8 per cent told us that they were already there.

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

Of the group that told us that they went willingly, 65.4 per cent of them were convicted of crimes that fell into that category of violent crimes, whereas the, conversely, those who told us that they were coerced only 57.6 per cent of them were convicted of crimes which we considered violent crimes.
Of the group that told us that they went to D-Yard willingly, 81 per cent of them were black. Conversely, of the group who told us that they were coerced by other inmates, 41 per cent were black.

Of the group that told us that they went willingly, 3.4 per cent of them were Puerto Rican. Of the group that told us that they were coerced, 12 per cent were Puerto Ricans.

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

Of the group that told us that they went willingly, 15.5 per cent were white. Of the group that told us that they were coerced, 46.5 per cent said that they—46.5 per cent were white of those that told us that they were coerced. That compares with 26.3 per cent white in the total D-Yard population.

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

Also a slightly higher percentage of drug users fell into the category of those who said they
went willingly than in the total D-Yard population.

Finally, of those men who were at the time in September or had previously been—I'm sorry, of the group that said they went willingly, 13 percent fewer were or had previously been married than the total D-Yard population and conversely there was slightly a higher number of married men or men previously married who were in the group that said they were coerced.

The last chart—

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

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

MR. ROSENFELD: That's correct, Mr.
MR. LIMAN: Lastly, I guess we should say that we will be presenting at these hearings the testimony of inmates in each of these categories. Inmates who say they went in willingly and inmates who said they went in unwillingly so that the public will have the opportunity to understand the interactions in the yard and the reaction of inmates to forces that were coming in from the outside.

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

34.2 per cent of all of the inmates who answered the question said that they were in favor of amnesty but of that group, 5.8 per cent of the total or about a sixth of the total group who said
they favored amnesty said they didn't favor it for themselves, they were not in fear of criminal prosecution themselves but that the elected representatives of the inmates in D-Yard did, they felt, had a legitimate fear of prosecution and that they favored it in order to support their elected representatives.

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

MR. ROSENFELD: That's correct.

MRS. GUERRERO: May I say something?

MR. McKay: Mrs. Guerrero has a question.

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

MR. ROSENFELD: In the institution as a whole there were 8.7 Puerto Ricans. In the yard, 9.5 per cent.
MRS. GUERRERO: I want to make a statement now, which I hope it will continue through these hearings. And also in the final report and it is this: Since most people do not seem to know that Puerto Rican is a person born in Puerto Rico, which is a nation, albeit a Colony, and not a race, and since the percentage of Puerto Ricans in prison, in this particular case of Attica, is only 8 per cent, I wish from now on that the Puerto Rican percentage, which is the lowest, should be kept separate from black or white percentages, inasmuch as the 8.7 something of Puerto Rican prisoners at Attica includes both black and white Puerto Ricans.

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

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

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

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

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

So we counseled him as we have counseled others that he would be entitled to give us a written statement at any time which we would take into account in our report or in later stages of these proceedings as appropriate or of course he would
be entitled to make an oral statement to the Commission at some time after the hearings that we now have scheduled to develop the specific facts based upon the investigation of our staff.

We assumed that when he was turned down in this respect that he would make a statement, as indeed he did, to the press off camera and that, of course, is now available to those who listened in or will have other access to it. Some members of our Commission and staff have now asked to make a response to his statement, and I would like to recognize first, Mr. Henix, a member of the Commission, to make a statement, an individual statement of his to be followed by a statement from Judge Willis and from Mr. Addison, members of the staff.

Mr. Henix?

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

In spite of all the opposition and inconvenience that have confronted this Commission from its inception, in particular the threats of suit being brought against the Commission in order to keep it from holding public hearings at this time, the...
Commission to the man agreed that if our hearings were any way impeded or held up we would resign, to the man.

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

MR. McKay: Thank you, Mr. Henix.

Judge Willis?

