about his viewpoint and about how, even though he came to the yard by following a crowd, by the end he felt that he was there by choice.

Today we have another witness, an inmate at Attica, who will tell his prospective on the events in the yard. This is Mr. Francis Huen, who will be examined by Judge Willis.

FRANCIS JOSEPH HUEN, was sworn by Mr. McKay and testified as follows:

MR. WILLIS: Before beginning with Mr. Huen, I would like to say that in our investigation we were assisted by some very fine young people and Mr. David Parker, sitting to my right, next to Mr. Liman is a law student at Yale Law School and was extremely helpful in preparing Mr. Huen for coming here.

EXAMINATION BY MR. WILLIS:

Q Mr. Huen, how old are you, sir?
A I will be 36 in August.

Q Where were you born, sir?
A Yonkers, New York.

Q What is your education?
A Eighth grade.

Q Are you married?
A  No, sir.

Q  Presently you are an inmate at Attica, although presently, for purposes of this hearing, I understand that you are being held up in Ossining, New York; is that right?

A  That's true.

Q  When did you go to Attica?

A  September 1, 1970.

Q  What was the offense you were convicted of and the term that you were sentenced to?

A  Well, I was sentenced to concurrent terms of 20 years and 7 years, which because of jail time stipulations, will actually be 22 years and I was sentenced for third degree robbery and second degree robbery.

Q  Now, is this the first time you have been in a correctional institution in New York State?

A  No, sir. I was arrested in 1952 and I was ultimately sentenced to Coxsackie Reformatory.

Q  When, Mr. Huen, will you be eligible for parole?

A  I will be eligible for parole in, I believe, August 1976.

Q  Where were you locked in at the time of the September incident, during that time?

A  I was locked in A block, 6th company.
Q Where are you presently locked in?

A In C block, 35 company.

Q In another area. We will get back to--between those two times, were you locked in any other part of the prison?

A Oh, I definitely was. Immediately following the riot, in fact September 13, I was placed in HBZ, or the box, as it is usually called and I was there for 4 days.

Q We will get back to that when you return to us.

What presently--what first of all was your work assignment back in September of 1971?

A The coal gang.

Q What is your present work assignment?

A The coal gang.

Q How do you like your work?

A Well--

Q As compared to what's available.

A Making the best of a bad lot--I'm happy there and I asked to be there.

Q I think we had an opportunity last week to speak to the officer who heads up that detail.

How about the other men who work with you;
A Well, it's a 7 day a week job and that's a help. It gets you out of the cell and it kills time and Mr. Head--the office that you just mentioned, he is an easy fellow to get along with and by and large it's the best of a bad lot.

Q How many men work in that crew?
A Presently there are 14.
Q And at the time in September?
A 30.
Q Just as a matter of record, could you tell me what the ratio composition of that crew is? On rough percentages.
A Right now it's very easy. There are only 2 blacks and the rest are white.

At the time I believe there were about 8 whites out of the 30 and the rest were perhaps half black and half Puerto Rican.

Q Do you believe, prior to the September incidents, that there was any discrimination in job assignments?
A There was some. It's hard for me to know exactly how much. I did have the impression that there was some.
Q In what form? When you say discrimination, against blacks and Puerto Ricans or against whites—when you say there was discrimination?

A Against blacks. I think there was a feeling that blacks were more troublesome and in many jobs, clerk jobs where they had to come in almost constant contact and work with employees, there was a tendency to consider them a bit more troublesome and not to assign them to those jobs, although I really don't know how extensive that was. It is just an impression that I had.

Q Now, Mr. Huen, to get to some of the more significant parts of the testimony we are trying to elicit, you were in D yard during the period September 9 to 13, 1971; weren't you?

A Yes, I was.

Q Did you know, incidentally, anything at that time about the incident in the A block yard the day before where there was a confrontation with the officers?