JUDGE WILLIS: This, of course, is my statement: It's unfortunate at this stage of the Commission's work that we as black members of the staff find it necessary to justify our present on the staff but in view of the statement made by
Richard Clark, representing the feelings of black, Puerto Rican and white inmates in HBZ at Attica and replied to that statement by general counsel, Arthur Liman, we believe a statement must be made. First as to Mr. Liman's statement wherein he felt he was defending an attack on the black members of the staff, myself and I am sure others, as trained lawyers and as men, can personally defend ourselves and defend our position on the staff.

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

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

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

It was only after a great deal of continuing soul searching that the black members of the Commission staff decided to work and continue to work
with the Commission. We are not so naive to believe that the findings of this Commission are going to provide all of the answers to prison ills as these ills are reflected in every facet of our lives. However, if any good comes from this effort that benefits the members of my community, locked in these places, then I will be able to live with myself and accept the criticism of my people.

Thank you.

MR. McKay: Thank you, Judge Willis.

Mr. Addison?

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

However, the allegation that the black members of the staff have been used by the Commission to uncover the truth of the events at Attica is completely untrue and must be put to rest.
Then the minority members of the McKay Committee assumed our positions with many doubts from the very beginning. We have exercised every human effort to make sure that the truth of Attica is brought before the public. We will not be used as we hope he will not be used by media representatives with whom he has talked many times since his release.

We are aware of what our responsibility is to all inmates, black, Puerto Rican and white, and to the black and Puerto Rican communities. The conviction to truth to be responsive to the community has caused us to be criticized from within and without this Commission. We have been prepared and will continue to live and work under those conditions.

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

As black men we will always be attacked if we continue to involve ourselves on public issues. However, we will not have the need for anyone to defend us on any issue.

MR. McKAY: Thank you, Mr. Addison. I
Hope that I will now be allowed to subside into a position of near silence for the balance of the proceedings this afternoon.

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

MR. LIMAN: That is correct.

Mr. Carpenter is an inmate at Attica and he is one of the inmates who we will be presenting to tell the story from a particular perspective, one of the inmates who is in the yard and his examination will be confined at this time to the events in the yard. He will be back to testify about his experiences during the assault and in the aftermath of the assault next week, when we put the spotlight on the assault and its aftermath.

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

CHARLES RAY CARPENTER, called as a witness, being first duly sworn, was examined and testified as follows:

EXAMINATION BY MR. ROSENFELD:

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

A Charles Ray Carpenter.

Q How old are you, Mr. Carpenter?
Q Where are you from?
A New York City.
Q Mr. Carpenter, what is the offense that brings you to Attica?
A Manslaughter.
Q You are serving a sentence of from 15 to life?
A Yes.
Q How long were you at Attica before September 9, 1971?
A I came there in May 1970. Approximately a little over a year.
Q Mr. Carpenter, you were working on the morning of September 9, 1971 in the metal shop, is that correct?
A Correct.
Q Before you got to the metal shop that morning, did you expect trouble that day?
A Well, before I got to the shop, no.
Q What happened when you got to work that morning?
A Well, we were told that, about 12 officers the night before had went to two inmates cell in A-Block and they beat them bloody and drug them off the gallery to the isolation cells.
Q This is what you were told?
A This is what we were told. This is common
procedure.

Q  By inmates who were in A-Block?

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

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

A  Yes. Yes.

Q  Based on what did they believe it?

A  On past actions.

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

A  Yes.

Q  And will you tell the Commission what happened?

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

Q  Was that an inmate who said that?

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

Q  How long did they stand around?

A  They noticed that all the officers that are
usually in the shop had left. There was only three officers there. So everyone just stood around and was looking, after hearing this. Where was I?

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

A For about three or four minutes, you know.

And I went back in the shop. I said if they are rioting, you know, it will be confined to A-Block; from knowing how the place is situated.

Q You knew about the gates in Times Square?

A Right, right. So everybody just stood around wondering. And the big thing was when the whistle started blowing.