A Well, I entered that yard. I came into that yard perhaps within minutes of Lieutenant Maroney and the other officers leaving the yard and I have no direct knowledge of exactly what did happen or what was said, but there was a certain amount of tension
and there was a lot of talk about what happened.

Q And you could feel that tension?
A Yes. Yes. Definitely.

Q Incidentally, speaking about tension, say during the summer and the months prior to the September incident, did you--were you aware of any noticeable rise or increase in the tension in Attica?
A Well, I had been there a year only, so I can't speak about relative tension. There was a great deal of tension. There was a great deal of tension.

Q Well, would that and your knowledge--either direct or hearsay knowledge of what happened on the 8th, did you believe that anything was to occur on the 9th, the morning of the 9th; did you face that day with any unusual apprehension?
A No, I did not.

Q Now, I wonder if you could perhaps trace for us what you were doing on that Thursday morning, September 9.
A Well, I had a call out from the dentist's office and I was given a pass with a few other inmates and instead of going to my usual work assignment at 8:00, I went to the dentist's office. I was through--the dentist was through with me at just about 8:45, so
that within that time, in the next minute or so, a few minutes, I was coming from the hospital and coming through the corridor from C block times square area and--

Q    I wonder if you could indicate--there is a point here. I know there is some difficulty with inmates because seldom do they get a bird's eye view.

A    This doesn't seem to be a problem.

Times square is here and these are the tunnels going to various blocks.

(Continued on page 847)
This is C-block. The hospital was here and I walked through here, whatever length of time it took to actually get here and when I did, the four gates that are at the end of the tunnels coming in to this Times Square area were locked.

This was very unusual. It's not unheard of, but it's very unusual at that time with the amount of traffic that you have and there were traffic backed up, inmates, you might say, that were backed up that had to wait to get through and there was an air--a definite air of tension there. You couldn't even get people to talk.

I asked what's going on and no one seemed to know what was going on or wanted to say what was going on.

Q Then what happened?

A Well, at that point I heard a great deal of yelling, screaming--I want to say screaming, but very loud talking, yelling, coming from this tunnel here.

Q That's A?

A This is A-block here and this is the A-block tunnel and there was loud noise and there was inmates that could be seen through the bars over here and once again I asked, from guys who had been there a moment or two before me what was going on and I couldn't get an answer.

Within seconds, one of the officers was let--who
had been in A-block was let into Times Square. The gate was opened. There was no attempt by the other inmates on the other side of that gate to follow in through it to Times Square, but he himself had quite a cut on the top of his head and there was blood streaming down all over his shirt and so forth like that. It was sort of a scary moment at that moment for everyone. I thought there was some really definite trouble there.

Q And then what occurred after that, Mr. Huen?

A Well, after that, after he had come into the tunnel itself--now, there were two officers stationed right there in Times Square and they didn't seem to be doing anything. They didn't seem to be calling for help or anything like that, although they may have done so, but they didn't seem to be doing anything. They weren't saying anything. They weren't giving any instructions to the prisoners or anything like that and Mr. Kelsy wasn't talking to them or anything and the screaming and so forth, the yelling, the loud conversations that was going on over here continued.

I noticed inmates trying to peer out windows here and I went over there myself.

I saw officers up on the top of this catwalk and once Pat was gone, his shirt was out and they
hesitated a moment and then ran to this area here, A-block where the hall captain is and where the officers congregate.

Right after that there were—well, the yelling really got excited and these gates here from A-block into Times Square were being pushed against and I became very apprehensive at this time and I said to myself "Well, I can't get back to where I'm supposed to be," which is A-block, "Let me try and get back to the hospital."

At this point, as I went back towards C-block and in trying to get back to the hospital, the gates in C-block itself were locked up. So, there I was.

I went back mid-way, you might say, between the two gates and the screaming was getting unbelievable there and the tension and the apprehension on the faces of everyone there at the time was getting pretty—just overwhelming, you might say, and I went back again to the gates of Times Square itself and I could see the gates being pushed from the A-block side and they were just pushed open like butter, just boom, it popped right open.