Q That is the whistle atop the power house?

A Right. That started blowing. Guys were just milling around wondering, you know, everyone was wondering what is happening.

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

A They were standing by the door.

Q In a group, together?

A Right. They were standing by the door. And at that point, you know, I was in the barber shop. Sat down and was talking. Then you could hear the commotion when the machine shop door broke down.
Q  That is the door in the front--
A  Right.
Q  Is there a door in the back of the metal shop
that leads out the back?
A  Yes.
Q  You can point to it on the map next to you if
you can find it. The metal shop are the big buildings in
the back there.
A  Right here.
Q  No, up on the far right part of the map.
Mr. Carpenter, you haven't seen a photograph of
Attica from the air before, have you?
A  No, I haven't.
Where would that be? Where would A-Block be--
B-Block rather?
MR. LIMAN: This is A: This is B and these
are the shops.
THE WITNESS: Right. Right.
Q  We have a pointer there for you.
A  The back doors would be--
Q  Speak into the microphone, please.
A  The back doors would be over here. Over in
behind here.
Q  Did anybody make any move during that time that
anyone was standing around to get anybody out the back
Then you said that they broke into the front door.

A Right.

Q Continue telling us what happened after that.

A After that it was just chaos. I had legal papers and things in my locker, you know. I went to get my personal property.

Q This is a locker you had inside the shop?

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

Q Full of inmates who had come in?

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

After that the sprinkler system started blowing.

(continued on page 645)
Q Had people started some fires?
A Yes. First were started and everything.

Someone said, "The place is on fire. Something is going to explode."

You could hear the hissing sound from the sprinkler system.

Someone said, "Something is going to explode."

They have welding tanks, acetylene torches with gas and oil and paint thinner, you know, so everyone starts getting out very fast.

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

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

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

Q In which direction, do you know?
A No.

Q Where did you go after you left?
A When I got out, I went toward E-block. There
was tear gas in the hallways and you couldn't breathe except that tear gas and there was a door open over by E-block yard.

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

A It was just there.

Q Do you know who fired it?

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

Q Into E-block yard?

A Into E-block yard.

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

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

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

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

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

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

A There was quite a few that had come along in the rush out of the shop.
It was about a hundred at least, wasn't it?

A Yes.

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

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

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

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

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

A Yes.

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

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

Q Then what happened?

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

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

A Right. There were several inmates. They said, "Everybody to D-block." So everybody went to
Q  How were these inmates dressed, the ones
that came to E-yard?

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

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

A  Yes.

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

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

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

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

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

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

Some said, "Let them out."

So it finally wound up to where it was agreed,
everybody would take them out. So I carried one officer
out, me and about four other fellows carried him out on a stretcher.

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

Q Could you tell how badly hurt the officer that you carried out was?
A He acted like he was suffering from shock.

This is what one of the inmates said, that he was in a state of shock.

Q He appeared to you to be unconscious?
A Well, not quite, but he was trembling.
Q Could you see any visible wounds?
A No, I couldn't.
Q After you--
A He was covered up anyway.
Q Where did you take him out to?
A We took him to the Administration Building.
Q Out to the front through A-block?
A Right.
Q Then did you return to D-block yard after that?
A We had trouble getting him in, even in there to the guards. They were standing there with rifles and the warden, he didn't even offer anyone--"Do you want to stay or do you want to go?" Personally, I went
You would have gone back to the yard?
A Yes. But he didn't even offer no one. Not even that opportunity.
Q What did he say?
A "Get back." And they were pointing guns at us.
Q "Put the stretcher down and get back"?
A Yes.
Q And that's what you did?
A Right.
Q When you returned to D-block yard, had things begun to get organized?
A Yes. Everybody was telling everybody to take it easy, what are we going to do. It was that type of thing.
Q Did there come a time when one individual began to get people together?
A No one individual got anybody together.
Q Some individuals?
A Some individuals were around and they were--everyone was saying, "Stop the vandalism," you know, "Don't be arguing among yourselves." You had some white fellows that they thought was a race riot and they were cliquing up.
Q What was said on that subject?

A It was confusion. It was said there is no white inmates, there is no black inmates, there is no Puerto Rican inmates. We are all inmates, you know. Let's get together. And then tried to find out what happened, what shall we do, you know, and then it was brought up, well, all right, this has happened. Let's get some prison reform. Let's stop the abuse that's going on in here. And this is the way it went from there.

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

A Right.

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

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

Q Did certain people volunteer to be in charge of these various areas and help out with that?
A Well, no one volunteered exactly to be in charge. It was something that had to be done. We have to do this and--

Q I mean to do it.

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

Q What was done about shelter and sleeping facilities?

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

Q People began building tents?

A Tents, yeah. Everything.

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

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

At first they thought that--we thought that the State Police was just going to, the State Police and the guards were just going to come in anyway, you
know, but that didn't happen and they started making arrangements for Oswald to come and just start negotiating, you know, to get something done toward the grievances.

Q You mentioned the negotiations. Did there come a time that first day when elections were held?

A Not immediately the first day. Not immediately, you know. Everyone just fell into a position. A guy said, well, I can do this, I can do that, let me do that, you know. And this is how that was formed up.

Q But there were eventually elections held?

A Yes.

Q Was that the second day?

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

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

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

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

A Right, they wanted the air. This isn't doing any good for everybody. Whatever came out of it
was supposed to be for everybody. Not anybody to get his particular point across or to go on an ego trip. You know, this is for everybody.

Q So then elections were held.

How were they held?

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

Q To be their spokesman?

A Right.

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

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

A I would say all of them. Everyone.

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

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

A Yes.
Now, then, an initial group of demands were drafted that day; is that correct?

A Right.

Q You may have heard them read this morning. Among those were a demand for criminal amnesty and a demand for flight to a non-imperialist country.

A Right.

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

A Well, the amnesty was possible at that point, but leaving this country was a little too far out. I didn't think that could be achieved, you know. But the amnesty at that point could because it was just a matter of property. There was a few assaults on officers, but they had--it didn't amount to anything. No one was really seriously hurt. So amnesty at that point, criminal amnesty and non-reprisals from the institution administration, you know. I figured it could be achieved.

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

A Certainly.

Q What were those?

A Well, the whole reformation of the prison,
you know. The reformation of the prison, because the situation there is ridiculous.

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

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

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

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

A Well, I think it could have been stronger.

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

A Yes.

Q What was that?

A A friend of mine had met with him when he came down on that visit, on a visit two weeks before the incident and he assured him that he was trying to do something, achieve something.
But it was our position, you know, from the prison administration, from the Legislature with the budget and that he was trying to get to do as much as he could as fast as he could.

Q Did you share that view?

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

Q You felt he was a sincere man?

A I felt he was sincere at that point.

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

A The reaction was very good because actually the way everyone felt at that time, the argument wasn't really with him. It was with the institution officials, you know. This is where the whole thing stems from, those particular officials.

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

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

A Well, yes.
Q  What happened when that was suggested?

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

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

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

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

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

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

A  No. No. No one negotiate for us but the inmates. Everyone in that yard was negotiating.
Q Did you have confidence that they would be able to fulfill the role that you saw for them?

A Well, there was hope. There was hope.

Q Mr. Carpenter, after that long night when the observers first came in and there were a lot of speeches made, there was a long wait the next day. Do you remember that?

A Yes.

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

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

Q What was the effect of that long delay?

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

Q What was the reaction to what he said?

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

Q That evening, do you remember Mr. Clarence
Jones read off a list of 28 proposals which the Commissioner had agreed to and also read a letter from the District Attorney? Do you remember that?

A Yes.

Q Those proposals were rejected. Why were they rejected?