Q That's the gate leading from the A-tunnel to Times Square?

A To Times Square, yes.
Then, Mr. Huen, what did you do and what happened to you?

A  Well, at this time I was nervous about being possibly considered someone that was involved in this. I was thinking about my own neck, you might say.

Q  What was your first impression or your thoughts when you saw this happening; what was part of your apprehension?

A  Well, the whole thing seemed so unreal, especially those gates opening up like that and the inability of the officers to respond in any way whatsoever or even to attempt to. It was just--it was, in a sense, a shock. It's just very, very unreal. Boy, was it unreal. And--

Q  All right, then, you were at last back at the Times Square area.

A  Yes.

Q  And you observed the A-corridor door open. What happened after that?

A  Well, inmates came streaming through and I'm not sure if I actually saw this. I saw the keys being taken from the officers that were in Times Square to open up the other gates or whether I
just saw them opening up the other gates, I'm not sure, but within seconds all the other gates were opened and inmates were streaming through freely.

Q  Through all the corridors?
A  Yes. Through all the corridors.
Q  Then what happened to you at the time?
A  Again, at this time I went back towards C-block to just get out of the rush. It was like a 42nd Street subway rush, to get out of it.

Now, I could see that the C-block gates were open. There was an officer who--

Q  Well--go ahead.
A  There was an officer that was on the ground. Apparently he had been knocked down, but he was--he was being ignored. They just rushed by him, you might say, and he was getting up sort of in slow motion and he looked to be in pretty well of a state of shock, more of a state of shock than hurt.

The gate on the opposite side of C-block was still locked and it wasn't able to get--

Q  What were your intentions at that time; your going back and forth?
A  Well, I was just trying to get out of the rush. This had happened very quickly. I hadn't formed any
sort of an opinion. It was just reaction.

Pure reaction to get out of the way of this. I didn't expect it. I didn't understand it and I say it was the least likely thing that I ever thought could happen within a structured place such as Attica.

Q Were you by yourself at the time?

A By the time that I finally got into C-block itself, one of the fellow--it turned out that all of that yelling that I had heard initially had been from the members of Five Company and I knew one of the fellows from Five Company and I asked him what was going on.

Now, I began to get some picture of the correlation between the incident of the day before and the taking out of the cells of one of the fellows that had been involved in the incident of the day before and the troubles that that had caused on Five Company.

Q Right.

A And this fellow, if I remember correctly, he said "It's on. It's on. You know, it's blown. The whole place is going on."

Q Right.

Now, I wonder if you would, at this point, trace your movements and observations from that point until you arrived at the D-yard.
A Well, as I say, this gate here was still locked. I never saw that gate open. I understand at some point it was open, but I never saw it opened. Myself and this other fellow that I did know, he said "Come on, let's get out of here. We will get up to the third floor of C-block and get away from this."

I thought there would be a reaction from the guards almost immediately and that would be that.

Q When you say that, do you mean a reaction on retaking--

A Yes. They would move right back in. That's what I thought at the time. I didn't know how extensive it was, even though I had seen the other gates open at Times Square and obviously there were men running all through the other blocks. I didn't think of that at the moment and I just expected that there would be a reaction, a counter force from the guards that would restore everything to normal within a very short period.

And so we went or tried to go up into the third floor. The third floor was locked. We stayed on the second floor in this wing here. There were a number of fellows that I did know fairly well up there at the time and we intended to just hang around up there
until things got straightened out and stay away from the activity that was in the halls. And around the desk.

Q What happened and how is it that you ended up in D-yard?

A Well, we saw correction officers massing out here, massing, a dozen at most. They had what appeared to me to be a rifle. They had gas guns. There were brass out there. There was a lieutenant out there. They fired--there is a door right between here--it's not visible--or even a tunnel, the extension of the tunnel that actually connects these tunnels is invisible, but there is a door here and they seemed to be firing gas toward that door, but that was the extent of the effort they made at that time to come back into the prison or to restrict the actions of the inmates.

As I say, they were here--they were there for quite a while, perhaps an hour went by. They made no other effort to come back into the prison. They were firing down to this area. I still had some thought that if things get bad I would still get out that way, get away from that.

As time went on it was apparent that that wasn't going to happen; that I wasn't going to be allowed to get past that point.
There were other inmates exuberant, terrified—in all sorts of conditions, but all very emotional coming in and out of the block that I was in with the fellows I was in and there was much discussion about what should be done.

We were asked by some to go to D-block. They said everybody is going down to D-Block. There is hostages down in D-block and that's the safest point.

I, myself, didn't think that was a safe point. I felt, if we went into this open yard, that we would be sitting ducks for whatever was to come.

Q Was your apprehension and fear of inmates or guards and why?

A I have to—I would have to describe my own feelings, my own individual feelings as primarily one of shock, one of shock. There were, as I say, a variety of emotions running rampant throughout the place to the people that I saw and one of these that was very real in the minds of a lot of prisoners, that this might be degenerating into a race riot. There were no real indications. There was nothing really done that would support that, but nevertheless there was a feeling that this might happen and, of course, this added to the tension. It let people— they didn't know where to turn.
Q   Subsequently, did you make any determination as to whether it was in fact a race riot?

A   Well, it wasn't until we actually had gotten into the yard itself and when I got into the yard there seemed to be something bordering on a party atmosphere. It wasn't exuberant, really, totally, but there was--well, there wasn't any fighting going on.

At that point all the hostages that ever were going to be collected were collected; they were all together. Some had been hurt, bruised, bloody, so forth, like that. I saw no indications of any real harm that had been done to him and there seemed to be an effort by some of the wiser heads, you might say, to keep the hotheads away from them and leave them alone. This is our key out of this whole mess, you might say, but while I was still in C-block, it was another story. I didn't really know what to expect. I was in a high state of shock and the general feeling was still to try, among all the inmates that I saw in C-block, to stay out of D-block yard and stay out of whatever it is that is causing this.

Q   All right, sir. So what happened from the C-block eventually--was it through the request of other inmates--but at any rate, you did go back down and into the D-yard?

A   Yes. Eventually I did, yes.
Q How long after the initial events that took place in the A corridor—how long after that was it that you got into D yard?

A Just about 1 hour. Just about 1 hour.

Q Incidentally, during that period did you hear any whistles or alarms going off?

A Oh, yes. The power house whistle at some point, it started ringing and blowing and all of that.

Q Now, when you got in the yard you said your first impression was one of—I will paraphrase. I get the feeling you felt it was like a carnival atmosphere.

A To some extent, yes. I think there was a sense of relief that while—at least there has got to be—the initial silence, whatever it had been, was not running rampant, and there was guys still running around the halls, they were trying to get to the commissary and try to get candy bars and cartons of cigarettes rather than really, boy, let's kill these hacks or anything like that or "let's start a fight among us."

Q So that original apprehension you had after you got in the yard was dissipated in itself?

A Dissipated quite a bit, quite a bit.

Q Did you feel at that time any threat of danger to yourself?

A Well, as I say I was in shock primarily be-
I didn't know what to expect, really, I didn't discount any possibility. I didn't discount the police coming in, the guards or whatever coming in and just opening fire. I didn't discount some hothead just running amuk among prisoners and I didn't know what to expect, but at that time I felt that there would be a breathing space.

Q Where did you go; where did you locate yourself in D yard?

A Well, now we are speaking about a five day period, a four day period.

Q Yes.

A Eventually, but it wasn't until, I guess, about the second day--eventually a tent was arranged by myself and, I think, 8 or 9 other men right about this spot here.

No, I have to right myself. This is the handball court. Right about here.