A The proposals at that time was rejected because, I think, the part about amnesty and the District Attorney's letter, you know, wasn't... couldn't be dependent upon, you know, as this is what he would do. The District Attorney of Attica, because he could be set aside by another Attorney General—I mean another District Attorney, you know, be appointed, you know.

Q How did you know that?

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

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

A Right.

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

A Yes.
Q What was that?
A I think that was the death of Officer Quinn.
Q What effect did that have?
A Well, that sent everyone in a panic. That sent just about everyone in a panic because, mostly because of the lies that were told, that he was thrown out of a window when there isn't any window that he could be thrown out of.
Q Why is that?
A Because every window in there got bars on them.
Q Did that have an effect on how the inmates felt about amnesty?
A Yes.
Q Did it have an effect upon how you felt about amnesty?
A Definitely. Because everyone in that yard, you know, could be charged with at least conspiracy of murder.
Q Did you fear that you might be?
A Certainly.
Q Even though you had absolutely nothing to do...
A Even though I had absolutely nothing to do with it.
Q  In fact, you led one of the injured officers out?
A  Certainly.
Q  You remember Mr. Kunstler made some statements about the proposals.
   What did you think of Mr. Kunstler?
A  Well, I think Mr. Kunstler was one of the people that did, certainly dealt honestly for the inmates and was for them.
Q  And he was acting as their lawyer, in fact?
A  No, he wasn't acting as their lawyer. You know, he was saying, well, you can't do this, you know. I don't think you will be able to do this, you know. And if you asked him a question, he would give you an honest answer.
Q  In fact, he said that these 28 proposals were the best you could get and he would advise you to take them?
A  Right.
Q  Why wasn't that advice followed?
A  Because one thing, the death of Quinn. Because the fact everyone could be indicted and then the men that was elected as spokesmen, you know, they had nothing to do with it, they were definitely going to be involved in it. They were definitely going to be
under prosecution.

Q You felt you had to back them up as your elected spokesmen?
A Certainly.

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

Q Did you raise your hand?
A Yes.

Q You said you thought that that was a far out demand.
A It was a way out demand, but in--anything is possible. I didn't believe anything is impossible, and I would have left.

Q If you could have gotten out, you would have left?
A Yes.

Q Do you still feel this way?
A Yes. This is racist, violent country.

Q Mr. Carpenter, after the observers left--the observers were sent back and asked to do better, is that the way you say it?
A Yes.
Q  Asked to try to do better?
A  Yes. The main thing was to try to get Governor Rockefeller to come down because he was in more position to sincerely offer us something and in his position, you know, had he came down and said, this is what I can do, this is what I can't do, you know, this would have carried some type of a weight because he's on trial publicly. Anything he said, he would definitely have to keep his word.

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

Q  Do you think that that would have been a solution even if he couldn't have granted amnesty?
A  I think he could have insured that only the individuals responsible with a particular act, you know, would be prosecuted.

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

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

Had the mood in the yard changed during that time?
A Well, yes.
Q How so?
A People were getting restless, you know. The food was low. There was--everyone was getting short tempered with each other more or less and it was just a matter of tension just building up, waiting, waiting, waiting, wondering what the outcome is going to be.

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

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

Q Were inmates in the yard making weapons?
A Well, I didn't see any making weapons.
Q Were they carrying weapons?
A They had sticks and what not prepared to defend themselves if they came and attacked us.
Q On Sunday afternoon, some of the observers came back in again and there were some speeches; is
A Sunday afternoon, yes. Yes.

Q Do you remember what was said on Sunday afternoon?

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

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

A Yes.

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

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

Q They said forget that?

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

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

A He said that, but this was--

Q What did you understand that to mean?

A I understood that in the sense of if we could
have gotten it, but he had said also from the very beginning, you know, that leaving the country, you know, but he just went along and said this, you know, if you can get it because everyone that was very—certain people were very set on this and he made that statement.

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

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

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

Q Mr. Carpenter, on Monday morning the Commissioner sent in a message.