Q As close to the center--

A Yes. Midway between the center here and this corner here. Right about here.

Q Were you close enough to the leadership table to watch the proceedings over the four day period?

A Well, I would have to disagree with the characterization of the leadership. One of the most bother-
some things that I found throughout the whole period--I didn't feel that there was anyone who had things in control enough to be termed a leadership. If you are speaking about the negotiating people that at various times sat at that table and spoke to Mr. Oswald or the other people that came in, or if you are speaking about the outside people that came in--

Q No. I'm speaking about the inmates.
A The inmates--
Q Who were, to a large degree, the spokesmen.
A The spokesmen. I don't believe--no, not while actual negotiations were going on. No.
Q Now, speaking about the spokesmen for the inmates, do you feel that there was any--we have heard testimony concerning the selection of leaders among the various blocks and the election that took place of these representatives from these blocks and who supposedly acted in a leadership capacity or representative capacity.

What was your impression of this?
A Well, you have to understand how structured Attica was and is today.

Outside of the men, actually on my gallery that I was working with, those 30 men on a coal gang, it was very difficult to get to know any other inmate,
even in your own block, and if they
were in other blocks, D block or B block, you didn't
know them at all.

So, my thought was--and I think because of a
lot of people were to say even if you didn't know some
of these guys, even if some of the things they said
might not be the most practical things that might be
sort, you might say, in order to keep things going in
one direction, that I think most people just acquiesced
to whoever was nominated.

Q Do you think--we have heard the activities in
the yard characterized everywhere from tyranny to an
Athenian democracy. How would you categorize it?

A Confused.

Q Confused?

A Confused.

Q All right.

Now, on the question of demands we have heard
that inmates all had an opportunity to get up and speak
and to add their request or their demands to the growing
list.

Did you participate in this?

A At one point a fellow came around and he said,
"This is what has been proposed. Do you have anything
to add or do you disagree with anything?"
And I felt at the time that the very fact that someone was making an attempt to get a consensus of opinion—that was more than enough for me. As long as everybody would be working together, I thought that it was fine and I didn’t even pay too much attention to what the demands were. I wasn’t concerned so much with the demands as that there would be a unified group of demands for the outside people to deal with.

Q Well, do you think that there was a consensus concerning the demands that the majority of inmates were in agreement with in those demands which were being put forth?

A Well, I think the actual expectations, the actual—what individual inmates wanted varied so—well, take that thing about going to Algeria. Nobody really paid too much attention to that. There were guys in there that all they wanted was more pink ice cream, we will say, and there were guys in there that were concerned about getting cake in the mess hall and there were guys that were deeply concerned about improving the parole system and trying to get fresh minds into the institution; to do something about rehabilitation.

I got the impression myself that there wasn’t
any real consensus between any more than 50 people. I don't think you could have gotten 50 people that could have agreed on any one point.

Q  Now, subsequently and on that afternoon and evening of the following day, observers began to come to the yard--

A  Yes.

Q  At the request of inmates and/or administration people.

A  Yes.

Q  Were you able to observe or did you listen or pay attention to the things that they said and some of the things that they did and if so, I would like your impression of what, if any effect, they had upon the men, upon the situation and actually on the eventual outcome of the events.

A  I think that they didn't really have too much effect on the total outcome. I think there was an expectation on the part of many prisoners that they would be able to get a note of sanity, you might say, into the proceedings. The obstinate attitude--the real reluctance of the administration to fully negotiate and the confusion that existed among the prisoners themselves, their difficulty of getting agreement about really what the--what should be accepted. I thought
there was a—I think most prisoners felt that their best hope was that these people, these outside people might possibly be able to get like, as I say, a note of sanity in the proceedings.

Q Were you hopeful, say, during the first day or two that perhaps there could be an acceptable solution, that there would be a solution other than the ultimate solution?