Do you remember that?

A Yes. Monday morning, right.

Q Was that message read?

A The final ultimatum, it was read.

Q What did it say?

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

Q Was that message put to a vote, that ulti-
A Yes, it was put to a vote.
Q Was that a democratic open vote?
A Yes.
Q How did the vote come out?
A The vote came out where the vast majority voted no good. One man stood up and said, "Why not take it? You got 28 out of 30 demands," I think it was. "After the 28 and 30 demands," he said, "you can't get no better than that." And he said, "One guy, one crime."

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

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

Q Did one of the spokesmen speak up in support of that man?
A Certainly.
Q What did he say?
A He said the man is right. He said, "The
vote is up to you. Forget us. Forget us."

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

Everyone voted again no.

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

A Well, yes.

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

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

Q And so you prepared for the assault then?

A I didn't prepare—prepare for what kind
of assault?

Q You were prepared in your mind?

A In my mind, yes.

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

A Yes, yes.

Q Do you think that most other inmates expected
that?

A Some didn't. Some thought they were bluffing.
I think a good majority of them thought they were bluffing, if they came in they would come in with sticks.

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

They were going to use their license.

Q In fact, one of the hostages made a statement on Sunday on television--

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

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

A All right.

MR. McKay: Mr. Liman, have you questions?

BY MR. LIMAN:

Q Mr. Carpenter, I think it would be interesting
for everybody if we got an idea of approximately how many inmates did you know in the yard.

A How many inmates?

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

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

Q So that most of the people in that yard were really strangers in the sense that you didn't know them, didn't know their names or their nicknames?

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

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

A Certainly.

Q You didn't feel threatened yourself?

A No.

Q Did you feel free to speak up if you disagreed with the way most of the people felt about amnesty or other things?

A Certainly. But the way I felt, like I'm with them. You know, whatever they wanted to do, I was there. If they don't want to give it up, I'm
Q Were all of the discussions with the observers done in front of the PA system so that you could all hear?

A Right. But the PA system wasn't very good. You could hear, but not too much. We couldn't distinguish too much. If you were too far back in the crowd.

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

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

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

A Right.

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

A Certainly. Arthur O. Eve, William Kunstler, he told us, "You're going to die if you go on with this, you're going to die."
Q But some people apparently thought that the State would still come in with sticks?
A They thought they would come in with stocks and there would be a fight.
Q Do you think the vote on whether to hold out on Monday morning would have been different if the inmates had really known--
A Had they known, had they really--
Q (continuing) --known and believed that they were coming in with guns?
A The vote would have been different.
MR. LIMAN: Thank you.
MR. McKay: Bishop Broderick, have you questions?
BY BISHOP BRODERICK:
Q Mr. Carpenter, you spoke of the first day and how all the men chipped in to work together. You got blankets and everything.
My question is: Would this be following some kind of plan that had been discussed or was it just a hit and run or a pickup--
A No. No. We knew that we were out here, you know, and when we--when it was decided that they would negotiate, that there was a possibility of negotiating on the demands, this is when there was a
officers because this was automatically out.

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

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

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

Q But they--the security--there weren't's more of them or more stringent--

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

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

A Yes.

Q A lot of the inmates felt that way from what you said.
Why in that case do you suppose that they did hold on, that they voted to continue and did stay on? What did you anticipate could happen other than what did?

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

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

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

A Certainly.

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

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

A I couldn't say whether they understood it, but I think anyone that was thinking, you know, understood what he meant. That now the circumstances, the situation and just the political feeling involved, couldn't help take it as something serious because he had mentioned, you know, this is the best you're
He had earlier, you know, said that amnesty and leaving the country was unrealistic. He had said this, you know, he said as a lawyer I'm telling you, you're not going to get this. You know, he said when you get this, when you start asking for this, he said you got to go now into politics. You're not going to get this.