A Well, within the first two days, up until the ending of the first day we will say—sometime along that period when the newspaper people came in, when the television people came in, there was a feeling, I think most prisoners had, that the tendency of the administration was to just slap everybody down, lock him up, beat him up, kill him if you have to, wouldn't be able to prevail and that it wouldn't be fair to say that Mr. Tom Wicker over there was going to lead us out of this, because that the combined pressure we might say, the combined exposure of all of the attention that was being focused on Attica would perhaps get us out of there without too much harm, either to us or to the hostages or anyone else.

Q I would like to ask on that point: do you believe that if it had been continued along those lines, if you heard Mr. Wicker's testimony, that if more time
and been given possibly it could have been otherwise resolved?

Well, I think I should say this, that despite all the statements that were made on Sunday concerning the disastrous position we were in, there was still a feeling that public opinion, focused as it was on Attica, would not allow the administration to do what they ultimately did do, and just send in people in any way possible, disregarding our lives and the hostages' lives, just get control of the prison.

One of the things I have to mention about that was that there was a feeling—whether this was true or not, and we had no way of knowing whether this was true, but there was a feeling that it was Governor Rockefeller who was going to make the decision to come in or not to come in, to grant amnesty or not to grant amnesty and there was a feeling that until he did come there and make that decision, that there was always time to negotiate.

I have to elaborate on that again. The only public statement that was made up until the 13th by Governor Rockefeller that we were aware of was a news report, I believe on Sunday night, that came over the television that he would not and could not grant am-nesty, which was a sore point with the prisoners.
Now--

Q    Go ahead.

A    Well, what I'm getting to say is that despite all the testimony, despite Mr. Kuntsler's very emo-
tional and very sincere plea to us that if we didn't agree to the demands that had been accepted, that some of us were going to die and I know that he believed that, because still there was that--there was that statement by Governor Rockefeller which said that he would not and could not grant amnesty; that he explained that Mr. James was the District Attorney of that area and that that was his jurisdiction and he wasn't--he didn't have the power to interfere.

Well, we knew that wasn't true and subsequently, after the riot, Mr. James was superseded, I believe--the word is used by Mr. Fisher to conduct investigations into Attica and so forth and so forth and we also knew that the governor the the power to replace or take a district attorney in a particular area out of a particular situation and we knew that that could be done.

So, when he said that he would not interfere or grant amnesty, there was a tendency on the pri-
soners' part not to believe that any more than they believed that he could not act.
Q May I ask you this: on the sole question, did you think that amnesty was in fact the key issue or the key demand of the men in the yard?

A I think if the amnesty had been granted or promised—I don't believe myself that it could have been kept. I don't believe that there was any binding way that it could have been offered to us that was enforceable by us in a Court of law, but I very carefully didn't mention that. I didn't want to keep the pot boiling any more than it had to kept boiling, but I did feel that if Governor Rockefeller had given his personal assurance, whether or not the prisoners would have really relied on his credibility, they would have accepted the fact that there was no more to be done in that area; that he was the last word and, I believe, that there was a good possibility—I don't say a certainty but there was a good possibility that that would have been the last effort of the inmates to gain any more than what they had been offered.

Q Let me say this, then, because you felt that the ultimate word and the ultimate credibility would be in the governor, in the event Commissioner Oswald had granted the amnesty; do you think the men would have accepted it coming from him?
I don't really know. I think there would have been a serious question about it.

Q Did amnesty become even more important when you learned of the death of Officer Quinn?

A Well, Governor--Officer Quinn's death, the announcement of his death had a strong effect on the thinking of everything. Afterward, I think as time went on and men thought about that, I think there was a very strong feeling among a lot of prisoners that, well, a cop has been killed and no matter what you do, they are not going to let that go by the boards; that there is going to be repression; that there are going to be reprisals regardless of what you are going to do, so it made it more difficult.

Getting back to what you said about Mr. Oswald's original amnesty, I think there might possibly still have been a reluctance to accept that after it was known that a cop had been killed.

Now, let me correct myself. I'm saying a cop had been killed whereas in fact at that time we didn't know. We did not know that he was killed, murdered, in legal sense.

It was just that he had died.

Q At any time were you convinced that the troopers
were coming in shooting before it actually happened?

A I felt myself that there was—that anything was possible. I continued to believe that up until the time that the shots were actually fired. I thought it was possible and probable that if they did come in, that the damage would be a lot worse than it was. I was very aware of that.

At the same time I was aware that these negotiations could have gone on for a longer period of time. I really didn't think until shots were fired that that was the end, they were coming in.

Q Did you want to be in the yard?

A No, I didn't. It was too scary for me altogether.

Q Do you think you could have left the yard had you wanted to?

A Well, it would have been very difficult. As Mr. Carpenter testified yesterday, he was bringing hostages to the gate, I believe he said, of A block or the administration or whatever it was, and he was driven back by guns. So, you had that to contend with and then, of course, you had the feeling of inmates within the yard that, gee, what's wrong with you; who are you with; are you with us or what?
So, that had to be considered and it was also a possibility that if any sizeable amount or even a small amount of inmates had tried to leave the yard, well, it might have caused this corruption between the inmates and I think the inmates felt very strongly that one of the things the administration was doing was hoping that we would start snarling amongst each other and start to tear each other apart and try to solve the problem that was for them and there was a reluctance to do that.

Q Now, did you believe that the offer of the 28 demands or the acceptance of the 28 demands by the Commissioner was all you were going to get?

A I personally didn't believe that any agreement reached under those circumstances would have been fulfilled. That was my own personal opinion. I think there were quite a few men in the yard that felt that way also. I don't know how prevalent that was.

Q Do you recall--

A I would like to add to that. I think one of the confusing things about this whole picture is that the men who were seemingly most violent and most radical nevertheless were people that felt that if they did these things, if they took hostages, if they made a lot of noise and got attention, that something would be done
within the prison and if fellow,
like myself, who didn't want any part of the violence
and didn't want any part of these confrontations were
actually the men that had no faith that any contract
would be made and no changes have come.

So, that's a confusing thing for people to
see.

On the one hand you have someone making speeches
--we want to die, but ultimately this was a guy that
thought this would have an effect on prison rehabilita-
tion, let's say.

Q Do you recall when the so-called ultimatum
came in on early Monday?

A Yes.

Q Do you recall whether or not the men were
asked whether or not they would accept this ultimatum,
or at least honor it and give up; do you recall that,
that there was--

A I believe the wording was, "Should we hold out?"

Q Right.

A I don't think there was too much of a detailed
discussion about whether we should accept what we had
been offered. I think there was, at this time--by the
time we had gotten to this point, men were weary, men
were worn down. The more emotional fellows were starting
to lose touch with themselves. It was getting to be a bad moment under any circumstances and there wasn't too much discussion about the demands. It was a question of should we hold out or should we just throw in the towel and let him beat us up or kill us, whatever they wanted to do. I think there was more of that sort of a feeling.

Q Well, did anyone, in your recollection, agree that they should accept the ultimatum?

A Well, there was one fellow that questioned whether or not we should accept the ultimatum.

Q Would you--did you believe you should accept it?

A Well, you see, this is a difficult thing and it is tempered--my answer has to be tempered by hindsight. I believe--I don't think that this was--my personal belief is that this was one of the 28 demands. I'm not even familiar with the demands. I didn't pay too much attention to them at the time in the yard, but I did feel that whatever the demands were, if you could include a representative of the press who would be there to supervise the overtaking of the prison, whether or not the demands were later kept, whether the agreement was kept later on wasn't too important to me, as long as if we did have someone there from
the press, from the outside people who would insure that at least we were not brutalized physically at the actual taking over. I would have been happy, very happy to be out of that yard. But, at that time—at that point, the lack of communications—even between prisoners—had broken down so badly that I didn't even think about proposing such a thing like that, or I don't think anyone would have listened to me, particularly.