Now, what would the people say if the Governor granted amnesty and you know Rockefeller can't let you out of the country, that has to come from Nixon. You know. And so where is it coming from? You're not going to get it. He had said this earlier. So what he said later, you know, was just one of those things. There was a lot of rhetoric being given up, you know, rah rah rah.

Q And you characterize it as rah rah rah rhetoric?

A Yeah.

MR. ROTHSCHILD: Thank you.

MR. McKay: Mr. Wilbanks.

BY MR. WILBANKS:

Q Mr. Carpenter, we have heard from some observers and they have given their impression of what the yard was like. One described it as a distator-
ship and one as a democracy and you seem to imply you thought there was a great deal of
democratic procedures.

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

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

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

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

I want your impression about that.

A No. It was everybody--if one guy says some-thing, another guy disagreed with him, both of them
would be helling back and forth. Everyone
had a right to say exactly what they felt without any
feeling of intimidation.

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

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

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

A All New York prisons.

Q The inmates understood this?

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

MR. McKay: Mrs. Guerrero.

BY MRS. GUERRERO:

Q I think what I was going to ask is what
Mr. Wilbanks asked--no, Mr.--Bill, but I can't help
thinking that knowing that if you didn't accept those
28 demands and since the observers and the Commissioner
and all have told you that that was the best you could
have, why, knowing that they were going to come in with guns, you actually decided to take that which meant, would have meant somebody would--

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

This is why it was one of those things.

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

A Yes.

MRS. GUERRERO: Thank you.

MR. MCKAY: Mr. Henix?

MR. HENIX: I only have two short questions.

BY MR. HENIX:

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

MR. ROSSBACHER: Mr. Henix, our reporter
Q Would you say the treatment of the officers who were being detained in the yard was given equal consideration in the way of, like say shelter, food and sharing the necessities?

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

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

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

Maybe a few individuals had particular petty grievances, you know, but there were several officers there that was very well liked. And then there was some
that wasn't, you know, so now if the thing come up and--let's incorporate what the officers say. The guys that didn't like these officers, you know, now man, forget them officers because he, you know, that wouldn't have even been feasible to even try to get their feelings and what not involved and then I don't think they would have. I know several of them what I know can judge a few of them would have sincerely but the rest of them, I don't think they would have. Because they figured, well, after this is over, I got my job, you dig, and if I go along with the inmates, you know, then come back on my job, I have to be a bad guy because the other officers aren't going to like it. You know?

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

Q Yes.

A And if those that were for the inmates, you dig, they were in big trouble as far as their working buddies go. You dig? And those that would say they're not, felt as--if I say I'm not, what might these guys do? You know. They would have been putting them on the spot and I don't think that would have been of no parti-
Q And you also said that you saw the feeling, actually the feeling that you had from the time was—and the feeling of several of the inmates in the yard were that actually the inmates felt sorry for them.

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

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

MR. HENIX: Thank you.

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

THE WITNESS: Yes. I would like to say one thing. The men that are being held in H Block Z are merely there not because they committed a crime, because of their political or religious beliefs.
They have been singled out, carefully chosen. The officers' dislike for this particular individual--it is the thing where they develop a system where "This is a wise guy," "this is a Black Panther," this is a this, this is a that. And they're just scooped up and there it is.

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

This is the only reason why they're there because they have been chosen because of their beliefs, because they stand up and talk for themselves and any time you stand up and talk for yourself to authority, you're wrong and this is the only reason why the vast majority, you did, out of 80 some men, has been selected.
MR. MC KAY: Mr. Carpenter, thank you very much for being with us today. We look forward to seeing you again next week.

THE WITNESS: Thank you very much.

MR. LIMAN: Clarence Jones.

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

CLARENCE JONES, called as a witness having been first duly sworn by Mr. McKay, was examined and testified as follows:

EXAMINATION BY MR. LIMAN:

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

A My name is Clarence Jones.

Q Your occupation?

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

Q You are also an attorney?

A Yes, I am.

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

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