Q So, therefore, you didn't make—at that point you made no statements?
A No, I made no statements.

Q Now let me ask you this: when were you—you said something about you weren't convinced that they were going to come in the way they did right up until the last moment.

Did you make any preparation yourself for the possibility of an assault?

A Well, I got as far away from the hostages, who I felt would be a target, and that was the only thing that I thought could be done.

Q Mr. Huen, we are restricting, as Mr. Liman said, your testimony today to your impressions and your observations of the activities in the yard and, as you know, we have asked that you return next week when we get into
that phase of the incidents that led to the assault, the aftermath of the assault, et cetera, and, Mr. Chairman, I have no further questions at this time of this witness.

MR. LIMAN: Mr. Huen, you can remain until after the luncheon recess so that the Commission can then put some questions to you.

I wonder, though, so that they will also have a further basis for questions, if you would describe for them what you described for the staff before this air of what you called unreality in the yard and in particular I refer to the helicopter example.

THE WITNESS: Oh, yes. Just immediately before the actual shooting started, there was an unmarked helicopter. I think it was painted yellow. It was pretty strange looking, small. It didn't seem to be actually threatening.

It wasn't a military type, the big ones that came in later that we had seen on television and knew were outside. The circled over the yard a number of times. To this day I don't know really what it was doing there. While everybody was standing around and beginning to get apprehensive and staring up at this thing circling over their
heads, an inmate that I knew to be pretty deranged normally, under normal circumstances, he was coming to the point of being pretty whacked out at that moment, came to the group as said that was the Young Lords.

The Young Lords have guns. They are going to drop down guns. The cops are going to shoot and then -- and as weird as that sounds now, there were men that believed it. There was that air of unreality. There were men standing next to me who'd spent twenty-four years, who knows what to expect, or who you'd think would know what to expect, who turned around and asked me "Is that really the Young Lords?"

MR. LIMAN: Did you also hear inmates say that they thought it was Governor Rockefeller coming in the helicopter?

THE WITNESS: I can't say that I heard that.

MR. LIMAN: We have heard other inmates make that remark.

THE WITNESS: No.

MR. LIMAN: Did this air of unreality manifest itself in other ways during those days?

THE WITNESS: Certainly. I was in a
state of shock, I will have to say, throughout the thing, and I was -- I felt detached, you might say, from the harshness of it. You speak about was I aware of being -- the possibility of being shot at that moment. I felt detached from it. It was just so unreal and so incomprehensible that it was definitely that factor had, I think, an influence throughout everything that did happen in the yard.

MR. WILLIS: One further question I wanted to ask you, Mr. Huen, and that is, for the period of time we have heard testimony to this effect, but I would like to get your impression on this and that is the treatment of hostages by the inmates over the period of time.

THE WITNESS: Oh, they were handled with kid gloves, except for the first half hour. I didn't see them for an hour afterwards. I did see perhaps three guards being led from C-block and the first two, the inmates and the guards, they sort of stood there and didn't really know -- it was an unusual situation. So finally one reached out and took a club away from a guy and then just put his hand on him and led him off somewhere, but there was no violence.
Those individual officers never were even beaten or punched or anything like that.

MR. WILLIS: So that your observations were that the hostages were not being mistreated nor were they in danger, at least any imminent danger of any serious injury?


MR. WILLIS: Thank you.

MR. McKAY: The hearing will recess until two o'clock this afternoon.

(Whereupon, at 12:15 p.m., a luncheon recess was taken.)
CERTIFICATE

STATE OF NEW YORK

COUNTY OF NEW YORK

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

That I reported the continued proceedings of the within entitled matter (pages 761-877), and that the within transcript is a true record of said proceedings.

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 24th day of April 1972.

RICHARD GREENSPAN